

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2017.

Present: Hon. Rolando T. Acosta, Justice Presiding,
Diane T. Renwick
Richard T. Andrias
David B. Saxe
Judith J. Gische, Justices.

-----X
Nora Arthur,
Plaintiff-Appellant,

-against-

M-5638

Index No. 653800/15

1809-15 7th Avenue Housing
Development Fund Corporation,
et al.,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for a stay of eviction with respect to the order of the Supreme Court, New York County, entered on or about August 17, 2016, pending determination of the appeal taken therefrom,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion to stay eviction is granted on condition plaintiff perfects the appeal on or before February 21, 2017 for the May 2017 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2017.

Present: Hon. Rolando T. Acosta, Justice Presiding,
Diane T. Renwick
Karla Moskowitz
Paul G. Feinman
Marcy L. Kahn, Justices.

-----X
The People of the State of New York,

Respondent,
-against-

CONFIDENTIAL
M-4050
Ind. No. 3877/11

Odell B.-P.,

Defendant-Appellant.
-----X

Defendant having moved for leave to appeal to this Court from an order of the Supreme Court, Bronx County, entered on or about April 1, 2015, concluding that defendant suffers from a dangerous mental disorder and is committed to the custody of the Commissioner of Mental Health until further order of the Court, for a preference in the hearing of this appeal, for leave to prosecute the appeal on the original record, for permission to make "anonymous" reference to defendant as Odell B.-P., and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted, and defendant may prosecute the appeal upon the original record and upon 8 copies of an appellant's brief, and Dennis B. Feld, Esq., counsel for defendant, is directed to perfect said appeal on or before

(M-4050)

-2-

January 10, 2017

January 30, 2017 for the April 2017 Term, and the Clerk is directed to calendar the appeal for that Term or the next available Term. So much of the motion which seeks permission to make anonymous reference to appellant as Odell B.-P. is granted as indicated in the above-titled caption.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2017.

Present - Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Richard T. Andrias
David B. Saxe
Judith J. Gische, Justices.

-----x
Bertwood Realty LLC,

Plaintiff-Appellant,

-against-

M-5564
Index No. 652902/15

25 Grove Street, LLC, et al.,

Defendants-Respondents,

David Taplitz, et al.,
Defendants.

-----x

Defendants-respondents having moved for dismissal of the appeal from the order of the Supreme Court, New York County, entered on or about July 1, 2016,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated November 2, 2016, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn in accordance with the aforesaid stipulation.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2017.

Present: Hon. Dianne T. Renwick, Justice Presiding,
Rosalyn H. Richter
Angela M. Mazzarelli
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

-----X
Lisa Goldstein,
Plaintiff-Appellant-Respondent,

-against-

M-5219

Index No. 651706/14

Orensanz Events LLC, Angel Orensanz
Foundation, Inc., and Arbol 172 Corp.,
Defendants-Respondents-Appellants.
-----X

An appeal and cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about June 30, 2015,

And, plaintiff-appellant-respondent having moved to dismiss defendants-respondents-appellants' cross appeal,

Now, upon reading and filing the stipulation of the parties hereto, dated October 31, 2016, and due deliberation having been had thereon,

It is ordered that plaintiff-appellant-respondents' motion to dismiss defendants-respondents-appellants' cross appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2017.

Present: Hon. Dianne T. Renwick, Justice Presiding,
Rosalyn H. Richter
Angela M. Mazzarelli
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

-----X
Prime Plus Acquisition Corp., and
Oasis Oak Rock Investors, LLC,
Plaintiffs-Appellants,

-against-

M-5434
Index No. 651139/14

EisnerAmper LLP,
Defendant-Respondent.

-----X

Appeals having been taken from orders of the Supreme Court, New York County, both entered on or about December 11, 2015,

And, an order of this Court having been entered on October 27, 2016 (M-4587), consolidating the aforesaid appeals and enlarging the time to perfect same to the March 2017 Term,

And, plaintiffs-appellants having moved for an enlargement of time to perfect the aforesaid appeals,

Now, upon reading and filing the correspondence submitted by counsel for plaintiffs-appellants, dated October 28, 2016, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn in accordance with the aforesaid correspondence, said relief having been previously granted by the order of this Court entered on October 27, 2016 (M-4587).

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2017.

Present - Hon. Dianne T. Renwick, Justice Presiding,
David B. Saxe
Judith J. Gische
Troy K. Webber, Justices.

-----X

In the Matter of the Application of

Jennifer D.,
Petitioner-Respondent,

M-5563

For the Appointment of a Guardian of
the Personal Needs and Property
Management of

Index No. 91695/15

Deborah D.,
A Person Alleged to be Incapacitated,
Respondent-Appellant.

-----X

Appeals having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about March 9, 2016, and from the order and judgment of said Court and Justice entered on or about July 22, 2016, respectively,

And Mental Hygiene Legal Services, counsel for appellant, having moved for an order abating and withdrawing of the appeal by reason of appellant's death,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from counsel for appellant dated November 21, 2016, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn in accordance with the aforesaid correspondence.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2017.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David B. Saxe
Paul G. Feinman
Judith J. Gische, Justices.

-----x
In the Matter of a Proceeding for
Support Under Article 4 of the
Family Court Act.

Kimberly D. G.,
Petitioner-Appellant.

M-5134
Docket No. F-35300/11

-against-

Richard M. T.,
Respondent-Respondent.

