

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 October 16, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,  
Rosalyn H. Richter  
Marcy L. Kahn  
Ellen Gesmer  
Anil C. Singh, Justices.

-----x  
Mary Doyle,

Plaintiff-Respondent,

-against-

M-4502  
Index No. 20242/13

Temco Service Industries, Inc.,  
et al.,

Defendants-Appellants.  
-----x

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

And defendants-appellants having moved for an order confirming the perfection deadline is November 1, 2018 or, in the alternative, for an enlargement of time to perfect 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 enlarging the time to perfect the appeal to the February 2019 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 October 16, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,  
Judith J. Gische  
Angela M. Mazzarelli  
Cynthia S. Kern  
Peter H. Moulton, Justices.

-----x  
Howard J. Kaplan and Michelle A. Rice,  
Plaintiffs-Appellants,

-against-

Ladenburg Thalmann & Co. Inc., Howard  
M. Lorber, Richard J. Lampen, Stanley  
S. Arkin and Arkin Kaplan Rice LLP,  
Defendants-Respondents,

M-4403  
Index No. 656188/16

Signature Bank,  
Defendant.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about October 26, 2017, and said appeal having been perfected,

And defendants-respondents Ladenburg Thalmann & Co. Inc., Howard M. Lorber and Richard J. Lampen having moved to adjourn the aforesaid appeal, to strike the record on appeal filed by plaintiffs-appellants and dismiss the appeal or, in the alternative, directing plaintiffs-appellants to file a supplemental record, at their own expense, to include the memorandum of law filed by appellants and the moving respondents,

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

It is ordered that the motion is granted to the extent of striking those portions of the record on appeal related to the memorandum of law (R. 803-848, 883-901), and adjourning the appeal to the January 2019 Term. The motion is otherwise denied.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 16, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,  
Sallie Manzanet-Daniels  
Barbara R. Kapnick  
Cynthia S. Kern  
Peter H. Moulton, Justices.

-----x

Robert E. Wilson, III,  
Plaintiff-Appellant,

-against-

Daniel Valente Dantas, et al.,  
Defendants-Respondents.

-----x

**SEALED**

M-4561

Index No. 650915/12

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about January 17, 2018,

And plaintiff-appellant having moved for an order sealing a certain Appendix volume, which includes documents that are the subject of a confidentiality order in Supreme Court, sealing the appellant's opening brief which refers to said confidential material, and 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, to the extent it seeks a sealing order, is denied as unnecessary (22 NYCRR §§ 1245.8, 1250.1[e][4]). The motion, to the extent it seeks an enlargement of time to perfect the appeal, is granted, and the time to perfect the appeal is enlarged to the February 2019 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 October 16, 2018.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Sallie Manzanet-Daniels  
Barbara R. Kapnick  
Cynthia S. Kern  
Peter H. Moulton, Justices.

-----x

Martha Arias,  
Plaintiff-Respondent,

-against-

Theodore Williams Construction Co.,  
LLC,  
Defendant-Appellant,

M-4573  
Index No. 151686/13

-and-

Recife Realty Co., N.V.,  
Defendant-Respondent.

-----

Theodore Williams Construction Co.,  
LLC,  
Third-Party Plaintiff-Appellant,

Index No. 590608/13

-against-

Island Painting, Inc.,  
Third-Party Defendant-Respondent.

-----x

Defendant/third-party plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about December 8, 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 February 2019 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 October 16, 2018.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Sallie Manzanet-Daniels  
Barbara R. Kapnick  
Peter H. Moulton, Justices.

-----x  
The People of the State of New York  
ex rel. Qui Tam "The Bayrock Tam  
Litigation Partnership,"  
Plaintiff-Appellant,

M-4387  
Index No. 101478/15

-against-

Bayrock Group LLC, et al.,  
Defendants-Respondents.  
-----x

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from the orders of the Supreme Court, New York County, entered on or about October 23, 2017 and October 30, 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 February 2019 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 October 16, 2018.

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

-----X  
The State of New York ex rel. Joshua  
Norkin, Esq., on behalf of Ramon J.  
Romero,  
Petitioner,

For a Judgment Pursuant to Article 78 M-3633  
of the Civil Practice Law and Rules, Index No. 1803N/18

-against-

Ellen Biben and Abraham Clott in their  
Official Capacities as Justices of the  
Supreme Court of the State of New York,  
New York County, Bridget Brennan,  
Special Narcotics Prosecutor,  
Respondents.

