

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 20, 2018.

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

-----X  
Probate Proceeding, Will of

SAUL LEITER,

Deceased.

M-3138  
Surrogate's Court  
File No. 2014-0067

-----X

An appeal having been taken from an order of the Surrogate's Court, New York County, entered on or about October 13, 2017,

And counsel for objectant-appellant, White & Wolnerman, PLLC, having moved to be relieved as 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 denied, with leave to renew, upon a showing of proper service on objectant-appellant.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 20, 2018.

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

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

-against-

Deontae S.,  
Defendant-Appellant.

**SEALED**

M-3303

Ind. Nos. 5/16

2037/16

SCI No. 975/17

-----X

An order of this Court having been entered on June 28, 2018 (M-2215), inter alia, granting defendant's motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about June 9, 2017, under Indictment Nos. 5/16 and 2037/16, and assigning counsel therefor,

And defendant-appellant having moved for an order amending the notice of appeal and the aforementioned order to include an additional judgment rendered on or about June 9, 2017 under SCI No. 975/17, or in the alternative, to file a late notice of appeal from the judgment under SCI No. 975/17,

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

It is ordered that said motion is granted to the extent of amending defendant's notice of appeal and the aforementioned order to include the judgments rendered on or about June 9, 2017 under Indictment Nos. 5/16 and 2037/16 and SCI No. 975/17, and extending the poor person relief previously granted to cover same.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 20, 2018.

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

-----X  
Greater New York Mutual Insurance  
Company, as subrogee of Myra Realty LLC,  
And all other named insureds under  
policy #1131M79476,  
Plaintiff-Respondent,

M-2734  
Index No. 156179/14

-against-

Utica First Insurance Company,  
Defendant-Appellant.

-----X  
Utica First Insurance Company,  
Third-Party Plaintiff,

Third Party  
Index No. 595350/14

-against-

Allstate Insurance Company, etc., et al.  
Third-Party Defendants.

-----X

Defendant-appellant/third-party plaintiff, Utica First Insurance Company, having moved, inter alia, for an enlargement of time to perfect its appeal from an order of the Supreme Court, New York County, entered on or about July 13, 2017, incorporating by reference, a decision, same Court and Justice, entered on or about July 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 to the extent of enlarging the time to perfect the appeal to the March 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 September 20, 2018.

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

-----X  
Alan Dunston,

Plaintiff-Appellant,

-against-

M-3408

Index No. 251166/14

The Administration for Children's Services,

Defendant-Respondent.

-----X

Petitioner-appellant, pro se, having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, Bronx County, entered on or about July 19, 2017,

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

It is ordered that the motion is denied.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 20, 2018.

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

-----x

In the Matter of the Application of  
Steven Banks, as Commissioner of  
Social Services of the City of New York,  
Petitioner-Respondent,

**CONFIDENTIAL**

M-3553

Index No. 500365/15

For the Appointment of a Guardian  
of the Personal Needs and Property  
Management of Ottia M. W.,

A Person Alleged to be Incapacitated.

Respondent-Appellant.

-----x

Respondent-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 March 16, 2016,

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

It is ordered that the motion is denied.

ENTERED:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 20, 2018.

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

-----X

Phillips Nizer, LLP,  
Plaintiff-Respondent,

-against-

M-3128  
Index No. 154972/17

Allison Scollar,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for a stay of all proceedings pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about May 23, 2018,

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

It is ordered that the motion is denied.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 20, 2018.

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

-----X  
Michael Knopf, et al.,  
Plaintiffs/Counterclaim  
Defendants-Respondents,

-against-

M-3132  
Index No. 113227/09

Michael Hayden Sanford, Pursuit  
Holdings, LLC, Sanford Partners, LP,  
MH Sanford & Co., LLC and Wyndclyffe,  
LLC,  
Defendants/Counterclaim  
Plaintiffs-Appellants.

-----X  
Michael Knopf, et al.,  
Plaintiffs/Counterclaim  
Defendants-Respondents,

-against-

Michael Hayden Sanford,  
Defendant/Counterclaim  
Plaintiff-Appellant.

-----X  
Normal Knopf, et al.,  
Petitioners-Respondents,

-against-

Index No. 152621/18

Pursuit Holdings, LLC, Dechert, LLP,  
Michael H. Sanford and Office of The  
Sheriff of the City of New York,  
Respondents-Appellants.

-----X



A purported appeal having been taken from a judgment of the Supreme Court, New York County, entered on or about February 22, 2018,

And defendants-appellants Michael Sanford and Pursuit Holdings LLC, having moved to stay all matters pending before the lower Court to permit new counsel to review the record and determine an appropriate course of action, or in the alternative to refer the matter to the disciplinary committee,

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

It is ordered that the motion is denied.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 20, 2018.

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

-----x  
New York State Homeless Housing and  
Assistance Corporation,  
Plaintiff-Respondent,

-against-

M-3486  
Index No. 24530/17E

TAFSC Housing Development Fund  
Corporation,  
Defendant-Appellant,

-and-

The Third Avenue Family Service  
Center, et al.,  
Defendants.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about June 13, 2018,

And defendant-appellant having moved for a stay of enforcement of the June 13, 2018 order pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is denied.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in in the County of New York on September 20, 2018.

