

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 June 12, 2018.

PRESENT: Hon. Rosalyn H. Richter, Justice Presiding,  
Sallie Manzanet-Daniels  
Troy K. Webber  
Jeffrey K. Oing  
Peter H. Moulton, Justices.

-----X  
Anthony Zappin,

Plaintiff-Appellant,

-against-

M-1910  
Index No. 301568/14

Claire Comfort,

Defendant-Respondent.  
-----X

Plaintiff-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Supreme Court, New York County, entered on or about August 30, 2017, and from an order of the same Court and Justice, entered on or about February 21, 2018, 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, including the stipulation of the parties hereto, dated April 20, 2017, and due deliberation having been had thereon,

It is ordered that said motion is deemed withdrawn.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 June 12, 2018.

PRESENT: Hon. Rosalyn H. Richter, Justice Presiding,  
Sallie Manzanet-Daniels  
Troy K. Webber  
Jeffrey K. Oing  
Peter H. Moulton, Justices.

-----X

Emmet Austin, Individually and derivatively on behalf of: Stonemar MM Jackson, LLC, Stonemar Managing Member, LLC, Stonemar MM West Des Moines, LLC, Stonemar MM Jonesboro, LLC, Stonemar MM Cookeville, LLC and Stonemar MM Milford, LLC,

Plaintiffs-Appellants,

-against-

Jonathan Gould, et al.,  
Defendants-Respondents.

-----X

Plaintiffs-appellants having moved for an order consolidating the appeals taken from orders of the Supreme Court, New York County, entered on or about July 13, 2017 and on or about December 5, 2017, and enlarging the time to perfect the 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 consolidating plaintiffs-appellants appeals, and enlarging the time to perfect the consolidated appeals to the October 2018 Term. Appellants are permitted to prosecute the appeals upon ten copies of one record and one copy of appellants' 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 June 12, 2018.

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

-----X

Lasalle Bank National Association,  
as Trustee for First Franklin  
Mortgage Loan Trust 2007-FF2,  
Mortgage Loan Asset-Backed  
Certificates, Series 2007-FF2  
Plaintiff-Appellant,

M-1486  
M-1838

Index No. 380553/08

-against-

Grace T. Omisore, etc., 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 January 11, 2017 (M-1486),

And defendants-respondents having cross moved to dismiss the appeal for failure to timely perfect (M-1838),

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 October 2018 Term (M-1486). The cross-motion is granted to the extent of dismissing the appeal unless perfected for said October 2018 Term (M-1838).

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 June 12, 2018.

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

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

-against-

M-1860  
Ind. No. 550/16

Lonnie Knight,  
Defendant-Appellant.

-----X

An order of this Court having been entered on September 12, 2017 (M-4520), inter alia, granting defendant's motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about March 16, 2017, and assigning counsel therefor,

And defendant-appellant having moved for an order amending the aforementioned order of assignment to include the appeal from the judgment of **resentence** of the Supreme Court, New York County, rendered on or about June 16, 2017, and for an enlargement of time to perfect same,

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 amending the aforementioned order of assignment to include the judgment of **resentence**, and the poor person relief previously granted is extended to cover same. The time to perfect the appeal is enlarged to the October 2018 Term 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 June 12, 2018.

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

-----x

In the Matter of the Application of James Kevin Durcan, as Administrator of the Estate of

Joan Durkan,  
Deceased,

M-2297  
File No. 2014-4296/C

For a Turnover of Property Withheld.

- - - - -

James Kevin Durcan,  
Petitioner-Respondent,

Mary Anne Cunney,  
Respondent-Appellant.

-----x

An appeal having been taken to this Court from the order of the Surrogate's Court, New York County, entered on or about April 11, 2018,

And respondent-appellant having moved, pursuant to 5519(c), for a stay of enforcement of the Surrogate's Court turnover order, 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 continuing the interim relief granted by the order of a Justice of this Court, dated May 2, 2018, on condition that the appeal is perfected for the October 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 June 12, 2018.

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

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

-against-

M-1865  
Ind. No. 5756/12

Alo Ablakatov,  
Defendant-Appellant.

-----X

An order of this Court having been entered on October 31, 2013 (M-4658), inter alia, granting defendant's motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about July 31, 2013, and assigning counsel therefor,

And defendant-appellant having moved for an order amending the aforementioned order of assignment to include the appeal from the judgment of **resentence** of the Supreme Court, New York County, rendered on or about March 7, 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 amending the aforementioned order of assignment to include the judgment of **resentence** and the poor person relief previously granted is extended to cover same.

