

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 September 26, 2017.

Present - Hon. Richard T. Andrias, Justice Presiding,
Judith J. Gische
Cynthia S. Kern
Jeffrey K. Oing
Anil C. Singh, Justices.

-----x
Emmanuel Seventh Day Church Ministries,
Inc.,
Plaintiff-Respondent,

-against-

M-4098
Index No. 260535/11

Ivan C. Plummer, et al.,
Defendants-Appellants.

-----x

Defendants-appellants having moved for a stay of the order of the Supreme Court, Bronx County, entered on or about July 19, 2017, 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, and the interim relief granted by the order of a Justice of this Court, dated August 21, 2017, is vacated.

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 September 26, 2017.

Present - Hon. Richard T. Andrias, Justice Presiding,
Judith J. Gische
Cynthia S. Kern
Jeffrey K. Oing
Anil C. Singh, Justices.

-----x
In the Matter of the Application of
Nostrand & Halsey LLC,
Petitioner,

For a Review Pursuant to Article 78 M-4319
of the Civil Practice Law and Rules, Index No. 101069/17

-against-

New York State Liquor Authority,
Respondent.
-----x

An Article 78 proceeding to review a determination of respondent having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about August 10, 2017,

And petitioner having moved for a stay of the order cancelling its on-premises liquor license, and to stay respondent from interfering with petitioner's lawful activities at the premises, pending hearing and determination of the aforesaid proceeding,

And an order of this Court having been entered on August 10, 2017, denying an interim stay of respondent's order,

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 September 26, 2017.

Present: Hon. Barbara R. Kapnick, Justice Presiding,
Marcy L. Kahn
Ellen Gesmer
Cynthia S. Kern
Peter H. Moulton, Justices.

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

-against-

M-3309
Ind. No. 403/07

Miguel Figueroa,
Defendant-Appellant.

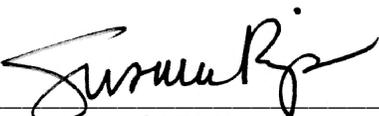
-----X

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 November 20, 2007, for leave to prosecute the appeal as a poor person, 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, to the extent it seeks to file a late notice of appeal, is denied. So much of the motion which seeks poor person relief and the assignment of counsel is denied as academic.

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 September 26, 2017.

Present - Hon. Barbara R. Kapnick, Justice Presiding,
Marcy L. Kahn
Ellen Gesmer
Cynthia S. Kern
Peter H. Moulton, Justices.

-----X

Brian Ashton and Raelen Watt,
Plaintiffs-Appellants,

-against-

Norfolk Southern Railway Company,
et al.,
Defendants-Respondents.

-----X

M-3554

M-3555

Index No. 160232/14

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 28, 2017,

And defendants-respondents having moved for dismissal of the aforesaid appeal (M-3554),

And plaintiffs-appellants having cross-moved for an enlargement of time to perfect the appeal, and for a stay pending determination of the appeal (M-3555),

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 defendants-respondents' motion to dismiss the appeal is denied (M-3554). Plaintiffs-appellants' cross motion is granted to the extent of deeming plaintiffs' timely filed notice of appeal an application for leave to appeal and, sua sponte, granting such leave. So much of the plaintiffs'

motion which seeks an enlargement of time to perfect the appeal is granted to the February 2018 Term; and that branch of the motion which seeks a stay is granted on condition plaintiffs' perfect said appeal on or before December 4, 2017 for said February 2018 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 September 26, 2017.

Present - Hon. Barbara R. Kapnick, Justice Presiding,
Marcy L. Kahn
Ellen Gesmer
Cynthia S. Kern
Peter H. Moulton, Justices.

-----X
R2 Investments LDC,
Plaintiff-Appellant, Action No. 1
M-3538
-against- Index No. 601296/09

Carl C. Icahn, et al.,
Defendants-Respondents.

-----X
Youlu Zheng and Donald J. Hillenmeyer
on behalf of themselves and all others
similarly situated,
Plaintiffs-Appellants, Action No. 2
Index No. 650499/10
-against-

Carl C. Icahn, et al.,
Defendants-Respondents.

-----X

Separate appeals having been taken to this Court by the above-captioned appellants from an order of the Supreme Court, New York County, entered on or about October 31, 2016,

And plaintiff-appellant, R2 Investments LDC, having moved for consolidation of the aforesaid appeals, and to enlarge the time to perfect said consolidated 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 permitting the respective appellants to prosecute the consolidated appeals upon 9 copies of one record and one set

of points covering the consolidated appeals. The attention of the parties is directed to 22 NYCRR § 600.11. The time to perfect the consolidated appeals is enlarged to the February 2018 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 September 26, 2017.

Present - Hon. Barbara R. Kapnick, Justice Presiding,
Marcy L. Kahn
Ellen Gesmer
Cynthia S. Kern
Peter H. Moulton, Justices.