-----x
Petitioner-appellant having moved for a stay of the order of the Family Court, New York County, entered on or about September 19, 2016, pending hearing and determination of the appeal taken therefrom,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from petitioner dated October 17, 2016, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn in accordance with the aforesaid correspondence.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2017.

Present - Hon. Richard T. Andrias, Justice Presiding,
Karla Moskowitz
Barbara R. Kapnick
Troy K. Webber
Marcy L. Kahn, Justices.

-----X
In the Matter of

Jamel S.,
Jaylen G.,
Desire G.,
Christopher G., and
Carven S.,

Children Under 18 Years of Age Alleged to be Neglected Under Article 10 of the Family Court Act.

Administration for Children's Services,
Petitioner-Respondent-Respondent,

M-5522
Docket Nos.
NN-36405-09/14

Crystal G.,
Respondent-Respondent-Appellant,

Jaylen G. and Christopher G.,
Appellants.

Shirim Nothenberg, Esq., and Karen
Freedman, Esq., Lawyers for Children,
Inc.,

Attorneys for the Children
Jaylen G. and Christopher G.,

Tamara Steckler, Esq., The Legal Aid
Society, Juvenile Rights Division,
Attorney for the Child Jamel S.

-----X

Separate appeals having been taken to this Court from the order of the Supreme Court, New York County, entered on or about September 28, 2016,

And respondent Crystal G. having moved for leave to prosecute her appeal as a poor person, for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Erin E. Browne, Esq., Center for Family Representation, 40 Worth Street, Suite #605, New York, NY 10013, Telephone No. 212-691-0950, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.** (See M-4993 and M-5136, decided simultaneously herewith.)

ENTER:


CLERK

¹Service of appellant's brief upon respondent(s) shall include assigned counsel's copy of the transcript.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2017.

Present - Hon. Richard T. Andrias, Justice Presiding,
Karla Moskowitz
Barbara R. Kapnick
Troy K. Webber
Marcy L. Kahn, Justices.

-----x
In the Matter of

Jamel S.,
Jaylen G.,
Desire G.,
Christopher G., and
Carven S.,

Children Under 18 Years of Age Alleged to be Neglected Under Article 10 of the Family Court Act.

- - - - -
Administration for Children's Services,
Petitioner-Respondent-Respondent,

M-4993
M-5136
Docket Nos.
NN-36405-09/14

Crystal G.,
Respondent-Respondent-Appellant,

Jaylen G. and Christopher G.,
Appellants.

- - - - -
Shirim Nothenberg, Esq., and Karen
Freedman, Esq., Lawyers for Children,
Inc.,
Attorneys for the Children
Jaylen G. and Christopher G.,

Tamara Steckler, Esq., The Legal Aid
Society, Juvenile Rights Division,
Attorney for the Child Jamel S.

-----x

Separate appeals having been taken to this Court from the order of the Supreme Court, New York County, entered on or about September 2, 2016,

And Lawyers for Children, Inc., court attorney for the subject children Jaylen G. and Christopher G., having moved for a stay of pending hearing and determination of the appeal taken therefrom (M-4993),

And, Center for Family Representation, Inc., attorney for Crystal G., having separately moved for a stay consistent with that sought for the children (M-5136),

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motions are granted to the extent of continuing the interim relief granted by the order of a Justice of this Court entered September 29, 2016, and upon further condition that the appeal be perfected for the May 2017 Term. (See M-5522, decided simultaneously herewith.)

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2017.

PRESENT - Hon: Karla Moskowitz, Justice Presiding,
Paul G. Feinman
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer, Justices.

-----X
Goldstein Group Holding, Inc., etc.,
Plaintiff-Appellant,

-against-

M-6308
Index No. 850125/15

310 East 4th Street Housing Development
Fund Corporation,
Defendant-Respondent,

Howard Brandstein,
Defendant-Intervenor-Respondent,

New York City Department of Taxation
and Finance, et al.,
Defendants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 16, 2015, and said appeal having been perfected,

And defendant-intervenor-respondent Howard Brandstein having moved for an order vacating the order of this Court entered October 4, 2016 (M-3986), which granted plaintiff-appellant an enlargement of time to perfect the aforesaid perfected appeal, and other relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of adjourning the appeal to the April 2017 Term, permitting intervenor respondent Brandstein to file a respondent's brief on

or before March 1, 2017, and granting plaintiff-appellant leave, if so advised, to file a supplemental reply brief, solely addressing arguments in the brief if intervenor-respondent permitted by this order, on or before March 10, 2017. The motion is otherwise denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2017.

Present - Hon. Richard T. Andrias, Justice Presiding,
Karla Moskowitz
Barbara R. Kapnick
Troy K. Webber
Marcy L. Kahn, Justices.

-----x
Harout Nalbandian, et al.,

Plaintiffs-Respondents,

-against-

M-5464
Index No. 157828/14

Citigroup, Inc., et al.,

Defendants-Appellants.
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about January 8, 2016,

And defendants-appellants having moved for an order striking and/or precluding respondents from filing a brief in this matter, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated December 8, 2016, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn in accordance with the aforesaid stipulation.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2017.

Present - Hon. Peter Tom, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta
Dianne T. Renwick, Justices.

-----X
In the Matter of the Guardianship and
Commitment of

Justice Nathanie Larry J.,
also known as Justice J.,

A Child Under 18 Years of Age
Pursuant to §384-b of the Social
Services Law of the State of New York.

- - - - -
SCO Family of Services,
Petitioners-Respondents,

M-4315
Docket No. B-45556/14

Ebony J., also known as Salima A.,
Respondent-Appellant.