-----X

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

Now, upon reading and filing the stipulation of the parties hereto, dated July 27, 2018, and due deliberation having been had thereon,

It is ordered that the petition is deemed 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 October 16, 2018.

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

-----X

In the Matter of Za'ni Samuel S.

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

**Confidential**  
**M-4191**

-----X

Administration for Children's Services,  
Petitioner-Respondent,

Fam. Ct Dkt.  
NN-45406/16

-against-

Saphia S.,  
Respondent-Appellant.

-----X

An appeal having been taken from a fact finding order of the Family Court, New York County, entered on or about July 5, 2017,

Now, upon reading and filing the stipulation of the parties hereto, dated August 8, 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 October 16, 2018.

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

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

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

**CONFIDENTIAL**

M-4340  
Docket No. P-09495/17

-against-

Darrin M.,  
Respondent-Appellant,

-----X  
Petitioner-respondent having moved for leave to respond, as a poor person, to the appeal taken from the order of the Family Court, New York County, entered on or about May 24, 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 respondent-appellant and an original and five copies, and if represented by counsel, one digital copy, thereof are filed with this Court in accordance with 22 NYCRR 1250.9 [c][1].

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 October 16, 2018.

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

-----X  
Old Republic General Insurance  
Corp., etc., et al.,  
Plaintiffs-Respondents,

-against-

City Elevator Corp.,  
Defendant-Appellant.  
-----X

M-4343X  
Index No. 655745/16

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about December 26, 2017,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" August 23, 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 October 16, 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-4043**

Ind. No. 2414/16

Joseph Espada,

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 October 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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 180 days from the date of receipt of the complete record.

ENTER:

  
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 October 16, 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-4044**

Ind. No.1228/16

Terrell Sumpter,

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 October 6, 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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 180 days from the date of receipt of the complete record.

ENTERED:

  
CLERK



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 180 days from the date of receipt of the complete 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 October 16, 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-4048**

Ind. No.3971/15

Robert Rosaro,

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 January 10, 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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 180 days from the date of receipt of the complete record.

ENTERED:

  
CLERK



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 180 days from the date of receipt of the complete 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 October 16, 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-4098**

Ind. Nos. 2707/14  
4839/16

Dwight Reid,

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 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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 180 days from the date of receipt of the complete 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 October 16, 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-4100**

Ind. No. 2480/16

Shaniqua Jordan,

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 November 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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 180 days from the date of receipt of the complete record.

ENTERED:

  
CLERK



(M-4122)

-2-

October 16, 2018

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 180 days from the date of receipt of the complete 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 October 16, 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-4155**

Ind. No. 3291/16

Robert Parker,

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 December 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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 180 days from the date of receipt of the complete 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 October 16, 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-

Brett Johnson,

Defendant-Appellant.  
-----X

**M-4156**

Ind. Nos. 4721/16  
887/17

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 December 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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 180 days from the date of receipt of the complete 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 October 16, 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-4158**

Ind. No. 3326/16

Jasson Melo,

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 December 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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 180 days from the date of receipt of the complete 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 October 16, 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-

Jai Ortiz, also known as Jia Ortiz,

Defendant-Appellant.  
-----X

**M-4159**

Ind. Nos. 3906/11  
5118/11

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 December 7, 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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, Suite 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 180 days from the date of receipt of the complete 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 October 16, 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-4160  
Ind. No. 5346/16

James Canty,

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 August 21, 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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 180 days from the date of receipt of the complete 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 October 16, 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-

Anthony Steward,

Defendant-Appellant.  
-----X

**M-4161**

Ind. Nos. 1278/15  
                  3521/15

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 January 4, 2018, 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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, Suite 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 180 days from the date of receipt of the complete 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 October 16, 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-4162**

Ind. Nos. 5310/15  
3641/16

Andre Graham,

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 September 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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, Suite 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 180 days from the date of receipt of the complete record.

ENTERED:

  
\_\_\_\_\_  
CLERK



Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, Suite 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 180 days from the date of receipt of the complete 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 October 16, 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,

**Confidential**

M-4180

-against-

Ind. No. 1408/16

Jesus Ayala,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from the order of the Supreme Court, New York County (Jackson, J.), entered on or about December 1, 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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 Jackson as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Justine M. Luongo, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

(M-4180)

-2-

October 16, 2018

The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete 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 October 16, 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-4380**

Ind. No. 1412/17

Raymond Mullins,

Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on January 10, 2018, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about January 10, 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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.

