

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 August 16, 2018.

Present - Hon. Judith J. Gische, Justice Presiding,
Troy K. Webber
Jeffrey K. Oing
Anil C. Singh
Peter H. Moulton, Justices.

-----X
Marie Dennehy and James Dennehy,

Plaintiffs-Respondents,

-against-

M-3156
Index No. 800349/11

Alan B. Cooperman, M.D., Reproductive
Medicine Associates of New York, LLP
and Reproductive Medicine Associates-
International, LLP,

Defendants-Appellants.

-----X

Defendants-appellants Reproductive Medicine Associates of New York, LLP and Reproductive Medicine Associates-International, LLP 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 24, 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 to perfect the appeal to the November 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 August 16, 2018.

Present - Hon. Judith J. Gische, Justice Presiding,
Troy K. Webber
Jeffrey K. Oing
Anil C. Singh
Peter H. Moulton, Justices.

-----x

In the Matter of

Elijah R.,

CONFIDENTIAL

M-3218

Docket No. D-15479/16

A Person Alleged to be a Juvenile
Delinquent,

Respondent-Appellant.

-----x

Respondent-appellant having moved for an enlargement of time to perfect the appeal taken from the Order of Disposition of the Family Court, Bronx County, entered on or about September 20, 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 to perfect the appeal to the December 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 August 16, 2018.

PRESENT: Hon. Judith J. Gische, Justice Presiding,
Troy K. Webber
Jeffrey K. Oing
Anil C. Singh
Peter H. Moulton, Justices.

-----X
Second Avenue Group LLC,
Plaintiff-Appellant,

-against-

M-3237
Index No. 656611/17

Capdel LLC,
Defendant-Respondent.
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about June 26, 2018,

And plaintiff-appellant having moved to enjoin defendant from releasing plaintiff's down payment and transferring, alienating and/or conveying a certain property pending hearing and determination of 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 staying the sale, transfer, alienation, and conveyance of the subject property pending the hearing and determination of the appeal, on condition the appeal is perfected for the November 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 August 16, 2018.

PRESENT: Hon. Judith J. Gische, Justice Presiding,
Troy K. Webber
Jeffrey K. Oing
Anil C. Singh
Peter H. Moulton, Justices.

-----X
Orly Genger, in her individual capacity and on behalf of the Orly Genger 1993 Trust (both in its individual capacity and on behalf of D & K Limited Partnership),
Plaintiff-Respondent-Appellant,

CONFIDENTIAL

M-3300

M-3364

Index No. 109749/09

-against-

Dalia Genger, Sagi Genger,
Leah Fang, D & K GP LLC and
TPR Investment Associates, Inc.,
Defendants-Appellants-Respondents.

-----X
Appeals having been taken from orders of the Supreme Court, New York County, entered on or about March 17, 2017 and on or about September 12, 2016,

And plaintiff having moved for an enlargement of time to perfect its appeal taken from the aforesaid order entered on or about March 17, 2017 (M-3300),

And defendants having moved for a further enlargement of time to perfect their appeal taken from the aforesaid order entered on or about September 12, 2016 (M-3364),

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

It is ordered that the motions are granted to the extent of enlarging the time to perfect the appeals to the December 2018 Term. If so perfected, the Clerk is directed to calendar the appeals on the same date in the December 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 August 16, 2018.

Present - Hon. Judith J. Gische, Justice Presiding,
Troy K. Webber
Jeffrey K. Oing
Anil C. Singh
Peter H. Moulton, Justices.

-----x
Sara Hong Robert,
Plaintiff-Respondent,

-against-

Ringerjeans, LLC,
Defendant-Appellant,

M-3466
Index No. 651800/18

-and-

Gabriel M. Zeitouni,
Defendant.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about June 25, 2018, and said appeal having been perfected,

And defendant-appellant having moved for a stay of the action pending hearing and determination of 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 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 August 16, 2018.

Present - Hon. Judith J. Gische, Justice Presiding,
Troy K. Webber
Jeffrey K. Oing
Anil C. Singh
Peter H. Moulton, Justices.

-----x

Massachusetts Bay Transportation
Authority Retirement Fund, et al.,
Plaintiffs-Respondents,

-and-

Fletcher International, Ltd.,
Plaintiff,

M-3477
Index No. 651446/15

-against-

Citco Fund Services (Cayman Islands),
Ltd., et al.,
Defendants-Appellants,

-and-

Citco Fund Services (Suisse), S.A.,
et al.,
Defendants.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about January 22, 2018, and said appeal having been perfected,

And plaintiffs-respondents having moved for an order enlarging the record on appeal to include a certain sur-reply Affirmation, dated September 28, 2017, inclusive of all exhibits annexed thereto,

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, without prejudice to plaintiffs identifying, in their appellate brief, which of defendants' arguments are raised for the first time on appeal.

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 August 16, 2018.

Present - Hon. Peter Tom, Justice Presiding,
Troy K. Webber
Jeffrey K. Oing
Peter H. Moulton, Justices.

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

Respondent,

-against-

M-1740
Ind. No. 2627/09

Ramon Lara,

Defendant-Appellant.
-----X

Defendant-appellant having moved for reargument of the decision and order of this Court, entered on March 22, 2018 (Appeal Nos. 6063-6064),

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, upon reargument, the decision and order of this Court entered on March 22, 2018 (Appeal Nos. 6063-6064) is hereby recalled and vacated and a new decision and order substituted therefor. (See Appeal Nos. 6063-6064, 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 August 16, 2018.