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 June 12, 2018.

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

-----X

Prospect Union Associates,  
Petitioner-Landlord-Respondent,

-against-

Carlos DeJesus and Bienvenida DeJesus,  
Respondents-Tenants-Appellants.

M-1744  
Civil Court  
L&T No. 46932/15  
Supreme Court, NY County  
Index No. 570838/16

-----X

By order of this Court entered on September 28, 2017 (M-3710/M-3831), respondents were granted leave to appeal 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 June 6, 2017, and, pending determination of the appeal, stayed enforcement of the Appellate Term order as well as execution of the warrant of eviction,

And petitioner-landlord-respondent having moved to lift the stay of eviction imposed by 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 by petitioner-landlord-respondent to lift the stay of eviction is denied, with leave to renew, if respondents-tenants-appellants fail to perfect their appeal by the October 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 June 12, 2018.

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

-----X  
Lin Shi,  
Plaintiff-Appellant,

-against-

M-1998X  
Index No. 160529/13

Panagis Alexandratos, et al.,  
Defendants-Respondents.  
-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, entered on or about September 19, 2017,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 17, 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 June 12, 2018.

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

-----X  
Jose Amadeo Zelaya and Maria Zelaya,  
Plaintiffs-Respondents,

-against-

M-1999X  
Index No. 8184/07

Frank Rivera, et al.,  
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about July 14, 2017,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 17, 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 June 12, 2018.

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

-----X  
Earlyn Stokes and Rufus Stokes,  
Plaintiffs-Respondents,

-against-

M-2000X  
Index No. 303225/14

Riverbay Corporation,  
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about October 20, 2017,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 18, 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 June 12, 2018.

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

-----X  
Kyle Laverty,  
Plaintiff-Respondent,

-against-

M-2006X  
Index No. 153345/15

1790 Broadway Associates, LLC,  
et al.,  
Defendants-Appellants,

Ionian Management Inc.,  
Defendant.

-----X

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 18, 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 June 12, 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

Cheick Kader D.,

**CONFIDENTIAL**

**M-1079**

A Person Alleged to Be a Juvenile  
Delinquent,

Docket No. D-26927/17

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, New York County, entered on or about January 25, 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, Richard L. Herzfeld, Esq., 112 Madison Avenue, 8<sup>th</sup> Floor, New York, NY 10016, Telephone No. (212) 818-9019, 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 State of New York from funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any

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

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 June 12, 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 Family Offense  
Proceeding Under Article 8 of the  
Family Court Act.

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Reina C.,  
Petitioner-Appellant, **CONFIDENTIAL**  
M-1083  
Docket No. O-23148/17

-against-

Yankel F.,  
Respondent-Respondent.  
-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from an Order of Dismissal, Family Court, New York County, entered on or about January 18, 2018, for assignment of counsel, a free copy of the transcript, and 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, Richard L. Herzfeld, Esq., 112 Madison Avenue, 8<sup>th</sup> Floor, New York, New York 10016, Telephone No. 212-818-9019, 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 therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order**

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

**upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.** (See M-1624, 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 June 12, 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 Family Offense Proceeding Under Article 8 of the Family Court Act.

- - - - -

**CONFIDENTIAL**

Reina C.,  
Petitioner-Appellant,

M-1624

Docket No. O-23148/17

-against-

Yankel F.,  
Respondent-Respondent.

-----X

Respondent-respondent, having moved for leave to respond, as a poor person, to the appeal from an Order of Dismissal of the Family Court, New York County, entered on or about January 18, 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 §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 responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for appellant and 8 copies thereof are filed with this Court. (See M-1083, 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 June 12, 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  
Visitation Under Article 6 of the  
Family Court Act.

**CONFIDENTIAL**  
**M-1625**

Jamiyla J.,  
Petitioner-Appellant,

Docket Nos. V-21629-12/16A  
V-27419-12/16A

-against-

Kenneth D.,  
Respondent-Respondent.

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Elisa Barnes, Esq.,  
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 January 26, 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, George E. Reed, Jr., Esq., 222 Mamaroneck Ave., White Plains, NY 10605, Telephone No. (914) 946-5000, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have

transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.** (See M-1774, decided simultaneously herewith.)

ENTERED:

  
CLERK

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<sup>1</sup> Service 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 June 12, 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  
Visitation Under Article 6 of the  
Family Court Act.