(M-4380)

-2-

October 16, 2018

Justine M. Luongo, Esq., 199 Water Street, 5th Floor, New York, New York, 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 180 days from the date of receipt of the complete 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 October 16, 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,

**Confidential**  
**M-4228**

-against-

Ind. No. 1902/14

Willie Simmons,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from the order of the Supreme Court, Bronx County (Clancy, J.), entered on or about November 3, 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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 Clancy as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Justine M. Luongo, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

(M-4228)

-2-

October 16, 2018

The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete 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 October 16, 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,

**Confidential**  
**M-4242**

-against-

Ind. No. 419/13

Angel Mulero,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from the order of the Supreme Court, Bronx County (Bruce, J.), entered on or about February 23, 2018, 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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 Bruce as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Justine M. Luongo, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, without charge, as assigned counsel for defendant-appellant for the purposes of this appeal. The transcripts to be returned to this Court when appellant's brief is filed.

(M-4242)

-2-

October 16, 2018

The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete 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 October 16, 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,

**Confidential**

M-4243

-against-

Ind. No. 1273/93

Derrick Harris,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from the order of the Supreme Court, Bronx County (Bruce, J.), entered on or about July 13, 2018, 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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 Bruce as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Justine M. Luongo, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

(M-4243)

-2-

October 16, 2018

The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete 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 October 16, 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-610**

Ind. No. 1475/03

Corey Gamble,

Defendant-Appellant.  
-----X

A decision and order of this Court having been entered on April 22, 2010 (Appeal No. 2617), unanimously modifying a judgment of the Supreme Court, Bronx County (Martin Marcus, J.), rendered on November 19, 2004,

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 October 16, 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-

Charles Wynn,  
Defendant-Appellant.

**CONFIDENTIAL**

M-2799

Ind. No. 3247/03

-----X

A decision and order of this Court having been entered on December 19, 2006 (Appeal No. 9887), unanimously affirming a judgment of the Supreme Court, New York County (Bonnie Wittner, J.), rendered on March 30, 2004,

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 October 16, 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-3417  
Ind. No. 12241/92

Diane Word,  
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on September 27, 2007 (Appeal No. 8908), unanimously affirming a judgment of the Supreme Court, New York County (Harold Beeler, J.), rendered on November 5, 1999,

And defendant-appellant having moved to renew her numerous prior motions, in the nature of a writ of error coram nobis, for a review of her 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 October 16, 2018.

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

-----X  
In re Part 60 RMBS Put-Back Litigation

- - - - -  
Natixis Real Estate Capital  
Trust 207-HE2, etc.,  
Plaintiff/Counterclaim  
Defendant-Respondent,

-against-

M-2832  
Index Nos. 777000/15  
153945/13  
595610/15

Natixis Real Estate Capital, Inc.,  
Defendant/Counterclaim  
Plaintiff-Appellant,  
- - - - -

Natixis Real Estate Holdings LLC, etc.,  
Third-Party Plaintiff-Appellant,

-against-

Wells Fargo Bank, N.A.,  
Third-Party Defendant-Respondent.

-----X

Defendant/third-party plaintiff-appellant Natixis Real Estate Holdings LLC, having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on May 3, 2018 (Appeal No. 6469N),

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 October 16, 2018.

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

-----X  
Houston Casualty Company,  
Plaintiff-Respondent-Appellant,

-against-

Cavan Corporation of NY  
Defendant-Appellant-Respondent,

New Puck, LLC, et al.,  
Defendants.

- - - - -  
Cavan Corporation of NY,  
Third-Party/  
Plaintiff-Appellant-Respondent,

M-2942  
Index Nos. 651981/14  
595609/14

-against-

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

-----X

Third-party defendant-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 May 3, 2018 (Appeal No. 6458),

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 October 16, 2018.

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

-----X  
The Estate of Mora J. Moore, by  
Executor Janie Williams, and Janie  
Williams, Individually,  
Plaintiffs-Appellants,

-against-

M-3004  
Index No. 300062/13

Trinity Baptist Church,  
Defendant-Respondent.