-----x
Blanche Hutcherson,
Plaintiff-Appellant,

-against-

M-3692
Index No. 160153/13

Velma Hill as Executor of the
Estate of Eugene Glaberman and
Mutual Redevelopment Houses, Inc.,
Defendant-Respondent.
-----x

Plaintiff-appellant having moved for an order enlarging the time in which to perfect the appeals from an order of the Supreme Court, New York County, entered on or about December 18, 2015, and from an order, same court, entered on or about June 21, 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 granted to the extent of enlarging the time in which to perfect the appeals, which are, sua sponte, consolidated, to the February 2018 Term. Appellant is permitted to prosecute the appeals upon ten copies of one record and one copy of appellant's points covering the aforesaid appeals.

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 September 26, 2017.

Present - Hon. Barbara R. Kapnick, Justice Presiding,
Marcy L. Kahn
Ellen Gesmer
Cynthia S. Kern
Peter H. Moulton, Justices.

-----x

Solomon Sharbat and Solomon Capital
LLC,
Plaintiffs-Appellants,

-against-

M-3399
M-3635
Index No. 154454/15

Limor Topaz,
Defendant-Respondent,

-and-

Israel Venture Partners, et al.,
Defendants.

-----x

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 22, 2016,

And plaintiffs-appellants having moved for an enlargement of time to perfect their appeal (M-3399),

And defendant-respondent having cross-moved for dismissal of the aforesaid appeal (M-3635),

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 to the extent of enlarging the time to perfect the appeal to the February 2018 Term. The cross 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 September 26, 2017.

PRESENT: Hon. Barbara R. Kapnick, Justice Presiding,
Marcy L. Kahn
Ellen Gesmer
Cynthia S. Kern
Peter H. Moulton, Justices.

-----x
Bank of America, N.A.,
Plaintiff-Respondent,

-against-

M-3479
Index No. 35175/13E

Denise Johnson, also known as Denise
A. Johnson,
Defendant-Appellant,

New York City Environmental Control
Board, et al.,
Defendants.

-----x

An appeal having been taken from a final judgment of foreclosure and sale, Supreme Court, Bronx County, entered on or about June 1, 2016, and said appeal having been dismissed by an order of this Court, entered on July 11, 2017 (M-2687),

And defendant-appellant having moved for an enlargement of time to perfect same, or to restore said appeal to the calendar,

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 September 26, 2017.

Present - Hon. Barbara R. Kapnick, Justice Presiding,
Marcy L. Kahn
Ellen Gesmer
Cynthia S. Kern
Peter H. Moulton, Justices.

-----X
River Park Residences, LP,
Petitioner-Landlord-Appellant,

-against-

Richman Plaza Garage Corp.,
Respondent-Tenant-Respondent,

M-3929
Index No. 570776/16

-and-

"John Doe" and "Jane Doe,"
Respondents.

-----X

Respondent-tenant-respondent having moved for leave to appeal to this Court from the decision and order of the Appellate Term, First Department, entered in the office of the Clerk of the Supreme Court, New York County, on or about April 26, 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 September 26, 2017.

PRESENT: Hon. Barbara R. Kapnick, Justice Presiding,
Marcy L. Kahn
Ellen Gesmer
Cynthia S. Kern
Peter H. Moulton, Justices.

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

-against-

M-3375
Ind. No. 2134/86

Ramon Perez,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about June 4, 1987,

And defendant-appellant having moved to supplement the record on appeal with the trial court's decision regarding appellant's co-defendants' post-verdict suppression hearing,

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. Counsel for defendant-appellant is directed to expeditiously serve and file 10 copies of a supplemental record on appeal with this Court.

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 September 26, 2017.

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

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

-against-

M-4757
Ind. No. 4486/15

Mark Merius,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about December 23, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated June 26, 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 September 26, 2017.

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

-----X

The People of the State of New York,
Respondent,

M-3314

-against-

Ind. No. 3109/14

Miguel Gonzalez,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about September 20, 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.

Arza Rayches Feldman, Esq., 626 EAB Plaza, West Tower, 6th Floor, Uniondale, N.Y. 11556, Telephone No. (516) 522-2828, 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 September 26, 2017.

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

-----X

In the Matter of

Joseph R., Jr.,

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

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

CONFIDENTIAL

M-3917

Docket No. NN-41087/15

Joseph R., Sr.,
Non-Respondent-Appellant,

Eldra J.,
Respondent.

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

-----X

Non-respondent-appellant having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, New York County, entered on or about May 8, 2017, 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, Lewis S. Calderon, Esq., 155-03 Jamaica Avenue, Jamaica, New York 11432, Telephone No. (718) 883-1560, 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.**

ENTERED:


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 September 26, 2017,

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

-----X
In the Matter of

Zachary Thomas T.,
and Mason Thomas T.,

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

CONFIDENTIAL

M-3918

Docket Nos. NN-3112/17
NN-3113/17

- - - - -
New York City Administration for
Children's Services,
Petitioners-Respondents,

Patricia T.,
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 taken from an order of the Family Court, Bronx County, entered on or about June 27, 2017, 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, Lewis S. Calderon, Esq., 155-03 Jamaica Avenue, Jamaica, New York 11432, Telephone No. (718) 883-1560, 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.**

ENTERED:


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 September 26, 2017.