Present: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X

In the Matter of

Mehki Lucas W.,

A Child Subject of an Adoption
Surrender Proceeding Pursuant to
Section 1113 of the Family Court
Act.

- - - - -
Catholic Guardian Services,
Petitioner-Respondent,

CONFIDENTIAL
M-2120

Docket No. AS-43928/16

Keyara J.,
Respondent-Appellant.

- - - - -
Dawne A. Mitchell, 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 March 16, 2018, 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, Andrew J. Baer, Esq., 299 Broadway, Suite 1415, New York, New York 10007, Telephone No. (212) 233-0318, 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 August 16, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X

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

- - - - -

Evelyn B.,
Petitioner-Appellant,

CONFIDENTIAL

M-2321

Docket Nos. V-30111-16/16A
V-47766-15/16B

-against-

Vishnu Prasad A.,
Respondent-Respondent.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about May 3, 2018, 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, Bruce A. Young, Esq., 100 Church Street, Suite 800, New York, NY 10007, Telephone No. 646-775-8994, 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)

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

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 August 16, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

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

Chon-Michael S., also known as
Chon Michael S.

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

- - - - -
New York Foundling Hospital,
Petitioner-Respondent,

CONFIDENTIAL
M-2474
Docket No. B-33879/15

Shanice A.,
Respondent-Appellant.

- - - - -
Hal Silverman, Esq., Lawyers for
Children,
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 March 29, 2018, 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, #176, Larchmont, NY 10538, Telephone No. 914-419-8407, as counsel for purposes of prosecuting the appeal; (2)

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

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 August 16, 2018.

Present: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X

In the Matter of

Caleah Chastity Marie S., and
Calil Jordan S.,

CONFIDENTIAL
M-2496

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

Docket Nos. NN-19937/16
NN-19936/16

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

Calvin S.,
Respondent-Appellant,

Jasmin O.,
Respondent.

- - - - -
Elizabeth M. Johanns, Esq.,
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 April 27, 2018, 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, Steven P. Forbes, Esq., 155-03 Jamaica Avenue, Jamaica, N.Y. 11432, Telephone No. (718) 791-8444, 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 August 16, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X
Winston D. Vogel,
Plaintiff-Appellant,

-against-

Ruth Vogel, also known as Ruth M-2795
Vogel Lipkis, Index No. 112665/08
Defendants-Respondent,

-and-

Lisa Breier Urban, Esq.,
Nonparty Respondent.
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about May 10, 2018,

And plaintiff-appellant having moved for a temporary restraining order, and for other relief, pending hearing and determination of the aforesaid appeal,

Now, upon reading and filing the papers with respect to the motion, including the correspondence from Doron Zanani, Esq., dated May 29, 2018, and due deliberation having been had thereon,

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

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 August 16, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X

Mark Pastreich,
Plaintiff-Respondent,

-against-

M-2977
Index No. 650740/18

Yitzhak Aron Pastreich and
Menachem Mendl Pastreich, etc.,
et al.,
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about May 14, 2018,

And defendants-appellants having moved to stay execution of the aforesaid order pending hearing and determination of the appeal taken therefrom, and for other relief,

Now, upon reading and filing the papers with respect to the motion, including the correspondence from Paul M. Kaplan, Esq., dated June 18, 2018 and due deliberation having been had thereon,

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

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 August 16, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X
485 Shur LLC,
Plaintiff-Appellant,

-against-

M-3035X
Index No. 651916/16

Lightstone Acquisitions II LLC and
485 Seventh Avenue Associates LLC,
Defendants-Respondents.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, entered on or about January 8, 2018,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 7, 2018, 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 August 16, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosallyn H. Richter, Justices.

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

-against-

M-3077
Ind. No. 3564/16

Amin Antigua,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about May 25, 2016,

Now, upon reading and filing the motion of defendant and affidavit dated June 11, 2018, 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 August 16, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X
Zurich American Insurance Company,
Plaintiff-Respondent,

-against-

M-3137
Index No. 650559/16

Dormitory Authority of the State
of New York,
Defendant-Appellant,

-and-

Pile Foundation Construction
Company,
Defendant.

-----X

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

Now, upon reading and filing the notice of withdrawal of appeal dated June 13, 2018, and due deliberation having been had thereon,

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

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 August 16, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X
In the Matter of
Malikah Shabazz, etc., et al.,
Petitioners-Respondents,

For an Order Pursuant to Article 78
of the Civil Practice Law and Rules

-against-

M-3154
Index No. 157686/17

New York City Board of Elections,
Respondent-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 30, 2017.

Now, upon reading and filing the stipulation of the parties hereto, dated June 15, 2018, 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 August 16, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X
Davidoff Hutcher & Citron LLP,
Plaintiff-Respondent,

-against-

M-3166X
Index No. 654976/16

Denardo Coleman,
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 22, 2018,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 12, 2018, 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 August 16, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X
Haley Lieberman Binn,
Plaintiff-Respondent,

-against-

Jason Binn,
Defendant-Appellant.
-----X

CONFIDENTIAL

M-3167X

Index No. 303130/15

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about February 5, 2018,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 13, 2018, 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 August 16, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X
Brian Lebretton,
Plaintiff-Respondent,

-against-

M-3207X
Index No. 650039/17

Saint James USA Corp.,
Defendant-Appellant.
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about December 19, 2017,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 19, 2018, 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 August 16, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Roselyn H. Richter, Justices.

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

-against-

M-3226
Ind. No. 2580/17

Noel Morales,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about August 10, 2017,

Now, upon reading and filing the stipulation of the parties hereto, dated June 21, 2018, 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 August 16, 2018.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels
Richard T. Andrias, Justices.