- - - - -
Seymour W. James, Jr., Esq., The Legal
Aid Society, Juvenile Rights Division,
Attorney for the Child.

-----X
Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about June 20, 2016, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of
(1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Geoffrey P. Berman, Esq., 2005 Palmer Avenue, Suite #176, Larchmont, NY 10538, Telephone No. 914-419-8407, as counsel for purposes of prosecuting the appeal;
(2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City

of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:


CLERK

¹Service of appellant's brief upon respondent(s) shall include assigned counsel's copy of the transcript.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2017.

Present - Hon. Peter Tom, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta
Dianne T. Renwick, Justices.

-----X
In the Matter of a Family Offense
Proceeding Under Article 8 of the
Family Court Act.

Pamela N.,
Petitioner-Respondent,

M-4371
Docket Nos. O-6026/15
V-06335-15/15B

-against-

Aaron A.,
Respondent-Appellant.

-----X
Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about June 27, 2016, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Carol L. Kahn, Esq., 225 Broadway, Suite #1510, New York, NY 10007, Telephone No. 212-227-0206, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the

¹Service of appellant's brief upon respondent(s) shall include assigned counsel's copy of the transcript.

Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2017.

Present - Hon. Peter Tom, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta
Dianne T. Renwick, Justices.

-----X
In the Matter of the Application for
the Guardianship and Custody of

Roberto O.,

A Child Under 18 Years of Age
Pursuant to §384-b of the Social
Services Law of the State of New York.

- - - - -
The Children's Aid Society, et al.,
Petitioners-Respondents,

M-4372
Docket No. B-314/16

Lakeysha H.,
Respondent-Appellant.

- - - - -
Seymour W. James, Jr., Esq., The Legal
Aid Society, Juvenile Rights Division,
Attorney for the Child.

-----X
Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about July 22, 2016, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of
(1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Geoffrey P. Berman, Esq., 2005 Palmer Avenue, Suite #176, Larchmont, NY 10538, Telephone No. 914-419-8407, as counsel for purposes of prosecuting the appeal;
(2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City

of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:


CLERK

¹Service of appellant's brief upon respondent(s) shall include assigned counsel's copy of the transcript.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2017.

Present - Hon. Peter Tom, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta
Dianne T. Renwick, Justices.

-----X

In the Matter of the Adoption of Children Whose First Names Are M-4376

Natalia, R. and Docket No. A-37368-9/15
Nitthanean R.,

- - - - -
In the Matter of a Proceeding for Custody Under Article 6 of the Family Court Act.

- - - - -
Antwain D., Docket No. V-38452-53/15
Petitioner-Appellant,
Commissioner of Social Services,
Joy Richard (deceased),
Respondents-Respondents.

- - - - -
Seymour W. James, Jr., Esq., The Legal Aid Society, Juvenile Rights Division,
Attorney for the Children.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about July 6, 2016, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Tennille M. Tatum-Evans, Esq., 260 Convent Avenue, Suite #34, New York, NY 10031, Telephone No. 347-645-6660, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the

minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:


CLERK

¹Service of appellant's brief upon respondent(s) shall include assigned counsel's copy of the transcript.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2017.

Present - Hon. Peter Tom, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta
Dianne T. Renwick, Justices.

-----X
In the Matter of the Guardianship of
the Person and Custody of

Miguel Angel S.,

A Child Under 18 Years of Age
Pursuant to §384-b of the Social
Services Law of the State of New York.

Administration for Children's Services,
et al.,

Petitioners-Respondents,

M-4384
Docket No. B-801/14

Wendy Carolina S.,
Respondent-Appellant.

Seymour W. James, Jr., Esq., The Legal
Aid Society, Juvenile Rights Division,
Attorney for the Child.

-----X
Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about July 1, 2016, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, George R. Reed, Jr., Esq., 222 Mamaroneck Ave., White Plains, NY 10605, Telephone No. 914-946-5000, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City

of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:


CLERK

¹Service of appellant's brief upon respondent(s) shall include assigned counsel's copy of the transcript.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2017.

Present - Hon. Peter Tom, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta
Dianne T. Renwick, Justices.

-----X
In the Matter of the Guardianship and
Commitment of

Rayquan Reginald M., and
Rayvon Jaylen M.,

Children Under 18 Years of Age
Pursuant to §384-b of the Social
Services Law of the State of New York.

- - - - -
Heart Share Human Services of New
York, Roman Catholic Diocese of
Brooklyn, et al.,
Petitioners-Respondents,

M-4390
Docket Nos. B-34933-34/14

Monique P.,
Respondent-Appellant.

- - - - -
Seymour W. James, Jr., Esq., The Legal
Aid Society, Juvenile Rights Division,
Attorney for the Children.

-----X
Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about August 22, 2016, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of
(1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Geoffrey P. Berman, Esq., 2005 Palmer Avenue, Suite #176, Larchmont, NY 10538, Telephone No. 914-419-8407, as counsel for purposes of prosecuting the appeal;
(2) directing the Clerk of said Family Court to have transcribed

the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:



CLERK

¹Service of appellant's brief upon respondent(s) shall include assigned counsel's copy of the transcript.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2017.

Present - Hon. Peter Tom, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta
Dianne T. Renwick, Justices.

-----X
In the Matter of the Application for
the Guardianship and Custody of

Gloria Alexis Tamer Sellassie E.,

A Child Under 18 Years of Age
Pursuant to §384-b of the Social
Services Law of the State of New York.