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

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

- - - - -
Humberto G., Jr.,
Petitioner-Appellant,

CONFIDENTIAL
M-3926
Docket No. 0-9706/17

-against-

Maria B.,
Respondent-Respondent.

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

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, New York County, entered on or about May 31, 2017, 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, New York 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.**

ENTERED:


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 September 26, 2017.

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

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

- - - - -
Cristian M-B.,
Petitioner-Respondent,

CONFIDENTIAL
M-3927
Docket No. O-6281/16

-against-

Rosalba S.,
Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, Bronx County, entered on or about June 1, 2017, 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, New York 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

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

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.**

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 September 26, 2017.

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

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

- - - - -
Latava P.,
Petitioner-Appellant,

CONFIDENTIAL
M-3928
Docket No. O-3169/17

-against-

Charles W.,
Respondent-Respondent.
- - - - -

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

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal taken from two orders of the Family Court, Bronx County, both entered on or about June 5, 2017, 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, New York 10538, Telephone No. (914) 418407, 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.**

ENTERED:


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 September 26, 2017.

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

-----X

In the Matter of

Oscar Alejandro C. L.,

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

CONFIDENTIAL

M-3915

Docket No. NN-50722/16

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

Nicauris L.,
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 May 22, 2017, 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, Lewis S. Calderon, Esq., 155-03 Jamaica Avenue, Jamaica, New York 11432, Telephone No. (718) 883-1560, 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.**

ENTERED:



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 September 26, 2017.

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

-----X

In the Matter of

Destiny Marie M.,

CONFIDENTIAL

M-4068

Docket No. B-42928/13

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

- - - - -
Cardinal McCloskey Community Services, and the Administration for Children's Services,
Petitioners-Respondents,

Kristina M.,
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 taken from an order of the Family Court, New York County, entered on or about June 16, 2017, 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, Helene Bernstein, Esq., 44 Court Street, Suite #905, Brooklyn, NY 11201, Telephone No. (718) 875-8705, 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.**

ENTERED:


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 September 26, 2017.

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

-----X
In the Matter of a Guardianship/
Visitation Proceeding Under Article 6
of the Family Court Act.

Brittany L. McL.,
Petitioner-Respondent,

-against-

CONFIDENTIAL

Action No. 1
M-3195
Docket No. G-38633/16

Walter D.,
Respondent-Appellant,

Yissel Cabrera, Esq.,
Attorney for the Child.

-----X
In the Matter of a Guardianship/
Visitation Proceeding Under Article 6
of the Family Court Act.

Brittany L. McL.,
Petitioner-Respondent,

-against-

Action No. 2

Docket No. V-39015/15

Walter D.,
Respondent-Appellant,

Yissel Cabrera, Esq.,
Attorney for the Child.

-----X

Petitioner-respondent having moved 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 February 23, 2017, 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 denied, as unnecessary, in light of the order of this Court, entered August 8, 2017, assigning Randall Carmel, Esq. to represent petitioner Brittany McL. on all matters encompassed by this motion.

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 September 26, 2017.

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

-----X
Yukon Shoulars,

Plaintiff-Appellant,

-against-

St. Barnabas Hospital,

Defendant-Respondent.

M-3353

Index Nos. 18098/98
7826/00
8633/00
20185/00
20186/00
20187/00

[And Other Actions]
-----X

Plaintiff-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 April 20, 2017 (Appeal Nos. 3592-3592A),

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 September 26, 2017.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Rosalyn H. Richter
Troy K. Webber
Marcy L. Kahn, Justices.

-----X

In re New York City Asbestos
Litigation

Theresa Warren, etc.,
Plaintiff-Respondent,

M-3747
M-3805
M-3974

-against-

Index No. 190281/14

Amchem Products, Inc., et al.,
Defendants,

J-M Manufacturing Company, Inc.,
Defendant-Appellant.

-----X

Defendant-appellant and plaintiff-respondent having moved by separate motions for reargument of (M-3747/M-3974), and defendant-appellant having moved, in the alternative, for leave to appeal to the Court of Appeals (M-3805) from the decision and order of this Court, entered on June 15, 2017 (Appeal No. 4297),

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 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 September 26, 2017.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Richard T. Andrias
Troy K. Webber
Ellen Gesmer, Justices.

-----X
US Bank National Association, etc.,
et al.,
Plaintiffs-Respondents,

-against-

M-3730
Index No. 381069/12

Georgia Ferguson, Cheryl Campbell-Edwards,
Connolly E. Edwards, et al.,
Defendants-Appellants,

Equable Ascent Financial LLC, et al.,
Defendants.