-----X

Plaintiffs-appellants having moved for reargument of the decision and order of this Court, entered on May 3, 2018 (Appeal No. 6453),

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 October 16, 2018.

Present: Hon. Rolando T. Acosta, Presiding Justice,  
John W. Sweeny Jr.  
Sallie Manzanet-Daniels  
Ellen Gesmer  
Anil C. Singh Justices.

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

-against-

**M-4094**  
Ind. No. 4884/15

Michael Wisdom,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about November 2, 2017, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard upon 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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.

Roma Baran, Esq., 305 Broadway, Suite 1100 New York NY 10007, Tel. No. (212)431-4106, 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 180 days from the date of receipt of the complete 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 October 16, 2018.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,  
Judith J. Gische  
Angela M. Mazzarelli  
Troy K. Webber  
Marcy L. Kahn, Justices.

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

Respondent,

-against-

Quentin F.,

Defendant-Appellant.  
-----x

**SEALED**  
M-4513  
Ind. No. 2606/12

Defendant-appellant having moved for an enlargement of time to perfect the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about December 17, 2013,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the February 2019 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 October 16, 2018.

PRESENT: Hon. David Friedman, Justice Presiding,  
Rosalyn H. Richter  
Barbara R. Kapnick  
Troy K. Webber, Justices.

-----X

Gerald P. Halpern, co-executor of  
the Estate of Fred Ziess and  
Maunter-Glick Corp.,  
Petitioners-Landlords-Respondents,

-against-

Mark Tunne,  
Respondent-Tenant-Appellant.

-----X

M-3123  
New York County Clerk  
Index No. 570204/17  
Civil Court  
Index No. 82723/06

An order of this Court having been entered on May 31, 2018 (M-1489) having denied respondent-tenant-appellant leave to appeal to this Court from the decision and order of the Appellate Term, First Department, entered in the office of the Clerk of the Supreme Court, New York County, on or about October 5, 2017,

And respondent, pro se, having renewed his motion for leave to appeal from the Appellate Term order and for clarification of the aforesaid order of 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 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 October 16, 2018.

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

-----x  
Wells Fargo Bank, N.A., successor by  
merger to Wells Fargo Home Mortgage, Inc.,  
Plaintiff-Respondent,

-against-

M-3546  
Index No. 381643/09

Manuel Martinez and Rose Maria Martinez,  
Defendants-Appellants,

Alliance Mortgage Banking Corp., et al.,  
Defendants.

-----x  
Appeals having been taken from a judgment of the Supreme Court, Bronx County, entered on or about January 6, 2016 and from an order of the same Court and Justice, entered on or about May 23, 2018,

And defendants-appellants having moved to cancel the scheduled foreclosure sale, to enjoin plaintiffs, the referee and others from selling the subject property pending hearing and determination of the aforesaid appeals and for consolidation of the 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 branches of the motion seeking a stay of the foreclosure sale and related relief are denied. The interim relief granted by a Justice of this Court on July 18, 2018, is vacated. That branch of the motion seeking consolidation of the appeals is denied as unnecessary as the appeals may be consolidated as of right (22 NYCRR 1250.9 [f][3]).

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 October 16, 2018.

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

-----X  
Michelle Nappi,  
Plaintiff-Appellant, M-3611  
M-3989  
-against- Index No. 150610/18

Community Access, Inc., and  
Eight Cooper Equities, LLC,  
Defendants-Respondents.  
-----X

Plaintiff-appellant, pro se, having moved by separate motions for leave to prosecute, as a poor person, the appeals from orders of the Supreme Court, New York County, entered on or about July 3, 2018 and July 25, 2018, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that the motions are 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 an original and five copies, and if represented by counsel, one digital of such brief, together with the original record, pursuant to Section 1250.9 of the Rules of the Appellate Division. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 16, 2018.

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

-----X  
In the Matter of

Hennessy C.,

**CONFIDENTIAL**

M-3647

A Person Alleged to Be a Juvenile  
Delinquent,

Docket No. D-44563/16

Appellant.  
-----X

An appeal having been taken to this Court from an Order of Disposition of the Family Court, New York County, entered on or about June 5, 2017,

And Dawne A. Mitchell, Esq., the Legal Aid Society, having moved to be relieved as counsel and to substitute other counsel to prosecute 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 (1) striking the designation of Dawne A. Mitchell, Esq., as counsel and substituting, pursuant to Section 722 of the County Law, Aleza Ross, Esq., 31 Oak Street, Suite #26, Patchogue, NY 11772, Telephone No. 631-361-6900, 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 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 Section 1250.9 of the Rules of the Appellate Division, **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 October 16, 2018.

