

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 May 4, 2017.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Sallie Manzanet-Daniels
Barbara R. Kapnick
Troy K. Webber, Justices.

-----X
Amanda McBride, an infant, by her legal guardian, Natalie McBride, and Natalie McBride, individually,
Plaintiffs-Appellants,

M-1289
Index No. 7622/05

-against-

The City of New York, et al.,
Defendants-Respondents.

-----X

Plaintiffs-appellants having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about May 4, 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 to the extent of enlarging the time to perfect the appeal to the October 2017 Term.

ENTERED:


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 May 4, 2017.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
Angela M. Mazzarelli
Sallie Manzanet-Daniels
Judith J. Gische
Marcy L. Kahn, Justices.

-----X
Peter Lafroschia,
Plaintiff-Appellant,

-against-

M-1306
Index No. 153406/12

Mept 5th Avenue, LLC, et al.,
Defendants-Respondents.

(And a third-party action)
-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about May 10, 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 to the extent of enlarging the time to perfect the appeal to the October 2017 Term.

ENTERED:



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 May 4, 2017.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
Angela M. Mazzarelli
Sallie Manzanet-Daniels
Judith J. Gische
Marcy L. Kahn, Justices.

-----X
Cleven Jones,
Plaintiff-Appellant,

-against-

M-1475
Index No. 150565/11

The City of New York, et al.,
Defendants-Respondents,

-and-

Consolidated Edison Company of
New York, Inc., et al.,
Defendants.

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about May 26, 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 to the extent of enlarging the time to perfect the appeal to the October 2017 Term.

ENTERED:


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 May 4, 2017.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
Rosalyn H. Richter
Richard T. Andrias
Marcy L. Kahn
Ellen Gesmer, Justices.

-----X
Lawrence Thompson,
Plaintiff-Respondent,

-against-

M-1439
Index No. 303003/13

The City of New York, et al.,
Defendants-Appellants.
-----X

Defendants-appellants having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about January 13, 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 to the extent of enlarging the time to perfect the appeal to the October 2017 Term.

ENTERED:


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 May 4, 2017.

Present: Hon. Rolando T. Acosta, Justice Presiding,
Rosalyn H. Richter
Richard T. Andrias
Marcy L. Kahn
Ellen Gesmer, Justices.

-----X
Ira Smulyan,
Plaintiff-Appellant,

-against-

M-1568
Index No. 102021/15

New York Liquidation Bureau,
et al.,
Defendants-Respondents.
-----X

Three separate appeals having been taken from three separate orders of the Supreme Court, New York County, all of which were entered on or about April 19, 2016,

And, plaintiff-appellant having moved for an enlargement of time to perfect the aforesaid three appeals,

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 appeals to the October 2017 Term. Sua sponte, the three appeals are consolidated and plaintiff is directed to perfect the consolidated appeals upon a single record and brief on or before August 7, 2017 for the October 2017 Term.

ENTERED:



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 May 4, 2017.

Present - Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Paul G. Feinman
Judith J. Gische
Ellen Gesmer, Justices.

-----X

CB Frontier LLC,

Plaintiff-Respondent,

-against-

LStar Capital Finance II, Inc.,

Defendant-Appellant.
-----X

M-1900
Index No. 654339/16

Defendant-appellant having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about February 7, 2017,

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.

ENTERED:


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 May 4, 2017.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
Paul G. Feinman
Judith J. Gische
Marcy L. Kahn, Justices.

-----X
U.S. Bank National Association, solely
in its capacity as Trustee of the Asset
Backed Securities Corporation Home Equity
Loan Trust, Series AMQ 21006-HE7
(ABSHE 2006-HE7),
Plaintiff-Respondent,

-against-

M-1257
Index No. 653140/15

DLK Mortgage Capital, Inc.,
Defendant,

-and-

Ameriquest Mortgage Company,
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on January 19, 2017 (Appeal No. 2790),

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.

ENTERED:



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 May 4, 2017.

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

-----X

Anne Dotel,
Plaintiff-Respondent,

-against-

M-1670X

Index No. 20861/14E

Jose Rafael Cruz, and Tsilivi
Inc.,
Defendants-Appellants,

Maria D. Bruno De Perez,
Defendant.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about April 28, 2016,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" March 22, 2017, and due deliberation having been had thereon,

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

ENTERED:


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 May 4, 2017.