-----X

Appeals having been taken from the orders of the Supreme Court, Bronx County, entered on or about June 25, 2015, September 9, 2015 and January 28, 2016, from an order and judgment (one paper), entered on or about October 16, 2015,

And an order of this Court entered on June 22, 2017, having dismissed the aforesaid appeals (M-2018),

And defendants-appellants having moved for reargument of the aforesaid order of this Court (M-3730),

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 September 26, 2017.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Dianne T. Renwick
Rosalyn H. Richter
Troy K. Webber, Justices.

-----X

Risk Control Associates Insurance Group,

Plaintiff-Appellant,

-against-

M-3748

Index No. 113735/11

Maloof, Lebowitz, Connahan & Oleske, P.C., et al.,
Defendants-Respondents.

-----X

Plaintiff-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 June 13, 2017 (Appeal No. 4249N),

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 September 26, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Dianne T. Renwick
Sallie Manzanet-Daniels
Angela M. Mazzarelli
Richard T. Andrias, Justices.

-----X
Susan Stulz, et al.,
Plaintiffs-Appellants,

-against-

M-3445

Index No. 102681/12

305 Riverside Corp.,
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 May 23, 2017 (Appeal No. 4099),

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 September 26, 2017.

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

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

-against-

M-2947
Ind. No. 2533/02

Rohan Brown, also known as Rohan
Johnson,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on June 21, 2007 (Appeal No. 8117), unanimously modifying a judgment of the Supreme Court, Bronx County (Ira Globerman, J.), rendered on December 17, 2003,

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 due deliberation having been had thereon,

It is ordered that said application 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 September 26, 2017.

Present - Hon. Peter Tom,
Angela M. Mazzairelli
Richard T. Andrias
Jeffrey K. Oing
Anil C. Singh,

Justice Presiding,

Justices.

-----X
New York City School Construction Authority,
Plaintiff-Respondent,

-against-

Adam's European Contracting, Inc.,
Defendant-Appellant.

M-4490
Index No.42079/14E

-----X
Adam's European Contracting, Inc.,
Third-Party Plaintiff-Appellant,

-against-

Phoenix Services Corp., et al.,
Third-Party Defendants-
Respondents.

-----X
Defendant/third-party plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, Bronx County, entered on or about November 18, 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 January 2018 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 September 26, 2017.

PRESENT: Hon. Peter Tom, Justice Presiding,
Karla Moskowitz
Judith J. Gische
Barbara R. Kapnick, Justices.

-----X
Frank Boye,
Plaintiff-Appellant,

-against-

M-3531
Index No. 115987/09

Rubin & Bailin, LLP, et al.,
Defendants,

Eric Vaughn-Flam P.C., et al.,
Defendants-Respondents.
-----X

Counsel for plaintiff-appellant having moved for reargument of the decision and order of this Court, entered on May 30, 2017 (Appeal No. 3583), and for 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 denied and the hearing ordered in our decision and order entered on May 30, 2017, should be expanded to include the costs and expenses incurred in defending the instant motion (See 2017 Slip. Op. 04239).

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 September 26, 2017.

Present - Hon. David Friedman, Justice Presiding,
Dianne T. Renwick
Richard T. Andrias
Karla Moskowitz
Ellen Gesmer, Justices.

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

Respondent,

-against-

M-4314
Ind. No. 639/13

Kevin Sutherland,

Defendant-Appellant.
-----X

Defendant-appellant having moved for reargument of the decision and order of this Court, entered on July 11, 2017 (Appeal No. 4423), or for 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 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 September 26, 2017.

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

-----X
Judith Ziman-Scheuer,

Plaintiff-Respondent,

-against-

M-2468
Index No. 150912/13

Golden Touch Transportation
of NY, Inc., et al.,

Defendants-Appellants.
-----X

Plaintiff-respondent 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 April 25, 2017 (Appeal No. 3816),

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 September 26, 2017.

PRESENT: Hon. David Friedman, Justice Presiding,
Dianne T. Renwick
Richard T. Andrias
Karla Moskowitz
Ellen Gesmer, Justices.

-----X

Wilmington Trust Company, etc.,
Plaintiff-Appellant,

-against-

M-4285
Index No. 652686/13

Morgan Stanley Mortgage Capital
Holdings LLC, 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 July 11, 2017 (Appeal No. 4427),

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 September 26, 2017.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Barbara R. Kapnick
Cynthia S. Kern
Peter H. Moulton, Justices.