-----X
Wimbledon Financing Master Fund, Ltd.,
Plaintiff-Respondent,

-against-

Weseton Capital Management, LLC,
et al.,
Defendants,

-and-

M-2488
Index No. 653468/15

Keith Wellner, Eugene Scher,
Leonard De Waal, Arie Bos, Kia
Jam, David Bergstein, DPRE
Enterprises, LLC, Gion Funding
Settlements, Inc., Kambe Asset
Management Group Inc., Cyrano
Group Inc. formerly know as
Graybox LLC, Advisory IP Services
Inc., formerly known as Swartz IP
Services, Inc., Iskra Enterprises,
LLC and K Jam Media, Inc.,
Defendants-Appellants.

-----X

Defendants-appellants Kia Jam and K Jam Media, Inc. 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 July 18, 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 to perfect the appeal to the November 2018 Term, with no further enlargements to be granted.

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 August 16, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Troy K. Webber
Jeffrey K. Oing
Peter H. Moulton, Justices.

-----X
Houston Casualty Company, M-1154
Plaintiff-Respondent-Appellant, M-1244
M-1551
-against- Index No. 651981/14

Cavan Corporation of NY, Inc., et al.,
Defendants-Appellants-Respondents.

- - - - -
Cavan Corporation of NY, Inc.,
Third-Party Plaintiff-Appellant-
Respondent,
-against- Index No. 595609/14

The Ducey Agency, Inc.,
Third-Party Defendant-Appellant-
Respondent.

- - - - -
[And a second third-party action]

-----X

Defendant-appellant-respondent/third-party plaintiff-
appellant-respondent, Cavan Corporation of NY, Inc. (M-1154), and
defendants-appellants-respondents New Puck LLC, Puck Residential
Associates, LLC and Kushner Companies, LLC. (M-1551) having moved
for reargument/clarification of or, in the alternative, for leave
to appeal to the Court of Appeals, from the decision and order of
this Court, entered on February 20, 2018 (Appeal Nos. 4718-19),

And third-party defendant/second third-party plaintiff-
appellant-respondent The Ducey Agency, Inc. having cross-moved for
the aforesaid relief (M-1244),

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

It is ordered that the motions 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 August 16, 2018.

Present - Hon. Rolando T. Acosta, Justice Presiding,
John W. Sweeny, Jr.
Sallie Manzanet-Daniels
Richard T. Andrias
Troy K. Webber, Justices.

-----X

NWM Capital, LLC,
Plaintiff-Appellant-Respondent,

-against-

M-2721
Index No. 652191/15

Mark Scharfman, et al.,
Defendants-Respondents-Appellants.

-----X

Plaintiff having appealed from orders of the Supreme Court, New York County, entered on or about August 2, 2017, September 14, 2017 and January 25, 2018, and defendants having appealed from an order of the same Court, entered on or about January 25, 2018,

And defendants having moved for consolidation of the appeals, per the stipulation of the parties (dated April 2, 2018); for modification of the order of this Court entered November 1, 2016; and for approval of the proposed joint record and plaintiff's brief, as corrected, offered for filing to this Court,

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

It is ordered that the motion, to the extent it seeks consolidation of the aforesaid appeals, is granted. The time to perfect the consolidated appeals is enlarged to the November 2018 Term, and the parties are directed to perfect in accordance with the aforesaid stipulation. The joint record on appeal and first brief of plaintiff is to be filed on or before September 4, 2018 for said November 2018 Term.

Insofar as the motion seeks modification of the order of this Court entered November 1, 2016 (Appeal Nos. 2091-3), it is deemed one for reargument, and is denied. Insofar as the motion seeks approval by this Court of the joint record and, plaintiff's first brief, it is denied as academic, the record and brief having been modified pursuant to instructions of this Court's Clerk's Office.

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 August 16, 2018.

Present - Hon. David Friedman, Justice Presiding,
Rosalyn H. Richter
Angela M. Mazzarelli
Barbara R. Kapnick
Ellen Gesmer, Justices.

-----X

Joseph Hobbs, et al.,

Plaintiffs-Appellants,

-against-

M-2046
Index No. 155382/15

MTA Capital Construction, 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 20, 2018 (Appeal No. 6044),

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 August 16, 2018.

PRESENT: Hon. David Friedman, Justice Presiding,
Judith J. Gische
Marcy L. Kahn
Anil C. Singh
Peter H. Moulton, Justices.

-----X
Sparkle Diamonds & Jewelry USA,
Inc., formerly known as SU-RAJ
Diamonds & Jewelry USA Inc.,
Plaintiff-Appellant,

-against-

M-2612
Index No. 651226/17

Sterling Diamonds Inc.,
Defendant-Respondent.

-----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 July 6, 2017 and from the ensuing judgment, same Court and Justice, entered on or about August 10, 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 to perfect the appeal to the November 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 August 16, 2018.

PRESENT: Hon. David Friedman, Justice Presiding,
Judith J. Gische
Marcy L. Kahn
Cynthia S. Kern
Peter H. Moulton, Justices.

-----X
Yisela Morales,
Plaintiff-Appellant,

-against-

M-2775
Index No. 305470/14

Consolidated Bus Transit, Inc.,
et al.,
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 July 28, 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 to perfect the appeal to the November 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 August 16, 2018.

Present - Hon. David Friedman, Justice Presiding,
Judith J. Gische
Marcy L. Kahn
Anil C. Singh
Peter H. Moulton, Justices.