**CONFIDENTIAL**  
**M-1774**

Jamiyla J.,  
Petitioner-Appellant,

Docket Nos. V-21629-12/16A  
V-27419-12/16A

-against-

Kenneth D.,  
Respondent-Respondent.

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Elisa Barnes, Esq.,  
Attorney for the Child.

-----X  
Elliot Podhorzer, Esq., Family Court attorney for the subject child, having moved on the child's behalf for leave to respond, as a poor person, to the appeal taken from the order of the Family Court, New York County, entered on or about January 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 §1120 of the Family Court Act, Elisa Barnes, Esq., 419 Park Ave. South, 7<sup>th</sup> Floor, New York, NY 10016, Telephone No. (212) 693-2330, as counsel for purposes of responding to the appeal; (2) permitting movant to respond

to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for petitioner-appellant and 8 copies thereof are filed with this Court. (See M-1625, 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 June 12, 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 Paternity Proceeding Under Article 5 of the Family Court Act.

- - - - -  
Claudia B.,  
Petitioner-Respondent,

**CONFIDENTIAL**  
M-1627  
P-09495/17

-against-

Darrin M.,  
Respondent-Appellant,

- - - - -  
Michael Moorman, Esq., Lawyers for  
Children, Attorney for the Child.

-----X

Petitioner-respondent having moved for leave to respond, as a poor person, to the appeal from the order of the Family Court, New York County, entered on or about February 15, 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 §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 responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that

(M-1627)

-2-

June 12, 2018

one copy of such brief be served upon the attorney for respondent-appellant and 8 copies thereof are filed 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 June 12, 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

Jayden J.,

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

**CONFIDENTIAL**

**M-1657**

Docket No. B-44347/15

- - - - -  
The New York Foundling Hospital,  
Petitioners-Respondents,

Florence J.,  
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 February 22, 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, George E. Reed, Jr., Esq.,

222 Mamaroneck Ave., White Plains, NY 10605, Telephone No. (914) 946-5000, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> **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

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<sup>1</sup>Service 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 June 12, 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 Custody/Visitation  
Proceeding Under Article 6 of the  
Family Court Act.

- - - - -

Lenora D.,  
Petitioner-Respondent,

**CONFIDENTIAL**  
**M-1659**

Docket Nos. V-3842/17  
V-5502/17

-against-

Richard Jesus R.,  
Respondent-Appellant,

Victoria Luisa H.,  
Respondent.

- - - - -

Elizabeth Congdon, Esq.,  
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, Bronx County, entered on or about March 2, 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, George E. Reed, Jr., Esq., 222 Mamaroneck Ave., White Plains, NY 10605, Telephone No. (914) 946-5000, as counsel for purposes of prosecuting the appeal;

(2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> **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

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<sup>1</sup>Service 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 June 12, 2018.

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

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

-against-

M-1108  
Ind. No. 1982/16

Najaleck Walker,  
Defendant-Appellant.

-----X

By order of this Court, entered on April 20, 2017 (M-1654) defendant-appellant was granted leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about October 6, 2016, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and Seymour W. James, Jr., Esq., was assigned as counsel to prosecute said appeal,

And the Center for Appellate Litigation having moved for an order granting defendant poor person relief to prosecute the appeal from the judgment of **resentence**, same Court, rendered on or about February 10, 2017,

Now, upon reading and filing the papers with respect to the motion, including the correspondence from Lauren J. Springer, Esq., the Center for Appellate Litigation, dated April 16, 2018, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn in accordance with the aforesaid correspondence dated April 16, 2018.

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 June 12, 2018.

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

-----X

The People of the State of New York,  
Respondent,

-against-

M-1109  
Ind. No. 3748/16

Redron Cohen,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about May 15, 2017, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, including the correspondence from Lauren J. Springer, Esq., the Center for Appellate Litigation, dated April 16, 2018, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn, said relief having been previously granted by an order of this Court entered on March 6, 2018 (M-6435).

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 June 12, 2018.

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

-----X

The People of the State of New York,  
Respondent,

-against-

M-1859  
Ind. No. 2584/15

Michelle Gantt,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about April 12, 2017, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28<sup>th</sup> Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 12, 2018.