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

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

-against- **M-3785**  
Ind. No. 600/14

Jesswill Perez,  
Defendant-Appellant.

-----X

An order of this Court having been entered on May 30, 2017(M-1726) granting defendant leave to prosecute, as a poor person, the appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about December 15, 2016, and assigning Rosemary Herbert, Esq., predecessor Attorney-In-Charge to Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4100, as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

It is ordered that the motion is granted to the extent of striking the designation of the Office of the Appellate Defender as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Roma Baran, Esq., 305 Broadway, Suite 1100 New York, NY 10007, Telephone No. (212) 431-4106 as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect this appeal is enlarged until 180 days from the date of receipt of the complete 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 October 16, 2018.

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

-----x

Wells Fargo Bank, N.A., etc.,  
Plaintiff-Respondent,

-against-

M-3829

Index No. 380564/09

Lorena Gomez,  
Defendant-Appellant,

-and-

Capital One Bank, N.A., etc., et al.,  
Defendants.

-----x

Plaintiff-respondent having moved to dismiss the appeal taken from the order of the Supreme Court, Bronx County, entered on or about May 2, 2017, for failure to timely perfect,

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

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

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 16, 2018.

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

-----X  
Batbrothers LLC,  
Plaintiff-Respondent,

-against-

M-3862  
Index No. 150122/15

Sergey Viktorovich Paushok,  
Defendant-Appellant.  
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about June 26, 2016,

And defendant-appellant having moved to enlarge the record on appeal or, in the alternative, to have this Court take judicial notice of certain documents,

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 October 16, 2018.

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

-----x  
In the Matter of

Frank Enrique S., Jr.,

**CONFIDENTIAL**

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

M-3875  
M-3877  
Docket Nos. B-18651/13  
B-18651/13  
N-15651/11

- - - - -  
Catholic Guardian Services,  
Petitioners-Respondents,

Karina Elizabeth F.,  
Respondent-Appellant,

Mike G., Sr.,  
Respondent-Appellant.

- - - - -  
Dawne A. Mitchell, Esq.,  
The Legal Aid Society,  
Attorney for the Child.

-----X  
In the Matter of

Michael G.,  
and Gabrielle G.,

**CONFIDENTIAL**

Dependent Children under 18 Years of  
Age Pursuant to §384-b of the Social  
Services Law of the State of New York.

Docket Nos. B-46584/16  
B-46585/16

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

Karina Elizabeth F.,  
Respondent-Appellant,

Mike G., Sr.,  
Respondent-Appellant.

- - - - -

-----  
 Dawne A. Mitchell, Esq.,  
 The Legal Aid Society,  
 Attorney for the Children.  
 -----X

In the Matter of

Gabrielle G.,

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

**CONFIDENTIAL**  
Docket No. NN-40004/13

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

Karina Elizabeth F.,  
Respondent-Appellant,

Mike G., Sr.,  
Respondent-Appellant.

-----  
 Dawne A. Mitchell, Esq.,  
 The Legal Aid Society,  
 Attorney for the Child.  
 -----X

In the Matter of Michael G.,

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

**CONFIDENTIAL**  
Docket No. NN-45208/14

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

Karina Elizabeth F.,  
Respondent-Appellant,

Mike G., Sr.,  
Respondent-Appellant.

-----  
 Dawne A. Mitchell, Esq.,  
 The Legal Aid Society,  
 Attorney for the Child.  
 -----X

Respondent-appellant Karina Elizabeth F., having moved, pro se, by separate motions, for leave to prosecute the appeal from an order of the Family Court, New York County, entered on or about July 26, 2012, and her appeal from the Family Court orders entered under Docket Nos. N-15651/11, N-40004/13, N-45208/14, B-18651/13, B-45685/16 and B-46584/16 from July 25, 2012 to the present, as a poor person, 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 motions, and due deliberation having been had thereon,

It is ordered that the motions are denied, with leave to renew upon papers including proof that a copy of the motion papers have been sent to Kenneth Tuccillo, Esq., 591 Warburton Avenue, Suite 576, Hastings on Hudson, New York, 10701.