- - - - -
Good Shepherd Services, et al.,
Petitioners-Respondents,

M-5001
Docket No. B-33086/15

Adrian Delano E.,
Respondent-Appellant.

- - - - -
Seymour W. James, Jr., Esq., The Legal
Aid Society, Juvenile Rights Division,
Attorney for the Child.

-----X
Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about August 24, 2016, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of
(1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Geoffrey P. Berman, Esq., 2005 Palmer Avenue, Suite #176, Larchmont, NY 10538, Telephone No. 914-419-8407, as counsel for purposes of prosecuting the appeal;
(2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City

of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:


CLERK

¹Service of appellant's brief upon respondent(s) shall include assigned counsel's copy of the transcript.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2017.

Present - Hon. Peter Tom, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta
Dianne T. Renwick, Justices.

-----X

In the Matter of

Annabelle J.,

A Child Under the Age of Eighteen
Years Alleged to be Neglected by

Mardaline D.,
Respondent.

- - - - -

Administration for Children's Services,
et al.,
Petitioners-Respondents,

M-4331
Docket Nos. NN-50200/12
V-42395/15

Stacey B.,
Foster Parent-Appellant.

- - - - -

Seymour W. James, Jr., Esq., The Legal
Aid Society, Juvenile Rights Division,
Attorney for the Child.

-----X

Foster parent for the subject child having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about June 9, 2016, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Israel P. Inyama, Esq., 244 Fifth Avenue, Suite 2582, New York, NY 10001, Telephone No. 646-595-9090, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the

record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:


CLERK

¹Service of appellant's brief upon respondent(s) shall include assigned counsel's copy of the transcript.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2017.

Present: Hon. Peter Tom, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta
Dianne T. Renwick, Justices.

-----X
Aicha Raji and Yahya Serhan,
Plaintiffs-Respondents,

-against-

M-5850
Index No. 151551/14

Dinerman, Bergman & Dinerman, LLP,
Defendants-Appellants,

Marina Serhan and Ranjit Singh,
Defendants.

-----X

An appeal having been taken from orders of the Supreme Court, New York County, entered on or about August 14, 2014 and January 7, 2015,

And, defendants-appellants having moved to withdraw the aforesaid appeal,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties, dated December 12, 2016, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2017.

Present: Hon. Peter Tom, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta
Dianne T. Renwick, Justices.

-----X
The People of the State of New York,
Respondent,

-against-

M-6544
Ind. No. 1505N/11

Jose Mota,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about June 3, 2015,

Now, upon reading and filing the stipulation of the parties hereto, dated December 6, 2016, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2017.

Present: Hon. Peter Tom, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta
Dianne T. Renwick, Justices.

-----X
Petra Meza,
Plaintiff-Respondent,

-against-

M-6558
Index No. 157365/14

558 West 151 Street Realty Corp.,
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 25, 2016, and said appeal having been perfected,

And, defendant-appellant having moved to withdraw its appeal,

Now, upon reading and filing the stipulation of the parties hereto, dated December 20, 2016, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2017.

Present - Hon. Peter Tom, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta
Dianne T. Renwick, Justices.

-----X

In the Matter of

Demi Jacqueline G., and
William G.,

Children Under the Age of Eighteen
Years, Alleged to be the Children
of

M-4247
Docket Nos. P-16355-57/15
F-166357/15

Ebony W.,
Petitioner-Respondent,

William G.,
Respondent-Appellant.

- - - - -

Seymour W. James, Jr., Esq., The Legal
Aid Society, Juvenile Rights Division,
Attorney for the Children.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about July 26, 2016, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Israel P. Inyama, Esq., 244 Fifth Avenue, Suite 2582, New York, NY 10001, Telephone No. 646-595-9090, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City

of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:


CLERK

¹Service of appellant's brief upon respondent(s) shall include assigned counsel's copy of the transcript.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2017.

Present: Hon. Peter Tom, Justice Presiding,
David Friedman
Rosalyn H. Richter
Angela M. Mazzarelli
Marcy L. Kahn, Justices.

-----X
Cortlandt Street Recovery Corp.,
et al.,
Plaintiffs-Appellants,

-against-

Hellas Telecommunications, S.à.r.l.,
et al.,
Defendants-Respondents,

M-5230

Index Nos. 651693/10
653357/11
653363/11
653181/11

Hellas Telecommunications Finances,
etc., et al.,
Defendants.

- - - - -
Cortlandt Street Recovery Corp.,
et al.,
Plaintiffs-Appellants,

-against-

David Bonderman, et al.,
Defendants-Respondents,

Hellas Telecommunications, II
etc., et al.
Defendants.

- - - - -
[And Another Action]
- - - - -

- - - - -
 Cortlandt Street Recovery Corp.,
 Plaintiff-Appellant,

-against-

Hellas Telecommunications, II
 etc., et al.
 Defendants,

Hellas Telecommunications, S.à.r.l.,
 et al.,
 Defendants-Respondents.

-----X

Certain defendants-respondents having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court entered on September 15, 2016 (Appeal Nos. 989, 990, 991, 992),

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion, to the extent it seeks reargument, is denied. So much of the motion which seeks leave to appeal to the Court of Appeals is granted, and this Court, pursuant to CPLR 5713, certifies that the following question of law, decisive of the correctness of its determination, has arisen, which in its opinion ought to be reviewed by the Court of Appeals:

"Was the order of this Court, which unanimously modified the order of Supreme Court, properly made?"

(M-5230)

-3-

January 10, 2017

This Court further certifies that its determination was made as a matter of law and not in the exercise of discretion.

