

At a 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 26, 2018.

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

-----X
Samuel Pfeiffer,
Plaintiff-Appellant, M-1448
-against- M-1449
Index No. 452966/15

Edward G. Imperatore, et al.,
Defendants-Respondents.

- - - - -
Samuel Pfeiffer,
Plaintiff-Appellant,
-against- Index No. 452464/15

Mid-Town Development Limited
Partnership, et al.,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved, by separate motions, 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 Nos. 5688-89),

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.

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 26, 2018.

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

-----X
Greg Waltman,
Plaintiff-Appellant,

-against-

M-2001
Index No. 650683/17

Legal Aid Society,
Defendant-Respondent.

-----X

Defendant-respondent having moved for dismissal of the appeal taken from an order of the Supreme Court, New York County, entered on or about January 12, 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 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 June 26, 2018.

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

-----X
Chris H.,

Plaintiff-Appellant,

-against-

CONFIDENTIAL
M-1856

Index No. 302635/09

Marisa S.,

Defendant-Respondent.
-----X

Plaintiff having moved to stay a certain portion of the order of the Supreme Court, New York County, entered on or about March 16, 2018, and a preference to stay enforcement of a certain judgment of said Court, although the portion which plaintiff seeks to stay is not identified, and plaintiff does not indicate whether said judgment has been entered,

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 26, 2018.

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

-----X

Voya Services Company,

Plaintiff,

-against-

M-2528

Index No. 153752/18

Darin Arita and Prudential
Financial, Inc.,

Defendants.

-----X

Plaintiff purportedly having moved to modify and expand a temporary restraining order of the Supreme Court, New York County, dated April 25, 2018 (Lebovits, J.), as modified on May 7, 2018, to fully enjoin defendants from continuing their current working relationship pending hearing on the motion for a preliminary injunction before 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 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 26, 2018.

PRESENT: Hon. Sallie Manzanet-Daniels, Justice Presiding,
Angela M. Mazzarelli
Richard T. Andrias
Ellen Gesmer
Jeffrey K. Oing, Justices.

-----X
Anna Pezhman,

Plaintiff-Appellant,

-against-

M-1824
Index No. 100151/16

Chanel, et al.,

Defendants-Respondents.
-----X

Plaintiff-appellant, pro se, having moved to vacate the decision and order of this Court, entered on January 2, 2018 (Appeal No. 5328),

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 26, 2018.

Present: Hon. Peter Tom, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Jeffrey K. Oing, Justices.

-----X
Ital Associates, Anthony Lepore, Louise Lepore, Gabrielle Lepore and Elenore Lepore, Individually and on Behalf of Harrison Street Development Associates, also known as 18 Harrison Development Associates, a New York limited partnership,
Plaintiffs-Respondents-Appellants,
-against-

M-912
M-913
M-1464
M-1710

Index No. 650163/14

Thomas Axon, 18 Harrison Street Corp., Harrison Street Realty Corp., RMTS LLC, and Axon Associates, Inc.,
Defendants,

-and-

Lorraine Buetti and Huntington National Bank,
Additional Defendants,

Stephen J. Lovell and The Spielman Group, sued herein as Jayne Spielman,
Additional Defendants-Appellants-Respondents,

Samuel Goldman & Associates,
Additional Defendants-Appellants.

-----X

Additional defendants-appellants-respondents having moved for an enlargement of time to perfect their appeal taken from an order of the Supreme Court, New York County, entered on or about December 21, 2016, and to consolidate said appeal with plaintiff's appeal from the order entered on or about January 9, 2018,

And plaintiffs-respondents-appellants having cross-moved to consolidate the appeals taken from orders entered on or about December 6, 2016 and January 18, 2018, and an enlargement of time to perfect said appeals (M-913),

And additional defendants-appellants-respondents having moved to clarify an order of this Court entered March 1, 2018 [M-320], to include a stay of the release of the entire escrow fund, including portions of said fund to be paid to additional defendants-appellants, Samuel Goldman & Associates (M-1464),

And additional defendants-appellants, Samuel Goldman & Associates, having cross-moved to impose sanctions against additional defendants-appellants-respondents, Stephen J. Lovell and The Spielman Group, sued herein as Jayne Spielman, and their counsel Jeffrey Levy, Esq., on the grounds that their motion is frivolous (M-1710),

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

It is ordered that the motion and cross motion for an enlargement of time to perfect the respective parties' appeals (M-912 and M-913) and for consolidation of certain appeals are granted to the extent of enlarging the time to perfect said consolidated appeals to the October 2018 Term, and

It is further ordered that additional defendants-appellants-respondents motion for clarification (M-1464) is denied; and additional defendants-appellants, Samuel Goldman & Associates, cross motion (M-1710) for sanctions 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 26, 2018.