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

-----X
Jeanne LeBlanc and Chase Myles,
Plaintiffs-Respondents,

-against-

M-1734

Index No. 150011/14

West 128th Street, L.P., et al.,
Defendants-Respondents,

Jacob Soul Food Restaurant, and 373
W 129 Street Corp.,
Defendant-Appellant.

-----X
Jacob Soul Food Restaurant, and 373
W 129 Street Corp.,
Third-Party Plaintiff-Appellant,

-against-

The City of New York,
Third-Party Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about December 23, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated March 7, 2017, and due deliberation having been had thereon,

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

ENTERED:


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 May 4, 2017.

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

-----X
Victor Morales,
Plaintiff-Respondent,

-against-

M-1753
Index No. 20793/13E

The Trustees of Columbia University
in the City of New York, et al.,
Defendants-Appellants,

Havana Central NY 3, LLC,
Defendants-Appellants.
-----X

Appeals having been taken from an order of the Supreme Court, Bronx County, entered on or about April 1, 2016,

Now, upon reading and filing the stipulation of the parties hereto, filed April 9, 2017, and due deliberation having been had thereon,

It is ordered that the appeals, previously perfected, are withdrawn in accordance with the aforesaid stipulation.

ENTERED:



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 May 4, 2017.

Present: Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Angela M. Mazzarelli
Judith J. Gische
Ellen Gesmer, Justices.

-----X

Matthew Carter,
Plaintiff-Respondent,

-against-

Henry Perez, and Ride Yellow, Inc.,
Defendants-Appellants.

-----X

M-1835

M-1896

Index No. 154733/13

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 1, 2017,

And, defendants-appellants having moved to stay trial pending determination of the appeal (M-1835),

And, plaintiff-respondent having cross-moved to dismiss the appeal (M-1896),

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 and cross motion are denied.

ENTERED:



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 May 4, 2017.

PRESENT: Hon. Peter Tom, Justice Presiding,
Rosalyn H. Richter
Judith J. Gische
Ellen Gesmer, Justices.

-----X
Rosabel Oquendo,
Plaintiff-Appellant,

-against-

The City of New York,
Defendant-Respondent.
-----X

M-1105
Index No. 24564/05

Plaintiff-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on January 10, 2017 (Appeal No. 2687-88),

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.

ENTERED:



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 May 4, 2017.

PRESENT - Hon. Peter Tom, Justice Presiding,
Angela M. Mazzairelli
Richard T. Andrias
Sallie Manzanet-Daniels
Troy K. Webber, Justices.

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

-against-

M-1456
Ind. No. 4411N/15

Willfrey Delacruz,
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about August 2, 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 to the extent of deeming the notice of appeal timely filed.

ENTERED:


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 May 4, 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-1763
Ind. No. 3022/15

John Brito,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about September 14, 2016, for leave to have the appeal heard upon the original record and 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, 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.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, 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.

ENTERED:


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 May 4, 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-1764
Ind. No. 4977/12

Leroy Bundy,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about February 11, 2016, for leave to have the appeal heard upon the original record and 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, 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.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, 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.

ENTERED:


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 May 4, 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-1767
Ind. No. 5164/15

Daniel McFadden, also known as
David McFadden,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about June 10, 2016, for leave to have the appeal heard upon the original record and 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, 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.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, 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.

ENTERED:

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 May 4, 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-1768

Ind. No. 3269N/15

Ruddy Sano-Rodriguez,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about November 14, 2016, for leave to have the appeal heard upon the original record and 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, Room 1601, New York, New York 10007, Telephone No. 212-402-4112, 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.

ENTERED:

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 May 4, 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-1769
Ind. No. 1898/15

Robert Lurch,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about June 2, 2016, for leave to have the appeal heard upon the original record and 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, 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.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, 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.

ENTERED:

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 May 4, 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-1772
Ind. Nos. 205/15
4420/15

Randy Jasquez,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about March 25, 2016, for leave to have the appeal heard upon the original record and 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, Room 1601, New York, New York 10007, Telephone No. 212-402-4112, 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.

ENTERED:

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 May 4, 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-1773
Ind. No. 811/12

Scott Silverstein,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about July 27, 2016, for leave to have the appeal heard upon the original record and 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, 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.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, 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.

ENTERED:

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 May 4, 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-1774
Ind. Nos. 2612/14
178/14

Kryzie King,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about October 21, 2016, for leave to have the appeal heard upon the original record and 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, 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.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, 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.