ENTER:

A handwritten signature in black ink, appearing to read "Susan R. Jones". The signature is written in a cursive style with a prominent initial "S".

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2017.

Present - Hon. Peter Tom, Justice Presiding,
David Friedman
David B. Saxe
Paul G. Feinman
Marcy L. Kahn, Justices.

-----x
In the Matter of the Application of

345 West 70th Tenants Corp.,
Petitioner,

For a Judgment Pursuant to Article 78,
of the CPLR.

M-4758
Index No. 100776/14

-against-

The New York City Environmental Control
Board, et al.,
Respondents.

-----x
An Article 78 proceeding to review a determination of respondents having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about May 8, 2015,

And petitioner having moved for a stay of enforcement of the aforesaid order, and for other relief,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties hereto, dated October 19, 2016, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn in accordance with the aforesaid stipulation.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on January 10, 2017.

Present: Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Rosalyn H. Richter
Sallie Manzanet-Daniels
Troy K. Webber, Justices.

-----X
The People of the State of New York,
Respondent,

-against-

M-5007
Ind. Nos. 2165/15
2344/15

Juan Martinez,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about June 16, 2016, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk

shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Rosemary Herbert, Esq., Office of the Appellate Defender, 11 Park Place, Suite 1601, New York, NY 10007, Telephone No. (212) 402-4142, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2017.

Present: Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Rosalyn H. Richter
Sallie Manzanet-Daniels
Troy K. Webber, Justices.

-----X
The People of the State of New York,

Respondent,

-against-

M-4909
Ind. No. 1307/12

Nabil Fawzi,

Defendant-Appellant.
-----X

Defendant having moved for an enlargement of time to perfect the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about December 2, 2013,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the May 2017 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2017.

Present: Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Rosalyn H. Richter
Sallie Manzanet-Daniels
Troy K. Webber, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-5074

Ind. No. 4261/15

Mitchel Golden,
Defendant-Appellant.

-----X

An order of this Court having been entered on June 16, 2016 (M-2522) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about January 25, 2016,

And, assigned counsel, Seymour W. James, Jr., Esq., having moved for an order to be relieved as counsel for defendant and to substitute other counsel to prosecute defendant's appeal,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of striking the designation of assigned counsel Seymour W. James, Jr., Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Robert S. Dean, Esq., Center For Appellate Litigation, 120 Wall Street, 28th Floor, New York, NY 10005, Telephone No. (212)577-2523, as such counsel. The poor person relief previously granted

(M-5074)

-2-

January 10, 2017

is continued, and appellant's time to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2017.

Present: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Rolando T. Acosta
Richard T. Andrias, Justices.

-----X
The People of the State of New York,

-against-

M-5203
Ind. No. 1356/14

William Hankerson,
Defendant.

-----X

A judgment of the Supreme Court, New York County, having been rendered on or about March 10, 2015,

And, defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of trial counsel, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that said application is denied in its entirety.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2017.

Present: Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Angela M. Mazzarelli
Richard T. Andrias
Karla Moskowitz, Justices.

-----X

In the Matter of a Custody/Visitation Proceeding Under Article 6 of the Family Court Act.

CONFIDENTIAL
M-5163

- - - - - Docket Nos. V-38438-15/16B
Raymond S. H., Jr., V-38438-15/15A
Petitioner-Appellant, V-38438/15
-against- V-34060-15/16A
V-38438-15/16C

Nefertiti Star M.,
Respondent-Respondent.

- - - - -

Tenille M. Tatum-Evans, Esq.,
Attorney for the Child.

-----X

An appeal having been taken from an order of the Family Court, New York County, entered on or about September 29, 2016,

And, petitioner father having filed a notice of appeal from the Family Court's September 29, 2016 order, but since such intermediate order is not appealable as of right, the father's notice of appeal is being treated herein as an application for leave to appeal,

And, an order of a Justice of this Court, dated October 7, 2016, having denied petitioner father's application for an interim stay of the aforesaid order of the Supreme Court directing, inter alia, the immediate commencement of family therapy under the supervision of a certain doctor,

(M-5163)

-2-

January 10, 2017

And, petitioner father having moved for leave to appeal the aforesaid order of the Family Court, for leave to prosecute the appeal as a poor person, and for the assignment of counsel, and to stay said directive for immediate family counseling,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is denied in its entirety.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2017.

Present: Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Diane T. Renwick
Richard T. Andrias
David B. Saxe, Justices.

-----X

Ira S.,

Plaintiff-Appellant-Respondent,

-against-

Janice S.,

Defendant-Respondent-Appellant.

-----X

CONFIDENTIAL

M-6481

M-6571

Index No. 311503/07

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 22, 2014, and an appeal and cross appeal having been taken from a Judgment of Divorce from the same Court and Justice, entered on or about October 22, 2014, and said appeals and cross appeal having been perfected,

And, defendant-respondent-appellant wife having moved for an order striking certain portions of plaintiff-appellant-respondent's brief and appendix for incompleteness, and directing him to re-file his brief with a full trial record from the financial trial in Supreme Court, and a revised briefing schedule or, in the alternative, a one week extension to file her brief (M-6481),

And, plaintiff-appellant-respondent husband having cross-moved for an order granting a preference for the appeal to be heard in the February 2017 Term, and directing defendant-respondent-appellant to file her respondent's brief within

one day of this Court's temporary restraining order being lifted, dismissing defendant-respondent-appellant's cross appeal for failure to timely prosecute, denying her motion for failure to comply with the IAS Court's fee order, and enjoining her from filing a supplemental appendix if she fails to do so before her respondent's brief are due (M-6571),