Present - Hon. Peter Tom, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Jeffrey K. Oing, Justices.

-----X
Joseph Liporace, Jr., et al.,
Plaintiffs-Respondents, M-665
M-667
-against- Index No. 153323/15

Neimark & Neimark, LLP, et al.,
Defendants-Appellants.
-----X

The successor law firm defendants-appellants, Budin Reisman Kupferberg & Bernstein LLP, Harlan Budin, Alicer Kupferberg and Adam Bernstein, having moved (M-665) for reargument of or, in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on January 9, 2018 (Appeal Nos. 5408-5409),

And, in a separate motion (M-667), plaintiff Joseph Liporace, Jr. also moves for reargument of or, in the alternative, for leave to appeal to the Court of Appeals, from this Court's January 9, 2018 decision and order,

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, to the extent they seek leave to appeal to the Court of Appeals, are denied. The motions, to they extent they seek reargument, are granted and, upon reargument, the decision and order of this Court, entered on January 9, 2018 (Appeal Nos. 5408-5409) is recalled and vacated and a new decision and order substituted therefor. (See Appeal Nos. 5408-5409, 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 26, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Cynthia S. Kern
Anil C. Singh, Justices.

-----X
Q-Plus USA, Inc., as assignee of,
Contractual Rights of Rogini Garments,
Plaintiff-Appellant,

-against-

M-2018
Index No. 118298/06

Eastern Originals, Inc.,
Defendant-Respondent.

-----X
Eastern Originals, Inc.,
Third-Party Plaintiff,

-against-

Michael Young, et al.,
Third-Party Defendants.

-----X

Defendant-respondent/third-party plaintiff Eastern Originals, Inc., having moved for dismissal of the appeal taken from an order of the Supreme Court, New York County, entered on or about January 26, 2017,

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

It is ordered that the motion is 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 June 26, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Cynthia S. Kern
Anil C. Singh, Justices.

-----X
Montefiore Medical Center,
Plaintiff-Respondent,

-against-

M-2019
Index No. 31349/17E

Sherrri Jefferson,
Defendant-Appellant.

-----X

Plaintiff-respondent having moved for dismissal of the appeals taken from orders of the Supreme Court, Bronx County, entered on or about January 29, 2018, February 8, 2018 and March 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 and the appeals are 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 June 26, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
John W. Sweeny, Jr.
Troy K. Webber
Marcy L. Kahn
Jeffrey K. Oing, Justices.

-----X

83rd Street Garage LLC and
83rd Street Retail LLC,
Plaintiffs-Appellants,

-against-

M-2808
Index No. 652296/18

American Multi-Cinema, Inc.,
Defendant-Respondent.

-----X

An appeal having been taken from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about May 24, 2018,

And plaintiffs-appellants having moved for a preliminary appellate injunction enjoining defendant from selling the subject land and building or making any resolutions affecting plaintiffs' property interests, 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, including the stipulation of the parties filed on June 13, 2018,

It is ordered that the 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 26, 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-2212
Ind. No. 3775/16

Daqwan Griffin,

Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about August 2, 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, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 26, 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-2214
Ind. No. 1708/17

Thomas Smith,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about October 3, 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, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 26, 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-

SEALED
M-2217
Ind. No. 207/16

Quandele T.,

Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about August 3, 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, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 26, 2018.

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

-----X

The People of the State of New York,

Respondent,

-against-

M-2227

Ind. No. 508/15

Nicholas Vincenty,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about February 3, 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, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 26, 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-2228

Ind. No. 642/16

Justin DeJesus,

Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about January 27, 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, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 26, 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-2235
Ind. No. 332/16

Ronald Santiago,

Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, Bronx 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, and due deliberation having been had thereon,

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

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

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 26, 2018.

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

-----X

The People of the State of New York,

Respondent,

M-2236

-against-

Ind. No. 3095/15

Jeremiah Elliot,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about May 31, 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, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 26, 2018.

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

-----X

The People of the State of New York,

Respondent,

-against-

M-2239

Ind. No. 1018/15

Richard Williams,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about May 3, 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, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 26, 2018.

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

-----X

The People of the State of New York,

Respondent,

-against-

M-2241

Ind. No. 2227/15

David Stewart,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about May 3, 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, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 26, 2018.