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

-----X

The People of the State of New York,  
Respondent,

-against-

M-1937

Ind. No. 2097/16

Arcadio Gonzalez,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (Biben, J.), entered on or about September 29, 2017, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, 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 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 Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice Biben as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Seymour W. James, Jr., Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Seymour W. James, Jr., Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTERED:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 12, 2018.

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

-----X

The People of the State of New York,  
Respondent,

-against-

M-2077  
Ind. No. 1190/16

Jesus Bailey,  
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about January 8, 2018, inter alia, granting defendant poor person relief with respect to the appeal from the judgment of the Supreme Court, New York County, rendered on or about January 8, 2018,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and the notice of appeal filed on defendant's behalf,

It is ordered that the appeal is permitted 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.

Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4100, 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 June 12, 2018.

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

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

-against-

M-2090  
Ind. No. 1040/15

Jarel Moore,  
Defendant-Appellant.

-----X

An order of this Court having been entered on June 29, 2017 (M-2845), granting defendant leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about October 19, 2016, and assigning Seymour W. James, Jr., Esq., as counsel to prosecute the appeal,

Now, upon the Court's own motion,

It is ordered that the designation of assigned counsel Seymour W. James, Jr., Esq., as counsel to prosecute defendant's appeal is stricken, and pursuant to Section 722 of the County Law, Stanley Neustadter, Esq., Cardozo School of Law, 55 Fifth Avenue, Room 1110, New York, NY 10003, (212) 790-0410, is substituted 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 June 12, 2018.

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

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

-against-

Edward Cruz,  
Defendant-Appellant.

**CONFIDENTIAL**

M-2091

Ind. No. 3743/15

-----X

An order of this Court having been entered on July 25, 2017 (M-3295), granting defendant leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about December 6, 2016, and assigning Seymour W. James, Jr., Esq., as counsel to prosecute the appeal,

Now, upon the Court's own motion,

It is ordered that the designation of assigned counsel Seymour W. James, Jr., Esq., as counsel to prosecute defendant's appeal is stricken, and pursuant to Section 722 of the County Law, Stanley Neustadter, Esq., Cardozo School of Law, 55 Fifth Avenue, Room 1110, New York, NY 10003, (212) 790-0410, is substituted 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 June 12, 2018.

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

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

-against-

M-2093  
Ind. No. 5073/14

Gabriel Urena,  
Defendant-Appellant.

-----X

An order of this Court having been entered on June 29, 2017 (M-2861), granting defendant leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about October 13, 2016, and assigning Seymour W. James, Jr., Esq., as counsel to prosecute the appeal,

Now, upon the Court's own motion,

It is ordered that the designation of assigned counsel Seymour W. James, Jr., Esq., as counsel to prosecute defendant's appeal is stricken, and pursuant to Section 722 of the County Law, Stanley Neustadter, Esq., Cardozo School of Law, 55 Fifth Avenue, Room 1110, New York, NY 10003, (212) 790-0410, is substituted 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 June 12, 2018.

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

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

-against-

Richard Gordon,  
Defendant-Appellant.

M-1654  
Ind. Nos. 2686/11  
3553/15

-----X

Defendant-appellant, pro se, having moved, inter alia, for a writ of error coram nobis on the grounds he was allegedly denied effective assistance of counsel by reason of trial counsel's failure to file a timely notice of appeal on his behalf from a judgment of the Supreme Court, Bronx County, rendered on or about January 25, 2016, for renewal/reargument of the prior order of this Court (M-85), entered on March 8, 2018, denying as time-barred, an extension of time in which to file an untimely notice of appeal from the aforesaid January 25, 2016 judgment, pursuant to CPL 460.30, 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.

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 June 12, 2018.

Present: Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
Sallie Manzanet-Daniels  
Barbara R. Kapnick  
Cynthia S. Kern, Justices.

-----X

Bank of New York as Trustee for  
Certificateholders of CWALT2005-38,

Plaintiff,

-against-

**M-1115**

Index No. 116822/06

Jonathan M. Hunt, also known as  
Jonathan McIndoe Hunt, Executor of  
the Estate of Lavina Nihoul Lounsbury,  
also known as Lavina Lounsbury, et al.,

Defendant.

-----X

Defendant having moved, pursuant to CPLR 5704(a), to reverse the decision of the Supreme Court, New York County, which declined to sign the May 11, 2017 order to show cause, vacate and set aside the foreclosure sale, vacate the judgment of foreclosure and sale, vacate the order of reference, dismiss the action with prejudice, and award defendant sanctions, costs and attorney's fees,

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 June 12, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,  
Peter Tom  
Jeffrey K. Oing  
Peter H. Moulton, Justices.