Now, upon reading and filing the papers with respect to the motion and cross motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted only to the extent of ordering that plaintiff-appellant-respondent is directed to file a supplemental appendix, at his own cost, containing all the trial exhibits referenced in his appellant's brief and all other documents and excerpts from the transcripts that he reasonably believes defendant-respondent-appellant will rely upon (Rule 600.10[c][1] and [2], and defendant-respondent-appellant is permitted to file a supplemental appendix, if so advised, containing any additional documents referenced in her respondent's brief that are necessary to consideration of the questions raised on appeal, with costs to abide the appeal (Rule 600.10[c][1]). The appeals are adjourned to the May 2017 Term and the parties are directed to abide by the filing dates for that Term of this Court.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2017.

PRESENT: Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Richard T. Andrias
David B. Saxe, Justices.

-----X
In the Matter of the Application of
Darcel D. Clark, on behalf of the
People of the State of New York,
Petitioner,

For an Order pursuant to Article 78 of
the CPLR in the Nature of Prohibition,

-against-

M-6497
Ind. No. 1245/15

April A. Newbauer, Acting Justice
of the Supreme Court, Bronx County,
Criminal Term and Ronnell Joseph,
Defendant.

-----X

The People having moved for a stay of all proceedings,
pending hearing and determination of the appeal taken from the
order of the Supreme Court, Bronx County, entered on or about
December 12, 2016,

Now, upon reading and filing the papers with respect to the
motion, and due deliberation having been had thereon,

It is ordered that the motion is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2017.

PRESENT: Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Dianne T. Renwick
Richard T. Andrias
David B. Saxe, Justices.

-----X
The People of the State of New York
ex rel. Roy Taylor,
Petitioner,

-against-

Warden Ada Pressley,
Respondent.

M-6476
Ind. Nos. 5342/15
3219/16

-----X

The above-named petitioner having moved for, inter alia, a writ of habeas corpus to be issued from this Court,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted only to the extent of transferring the proceeding to and be heard before a Justice of the Supreme Court of the State of New York, New York County, forthwith, and

It is further ordered that service by mail of a copy of this writ of habeas corpus, petition and supporting papers, by the Clerk of this Court, contemporaneous with the entry hereof, upon the Warden at Riker's Island Correctional Facility, 11-11 Hazen Street, East Elmhurst, New York 11370; the Attorney General of the State of New York, 120 Broadway, New York, New York 10271; and the District Attorney of New York, be deemed due and sufficient notice.

The motion is otherwise denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2017.

PRESENT - Hon. David Friedman, Justice Presiding,
Dianne T. Renwick
Rosalyn H. Richter
Karla Moskowitz
Barbara R. Kapnick, Justices.

-----X

Sanja K.,
Petitioner-Respondent-Appellant,

-against-

M-5849
Docket Nos. P-36336/14
F-36336/14

Benjamin William L.,
Respondent-Appellant-Respondent.

-----X

An appeal and cross appeal having been taken from the order of the Family Court, New York County, entered on or about December 14, 2015,

And respondent-appellant-respondent Benjamin William L. having moved for an enlargement of time to perfect their appeal,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal and cross appeal to the May 2017 Term.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2017.

PRESENT: Hon. David Friedman, Justice Presiding,
Dianne T. Renwick
Rosalyn H. Richter
Karla Moskowitz
Marcy L. Kahn, Justices.

-----X

Antonio Petruso,
Plaintiff-Respondent,

-against-

M-6158
Index No. 314599/14

Elena Giannattasio-Petruso,
Defendant-Appellant.

-----X

Defendant-appellant having moved for a stay of enforcement of the order of the Supreme Court, New York County, entered on or about November 22, 2016, pending hearing and determination of the appeal taken therefrom,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2017.

Present: Hon. David Friedman, Justice Presiding,
Karla Moskowitz
Troy K. Webber
Marcy L. Kahn
Ellen Gesmer, Justices.

-----X
Marcia Small,
Plaintiff-Appellant,

-against-

M-5766
Index No. 652043/15

Sagepoint Financial, Inc., etc.,
et al.,
Defendants-Respondents.

-----X

Defendants-respondents having moved for dismissal of the appeal taken from an order of the Supreme Court, New York County, on or about January 7, 2016,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted and the appeal is dismissed.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2017.

Present: Hon. David Friedman, Justice Presiding,
Karla Moskowitz
Troy K. Webber
Marcy L. Kahn
Ellen Gesmer, Justices.

-----X

Rajpati Jagnandan,
Plaintiff-Appellant,

-against-

M-5769

Index No. 652698/15

Sagepoint Financial, Inc., etc.,
et al.,
Defendants-Respondents.

-----X

Defendants-respondents having moved for dismissal of the appeal taken from an order of the Supreme Court, New York County, entered on or about January 7, 2016,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted and the appeal is dismissed.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2017.

Present: Hon. David Friedman, Justice Presiding,
Karla Moskowitz
Troy K. Webber
Marcy L. Kahn
Ellen Gesmer, Justices.

-----X
In the Matter of the Application of
Ana Robles,
Petitioner,

For a Judgment Pursuant to Article 78
of the Civil Practice Law and Rules,

M-5646
M-5767
Index No. 100733/15

-against-

New York City Housing Authority,
Respondent.