-----X
In the Matter of

Annabelle J.,

CONFIDENTIAL

M-2860

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

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

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

Stacey B.,
Foster Parent-Appellant,

Mardaline D.,
Respondent.

- - - - -
Dawne M. Mitchell, Esq.,
The Legal Aid Society,
Juvenile Rights Division,
Attorney for the Child.

-----X

An appeal having been taken from an order of the Family Court, New York County, entered on or about June 9, 2016,

And assigned counsel, Andrew J. Baer, Esq., having moved to withdraw the appeal, and to be relieved as appellate 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 relieving Andrew J. Baer, Esq., from representing foster parent-appellant, and the appeal is deemed withdrawn.

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 August 16, 2018.

PRESENT: Hon. David Friedman, Justice Presiding,
Peter Tom
Angela M. Mazzarelli
Anil C. Singh, Justices.

-----x
Sophie Moos Wharshavsky,
Plaintiff-Respondent,

-against-

Tal Wharshavsky,
Defendant-Appellant.
-----x

CONFIDENTIAL

M-2619

M-2812

Index No. 309030/15

Appeals having been taken from orders of the Supreme Court New York County, entered on or about July 6, 2017 and January 22, 2018,

And defendant-appellant having moved for consolidation of the aforesaid appeals and for an enlargement of time to perfect same (M-2619),

And plaintiff-respondent having cross-moved to dismiss defendant's appeal taken from the order entered on or about July 6, 2017 (M-2812)

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 denied and, sua sponte, defendant's appeal taken from the order entered on or about July 6, 2017 is dismissed pursuant to CPLR 5511 (M-2619). The cross motion is denied as academic (M-2812).

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 August 16, 2018.

PRESENT: Hon. David Friedman, Justice Presiding,
Peter Tom
Angela M. Mazzarelli
Anil C. Singh, Justices.

-----X
In the Matter of Mazaltov Borukhova,
Petitioner-Appellant,

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

-against- M-2733
Index No. 101901/16

The City of New York, O.C.M.E., et al.,
Respondents-Respondents.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about January 2, 2018, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, for the assignment of counsel, and for other relief,

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

It is ordered that said motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the attorney for respondent and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record. The motion, to the extent it seeks the assignment of counsel, 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 August 16, 2018.

PRESENT: Hon. David Friedman, Justice Presiding,
Peter Tom
Richard T. Andrias
Ellen Gesmer, Justices.

-----X
Richard Davis, etc.,
Plaintiff-Appellant,

-against-

Cohen & Gresser, LLP,
Defendant-Respondent.

M-2450
Index No. 157930/14

-----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 12, 2018 (Appeal No. 5075),

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 August 16, 2018.

PRESENT: Hon. David Friedman, Justice Presiding,
Peter Tom
Barbara R. Kapnick
Anil C. Singh, Justices.

-----X
In re Karl Ragland,
Petitioner-Appellant,

-against-

M-2197
Index No. 102006/16

City of New York Department of Finance,
Respondent-Respondent.
-----X

Petitioner-appellant, pro se, having moved for reargument of the decision and order of this Court, entered on March 29, 2018 (Appeal No. 6126),

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 August 16, 2018.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels
Richard T. Andrias, Justices.

-----X
Sofie Chmurski,
Plaintiff-Appellant,

-against-

Zenon Chmurski,
Defendant-Respondent.
-----X

CONFIDENTIAL

M-2155

Index No. 307070/09

Plaintiff-appellant having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Supreme Court, New York County, entered on or about April 25, 2017 and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that said 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 August 16, 2018.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels
Richard T. Andrias, Justices.

-----X
Wimbledon Financing Master Fund, Ltd.,
Plaintiff-Respondent,

-against-

Weseton Capital Management, LLC,
et al.,
Defendants,

-and-

M-2488
Index No. 653468/15

Keith Wellner, Eugene Scher,
Leonard De Waal, Arie Bos, Kia
Jam, David Bergstein, DPRE
Enterprises, LLC, Gion Funding
Settlements, Inc., Kambe Asset
Management Group Inc., Cyrano
Group Inc. formerly know as
Graybox LLC, Advisory IP Services
Inc., formerly known as Swartz IP
Services, Inc., Iskra Enterprises,
LLC and K Jam Media, Inc.,
Defendants-Appellants.

-----X

Defendants-appellants Kia Jam and K Jam Media, Inc. 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 July 18, 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 to perfect the appeal to the November 2018 Term, with no further enlargements to be granted.

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 August 16, 2018.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels
Richard T. Andrias, Justices.

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

-against-

M-2751
Ind. No. 11987/91

Dominic Franza,
Defendant-Appellant.

-----X

Defendant-appellant, pro se, having moved for modification of the decision and order of this Court, entered on May 13, 1997 (Appeal Nos. 60763-60763A),

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 August 16, 2018.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels
Richard T. Andrias, Justices.

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

Respondent,

-against-

M-2753

Ind. No. 11987/91

Dominic Franza,

Defendant-Appellant.
-----X

A decision and order of this Court having been entered on May 13, 1997 (Appeal No. 60763), unanimously affirming a judgment of the Supreme Court, New York County (Paul Bookson, J.), rendered on April 8, 1992,

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 August 16, 2018.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels
Richard T. Andrias, Justices.

-----X
Ameriprise Insurance Company,
Petitioner-Respondent,

-against-

Kensington Radiology Group, P.C., as
assignee of Zoila McBean,
Respondent-Appellant.