-----X  
In the Matter of the Application of  
Victor Garrido,  
Petitioner-Appellant,

For a Judgment Pursuant to Article 78 M-975  
of the Civil Practice Law and Rules, Index No. 101891/16

-against-

Woody Pascal, Deputy Commissioner  
of the DHCR,  
Respondent-Respondent.

-----X

Petitioner-appellant, pro se, having moved for dismissal of, or, in the alternative, a stay of all eviction proceedings, pending hearing and determination of the appeal taken from the judgment of the Supreme Court, New York County, entered on or about October 6, 2017,

And an order of this Court (M-5781) having been entered on January 2, 2018 granting petitioner-appellant leave to prosecute, as a poor person, the aforesaid appeal, 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 the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of granting a stay on condition petitioner perfects his appeal for the October 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 June 12, 2018.

PRESENT: Hon. David Friedman, Justice Presiding,  
Peter Tom  
Barbara R. Kapnick  
Marcy L. Kahn  
Cynthia S. Kern, Justices.

-----X  
In the Matter of Victor M. Herrera,  
on behalf of Luis Herrera,  
Petitioner,

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

-against-

M-1669  
Ind. No. 03232/17

Supreme Court Justice Tap B, City of  
New York, in his official capacity as  
a Justice of the Supreme Court, County  
of New York, Present: C. Farber and  
Cyrus R. Vance, in his official capacity  
as the District Attorney, New York County,  
City of New York,  
Respondents.

-----X

Petitioner having filed a petition in this Court for relief  
in the nature of a Writ of Mandamus,

Now, upon reading and filing the Stipulation of  
Discontinuance, dated April 9, 2018, and due deliberation having  
been had thereon,

It is ordered that the petition for a Writ of Mandamus  
is deemed withdrawn in accordance with the aforesaid Stipulation  
of Discontinuance.

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 June 12, 2018.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,  
Dianne T. Renwick  
Angela M. Mazzarelli  
Marcy L. Kahn  
Ellen Gesmer, Justices.

-----X  
In the Matter of the Application of  
Elba Brigade,  
Petitioner-Appellant,

For a Judgment Pursuant to Article 78 **M-1468**  
of the Civil Practice Law and Rules, Index No. 102179/15

-against-

Shola Olatoye, Chairperson of the  
New York City Housing Authority, and  
The New York City Housing Authority,  
Respondents-Respondents.

-----X  
Petitioner-appellant having moved for leave to prosecute,  
as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, entered on or about May 24, 2017, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for an enlargement of time to perfect the appeal,

Now, upon reading and filing the papers with respect to said 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 and upon a reproduced appellant's brief, on condition that appellant serve 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. Petitioner-appellant's time to perfect the appeal is enlarged to the October 2018 Term of this Court.

ENTERED: June 12, 2018

  
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 June 12, 2018.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,  
Dianne T. Renwick  
Angela M. Mazzarelli  
Ellen Gesmer  
Anil C. Singh, Justices.

-----X  
Justin Montero,

Petitioner-Appellant,

-against-

The City of New York,

Respondent-Respondent.  
-----X

**M-1479**

Index No. 101935/16

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about January 23, 2017 and on or about June 2, 2017,

And petitioner having moved for an enlargement of time to perfect 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 enlarging the time in which to perfect the appeals, which are, sua sponte, consolidated, to the October 2018 Term. Appellant is permitted to prosecute the appeals upon ten copies of one record and one copy of appellants' 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 June 12, 2018.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,  
Dianne T. Renwick  
Angela M. Mazzarelli  
Ellen Gesmer  
Anil C. Singh, Justices.

-----X  
Omni Contracting Company, Inc.

Plaintiff-Appellant,

-against-

M-1487  
Index No. 601200/09

New York City Housing Authority  
(Contract No. GD0100056, Development  
No. NY005190),

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 May 15, 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 October 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 June 12, 2018.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,  
Dianne T. Renwick  
Angela M. Mazzarelli  
Ellen Gesmer  
Anil C. Singh, Justices.

-----X

In the Matter of Junior Burgos,  
Petitioner-Appellant,

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

M-1621  
Writ of Prohibition  
083152017

-against-

Hon. Neil Ross, Justice of the Supreme  
Court of the State of New York,  
New York County,  
Respondent-Respondent.