ENTERED:


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 May 4, 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-1775
Ind. No. 2917/15

Carliss Mishoe,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about August 16, 2016, for leave to have the appeal heard upon the original record and 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, 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.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, 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.

ENTERED:

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 May 4, 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-1779

Ind. No. 527/12

Jose Guevara, also known as
Jose Guevaro,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about June 21, 2016, for leave to have the appeal heard upon the original record and 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, Room 1601, New York, New York 10007, Telephone No. 212-402-4112, 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.

ENTERED:

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 May 4, 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-1780
Ind. No. 4974/11

Shaun Dyer,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about December 4, 2014, for leave to have the appeal heard upon the original record and 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.

Seymour W. James, Jr., Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, 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.

ENTERED:



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 May 4, 2017.

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

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

-against-

M-1781
Ind. No. 1127/12

Otis Reese, also known as John Little,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about August 9, 2016, for leave to have the appeal heard upon the original record and 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, 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.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, 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.

ENTERED:



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 May 4, 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-1784

Ind. No. 3568/13

Carlos Guillen,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about September 29, 2016, for leave to have the appeal heard upon the original record and 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, Room 1601, New York, New York 10007, Telephone No. 212-402-4112, 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.

ENTERED:

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 May 4, 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-1785
Ind. No. 2465/15

Dwayne Pearson,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about July 11, 2016, for leave to have the appeal heard upon the original record and 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, 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.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, 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.

ENTERED:

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 May 4, 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-1786
Ind. No. 435/14

Tommy Barnes,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about June 28, 2016, for leave to have the appeal heard upon the original record and 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, 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.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, 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.

ENTERED:

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 May 4, 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-1787
Ind. No. 969/15

Giovanni Santiago,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about July 5, 2016, for leave to have the appeal heard upon the original record and 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, 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.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, 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.

ENTERED:

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 May 4, 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-1788
Ind. No. 3681/14

Wilson Maldonado,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about May 20, 2016, for leave to have the appeal heard upon the original record and 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, 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.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, 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.

ENTERED:

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 May 4, 2017.

Present - Hon. David Friedman, Justice Presiding,
Dianne T. Renwick
Karla Moskowitz
Paul G. Feinman, Justices.

-----X
Anonymous,

Plaintiff-Appellant,

-against-

Anonymous,

Defendant-Respondent.
-----X

SEALED
M-1431
Index No. 305366/16

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about February 14, 2017,

And, plaintiff-appellant having moved for a stay of execution and enforcement of the order 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, the interim relief granted by the order of a Justice of this Court, dated March 17, 2017 is vacated; and any funds held in escrow pursuant to the interim stay should be released to defendant.

ENTERED:



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 May 4, 2017.

Present: Hon. David Friedman, Justice Presiding,
Karla Moskowitz
Sallie Manzanet-Daniels
Barbara R. Kapnick
Troy K. Webber, Justices.

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

-against-

Frank B.,
Respondent-Appellant.

Brooklyn Defender Services, et al.,
Amici Curiae.

CONFIDENTIAL
M-2030

Bronx County
Index No. 2013BX068001

-----X
An appeal having been taken to this Court by the above-named respondent-appellant from an order of the Supreme Court, Bronx County, entered on or about August 30, 2016,

And, Brooklyn Defender Services, The Community Service Society of New York, The Legal Aid Society, Neighborhood Defender Service of Harlem, New York County Defender Services, and Youth Represent, having moved for leave to file a brief amici 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 and the nine copies of movants' proposed amici curiae brief submitted to this Court are deemed filed.

ENTERED:



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 May 4, 2017.

Present - Hon. David Friedman, Justice Presiding,
Karla Moskowitz
Sallie Manzanet-Daniels
Barbara R. Kapnick
Troy K. Webber, Justices.

-----X

In the Matter of a Petition for Letters of Administration, c.t.a.,
In the Estate of

M-1948
Surrogate's Court
File No. 1154/12

Paula X. Assimakopoulos,
Deceased.

Eva Lana,
Petitioner-Appellant,

-against-

Nicolle Assimakopoulos-Panuthos,
Respondent-Respondent.

-----X

An appeal having been taken from a decree of the Surrogate's Court, New York County, entered on or about September 25, 2013, and said appeal having been perfected,

And respondent-respondent pro se having moved for an enlargement of time to file a respondent's 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 adjourning the perfected appeal to the October 2017 Term. Respondent-respondent is directed to file a respondent's brief on or before September 6, 2017.

ENTERED:


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 May 4, 2017.