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 October 16, 2018.

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

-----X  
In the Matter of a Support Proceeding

Sharlene R. H.,  
Petitioner-Respondent,

-against-

Howard L. M.,  
Respondent-Appellant.

**CONFIDENTIAL**

M-3901

Docket No. F-35973-11/15C

-----X

Petitioner-respondent having moved to dismiss the appeal taken from an Order of Commitment of the Family Court, New York County, entered on or about July 25, 2016,

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

It is ordered that the motion is granted and the appeal is dismissed as abandoned. The stay granted by an order of this Court on January 26, 2017 (M-6586) is hereby 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 October 16, 2018.

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

-----X  
Xin Yong Sun,

Plaintiff-Appellant,

-against-

M-3910

Index No. 151006/14

Pittsford Plaza SPE, LLC and E and R Contracting,

Defendants-Respondents.

-----X

Defendant-respondent E and R Contracting having moved to dismiss 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 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 October 16, 2018.

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

-----X  
Lukasz Gottwald, presently known as  
Dr. Luke, et al.,  
Plaintiffs,

-against-

Kesha Rose Sebert, presently known  
as Kesha, et al.,  
Defendants-Respondents.

M-3905

-----X  
Kesha Rose Sebert, presently known  
as Kesha,  
Counterclaim Plaintiff-Respondent,

Index No. 653118/14

-against-

Lukasz Gottwald, presently known  
as Dr. Luke, et al.,  
Counterclaim Defendants,

Sony Music Entertainment,  
Non-Party Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about August 6, 2018,

And non-party appellant having moved to stay enforcement of the aforesaid order pending hearing and determination of the 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.

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 October 16, 2018.

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

-----X

Libra Max,  
Petitioner-Respondent,

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

-against-

M-4110  
Index No. 156641/17

ALP, Inc., etc., et al.,  
Respondents-Appellants,

-and-

Lawrence Flynn, as guardian of the  
property management for a person in  
need of a guardian,  
Respondent-Respondent.

-----X

Appeals having been taken from orders of the Supreme Court,  
New York County, entered on or about May 30, 2018 and June 29,  
2018,

And petitioner-respondent and respondent-respondent having  
moved jointly to dismiss the aforesaid appeals, or in the  
alternative, to grant a conditional dismissal unless the appeal  
is perfected for the December 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.

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 October 16, 2018.

PRESENT: Hon. David Friedman, Justice Presiding,  
Barbara R. Kapnick  
Marcy L. Kahn  
Jeffrey K. Oing, Justices.

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

-against-

M-4037  
Ind. No. 3529/16

Shaun Lewis,  
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, Bronx County, rendered on or about February 27, 2018, 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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, NY 10007, Telephone No. 212-402-4112, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete 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 October 16, 2018.

Present - Hon. David Friedman, Justice Presiding,  
Barbara R. Kapnick  
Marcy L. Kahn  
Jeffrey K. Oing, Justices.

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

Respondent,

-against-

M-4038  
Ind. No. 1953/15

Robert Garcia,

Defendant-Appellant.  
-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about December 14, 2016,

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

It is ordered that the motion is granted to the extent of deeming the moving papers a timely filed notice of appeal.

ENTERED:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 16, 2018.

Present - Hon. David Friedman, Justice Presiding,  
Barbara R. Kapnick  
Marcy L. Kahn  
Jeffrey K. Oing, Justices.

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

Respondent,

-against-

M-4047  
Ind. No. 4782/16

Jonathan Paulo,

Defendant-Appellant.  
-----X

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

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

It is ordered that the motion is denied, with leave to renew, upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), and in compliance with 22 NYCRR 1250.4 (d) (1) and (4), setting forth facts sufficient to establish that defendant has no funds or assets with which to prosecute the appeal, including the amount and sources of his income and listing his property with its value. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 16, 2018.

Present - Hon. David Friedman, Justice Presiding,  
Barbara R. Kapnick  
Troy K. Webber  
Jeffrey K. Oing  
Peter H. Moulton, Justices.