M-2776
New York County
Clerk's No. 570192/17

-----X

Respondent having moved for leave to appeal to this Court from the decision and order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about December 22, 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. Respondent-appellant shall file two copies of the pre-argument statement and of this order with the Clerk of the Appellate Term with proof of service, pursuant to Section 600.17 of the Rules of 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 August 16, 2018.

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

-----x

In the Matter of the Application of
Robinson Callen, as Trustee of Casper
R. Callen Trust, c/o Salon Realty
Corporation,
Petitioner-Respondent,

M-2780

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

Index No. 100873/17

-against-

New York City Loft Board,
Respondent-Appellant,

-and-

Richard Fiscina, et al.,
Respondents-Respondents.

- - - - -
In the Matter of the Application of
Richard Fiscina,
Petitioner-Respondent,

For a Judgment Pursuant to Article 78
of the CPLR,

Index No. 156504/17

-against-

New York City Loft Board,
Respondent-Appellant,

-and-

Robinson Callen, etc., et al.,
Respondents-Respondents.

-----x

Appeals having been taken to this Court by respondent-appellant New York City Loft Board from orders of the Supreme Court, New York County, entered on or about April 10, 2018,

And respondent-appellant having moved for consolidation of the aforesaid 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 appellant to prosecute the consolidated appeals upon 9 copies of one record or appendix and one set of appellant's points covering the consolidated appeals. The attention of the parties is directed to 22 NYCRR § 600.11 with respect to a joint record and 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 August 16, 2018.

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

-----X
Jose Garcia,

Plaintiff-Respondent,

-against-

M-2781
Index No. 154926/15

Roosevelt Island Operation
Corporation, 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, New York County, entered on or about August 3, 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 to perfect the appeal to the November 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 August 16, 2018.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels
Richard T. Andrias, Justices.

-----X
Stephanie Yutkin, as Administratrix
of the goods, chattels and credits of
her daughter Rebecca Nicole Quatinetz,
Stephanie Yutkin, Individually, and
Paul Quatinetz,
Plaintiffs-Appellants-Respondents,

-against-

M-2855
Index No. 104384/10

George A. Fielding, M.D., et al.,
Defendants-Respondents,

-and-

Susie Chung, M.D., and Yevgeny Fulman,
M.D.,
Defendants-Respondents-Appellants,

-and-

Sydney J. Mehl, M.D., et al.,
Defendants.

-----X

An appeal and cross appeals having been taken from an order of the Supreme Court, New York County, entered on or about December 30, 2016,

And plaintiffs-appellants-respondents having moved for an enlargement of time to perfect the appeal and cross appeals from the aforesaid 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 granted to the extent of enlarging the time to perfect the appeal and cross appeals to the December 2018 Term.

ENTERED:

A handwritten signature in black ink, appearing to read "Susan R.", 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 August 16, 2018.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels
Richard T. Andrias, Justices.

-----X
Walter Grant,
Petitioner-Appellant,

-against-

M-2951
Index No. 100588/18

County of New York,
Defendant-Respondent.
-----X

Petitioner-appellant, pro se, having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Supreme Court, New York County, entered on or about May 8, 2018, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that said 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 August 16, 2018.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels
Richard T. Andrias, Justices.

-----X
In the Matter of a Paternity
Proceeding Under Article 5
of the Family Court Act.

Commissioner of Social Services,
on behalf of Julissa Yahaira S.-C.,
Petitioner-Respondent,

CONFIDENTIAL

M-2952
Docket No. P-03672/16

-against-

George N.,
Respondent-Appellant.

Andrew J. Baer, Esq.,
Attorney for the Children.

-----X
Andrew Baer, Esq., court attorney for the subject child, having moved on the child's behalf to dismiss the appeal taken from the order of the Family Court, New York County, entered on or about August 3, 2017, for failure to timely perfect,

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 August 16, 2018.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels
Richard T. Andrias, Justices.

-----X
Elizabeth Philbin and William Philbin,
Plaintiffs-Respondents,

-against-

M-2954
Index No. 20840/10

Beth Abraham Health Services,
Comprehensive Care Management
Corporation, Aileen Abellana
Yordan, Bone & Joint Associates,
LLP, Robert Small, M.D. and
White Plains Hospital Medical
Center,
Defendants-Appellants.

-----X

Appeals having been taken from an order of the Supreme Court, Bronx County, entered on or about July 28, 2017,

And defendants-appellants Beth Abraham Health Services and Comprehensive Care Management Corporation having moved for an enlargement of time to perfect their appeal taken from the aforesaid 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 granted to the extent of enlarging the time to perfect the appeal to the December 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 August 16, 2018.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels
Richard T. Andrias, Justices.

-----X
Julie Karen Nacos,
Plaintiff-Appellant,

-against-

John Christopher Nacos,
Defendant-Respondent.

-----X

CONFIDENTIAL

M-2983

Index No. 306730/10

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from a judgment of the Supreme Court, New York County, entered on or about August 1, 2017, and to consolidate said appeal with any appeals that may be taken from orders on motions pending in the Supreme Court,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal taken from the judgment entered on or about August 1, 2017 to the November 2018 Term, and is otherwise 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 August 16, 2018.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels
Richard T. Andrias, Justices.

-----X
Gregg Annunziata,
Plaintiff-Appellant,

-against-

M-3022
Index No. 805297/15

Amsterdam West Side Dental Associates PLLC,
et al.,
Defendants-Respondents.