Present - Hon. David Friedman, Justice Presiding,
Rosalyn H. Richter
Paul G. Feinman
Judith J. Gische
Ellen Gesmer, Justices.

-----x
Michael Rakosi, et al.,

Plaintiffs-Respondents,

-against-

M-1393
Index No. 654473/16

Sidney Rubell Company, LLC, et al.,

Defendants-Appellants.
-----x

An appeal having been taken to this Court from orders of the Supreme Court, New York County, entered on or about March 9, 2017 and March 10, 2017, respectively,

And defendants-appellants having moved for a stay of the aforesaid orders 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 granted on condition the appeal is perfected for the September 2017 Term.

ENTERED:


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 May 4, 2017.

Present - Hon. David Friedman, Justice Presiding,
Karla Moskowitz
Sallie Manzanet-Daniels
Barbara R. Kapnick
Troy K. Webber, Justices.

-----x
In the Matter of the Application of
Keenan Britt,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78 M-1999
of the CPLR, Index No. 105655/11

-against-

City of New York, et al.,
Respondents-Respondents.
-----x

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about June 21, 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 to the extent of enlarging the time to perfect the appeal to the September 2017 Term.

ENTERED:


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 May 4, 2017.

PRESENT: Hon. David Friedman, Justice Presiding,
Rosalyn H. Richter
Karla Moskowitz
Barbara R. Kapnick, Justices.

-----X
In re KJ,

Petitioner,

-against-

New York City Housing Authority,

Respondent.
-----X

M-1452
Index No. 401622/13

Petitioner, pro se, having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on January 26, 2017 (Appeal No. 2890),

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.

ENTERED:



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 May 4, 2017.

PRESENT: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Rosalyn H. Richter
Sallie Manzanet-Daniels
Barbara R. Kapnick, Justices.

-----X
Country-Wide Insurance Company,
Plaintiff-Appellant,

-against-

M-1294
Index No. 158326/13

Excelsior Insurance Company, et al.,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on February 2, 2017 (Appeal No. 2605),

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.

ENTERED:



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 May 4, 2017.

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

-----X

Yoav Stein, et al.,

Plaintiffs-Appellants,

-against-

M-292

Index No. 110599/10

Gavriel Reisner,

Defendant-Respondent.

-----X

Plaintiffs-appellants 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 December 8, 2016 (Appeal No. 2433),

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.

ENTERED:


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 May 4, 2017.

PRESENT: Hon. David Friedman, Justice Presiding,
Rosalyn H. Richter
Karla Moskowitz
Barbara R. Kapnick, Justices.

-----X
Greg Waltman and the G1 Quantum
Fund, LLC,
Plaintiffs-Appellants,

-against-

M-1338
Index No. 162168/14

Time Warner Inc., et al.,
Defendants-Respondents.

-----X

Plaintiffs-appellants 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 January 26, 2017 (Appeal No. 2901-1A),

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.

ENTERED:


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 May 4, 2017.

Present - Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Dianne T. Renwick
Richard T. Andrias
Sallie Manzanet-Daniels, Justices.

-----X

In re Michael Kunz, M.D., etc.,
Petitioner-Respondent,

-against-

M-1736
Index No. 530352/16

Shahadoth C.,
Respondent-Appellant.

-----X

Respondent-appellant having moved for reargument of the decision and order of this Court, entered on March 28, 2017 (Appeal No. 3523),

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 deemed one for clarification and, as such, is granted. The decision and order of this Court entered on March 28, 2017 (Appeal No. 3523) is recalled and vacated and a new decision and order substituted therefor. (See Appeal No. 3523, decided simultaneously herewith.)

ENTERED:


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 May 4, 2017.

Present: Hon. David Friedman, Justice Presiding,
Richard T. Andrias
Karla Moskowitz
Barbara R. Kapnick
Marcy L. Kahn, Justices.

-----X
David Turret,
Plaintiff-Appellant,

-against-

M-1092
Index No. 312678/14

Nancy Turret,
Defendant-Respondent.
-----X

A decision and order of this Court having been entered on February 7, 2017 (Appeal No. 3046N), unanimously affirming the order of the Supreme Court, New York County, entered on or about February 16, 2016,

And, plaintiff-appellant having moved, inter alia, for correction of the aforesaid decision and order of this Court with respect to the issue of monthly maintenance,

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.

ENTERED:


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 May 4, 2017.