-----x  
Michel Kadosh, individually and on  
behalf of 213 W. 85th St., LLC,  
Plaintiffs-Respondents,

-against-

M-4279  
Index No. 651834/10

David Kadosh, 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 August 14, 2018,

And defendant-appellant David Kodosh having moved to stay enforcement of the aforesaid order pending hearing and 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 continuing the interim stay granted by the order of a Justice of this Court, dated August 23, 2018, on condition that (1) the \$1.5 million appeal bond posted by defendant-appellant David Kadosh remains in place, and (2) the appeal is perfected for the January 2019 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 October 16, 2018.

Present - Hon. David Friedman, Justice Presiding,  
Barbara R. Kapnick  
Troy K. Webber  
Jeffrey K. Oing  
Peter H. Moulton, Justices.

-----x  
Denise Swartz, et al., etc.,

Plaintiffs-Respondents,

-against-

M-4433  
Index No. 150056/15

New York City Transit Authority,  
et al.,

Defendants-Appellants.  
-----x

Defendants-appellants having moved for an enlargement of time to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about September 27, 2016,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the February 2019 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 October 16, 2018.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Rosalyn H. Richter  
Marcy L. Kahn  
Peter H. Moulton, Justices.

-----x  
In the Matter of the Application of  
Luis Galarza,  
Petitioner-Appellant,

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

M-3933  
Index No. 101487/17

-against-

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

Petitioner-appellant having moved for reconsideration of prior order of this Court, entered on July 19, 2018 (M-2188), which dismissed the appeal taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about February 9, 2018, for failure to timely perfect,

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

It is ordered that the motion is denied.

ENTERED:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 16, 2018.

Present - Hon. John W. Sweeny, Jr.,                   Justice Presiding,  
                  Judith J. Gische  
                  Angela M. Mazzarelli  
                  Troy K. Webber  
                  Marcy L. Kahn,                                 Justices.

-----x  
Venisha Gardner,

Plaintiff-Appellant,

-against-

M-4106  
Index No. 153937/12

Consolidated Edison Company of  
New York, Inc.,

Defendants-Respondents.  
-----x

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about January 3, 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 enlarging the time to perfect the appeal to the February 2019 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 October 16, 2018.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Peter Tom  
Ellen Gesmer  
Cynthia S. Kern  
Peter H. Moulton, Justices.

-----X  
M&M Realty of New York, LLC, et al.,  
Plaintiffs-Appellants-Respondents,

-against-

M-4320  
Index No. 153949/16

The Burlington Insurance Company,  
Defendant-Respondent-Appellant,

-and-

L&M Restoration, Inc.,  
Defendant.

-----X

An appeal and cross appeal having been taken to this Court from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about July 2, 2018, and the direct appeal having been perfected,

And plaintiffs-appellants-respondents having moved to strike the cross appeal upon the grounds that defendant-respondent-appellant the Burlington Insurance Company is not an aggrieved party,

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 cross appeal is dismissed, with costs to abide the appeal.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 16, 2018.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,  
Peter Tom  
Ellen Gesmer  
Cynthia S. Kern  
Peter H. Moulton, Justices.

-----x

In the Matter of the Application of  
Denise Trojan,  
Petitioner-Appellant,

-against-

M-4324  
Index No. 101972/16

American Arbitration Association,  
et al.,  
Respondents-Respondents.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about October 27, 2017, and said appeal having been perfected,

And respondents-respondents having moved to dismiss the aforesaid appeal upon the grounds that no appeal lies from an order denying reargument,

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. The Clerk is directed to strike the appeal from this Court's calendar.

ENTERED:

  
\_\_\_\_\_  
CLERK

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

BEFORE: Hon. Rosalyn H. Richter  
Justice of the Appellate Division

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

Respondent,

M-4542  
Ind. No. 10511/97

-against-

CERTIFICATE  
DENYING LEAVE

Curtis Gibson,

Defendant.

-----X

I, Rosalyn H. Richter, a Justice of the Appellate Division, Supreme Court, First Department, do hereby certify that the application by the above-named defendant for a certificate pursuant to CPL 460.20 seeking leave to appeal to the Court of Appeals from the denial by a Justice of this Court of his application for a certificate, pursuant to CPL 460.15, granting him permission to appeal from the Order of the Supreme Court, New York County (Juan Merchan, J.) entered on or about September 29, 2017 (M-5874), is hereby denied.

Dated: October 2, 2018  
New York, New York

  
Justice of the Appellate Division

ENTERED

OCT 16 2018