-----X

An Article 78 proceeding having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about January 13, 2016, to review a determination of respondent,

And, respondent having moved to dismiss the aforesaid proceeding for failure to timely prosecute (M-5646),

And, petitioner having cross-moved for leave to prosecute the proceeding as a poor person, upon the original record and reproduced petitioner's brief (M-5767),

Now, upon reading and filing the papers with respect to the motion and cross motion, and due deliberation having been had thereon,

(M-5646/M-5767)

-2-

January 10, 2017.

It is ordered that respondent's motion is granted and the appeal is dismissed (M-5646). Petitioner's cross motion is denied, as academic (M-5767).

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2017.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Rosalyn H. Richter
Angela M. Mazzarelli
Karla Moskowitz
Sallie Manzanet-Daniels, Justices.

-----X

Getty Properties Corp., et al.,
Plaintiffs-Respondents-Appellants,

-against-

1714 New York Ave. LLC, 292
Railroad Ave., LLC, 286 Ashburton
Ave., LLC and Frank Mascolo,
Defendants-Respondents,

-and-

Getty Petroleum Marketing Inc.,
1314 Sedgwick Ave. LLC, 262-12
Hillside Ave. LLC also known as
262 Hillside Ave LLC, 1224
Route 22 LLC, 310 Bay Shore
Road LLC, 751 White Plains Road
LLC, 1245 Nepperham Ave. LLC,
26-27 College Point Boulevard #2
LLC, 2 Montauk Highway LLC,
600 White Plains Road LLC,
857 Rt. 6 Mahopac LLC, 49-25 Van
Dam Street LLC, also known as
49-25 Vandam Street LLC, 31-05
Queens Blvd. LLC, also known as
31-05 Queens Blvd LLC, 69 BK Street
LLC, also known as 69 BK Street,
LLC, 67 Quaker Ridge Road LLC,
One Pleasantville Road LLC, 894
Route 109, LLC, 185 East Lincoln
Avenue LLC, Robert G. Del Gadio,
Defendants-Appellants-Respondents.

M-6150
Index No. 651762/12

-----X

Appeals and a cross-appeal having been taken from a judgment of the Supreme Court, New York County, entered on or about July 6, 2016, and said appeals and cross appeal having been perfected,

And, 1714 New York Ave., LLC, 292 Railroad Ave., LLC, 286 Ashburton Ave., LLC, and Frank Mascolo the "292 Railroad Ave. defendants" having moved to dismiss plaintiffs' cross-appeal, or in the alternative for leave to file a brief as respondents on plaintiffs' cross-appeal,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion, to the extent it seeks dismissal of the cross-appeal, is denied, without prejudice to advancing such argument directly on the appeal. The 292 Railroad Ave. defendants are granted leave to file a respondents brief for the May 2017 Term to which Term the appeal and cross-appeal are adjourned; defendants are directed to file a response brief to plaintiffs' cross-appeal on or before March 22, 2017 for said Term. Plaintiffs are granted leave to file a supplemental reply brief limited to addressing he Railroad Ave. defendants brief.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2017.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Rosalyn H. Richter
Angela M. Mazzarelli
Karla Moskowitz
Sallie Manzanet-Daniels, Justices.

-----x
In the Matter of

Tyzavier M.,

A Child Under 18 Years of Age Alleged to be Abused and/or Neglected under Article 10 of the Family Court Act.

- - - - -
Commissioner of Social Services of the City of New York,
Petitioner-Respondent,

M-6376
Docket No. NN-35868/14

Shanice M.,
Respondent-Appellant.

- - - - -
Seymour W. James, Jr., Esq., The Legal Aid Society, Juvenile Rights Division,
Attorney for the Child.

-----x

An appeal having been taken to this Court from the order of the Family Court, New York County, entered on or about April 21, 2015,

And respondent-appellant having moved for this Court to "so-order" subpoenas directing the Family Court, New York County, to provide respondent with certain documents for the record on appeal, and enlarging the time to perfect the appeal by 30 days from receipt of such documents,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of directing Family Court, New York County, to issue the subject documents, set forth in Exhibit B to the moving papers as requested forthwith.

The time to perfect the appeal is enlarged to the June 2017 Term, with leave to seek further enlargements, if necessary.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2017.

PRESENT - Hon. John W. Sweeny, Jr., Justice Presiding,
Rosalyn H. Richter
Angela M. Mazzarelli
Karla Moskowitz
Sallie Manzanet-Daniels, Justices.

-----X

In the Matter of

Lacee L.

Children Under 18 Years of Age Alleged to be Neglected by

Stephanie L.,
Respondent-Appellant,

M-6344
Docket No. NN 14741/14

Administration for Children's Services,
Petitioner-Appellant.

- - - - -

The Disability and Civil Rights Clinic:
Advocating for Adults with Intellectual
and Developmental Disabilities,
Amicus Curiae.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about April 5, 2016,

And The Disability and Civil Rights Clinic: Advocating for Adults with Intellectual and Developmental Disabilities having moved for leave to file a brief amicus curiae in connection with the aforesaid appeal,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of directing the movant to file an original and 8 copies of a brief in the form attached to the motion papers as Exhibit C, on or before January 30, 2017, for the April 2017 Term, to which Term the perfected appeal is adjourned.

ENTER:

A handwritten signature in black ink, appearing to read "Susan R. Jones", written in a cursive style.

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2017.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels
Barbara R. Kapnick, Justices.