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

-----X

The People of the State of New York,

Respondent,

-against-

M-2246

Ind. No. 3356/15

Devon Whitehead,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about May 5, 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, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 26, 2018.

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

-----X

The People of the State of New York,

Respondent,

-against-

M-2247

Ind. No. 3145/14

David Trulove,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about May 8, 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, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 26, 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-2249
Ind. No. 1996/16

Angelica Leon,

Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about October 4, 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, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 26, 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-2251
Ind. No. 1308/16

Jose Torres,

Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about November 28, 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, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 26, 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,

M-2252

Ind. Nos. 2666/16

-against-

963/17

Anthony Gonzalez,

Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about September 19, 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, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 26, 2018.

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

-----X

The People of the State of New York,

Respondent,

-against-

M-2254

Ind. No. 3898/14

David Wadley,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about September 14, 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, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 26, 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-

Barbara Kogan,
Defendant-Appellant.

M-3020
Ind. Nos. 4540/09
1867/10

-----X

An order of this Court having been entered on September 22, 2016 (M-3079), granting defendant-appellant poor person relief and assigning Peter H. Dailey, Esq. as counsel to prosecute the defendant's appeal from the judgment of the Supreme Court, New York County, rendered on or about June 4, 2010,

Now, upon reading and filing the papers, and due deliberation having been had thereon,

It is ordered that, sua sponte, the designation of Peter H. Dailey, Esq., as assigned counsel to prosecute defendant's appeal is stricken, and pursuant to Section 722 of the County Law, Michael Lipson, Esq., 366 North Broadway, Suite 410, Jericho, NY 11753, Telephone No. 516-729-1701, 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 26, 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-3043
Ind. No. 2139/14

Kareem Hendricks,
Defendant-Appellant.

-----X

An order of this Court having been entered on July 28, 2015 (M-2917/M-2763), inter alia, granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about December 3, 2014; and an order of this Court having been entered on September 22, 2016 (M-3016) assigning Peter H. Dailey, Esq. as counsel to prosecute the appeal,

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

It is ordered that, sua sponte, the designation of assigned counsel Peter H. Dailey, Esq., as counsel to prosecute defendant's appeal is stricken, and pursuant to Section 722 of the County Law, Michael Lipson, Esq., 366 North Broadway, Suite 410, Jericho, NY 11753, Telephone No. 516-729-1701, 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 26, 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-

Bernard Moultre, also known as,
Little Bro, also known as Little
Brother,
Defendant-Appellant.

M-3047
Ind. Nos. 47/12
2450/12

-----X

An order of this Court having been entered on July 2, 2013 (M-1590) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about November 15, 2012, and assigning Peter H. Dailey, Esq., as counsel to prosecute the appeal,

Now, upon reading and filing the papers, and due deliberation having been had thereon,

It is ordered that, sua sponte, the designation of assigned counsel Peter H. Dailey, Esq., as counsel to prosecute defendant's appeal is stricken and, pursuant to Section 722 of the County Law, Michael Lipson, Esq., 366 North Broadway, Suite 410, Jericho, NY 11753, Telephone No. 516-729-1701, 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 26, 2018.

Present: Hon. Rolando T. Acosta, Presiding Justice,
Peter Tom
Angela M. Mazzairelli
Cynthia S. Kern
Anil C. Singh, Justices.

-----X

72nd Ninth LLC,

Plaintiff-Respondent,

M-1754

Index No. 850009/16

-against-

753 Ninth Ave Realty LLC, et al.,

Defendants-Appellants.

-----X

Defendants having moved for an enlargement of time to perfect their appeal taken from an order of the Supreme Court, New York County, entered on or about April 20, 2017, and from an amended order, same Court, entered on or about May 26, 2017,

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

It is ordered that the motion is 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 26, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Cynthia S. Kern
Anil C. Singh, Justices.

-----X

Bliss World LLC,

Plaintiff-Respondent,

M-2022

Index No. 657007/17

-against-

10 West 57th Street Realty LLC,

Defendant-Appellant.

-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about April 6, 2018 and March 26, 2018,

And defendant having moved to stay the date by which defendant must tender a termination payment exceeding a certain amount demanded by plaintiff, to consolidate the aforesaid appeals, and to perfect same for the September 2018 Term,

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

It is ordered that the motion is denied in its entirety, without prejudice to defendant requesting, after both appeals have been perfected, to have the appeals calendared on the same day.

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 26, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
John W. Sweeny, Jr.
Troy K. Webber
Marcy L. Kahn
Jeffrey K. Oing, Justices.

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

-against-

Anonymous,
Defendant-Appellant.