-----x
In the Matter of the Application of
Goran Puljic, et al.,
Petitioners-Respondents,

For an Order Under the Federal
Arbitration Act and Article 75 of the
CPLR, etc.,

M-4561
Index No. 656158/16

-against-

Lehman Brothers Holdings Inc., etc.,
Respondent-Appellant.
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about May 10, 2017, and said appeal having been perfected,

And respondent-appellant Lehman Brothers Holdings Inc. having moved for leave to file a supplemental record on appeal to include additional documents, and for adjournment of the 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 filing a supplemental record on appeal to include the additional documents annexed as Exhibits B through D to the moving papers, and adjourning the appeals to the January 2018 Term, with leave to appellant to file a revised brief on or before November 6, 2017, incorporating reference to the supplemental record. (See M-4562, 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 September 26, 2017.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Barbara R. Kapnick
Cynthia S. Kern
Peter H. Moulton, Justices.

-----x
In the Matter of the Application of
Cynthia Zamora Daniel, et al.,
Petitioners-Respondents,

For an Order Under the Federal
Arbitration Act and Article 75 of the
CPLR, etc.,

M-4562
Index No. 656309/16

-against-

Lehman Brothers Holdings Inc., etc.,
Respondent-Appellant.
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about May 9, 2017, and said appeal having been perfected,

And respondent-appellant Lehman Brothers Holdings Inc. having moved for leave to file a supplemental record on appeal to include additional documents, and for adjournment of the 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 filing a supplemental record on appeal to include the additional documents annexed as Exhibits B through D to the moving papers, and adjourning the appeals to the January 2018 Term, with leave to appellant to file a revised brief on or before November 6, 2017, incorporating reference to the supplemental record. (See M-4561, 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 September 26, 2017.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Richard T. Andrias
Marcy L. Kahn
Ellen Gesmer, Justices.

-----X

Atato Ducasse, et al.,

Plaintiffs-Appellants,

-against-

M-2012

Index No. 20397/13E

New York City Health and Hospitals Corporation, et al.,

Defendants-Respondents.

-----X

Plaintiffs-appellants having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on March 7, 2017 (Appeal No. 2857),

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 September 26, 2017.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Cynthia S. Kern
Peter H. Moulton, Justices.

-----X

Walter M.,
Plaintiff-Respondent,

-against-

Sarah M.,
Defendant-Appellant.

-----X

CONFIDENTIAL

M-4544

Index No. 302247/15

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about May 8, 2017, and said appeal having been perfected,

And defendant-appellant having moved for a discretionary preference maintaining the appeal on this Court's calendar for the October 2017 Term,

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 granting an appellate preference that maintains the appeal on this Court's calendar 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 September 26, 2017.

PRESENT: Hon. Rosalyn H. Richter, Justice Presiding,
Richard T. Andrias
Karla Moskowitz
Barbara R. Kapnick, Justices.

-----X

Susan Reinhard,
Plaintiff-Respondent,

-against-

M-2945
Index No. 602503/08

Connaught Tower Corporation,
Defendant-Appellant,

Arthur S. Olick,
Defendant.

- - - - -

Real Estate Board of New York,
Amicus Curiae.

-----X

Plaintiff-respondent 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 May 4, 2017 (Appeal Nos. 3914-3915),

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 September 26, 2017.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
Judith J. Gische
Cynthia S. Kern
Jeffrey K. Oing
Anil C. Singh, Justices.

-----X
Lyubava Group Ltd. and Parwood
Assignment LLC,
Plaintiffs-Appellants.

-against-

M-4318
Index No. 156376/16

Eckert Seamans Cherin & Mellott, LLC,
Peter Carr and Nickolai Bobrov
also known as Nick Bobrov,
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 June 2, 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 granted and the appeal is dismissed.

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 September 26, 2017.

Present - Hon. Richard T. Andrias, Justice Presiding,
Judith J. Gische
Cynthia S. Kern
Jeffrey K. Oing
Anil C. Singh, Justices.

-----x

Lawrence Kingsley,
Plaintiff-Appellant,

-against-

300 W. 106th St. Corp.,
Defendant-Respondent.

M-4283
M-4463
Index No. 162016/15

-----x

An appeal having been taken by plaintiff from the order of the Supreme Court, New York County, entered on or about June 27, 2016, and said appeal having been perfected,

And further appeals having been taken by plaintiff from three orders of the Supreme Court, New York County, entered on or about March 23, 2017, and from two orders of said Court and Justice entered on or about June 6, 2017, respectively,

And an order of this Court having been entered on May 2, 2017 (M-672/M-1792), adjourning the perfected appeal to the October 2017 Term, and consolidating the perfected appeal from the order entered on or about June 27, 2016 with the appeals from orders entered on or about March 23, 2017,

And plaintiff-appellant having moved for an enlargement of time to perfect the appeals from the orders entered on or about March 23, 2017 and June 26, 2017, for consolidation of all the aforesaid appeals, and for a stay of use and occupancy payments pending hearing and determination of the consolidated appeals (M-4283),

And defendant-respondent having cross-moved for dismissal of the appeals from the orders entered on or about March 23, 2017 and June 26, 2017 (M-4463),

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 to the extent of consolidating all of the appeals, and appellant is permitted to prosecute the consolidated appeals upon 9 copies of one record and one set of appellant's points covering the consolidated appeals. The attention of the parties is directed to 22 NYCRR § 600.11. The time to perfect the consolidated appeals is enlarged to the February 2018 Term. The motion, to the extent it seeks a stay, is denied, and it is further,

Ordered that the cross motion to dismiss the consolidated appeals is granted unless the consolidated appeals are perfected on or before December 4, 2017 for said February 2018 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 September 26, 2017.