-----X

Defendants-respondents having moved to dismiss the appeal taken from the order of the Supreme Court, New York County, entered on or about March 6, 2017, for failure to timely perfect,

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 August 16, 2018.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Sallie Manzanet-Daniels
Marcy L. Kahn
Cynthia S. Kern, Justices.

-----X
In the Matter of the Application of
Miguel Espada,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78 M-3025
of the Civil Practice Law and Rules Index No. 100711/16

-against-

New York City Housing Authority,
Respondent-Respondent.
-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about April 13, 2018, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that said motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the attorney for respondent and file 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and 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 August 16, 2018.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,
Rosalyn H. Richter
Peter Tom
Barbara R. Kapnick
Troy K. Webber, Justices.

-----X
In re Robert Lowinger,

Petitioner-Appellant,

-against-

M-2774
Index No. 101277/14

New York State Division of Housing
and Community Renewal, et al.,

Respondents-Respondents.
-----X

Petitioner-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 May 17, 2018 (Appeal No. 4120),

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 August 16, 2018.

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

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

-against-

M-2384
Ind. No. 589/12

John Draper,
Defendant-Appellant.

-----X

Defendant-appellant, pro se, having moved for reargument of the decision and order of this Court, entered on April 12, 2018 (Appeal No. 6226),

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 August 16, 2018.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,
Rosalyn H. Richter
Troy K. Webber
Ellen Gesmer
Peter H. Moulton, Justices.

-----X
P360 Spaces LLC,

Plaintiff-Appellant,

-against-

M-2633

Index No. 156534/15

Patricia Orlando, et al.,
Defendants-Respondents,

John Doe, et al.,
Defendants.

-----X

Defendants-respondents having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court entered on April 24, 2018 (Appeal No. 6351),

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 August 16, 2018.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,
Rosalyn H. Richter
Troy K. Webber
Ellen Gesmer
Peter H. Moulton, Justices.

-----X
Diana T. Mohyi,

Plaintiff-Appellant,

-against-

M-2668
Index No. 157823/15

Karen G. Brand 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 April 24, 2018 (Appeal No. 6348),

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 August 16, 2018.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,
Rosalyn H. Richter
Troy K. Webber
Ellen Gesmer
Peter H. Moulton, Justices.

-----X
Michael Tuzzolino,
Plaintiff-Respondent-Appellant,

-against-

M-2716
Index No. 156755/13

Consolidated Edison Company of
New York,
Defendant-Appellant-Respondent.

-----X

Defendant-appellant-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 24, 2018 (Appeal No. 6360), and for a stay of trial, pending determination by the Court of Appeals, should leave to appeal to that Court be granted,

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

It is ordered that the motion to the extent it seeks reargument or, in the alternative, leave to appeal to the Court of Appeals, is denied. So much of the motion which seeks to stay trial is denied as moot.

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 August 16, 2018.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Troy K. Webber
Ellen Gesmer
Anil C. Singh
Peter H. Moulton, Justices.

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

Respondent,

-against-

M-2111

Ind. No. 2317/14

Van Brooks,

Defendant-Appellant.
-----X

An order of this Court having been entered on May 25, 2017 (M-2113) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about March 10, 2016, and assigning Robert S. Dean, Esq., Center for Appellate Litigation, as counsel to prosecute the appeal; and a motion having been made to relieve such 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 the motion is granted to the extent of striking the designation of assigned counsel Robert S. Dean, Esq., as assigned counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York, 10007, Telephone No. 212-402-4100, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

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 August 16, 2018.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Troy K. Webber
Cynthia S. Kern
Jeffrey K. Oing, Justices.

-----X
Johana E. DeLeon,
Plaintiff-Appellant,

-against-

M-2729
Index No. 308118/12

New York City Housing Authority,
Defendant-Respondent.
-----X

Defendant-respondent having moved for dismissal of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about November 7, 2016, for failure to timely perfect,

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 August 16, 2018.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Richard T. Andrias
Ellen Gesmer, Justices.

-----X
In re 141 Avenue A Associates,
Petitioner-Respondent,

-against-

Jay Klein,
Respondent-Appellant.

M-1076
Index Nos. 89005/14
570716/15

-----X

Respondent-appellant, pro se, 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 February 20, 2018 (Appeal No. 5752),

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 August 16, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Rosalyn H. Richter
Troy K. Webber
Cynthia S. Kern
Peter H. Moulton, Justices.

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

Sarah J. Kurland,
Petitioner,

-against-

Corey M.,
Respondent.

CONFIDENTIAL

M-2196

Docket No. V-21892/17

-----x

Petitioner having moved for leave to appeal to this Court from three orders of the Family Court, New York County, entered on or about April 9, 2018,

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 August 16, 2018.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Peter Tom
Richard T. Andrias
Jeffrey K. Oing, Justices.

-----X
Catherine Ford, etc.,
Plaintiff-Appellant,

-against-

Howard Riina, M.D., et al., M-2510
Defendants, Index No. 805242/12

Concentric Medical, Inc.,
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 April 26, 2018 (Appeal No. 6383),

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 August 16, 2018.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer
Cynthia S. Kern, Justices.

-----X
Getty Properties Corp., Power
Test Realty Company Limited
Partnership and Leemilt's
Petroleum, Inc.,
Plaintiffs-Appellants,

-against-

M-2666
Index No. 151772/16

Lukoil Americas Corporation,
et al.,
Defendants-Respondents.

-----X

Plaintiffs-appellants 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 August 16, 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 to perfect the appeal to the December 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 August 16, 2018.

Present: Hon. Dianne T. Renwick, Justice Presiding,
Peter Tom
Richard T. Andrias
Troy K. Webber
Marcy L. Kahn, Justices.