-----X

Petitioner-appellant, pro se, having moved for withdrawal of the above-referenced Article 78 petition,

Now, upon reading and filing the papers with respect to the motion, and the State of New York, Office of the Attorney General's correspondence dated April 10, 2018, and due deliberation having been had thereon,

It is ordered that the motion is granted and the Article 78 petition 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 June 12, 2018.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,  
Dianne T. Renwick  
Angela M. Mazzarelli  
Ellen Gesmer  
Anil C. Singh, Justices.

-----X

The People of the State of New York,  
Respondent,

**M-1646**

-against-

Index No. 8131/97

Danny Green,  
Defendant-Appellant.

-----X

An order of a Justice of this Court having been entered on March 6, 2018 (M-591), granting defendant leave to appeal to this Court from the order of the Supreme Court, New York County, entered on or about January 9, 2018, which partially denied defendant's CPL 440 motion,

And defendant having taken an appeal from a judgment of **resentence** of the Supreme Court, New York County, rendered on or about January 8, 2018,

And defendant having moved to consolidate the two aforesaid appeals and to extend the poor person relief granted to defendant by order of this Court, entered on March 27, 2018 (M-199), to prosecute the appeal from the January 9, 2018 of the Supreme Court to cover the appeal from the January 8, 2018 judgment of **resentence** and to assign Robert S. Dean, Esq., Center for Appellate Litigation, as counsel to prosecute both 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 continuing the poor person relief previously granted by the order of this Court entered on March 27, 2018 (M-199); consolidating the aforesaid appeals, and assigning Robert S. Dean, Esq., Center

(M-1646)

-2-

June 12, 2018

for Appellate Litigation, 120 Wall Street, 28<sup>th</sup> Floor, New York, New York 10005, Telephone No. 212-577-2523, as counsel for the purposes of prosecuting the consolidated 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 June 12, 2018.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,  
Dianne T. Renwick  
Angela M. Mazzarelli  
Ellen Gesmer  
Anil C. Singh, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

**M-1682**

Ind. Nos. 1432/15  
4891/14

Jermaine Williams,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about October 24, 2016, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4100, 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 June 12, 2018.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,  
Dianne T. Renwick  
Angela M. Mazzarelli  
Ellen Gesmer  
Anil C. Singh, Justices.

-----X

I Bldg., Inc.,

Plaintiff-Respondent,

**M-6779**

Index No. 650226/14

-against-

Hong Mei Cheung,

Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about September 29, 2016; which this Court, by order entered November 14, 2017, sua sponte, deemed the appeal to be from a judgment of the same Court and Justice, entered on or about November 7, 2016, bringing up for review the appealed order, entered on or about September 29, 2016 (M-4507),

And defendant-appellant having moved for an enlargement of time to perfect 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 enlarging the time to perfect the appeal taken from the judgment entered on or about November 7, 2016, which brings up for review the order entered on or about September 29, 2016, to the October 2018 Term of this Court.

ENTERED:

  
CLERK

Present: Hon. John W. Sweeny, Jr.,  
Dianne T. Renwick  
Angela M. Mazzarelli  
Anil C. Singh,

Justice Presiding,  
  
Justices.

-----X  
Sondra Neuschotz,

Plaintiff-Respondent,

-against-

Nilson Neuschotz,

Defendant-Appellant,

-and-

Robert G. Smith, Esq.,  
Non-Party Appellant.

-----X

**CONFIDENTIAL**  
**M-1453**  
Index No. 311514/09

By an amended notice of appeal, defendant and non-party counsel jointly appeal from an order of the Supreme Court, New York County, entered on or about July 25, 2017,

And defendants-appellants having moved: for an enlargement of time to perfect the aforesaid appeal; to amend the case caption to denominate Robert G. Smith, Esq., as a non-party appellant; to dispense with the obligation to serve the Appendix and appellant's brief upon the Guardians *ad litem*; to expand the Record to include a written stipulation of discontinuance in the underlying action, dated October 26, 2017; and to expand the Record on this appeal to include a certain money judgment for attorneys fees entered in the action *Robert G. Smith, PLLC v Nilson Neuschotz*, Index No. 655682/17,

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: amending the case caption to denominate Robert G. Smith, Esq., as a non-party appellant; enlarging the time to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about July 25, 2017 to the October 2018 Term, and enlarging the time to perfect the remaining appeals, which were consolidated with the above appeal, in the order of this Court entered November 28, 2017 (M-4654) to the same Term unless notice is filed prior to the deadline for that Term withdrawing any or all of the remaining appeals; enlarging the Record on appeal as requested; and directing that the subject documents be included in appellants' Record along with a copy of this order. The motion is otherwise denied.