Present - Hon. Richard T. Andrias, Justice Presiding,
Judith J. Gische
Cynthia S. Kern
Jeffrey K. Oing
Anil C. Singh, Justices.

-----X

In the Matter of

Jayden S.,

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

CONFIDENTIAL
M-4302

Docket No. NN-44984/14

Administration of Children's Services,
Petitioner-Respondent,

Shalea S.,
Respondent-Appellant.

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

-----X

An appeal having been taken from an Order of Fact-Finding of the Family Court, New York County, entered on or about November 17, 2015, and an Order of Disposition of said Family Court, entered on or about September 20, 2016, and said appeal having been perfected,

And respondent-appellant having moved for leave to file a pro se supplemental 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 directing respondent-appellant to serve and file an original and 8 copies of her pro se supplemental brief on or before November 6, 2017 for the January 2018 Term, to which Term the perfected appeal is adjourned. Petitioner-respondent is granted leave, if so advised, to file a supplemental brief addressing the arguments set forth in appellant's pro se supplemental brief, on or before December 6, 2017 for the January 2018 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 September 26, 2017.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
Judith J. Gische
Cynthia S. Kern
Jeffrey K. Oing
Anil C. Singh, Justices.

-----X
Gregory Pamel, doing business as,
Pamel Vision & Laser Group,
Plaintiff-Appellant,

-against-

M-4199
Index No. 156140/13

IFA United I-Tech Inc. and Anatoly
Grinblat, also known as Anatoly
Greenblatt, also known as Anthony
Greenblatt,
Defendants-Respondents.

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

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about October 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 granted to the extent of enlarging the time to perfect the appeal to the January 2018 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 September 26, 2017.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
Judith J. Gische
Cynthia S. Kern
Jeffrey K. Oing
Anil C. Singh, Justices.

-----X
Remigiusz Nawrocki,

Plaintiff-Appellant,

-against-

M-4030
Index No. 303192/07

Huron Street Development LLC and
Five Boro Construction, LLC,

Defendants-Respondents.
-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, Bronx County, entered on or about January 14, 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 January 2018 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 September 26, 2017.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
Judith J. Gische
Cynthia S. Kern
Jeffrey K. Oing
Anil C. Singh, Justices.

-----X
John Regan,
Petitioner-Respondent,

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

-against-

M-4219
Index No. 104117/10

New York City Department of Buildings,
et al.,
Respondents-Appellants.

-----X

Respondents-appellants having moved for an enlargement of time to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about December 24, 2014, and to extend the stay granted by order of this Court on May 29, 2014 (M-1435),

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 February 2018 Term, with leave to seek further enlargements if necessary. The stay is continued on condition the appeal is perfected for said February 2018 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 September 26, 2017.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
Judith J. Gische
Cynthia S. Kern
Jeffrey K. Oing
Anil C. Singh, Justices.

-----X
Deutsche Bank National Trust Company,
as indenture trustee for the Encore
Credit Receivables Trust 2005-3,
Plaintiffs-Respondents,

-against-

M-4175
Index No. 35912/14E

Caterina Borromeo and Rocco Borromeo,
also known as Rocco A. Borromeo,
Defendants-Appellants,

Palisades Collection LLC, et al.,
Defendants.

-----X

Defendants-appellants having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, Bronx County, entered on or about June 16, 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 February 2018 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 September 26, 2017.

Present - Hon. Richard T. Andrias, Justice Presiding,
Judith J. Gische
Cynthia S. Kern
Jeffrey K. Oing
Anil C. Singh, Justices.

-----x

Marlene Dale and Irven Dale,
Plaintiffs-Respondents,

-against-

M-3874

M-4063

Index No. 157611/12

The City of New York, New York City
Economic Development Corporation and
Shop Architects, P.C.,
Defendants-Appellants.

-----x

Defendants-appellants having moved, by separate motions, for an order enlarging the time in which to perfect the appeals taken from an order of the Supreme Court, New York County, entered on or about September 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 motions are granted to the extent of enlarging the time in which to perfect the appeals, which are, sua sponte, consolidated, to the February 2018 Term. The attention of the parties is directed to 22 NYCRR § 600.11(d) with respect to the rules regarding a joint record and the costs thereof.

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 September 26, 2017.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
Judith J. Gische
Cynthia S. Kern
Anil C. Singh, Justices.