-----X
Otsego Mutual Fire Insurance Company,
Plaintiff-Respondent,

-against-

M-2706

Index No. 158600/15

Sally Dinerman, et al.,
Defendants-Appellants,

Tower Insurance Company of New York,
et al.,
Defendants.

-----X

Defendants-appellants having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on May 1, 2018 (Appeal Nos. 6407 and 6408), and for poor person 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 in its entirety.

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 August 16, 2018.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Peter Tom
Richard T. Andrias
Troy K. Webber
Marcy L. Kahn, Justices.

-----X
Anthony Gordon,
Plaintiff,

Martina Gordon,
Plaintiff-Appellant,

M-2981
Index No. 103951/12

-against-

476 Broadway Realty Corp., 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 May 1, 2018 (Appeal No. 6422) and/or for such relief as this Court deems appropriate,

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 August 16, 2018.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Angela M. Mazzarelli
Marcy L. Kahn
Ellen Gesmer
Cynthia S. Kern, Justices.

-----X

In re 160 East 84th Street
Associates LLC,
Petitioner-Appellant-Respondent,

-against-

M-2386

M-2390

New York State Division of Housing
and Community Renewal,
Respondent-Respondent-Appellant,

Index No. 100643/16

Sherry Sado,
Intervenor-Respondent.

-----X

Petitioner-appellant-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 10, 2018 (Appeal No. 6246) [M-2386],

And Intervenor-respondent having moved separately for reargument of the aforementioned decision and order of this Court [M-2390],

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

It is ordered that the motions are denied [M-2386/M-2390].

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 August 16, 2018.

Present: Hon. Dianne T. Renwick, Justice Presiding,
Angela M. Mazzairelli
Marcy L. Kahn
Ellen Gesmer
Cynthia S. Kern, Justices.

-----X
Leo Chiagkouris, also known as Leo Chiag
Kouris,

Plaintiff-Appellant-Respondent,

M-2359

Index No. 160540/16

-against-

201 West 16 Owners Corp.,

Defendant-Respondent-Appellant.
-----X

Plaintiff-appellant-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 10, 2018 (Appeal No. 6239),

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 August 16, 2018.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Angela M. Mazzairelli
Marcy L. Kahn
Ellen Gesmer
Cynthia S. Kern, Justices.

-----X
Jorge Encalada,
Plaintiff-Appellant,

-against-

M-2430
Index No. 303143/07

McCarthy, Chachanover & Rosado, LLP,
Defendant-Respondent.
-----X

Defendant-respondent having moved for reargument of the decision and order of this Court, entered on April 10, 2018 (Appeal No. 6247),

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 August 16, 2018.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Richard T. Andrias
Barbara R. Kapnick
Ellen Gesmer
Peter H. Moulton, Justices.

-----X
Lynn Chu, et al.,
Plaintiffs-Appellants,

-against-

M-1458
Index No. 153594/14

Deborah Klatskin, 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 February 13, 2018 (Appeal No. 5698),

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 August 16, 2018.

PRESENT: Hon. Rosalyn H. Richter, Justice Presiding,
Peter Tom
Angela M. Mazzarelli
Ellen Gesmer
Peter H. Moulton, Justices.

-----X
In the Matter of the Application of
Raisa R. Chaudry,
Petitioner-Appellant,

For a Judgment under Article 75 of
the Civil Practice Law and Rules

M-2632
Index No. 652120/14

-against-

New York City Department of Education
and, Carmen Farina, as Chancellor,
Respondents-Respondents.

-----X
Petitioner-appellant having moved for an enlargement of time to perfect the appeal taken from an order and judgment of the Supreme Court, New York County, entered on or about April 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 December 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 August 16, 2018.

Present: Hon. Rosalyn H. Richter, Justice Presiding,
Richard T. Andrias
Troy K. Webber
Ellen Gesmer
Peter H. Moulton, Justices.

-----X

In re Jacqueline Ploss, etc.,
Petitioner-Appellant,

-against-

M-3191
Index No. 101380/14

William J. Bratton, etc., et al.,
Respondents-Respondents.

-----X

Petitioner-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 May 15, 2018 (Appeal No. 6560),

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 August 16, 2018.

Present - Hon. Rosalyn H. Richter, Justice Presiding,
Troy K. Webber
Marcy L. Kahn
Cynthia S. Kern
Jeffrey K. Oing, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

Michael McNeil,

Defendant-Appellant.

-----X

CONFIDENTIAL

M-2377

Index No. 570051/15

Defendant-appellant having moved for leave to appeal to this Court from the decision and order of the Appellate Term, entered in the office of the Clerk of the Supreme Court, New York County, on or about March 26, 2018,

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. Appellant shall file two copies of the pre-argument statement and of this order with the Clerk of the Appellate Term with proof of service, pursuant to Section 600.17 of the Rules of 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 August 16, 2018.

PRESENT : Hon. Rosalyn H. Richter, Justice Presiding,
Troy K. Webber
Cynthia S. Kern
Peter H. Moulton, Justices.

-----X
UBS Securities LLC, et al.,
Plaintiffs-Respondents-Appellants,

-against-

Highland Capital Management, L.P., et al., Index No. 650097/09
Defendants-Appellants-Respondents, M-2266

Highland Security Opportunities
Holding Company, et al.,
Defendants-Appellant.

-----X

Defendants-appellants-respondents having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on March 15, 2018 (Appeal Nos. 4834-4835),

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 August 16, 2018.