SEALED
M-2527
Ind. No. 5559/12

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about December 17, 2015, and said appeal having been perfected,

And defendant-appellant having moved for an order granting anonymity of the records in the above captioned appeal; sealing the Supreme Court record and the record on appeal; including the minutes of the proceedings, the appellate briefs, motions, and orders; and all future filings in the appeal; and designating the appeal and all future filings herein as *People v Anonymous*,

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 that the record on appeal, the briefs, and all future filings are sealed. The Clerk is directed to calendar the appeal under *People v Anonymous*.

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 26, 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-

Jonathan Salva,
Defendant-Appellant.

CONFIDENTIAL

M-1709

Ind. No. 867/09

-----X

A decision and order of this Court having been entered on January 18, 2011 (Appeal No. 4069), unanimously affirming a judgment of the Supreme Court, New York County (Rena Uviller, J.), rendered on May 26, 2010,

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 June 26, 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-

M-6634
Ind. No. 1727/08

Luis Paulino,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on July 7, 2015 (Appeal No. 14168), unanimously affirming a judgment of the Supreme Court, Bronx County (Troy Webber, J.), rendered on April 20, 2012,

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 June 26, 2018.

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

-----X
Kamla Vaswani,
Plaintiff-Respondent,

-against-

Enrique Denis and PJA LLC,
Defendants,

Related Management Company, LP
and French Apartments Housing
Company,
Defendants-Appellants.

M-1695
Index No. 154677/13

-----X
Defendants-appellants having moved for an enlargement of time to perfect their appeal taken from an order of the Supreme Court, New York County, entered on or about July 17, 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 June 26, 2018.

Present - Hon. David Friedman
Judith J. Gische
Richard T. Andrias
Cynthia S. Kern
Jeffrey K. Oing,

Justice Presiding,

Justices.

-----X
Scott Balber,

Petitioner-Appellant,

-against-

Elise Zealand,

Respondent-Respondent.
-----X

CONFIDENTIAL

M-2115

Index No. 350007/17

Petitioner-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 June 29, 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 June 26, 2018.

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

-----x
U.S. Bank National Association,
Plaintiff-Respondent,

-against-

M-1503
Index No. 380832/11

Dario Reyes,
Defendant-Appellant,

-and-

New York City Department of Housing
Preservation and Development, et al.,
Defendants.

-----x

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about July 21, 2017,

And an interim order having been entered by a Justice of this Court on March 22, 2018, granting a stay of foreclosure,

And defendant-appellant having moved for a stay of all proceedings, including the sale of the property, pending hearing and determination of the aforesaid appeal, and for other relief,

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

It is ordered that the motion is denied, and the interim relief granted by the order of a Justice of this Court, dated March 22, 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 June 26, 2018.

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

-----X
In the Matter of the Application of
Morton Schuster and Julie Schuster,
Petitioners-Appellants,

For the Appointment of a Guardian of
the Person and Property of

CONFIDENTIAL

M-2062
Index No. 500368/16

Regina Coxe,

An Alleged Incapacitated Person.

Martin Gold and Jane Huang, as
Co-Guardians of Regina Coxe,
Respondents-Respondents.

-----X

Petitioners-appellants having moved for an enlargement of time to perfect the appeal taken from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about May 26, 2017,

And an order of this Court having been entered on February 27, 2018 (M-6665), acknowledging an automatic stay of enforcement as to the bonded \$14,400, and staying the enforcement of the May 26, 2017 order and judgment, pursuant to certain conditions, pending determination of the appeal,

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

It is ordered that the motion is granted to the extent of 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 26, 2018.

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

-----X

The People of the State of New York,
Respondent,

CONFIDENTIAL

M-1875

-against-

Ind. No. 4582/14

Nikim M.,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about November 6, 2015,

And an order of this Court having been entered on October 6, 2017 (M-3796), granting defendant leave to prosecute his appeal as a poor person and assigning Christina Swarns, Esq., The Office of the Appellate Defender, to prosecute the appeal,

And the Office of the Appellate Defender having moved to be relieved as defendant's counsel or, in the alternative, to dismiss the appeal as abandoned, without prejudice to reinstatement at a later time,

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

It is ordered that the motion is granted to the extent of deeming the appeal withdrawn, and 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 June 26, 2018.

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

-----X
Dominic Hennessy,

Plaintiff-Respondent,

M-1948

Index No. 20902/14

-against-

2100 Anthony Realty Corp., and Gashi
Management Group, LLC,

Defendants-Appellants.
-----X

Plaintiff-respondent having moved to dismiss the appeal taken from the order of the Supreme Court, Bronx County, entered on or about February 20, 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 to dismiss the appeal is granted unless 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 26, 2018.