ENTERED: June 12, 2018

A handwritten signature in black ink, appearing to read "Susan R. [unclear]", 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 June 12, 2018.

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

-----X  
The People of the State of New York,  
ex rel. Jane-Roberte Sampeur, on  
behalf of Alantha Ingram,  
Petitioner-Appellant,

-against-

M-1135  
Index No. 450251/18

Cynthia Brann, Commission, New York  
City Department of Corrections,  
Respondent-Respondent.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about February 14, 2018,

And petitioner-appellant having moved for an order releasing appellant on her own recognizance or, in the alternative, setting bail at a certain amount, and for other relief pending determination of the appeal,

Now, upon reading and filing the papers with respect to the motion, including the correspondence from petitioner-appellant's assigned counsel, dated April 17, 2018, and due deliberation having been had thereon, it is

Ordered that the motion 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 June 12, 2018.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,  
Angela M. Mazzarelli  
Ellen Gesmer  
Anil C. Singh, Justices.

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

-against-

**M-1676**  
Ind. No. 1656/14

James Bellamy,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about June 29, 2017, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4100, 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:



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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 June 12, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,  
Judith J. Gische  
Richard T. Andrias  
Barbara R. Kapnick  
Anil C. Singh, Justices.

-----x  
Cohl Katz,

Plaintiff-Respondent,

-against-

M-2184

Index No. 155146/13

260 Park Avenue South Condominium  
Associates, et al.,

Defendants-Appellants.  
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about January 18, 2018, and said appeal having been perfected,

And defendants-appellants having moved for a stay of all proceedings 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 June 12, 2018.

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

-----X  
Xin Yong Sun,

Plaintiff-Appellant,

-against-

**M-1545**

Index No. 151006/14

Pittsford Plaza SPE, LLC and E and R Contracting,

Defendants-Respondents.  
-----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 March 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 October 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 June 12, 2018.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Sallie Manzanet-Daniels  
Troy K. Webber  
Jeffrey K. Oing  
Peter H. Moulton, Justices.

-----X  
XO Restaurant, Inc.,

Plaintiff-Respondent,

-against-

M-1743  
Index No. 151302/17

58 Elizabeth NEW YORK LLC,

Defendant-Appellant.

-----X

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 June 9, 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 October 2018 Term.

ENTERED:

  
\_\_\_\_\_  
CLERK

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

BEFORE: Hon. DAVID FRIEDMAN  
Justice of the Appellate Division

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

M-1708  
Ind. No. 2495/15

-against-

CERTIFICATE  
DENYING LEAVE

Eli Auslander,  
Defendant.

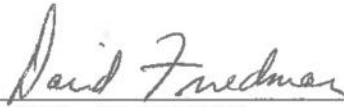
-----X

I, DAVID FRIEDMAN, 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, section 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 October 10, 2017, is hereby denied. To the extent that defendant seeks poor person relief and assignment of counsel, that motion is hereby denied as academic.

Dated: New York, New York  
May 3, 2018

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JUN 12 MU

  
\_\_\_\_\_  
DAVID FRIEDMAN  
Justice of the Appellate Division

J

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

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

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

-against-

Terrence Wright  
Defendant.

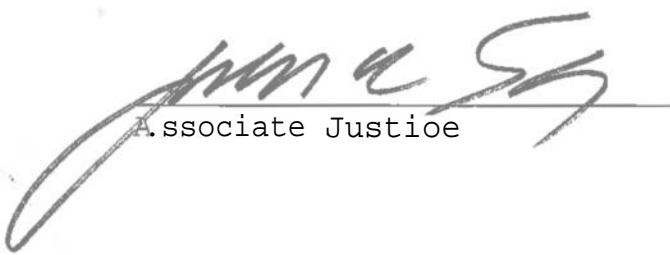
M-1925  
Ind. Nos. 3720/14  
CERTIFICATE  
DENYING LEAVE

-----X

I, John W. Sweeny, Jr., a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, dated on or about February 13, 2018 (Gil Hong, J.) is hereby denied.

Defendant's motions for poor person relief and assignment of counsel are denied as moot.

Dated: May -29, 2018  
New York, New York

  
Associate Justice

ENTERED: JUN 12 2018