Present - Hon. Sallie Manzanet-Daniels, Justice Presiding,
Judith J. Gische
Richard T. Andrias
Barbara R. Kapnick
Cynthia S. Kern, Justices.

-----X
Irie Thompson, as Administratrix of
the Estate of Gloria Thompson,

Plaintiff-Appellant,

-against-

M-2660
Index No. 20515/09

Beth Israel Medical Center, et al.,

Defendants-Respondents.
-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about August 10, 2017,

And defendant Terence Cardinal Cooke Health Care Center having appealed from an order, same Court and Justice, entered on or about November 3, 2017,

Now, upon reading and filing the papers with respect to the motion, including the correspondence from counsel for defendant-appellant dated May 16, 2018, and due deliberation having been had thereon,

It is ordered that plaintiff's motion is granted to the extent of enlarging the time to perfect its appeal to the December 2018 Term. The appeal brought by Terence Cardinal Cooke Health Care Center is deemed withdrawn in accordance with the aforesaid correspondence.

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 August 16, 2018.

Present - Hon. Judith J. Gische, Justice Presiding,
Troy K. Webber
Jeffrey K. Oing
Anil C. Singh
Peter H. Moulton, Justices.

-----X
Alexander Reich,
Plaintiff-Appellant,

-against-

M-2841
Index No. 650002/13

Sam Nole and Mystry Records, LLC,
Defendants-Respondents,

Music Media, LLC.,
Defendant.

-----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 July 20, 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 to perfect the appeal to the November 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 August 16, 2018.

Present - Hon. Judith J. Gische, Justice Presiding,
Troy K. Webber
Jeffrey K. Oing
Anil C. Singh
Peter H. Moulton, Justices.

-----x
Pearl Alpha Funding, LLC, et al.,

Plaintiffs,

-against-

M-2875
Index No. 652711/18

Blue Element Corp., et al.,

Defendants.
-----x

Defendants having moved, pursuant to CPLR 5704(a), for vacatur or modification of a temporary restraining order entered in Supreme Court, New York County, on or about June 5, 2018,

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 deleting clauses 1, 2, 5 and 7 of the first decretal paragraph of the temporary restraining order (Defendant's Memorandum of Law, Exh. 3), and otherwise denied. The interim order issued by a Justice of this Court on June 5, 2018 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 August 16, 2018.

Present - Hon. Judith J. Gische, Justice Presiding,
Troy K. Webber
Jeffrey K. Oing
Anil C. Singh
Peter H. Moulton, Justices.

-----X

In the Matter of the Application of Jay Sarkar,

Petitioner-Appellant,

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

M-3033
Index No. 150147/17

-against-

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

-----X

Petitioner-appellant having moved for an enlargement of time to perfect his appeal from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about August 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 granted to the extent of enlarging the time to perfect the appeal to the December 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 August 16, 2018.

PRESENT: Hon. Judith J. Gische, Justice Presiding,
Troy K. Webber
Jeffrey K. Oing
Anil C. Singh
Peter H. Moulton, Justices.

-----X
In the Matter of the Application of
Bronwyn Ryan,
Petitioner,

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

-against-

M-3034
M-3198
Index No. 159677/16

New York City Department of Housing
Preservation and Development, et al.,
Respondents.
-----X

An Article 78 proceeding to review a determination of respondent having been transferred to this Court, pursuant to CPLR 7804(g), by an order of the Supreme Court, New York County, entered on or about June 12, 2017,

And respondent East Midtown Plaza Housing Company, Inc., having moved to dismiss the aforesaid proceeding for failure to timely prosecute (M-3034),

And petitioner having cross moved for an enlargement of time to perfect the proceeding (M-3198),

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

It is ordered that respondent's motion to dismiss the proceeding is granted unless the proceeding is perfected for December 2018 Term (M-3034),

And it is further ordered that petitioner's motion to enlarge is granted to the extent of enlarging the time to perfect the proceeding to the December 2018 Term (M-3198).

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 August 16, 2018.

Present - Hon. David Friedman, Justice Presiding,
Barbara R. Kapnick
Marcy L. Kahn
Ellen Gesmer
Cynthia S. Kern, Justices.

-----x

The City of New York,
Plaintiff-Appellant,

-against-

FC 42nd Street Associates, L.P.,
Defendant-Respondent.

M-3703
M-3828
Index No. 451648/17

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about May 2, 2018,

And plaintiff-appellant the City of New York having moved, pursuant to CPLR 5519(a)(1), for an order confirming the automatic stay of enforcement of the aforesaid order, compelling arbitration, pending hearing and determination of the appeal or, in the alternative, for a discretionary stay of the order pursuant to CPLR 5519(c) [M-3703],

And defendant-respondent FC 42nd Street Associates, L.P. having cross-moved for an order: vacating the automatic stay provided under CPLR 5519(a)(1); directing that if the City is granted a stay, FC's obligation to pay rent based on the City's determination, pending a final determination of the Fair Market Value by the arbitrators, shall be delayed for an amount of time equal to the length of the stay (but not to exceed the date the Arbitrator's decision is issued); and directing the appeal be perfected, briefed and heard forthwith,

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, and the stay of enforcement of the order, pursuant to CPLR 5519(a)(1), is confirmed. The cross motion to vacate the stay is denied, the foregoing conditioned on the City's agreement that FC shall continue to pay Base Rent pending hearing and determination of the appeal and thereafter, as set forth in City's reply affirmation at paragraphs 9 and 15. The City is directed to perfect the appeal on or before August 17, 2018 for the November 2018 Term.

ENTERED:



CLERK