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

-----X
Suzanne Scott,

Plaintiff-Appellant,

-against-

M-2026
Index No. 156521/14

WJL Equities Corp., et al.,

Defendants-Respondents.
-----X

Defendants-respondents having moved for dismissal of the appeal taken from an order of the Supreme Court, New York County, entered on or about May 15, 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 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 June 26, 2018.

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

-----X
Dania Pena and Juan Pena,
Plaintiffs-Appellants,

-against-

Hertz Vehicles LLC, et al.,
Defendants-Respondents.

Action No. 1

M-2027

Index No. 303075/12

-----X
Dania Pena and Juan Pena,
Plaintiffs-Appellants,

-against-

American United Transportation II,
Inc., et al.,
Defendants-Respondents.

Action No. 2

Index No. 22118/13

-----X

Defendants-respondents American United Transportation II, Inc. and Dramane Bamba having moved for dismissal of the appeal taken from an order of the Supreme Court, Bronx County, entered on or about May 25, 2017,

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

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 26, 2018.

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

-----X

Faith in Action Deliverance
Ministries,
Plaintiff-Appellant,

M-2398

Index No. 21066/18E

-against-

3231 Associates LLC,
Defendant-Respondent.

-----X

Plaintiff having moved for a preliminary appellate injunction restraining defendant from taking any action to commence a summary eviction proceeding to terminate plaintiff's month to month tenancy or to encumber the premises pending the determination of plaintiff's appeal. Plaintiff also moves to stay, pending determination of the appeal, enforcement of the order of the Supreme Court, Bronx County, entered on or about May 3, 2018, and to stay the vacatur of the Temporary Restraining Order in Supreme Court,

And an interim stay was entered by this Court on May 14, 2018, on condition that plaintiff makes payment in the amount of \$20,000, due in December 2017, pursuant to the Housing Court stipulation, and continue to pay use and occupancy going forward, subject to the within 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 on condition plaintiff perfects its appeal for the October 2018 Term of this Court, and continues compliance with the stipulation referenced

in the interim order, i.e., payment of \$20,000 per month, on the first day of each month, as use and occupancy, beginning on July 21, 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 26, 2018.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Marcy L. Kahn
Cynthia S. Kern
Anil C. Singh, Justices.

-----X
In re Granet & Associates, Inc.,
Petitioner-Appellant,

-against-

M-1855
Index No. 654921/16

Thom Filicia, Inc.,
Respondent-Respondent.

-----X

Respondent-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 March 22, 2018 (Appeal No. 6076),

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

CORRECTED ORDER - JULY 24, 2018

At a 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 26, 2018.

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

-----X
Stephane Cosman Connery and
Micheline Connery,

Plaintiffs-Respondents,

-against-

M-2521
M-2691
Index No. 401336/05

Burton S. Sulton,
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about February 15, 2018, and said appeal having been perfected,

And plaintiffs-respondents having moved to dismiss the aforesaid appeal pursuant to CPLR 5704(a)(2), to deny certain relief treated by this Court as a motion pursuant to CPLR 5704(a), and to enjoin defendant from filing a notice of appeal, any other appellate papers or motions related to this action without prior leave of this Court or the Administrative Judge of the New York County Supreme Court (M-2521),

And defendant-appellant having cross-moved for the imposition of costs and sanctions against plaintiffs' counsel (M-2691),

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 dismissing the appeal and otherwise denied (M-2521). The cross motion is denied (M-2691). Defendant-appellant is enjoined from filing any notice of appeal, appellate papers or motions related to this action without prior leave of this Court.

ENTERED:


CLERK

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

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

-----X

The People of the State of New York,

M-1165
Ind. No. 965/15

-against-

CERTIFICATE
DENYING LEAVE

James Glenn,

Defendant.

-----X

I, Barbara R. Kapnick, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon the application 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, dated January 22, 2018, is hereby denied.

Dated: June 13, 2018
New York, New York



Hon. Barbara R. Kapnick
Associate Justice

ENTERED

JUN 26 2018

✓

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

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

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

M-1705
Ind. No. 4192/2008

-against-

CERTIFICATE
DENYING LEAVE

Julio Moronta,

Defendant.
-----X

I, Barbara R. Kapnick, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon the application 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, dated February 5, 2018, is hereby denied.

Dated: June 13, 2018
New York, New York

ENTERED

JUN 26 2018


Hon. Barbara R. Kapnick
Associate Justice