-----X
Mitchell Konsker, et al.,
Plaintiffs-Respondents-Appellants,

-against-

M-4170
Index No. 651493/12

Cushman & Wakefield, Inc.,
Defendant-Appellant-Respondent.
-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about May 17, 2016,

And the parties having submitted a stipulated joint request for an enlargement of time to perfect said appeal and 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 is granted to the extent of enlarging the time to perfect the appeal and cross appeal to the February 2018 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 September 26, 2017.

Present - Hon. Richard T. Andrias, Justice Presiding,
Judith J. Gische
Cynthia S. Kern
Jeffrey K. Oing, Justices.

-----X
Almah LLC,

Plaintiff-Appellant,

M-4097

Index No. 652117/14

-against-

AIG Employee Services, Inc.,
and American International Group,
Inc.,

Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 4, 2016, and said appeal having been perfected,

And defendants having moved for an adjournment of the aforesaid perfected 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 perfected appeal is adjourned to the February 2018 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 September 26, 2017.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
Judith J. Gische
Cynthia S. Kern
Jeffrey K. Oing
Anil C. Singh, Justices.

-----X
Frank Merendino,
Plaintiff,

-against-

M-4181
Index No. 154010/12

Costco Wholesale Corp., E.W. Howell
Co., LLC, and Merendino Corp.,
Defendants.

-----X
E. W. Howell Co., LLC,
Third-Party Plaintiff,

-against-

Third Party
Index No. 590987/12

Merendino Corp.,
Third-Party Defendant.

-----X
Costco Wholesale Corporation,
Fourth-Party Plaintiff,

-against-

Fourth-Party
Index No. 590224/13

E. W. Howell Co., LLC, and Merendino
Corp.,
Fourth-Party Defendants.

-----X
Costco Wholesale Corporation,
Fifth-Party Plaintiff-Respondent,

-against-

Fifth-Party
Index No. 595101/14

Starr Indemnity and Liability
Company,
Fifth-Party Defendant-Respondent,

Zurich American Insurance Company,
Fifth-Party Defendant-Appellant.

-----X

Fifth-party defendant-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about May 17, 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 June 2018 Term, with leave to seek further enlargements, if necessary.

ENTERED:



CLERK

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

BEFORE: Hon. Anil C. Singh
Justice of the Appellate Division

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

-against-

Gil Lewis

Defendant.

-----X

M- 3998
Ind. No.
8989/98
CERTIFICATE
DENYING LEAVE

I, Hon. Anil C. Singh, 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, entered on or about June 21, 2017 is hereby denied.



Associate Justice

Dated: September 18, 2017
New York, New York

ENTERED: **SEP 26 2017**

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

BEFORE: Hon. Anil C. Singh,
Justice of the Appellate Division

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

M-4034
Ind. No.
85/12;1397/10

-against-

CERTIFICATE
GRANTING LEAVE

Tamaz Hubel,
Defendant-Appellant.

-----X

I, Anil C. Singh, a Justice of the Appellate Division, First Judicial Department, do hereby certify that in the proceedings herein questions of law or fact are involved which ought to be reviewed by the Appellate Division, First Judicial Department, and, pursuant to Section 460.15 of the Criminal Procedure Law, permission is hereby granted to the above-named defendant to appeal to the Appellate Division, First Judicial Department, from the order of the Supreme Court, New York County, entered on or about June 14, 2017.¹

Dated: August 30, 2017
New York, New York

ENTERED
SEP 26 2017



Hon. Anil C. Singh
Associate Justice

NOTICE: Within 15 days from the date hereon, an appeal must be taken, and this certificate must be filed with the notice of appeal. An appeal is taken by filing, in the Clerk's office of the criminal court

¹ In the event defendant has an existing (direct) appeal from a judgment, such appeal shall be consolidated with the appeal from the aforesaid order; and any poor person relief granted with respect to the appeal from the judgment shall be extended to cover the appeals so consolidated.

in which the order sought to be appealed was rendered, a written notice in duplicate that appellant appeals to the Appellate Division, First Judicial Department (Section 460.10, subd. 4, CPL), together with proof that another copy of the notice of appeal has been served upon opposing counsel. The appeal (or consolidated appeals; see footnote) must be argued within 120 days from the date of the notice of appeal, unless the time to perfect the appeal(s) is enlarged by the court or a justice thereof.

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

BEFORE: Hon. Anil C. Singh
Justice of the Appellate Division

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

-against-

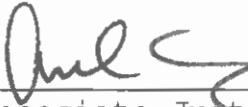
Johnny Blanding

Defendant.

M- 4041
Ind. No.
4598/2012
CERTIFICATE
DENYING LEAVE

-----X

I, Hon. Anil C. Singh, 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, entered on or about July 14, 2017, is hereby denied.