-----X
The People of the State of New York,

Respondent,

-against-

M-1938
Ind. No. 6117/99

Lamont Beazer,

Defendant-Appellant.
-----X

A decision and order of this Court having been entered on January 22, 2008 (Appeal No. 2577), unanimously affirming a judgment of the Supreme Court, County (Barbara F. Newman, J.), rendered on April 19, 2002,

And defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate counsel, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from defendant-appellant dated October 24, 2016, and due deliberation having been had thereon,

It is ordered that motion is deemed withdrawn in accordance with the aforesaid correspondence.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2017.

PRESENT - Hon. John W. Sweeny, Jr., Justice Presiding,
Rosalyn H. Richter
Angela M. Mazzarelli
Karla Moskowitz
Sallie Manzanet-Daniels, Justices.

-----X

In the Matter of the Application of

David Putland, 84B-2029
Petitioner-Respondent,

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

M-6089
Index No.100374/15

Department of Homeless Services,
Kim Bruno, Records Access Officer,
Respondents-Appellants.

-----X

Respondents-appellants having moved to dismiss the appeal from the order of the Supreme Court, New York County, entered on or about October 26, 2015, and to vacate the judgment of Supreme Court,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of deeming the appeal from the October 26, 2015 order withdrawn. The motion is otherwise denied without prejudice to further proceedings in the Supreme Court. The stay is continued for 30 days after this order.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2017.

PRESENT - Hon. John W. Sweeny, Jr., Justice Presiding,
Rosalyn H. Richter
Angela M. Mazzarelli
Karla Moskowitz
Sallie Manzanet-Daniels, Justices.

-----X
Charles Steinberg, Violetta Steinberg,
Plaintiffs-Appellants,

-against-

M-6091
Index No. 805358/13

Lenox Hill Hospital, et al.,
Defendants-Respondents.

-----X

An appeal having been taken from the orders of the Supreme Court, New York County, entered on or about January 28, 2016 and July 12, 2016,

And defendants-respondents having moved for an order striking certain portions of plaintiffs' appellate brief and striking the record on appeal, or in the alternative, enlarging the time to file the respondents' brief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of maintaining the appeal on this Court's calendar for the March 2017 Term, and granting defendants-respondents leave to file a respondents' appendix with their brief, if so advised. The motion is otherwise denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2017.

Present: Hon. Rolando T. Acosta, Justice Presiding,
Richard T. Andrias
Karla Moskowitz
Judith J. Gische
Troy K. Webber, Justices.

-----X
The People of the State of New York
ex rel. Tamaz Hubel,
Petitioner,

-against-

M-5122
Ind. No. 1397/10

Commissioner, New York State Department
of Corrections and Community Service,
Respondent.

-----X

The above-named petitioner having moved for, inter alia, a writ of habeas corpus to be issued from this Court,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is denied.

ENTER:


CLERK

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION : FIRST JUDICIAL DEPARTMENT

BEFORE: Hon. John Sweeny
Justice of the Appellate Division

-----X
In the Matter of the Application of
Letitia James as the Public Advocate for
the City of New York, C.P., a Minor by
his Next Friend, Robin Ponsolle and R.S.,
a minor by his Next Friend, Catherine
Boward-Simone,

Petitioners-Respondents,

M-5581A
Index No. 101557/15

-against-

City of New York,

Respondent,

-against-

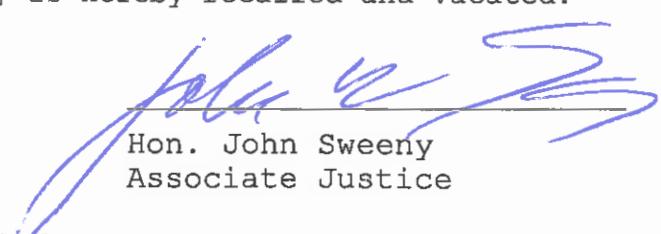
New York City Department of Education and
Carmen Fariña, Chancellor, in her
Official Capacity.

Respondents-Appellants.
-----X

Respondents-Appellants having moved for leave to appeal to
this Court from the order of the Supreme Court, New York County,
entered on or about September 29, 2015,

Now, upon reading and filing the papers with respect to the
motion, and due deliberation having been had thereon, it is

ORDERED that permission is hereby granted to the above-named
respondents-appellants to appeal to the Appellate Division, First
Judicial Department, from the order of the Supreme Court, New York
County, entered on or about September 29, 2016, and the order entered
December 13, 2016 [M-5581] is hereby recalled and vacated.


Hon. John Sweeny
Associate Justice

Dated: December 27, 2016
New York, New York

ENTERED

JAN 10 2017

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 6, 2017.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X

In the Matter of

Legend S.,

A Dependent Child Under 18 Years of Age Pursuant to §384-b of the Social Services Law of the State of New York.

M-5523
Docket No. B-33875/15

Edwin Gould Services for Children,
et el.,

Petitioners-Respondents,

Tawana T.,

Respondent-Respondent,

Legend S.,

Child/Respondent-Appellant.

Andrew J. Baer, Esq.,

Attorney for the Child-Appellant.

-----X

Erin Browne, Esq., Family Court attorney for respondent, Tawana T., having moved on said respondent's behalf for leave to respond, as a poor person, to the appeal taken from the order of the Family Court, New York County, entered on or about March 29, 2016, and for assignment of counsel, a free copy of the transcript, and for related relief, and said appeal having been perfected,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Elisa Barnes, Esq., B&B Urban, 419 Park Avenue South, 7th Floor, New York, NY 10016, Telephone No. (646) 484-5700, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for child/respondent-appellant and 8 copies thereof are filed with this Court.

ENTER:


CLERK