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

-----X

Amanda Karlsson,
Plaintiff-Respondent,

-against-

M-1204
Index No. 314224/13

Conny Karlsson,
Defendant-Appellant.

-----X

Defendant-appellant 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 December 29, 2016 (Appeal No. 2573),

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.

ENTERED:



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 May 4, 2017.

PRESENT - Hon: John W. Sweeny, Jr., Justice Presiding,
Rosalyn H. Richter
Richard T. Andrias
Troy K. Webber
Ellen Gesmer, Justices.

-----X

Tonyia B. Watson,
Claimant-Appellant,

-against-

M-1443
Claim No. 126836

The City and State of New York,
Defendants-Respondents.

-----X

An appeal having been taken from the order of the Court of Claims, entered on or about July 1, 2016,

And claimant-appellant having moved for leave to file handwritten briefs,

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. Sua sponte, the time to perfect the appeal is enlarged to the October 2017 Term.

ENTERED:


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 May 4, 2017.

Present: Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Angela M. Mazzarelli
Judith J. Gische
Ellen Gesmer, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-1755

Ind. No. 2797/14

Jean-Carlo Flambert,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about August 10, 2015, and said appeal having been perfected,

And, Adam Bevelacqua, Esq., retained counsel for defendant, having moved to be relieved as appellate counsel, to have other counsel assigned to represent defendant to file defendant's reply brief and to argue the appeal on defendant's behalf,

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 relieving Adam Bevelacqua, Esq., as appellate counsel and assigning Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, as counsel for defendant-appellant for purposes of the appeal. The perfected appeal is adjourned to the November 2017 Term, without prejudice to further motion practice by newly assigned counsel if so advised.

ENTERED:


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 May 4, 2017.

PRESENT - Hon. Rolando T. Acosta, Justice Presiding,
Rosalyn H. Richter
Richard T. Andrias
Marcy L. Kahn
Ellen Gesmer, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-1507
Ind. No. 1947/15

Cesar Cruz,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about April 27, 2016, for leave to prosecute the appeal as a poor person upon the original record and upon a reproduced appellant's brief, and for assignment of counsel,

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 moving papers a timely filed notice of appeal, and 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.

Robert S. Dean, Esq., Center for Appellate Litigation,
120 Wall Street, 28th Floor, New York, New York 10005,
Telephone No. 212-577-2523, 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.

ENTERED:

A handwritten signature in black ink, appearing to read "Susan R. Jones", is written over a horizontal line.

CLERK

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

BEFORE: Hon. Troy K. Webber
Justice of the Appellate Division

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

SEALED
M-1655
Ind. No. 2657/16

-against-

CERTIFICATE
DENYING LEAVE

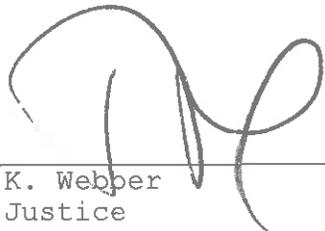
Kevin McG.,

Defendant.

-----X

I, Troy K. Webber, a Justice of the Appellate Division,
First Judicial Department, do hereby certify that, upon
application timely made by the above-named defendant for leave to
file a notice of appeal from an adverse decision pursuant to
Criminal Procedure Law, section 730.50, entered in Supreme Court,
New York County (Gregory Carro, J.) on or about November 30,
2016, the motion is denied on the ground that the order sought to
be appealed from is nonappealable.

Dated: April 17, 2017
New York, New York



Hon. Troy K. Webber
Associate Justice

ENTERED: **MAY 04 2017**

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

BEFORE: Hon. Karla Moskowitz
Associate Justice of the Appellate Division

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

-against-

M-1873
Ind. No. 4854/03

Steven Mears,

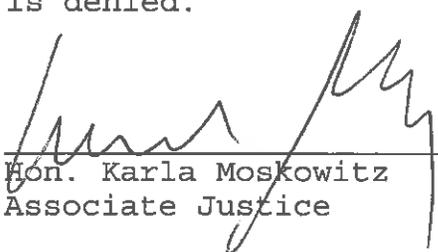
Defendant,

-----X

Defendant having moved for an order seeking to vacate and/or correct the Certificate Denying Leave dated September 30, 2014 (M-4312), which denied defendant permission to appeal from the order of the Supreme Court, New York County, entered on or about June 17, 2014, which denied his motion to reargue his motion to vacate the judgment pursuant to CPL 440.10, and also to vacate and/or correct the Order Denying Reargument dated December 6, 2016 (M-4666), on the ground that his unauthorized appeal from the June 17, 2014 order should have been dismissed rather than converted into an application for permission to 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 denied.