Associate Justice

Dated: August 30, 2017
New York, New York

ENTERED: **SEP 26 2017**

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

BEFORE: Hon. Anil C. Singh
Justice of the Appellate Division

-----X

The People of the State of New York,
Respondent,

M- 4036
Ind. No.
5170-2014
CERTIFICATE
GRANTING LEAVE

-against-
Russell Alam

Defendant-Appellant.

-----X

I, Hon. Anil C. Singh, a Justice of the Appellate Division, First Judicial Department, do hereby certify that in the proceedings herein questions of law or fact are involved which ought to be reviewed by the Appellate Division, First Judicial Department, and, pursuant to Section 460.15 of the Criminal Procedure Law, permission is hereby granted to the above-named defendant to appeal to the Appellate Division, First Judicial Department, from the order of the Supreme Court, New York County, entered on or about May 3, 2017 .¹

Dated: August 30, 2017
New York, New York



Hon. Anil C. Singh
Associate Justice

ENTERED SEP 26 2017

NOTICE: Within 15 days from the date hereon, an appeal must be taken, and this certificate must be filed with the notice of appeal. An appeal is taken by filing, in the Clerk's office of the criminal court in which the order sought to be appealed was rendered, a written notice in duplicate that appellant appeals to the Appellate Division, First Judicial Department (Section 460.10, subd. 4, CPL), together with proof that another copy of the notice of appeal has been served upon opposing counsel. The appeal (or consolidated appeals; see footnote) must be argued within 120 days from the date of the notice of appeal, unless the time to perfect the appeal(s) is enlarged by the court or a justice thereof.

¹In the event defendant has an existing (direct) appeal from a judgment, such appeal shall be consolidated with the appeal from the aforesaid order; and any poor person relief granted with respect to the appeal from the judgment shall be extended to cover the appeals so consolidated.

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

BEFORE: Hon. Barbara R. Kapnick
Justice of the Appellate Division

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

M-3853
Ind. No. 4370/08

-against-

Carlos Tapia

CERTIFICATE
GRANTING LEAVE TO APPEAL
TO THE COURT OF APPEALS

Defendant-Appellant.
-----x

I, Barbara R. Kapnick, a Justice of the Appellate Division, Supreme Court, First Department, do hereby certify that in the record and proceedings herein* questions of law are involved which ought to be reviewed by the Court of Appeals and pursuant to CPL 460.20, it is

ORDERED that permission hereby is granted to the above-named appellant to appeal to the Court of Appeals.



Justice of the Appellate Division

Dated: August 25, 2017
New York, New York

ENTERED: SEP 26 2017

*Description of Order:

Supreme Court, Bronx County, entered on February 28, 2013.
App. Div., First Dept., Appeal No. 3082, Affd on June 6, 2017.

Notice: Within 10 days from the issuance of this certificate, a preliminary appeal statement must be filed with the Clerk of the Court of Appeals pursuant to Rule 500.9 of the Court of Appeals Rules.

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

BEFORE: Hon. Anil C. Singh
Justice of the Appellate Division

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

M-3995
Ind. No. 2250/03

-against-

CERTIFICATE
DENYING LEAVE

Manuel Mena

Defendant.

-----X

I, Anil C. Singh, 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, entered on or about June 12, 2017 is hereby denied.



Hon. Anil C. Singh
Associate Justice

Dated: August 30, 2017
New York, New York

ENTERED: **SEP 26 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 September 26, 2017.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Dianne T. Renwick
Troy K. Webber
Jeffrey K. Oing
Peter H. Moulton, Justices.

-----X

In the Matter of the Application of
Eileen Jordan and City Employees Union
Local 237, International Brotherhood of
Teamsters,
Petitioners-Respondents-Appellant,

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

-against-

M-4720
Index No. 100993/14

The New York City Housing Authority,
Respondent-Appellant-Respondent,

-and-

The Department of Citywide
Administrative Services,
Respondent.

-----X

An appeal and cross appeal having been taken to this Court from a judgment of the Supreme Court, New York County, entered on or about August 16, 2016,

And the City of New York 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 permitting movant to file 9 copies of the amicus curiae brief within 7 days of the date of this order.

ENTERED:

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

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 September 26, 2017.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Dianne T. Renwick
Troy K. Webber
Jeffrey K. Oing
Peter H. Moulton, Justices.

-----X
John Kuzmich, et al.,
Plaintiffs-Respondents,

-against-

M-4744
Index No. 155266/16

50 Murray Street Acquisition LLC,
Defendant-Appellant.
-----X

An appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about July 3, 2017,

And the Real Estate Board of New York having moved for leave to appear amicus curiae and to file an amicus curiae brief in connection with the aforesaid appeal, and for 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 granting movant leave to submit an amicus curiae brief; movant is directed to file 9 copies of the amicus brief within 7 days of the date of this order. Any briefs submitted in response to said brief amicus curiae will not be accepted.

ENTERED:



CLERK