Hon. Karla Moskowitz
Associate Justice

Dated: April 19, 2017
New York, New York

ENTERED

MAY 04 2017



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

BEFORE: Hon. Richard T. Andrias
Associate Justice of the Appellate Division

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

-against-

M-1866
Ind. No. 4854/03

Steven Mears,

Defendant,

-----X

Defendant having moved for an order seeking to vacate and/or correct the Certificate Denying Leave dated June 14, 2016 (M-1848), which denied defendant permission to appeal from the order of the Supreme Court, New York County (Edward McLaughlin, J.) entered on or about November 17, 2015, which denied his motion to renew his motion to vacate the judgment pursuant to CPL 440.10, and the Certificate Denying Leave Upon Reargument dated November 29, 2016 (M-4667), on the ground that his unauthorized appeal from the November 17, 2015 order should have been dismissed rather than converted into an application for permission to 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 denied.

Associate Justice

Dated: New York, New York
April 14, 2017

ENTERED

MAY 04 2017

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

BEFORE: Hon. John W. Sweeny, Jr.
Justice of the Appellate Division

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

M-1663
Ind. No. 1360/2009

-against-

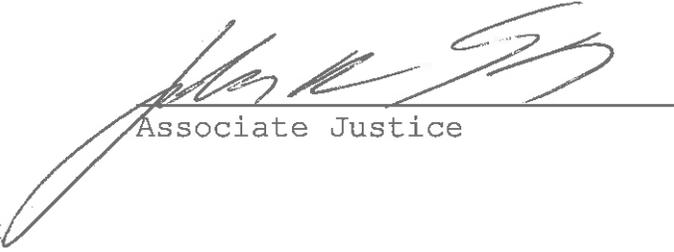
CERTIFICATE
DENYING LEAVE

Vasileios Giamagas,

Defendant.

-----X

I, John W. Sweeny, Jr., a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, dated on or about December 23, 2015 (Eduardo Padro, J.) is hereby denied.


Associate Justice

Dated: April 18, 2017
New York, New York

ENTERED: **MAY 04 2017**

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

BEFORE: Hon. John W. Sweeny, Jr.
Justice of the Appellate Division

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

M-1523
Ind. No. 3480/09

-against-

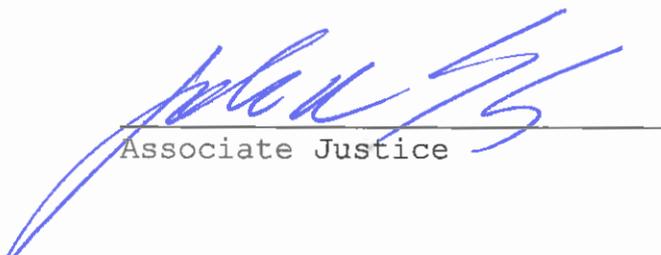
CERTIFICATE
DENYING LEAVE

Charles McDowell,

Defendant.

-----X

I, John W. Sweeny, Jr., a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County, dated on or about February 3, 2017 (Martin Marcus, J.) is hereby denied.


Associate Justice

Dated: April 12, 2017
New York, New York

ENTERED: **MAY 04 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 May 4, 2017.

PRESENT: Hon. David Friedman, Justice Presiding,
Rosalyn H. Richter
Paul G. Feinman
Judith J. Gische
Ellen Gesmer, Justices.

-----X

Central Park Sightseeing LLC,
Plaintiff-Respondent,

-against-

New Yorkers for Clean, Livable &
Safe Streets, Inc., doing business
as NYCLASS, Jill Carnegie, Edita
Birnkranz, Stacy Monterosa and
Michael ("Mikey") Dolling,
Defendants-Appellants,

M-1551
Index No. 656416/16

-and-

Edward A. Sullivan and Does 1-100,
Inclusive,
Defendants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about February 22, 2017, and said appeal having been perfected,

And defendants-appellants having moved to stay the Supreme Court's preliminary injunction, issued in an amended order dated February 22, 2017, and for other relief, 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 granted to the extent of continuing the interim relief set forth in an order of a Justice of this Court, dated March 21, 2017, and further staying so much of said preliminary injunction which applies "to anyone else who becomes aware of this decision and order" and otherwise denied.

ENTERED:

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

CLERK