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

-----X

88 Third Realty, LLC,  
Plaintiff-Respondent

-against-

M-3365  
Index No. 153632/16

Chanel H. Edwards,  
Defendant-Appellant,

-and-

Barry Stanley and  
King Street Construction LLC,  
Defendants.

-----X

Defendant-appellant having moved for a stay of the order of the Supreme Court, New York County, entered on or about July 2, 2018, pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is denied, and the interim relief granted by an order of a Justice of this Court on July 5, 2018, is vacated.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 20, 2018.

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

-----x

Pennymac Corp.,  
Plaintiff-Respondent,

-against-

M-2788

Index No. 381334/08

Valentine Chaevelier Castillo,  
Defendant-Appellant,

-and-

JP Morgan Chase Bank, N.A.,  
et al.,  
Defendants.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about January 24, 2018,

And defendant-appellant having moved for a stay of the foreclosure sale of the subject premises located at 883 E. 175<sup>th</sup> Street, Bronx, New York, pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is granted, and the foreclosure of the subject premises is stayed on the condition that defendant Castillo posts a bond in the amount of \$361,916.22, and upon the further condition the appeal is perfected for the January 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 September 20, 2018.

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

-----X  
The People of the State of New York  
ex rel. Vardell Smalls,  
Petitioner,

-against-

M-2936  
Ind. No. 4074/17

City of New York, State of New York,  
N.Y.C. Department of Corrections,  
The Legal Aid Society, et al.,  
Respondent(s).

-----X

The above-named petitioner having moved for, inter alia, a writ of habeas corpus to be issued from 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 be and the same hereby is granted only to the extent of transferring the proceeding to and be heard before a Justice of the Supreme Court of the State of New York, New York County, forthwith, and

It is further ordered that service by mail of a copy of this writ of habeas corpus, petition and supporting papers, by the Clerk of this Court, contemporaneous with the entry hereof, upon the Warden at Riker's Island, Anna M. Kross Center, 18-18 Hazen Street, East Elmhurst, NY 11370; the Attorney General of the State of New York, 120 Broadway, New York, New York 10271; and

the District Attorney of New York County, Cyrus R. Vance, Jr., One Hogan Place, New York, NY 10013, be deemed due and sufficient notice.

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 September 20, 2018.

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

-----X  
JMW 75 LLC,

Petitioner-Landlord-Appellant,

-against-

Claude Debs, et al., etc.,  
Respondents-Tenants-Respondents,

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

M-3006  
New York County  
Index No. 570017/17  
Civil Court  
Index No. 61276/17

-----X

Petitioner-landlord-appellant having moved for leave to appeal to this Court from the decision and order of the Appellate Term, First Department, entered in the office of the Clerk of the Supreme Court, New York County, on or about March 23, 2018,

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

It is ordered that the motion is denied.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 20, 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-3558  
Ind. No. 5710/14

Henry Marquez,  
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about June 10, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated June 29, 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 September 20, 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 Nelson,  
Defendant-Appellant.

M-3574  
Ind. Nos. 4107N/15  
4443N/15

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about March 8, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated July 19, 2018, and due deliberation having been had thereon,

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

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 20, 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-3575  
Ind. No. 2224/14

Jerome Thomas,  
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about May 31, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated July 19, 2018, and due deliberation having been had thereon,

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

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 20, 2018.

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

-----X  
Angelina Register,  
Plaintiff-Respondent,

-against-

M-3614X  
Index No. 303391/14

SAS Morrison LLC, et al.,  
Defendants-Appellants.  
-----X

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 24, 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 September 20, 2018.

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

-----X

Patricia Adeniyi,  
Plaintiff-Respondent,

-against-

M-3661X  
Index No. 305608/14

M. Rasheduzzaman, et al.,  
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about March 28, 2018,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 18, 2018, and due deliberation having been had thereon,

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

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 20, 2018.

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

-----X  
Queller, Fisher, Washor, Fuchs &  
Kool, LLP, et al.,  
Petitioners-Appellants,

-against-

M-3708X  
Index No. 653067/17

Fred Queller and Queller & Fisher,  
LLP,  
Respondents-Respondents.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, entered on or about August 29, 2017,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 19, 2018, and due deliberation having been had thereon,

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

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 20, 2018.

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

-----X

Bernice Wallace,  
Plaintiff-Respondent,

-against-

M-3709X  
Index No. 100093/10

Elliott Feinman, M.D.,  
Defendant-Appellant,

New York Eye and Ear Infirmary,  
et al.,  
Defendants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 10, 2017,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 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 September 20, 2018.

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

-----X  
Nikolas Martinez,  
Plaintiff-Respondent,

-against-

M-3710X  
Index No. 656776/16

Foragers Chelsea LLC,  
Defendant-Appellant.  
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 5, 2017,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 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 September 20, 2018.

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

-----X  
Albert DiBlasio,  
Plaintiff-Respondent-Appellant,

-against-

M-3465X  
Index No. 655535/16

Marc Holding, Inc., et al.,  
Defendants-Appellants-Respondents.

-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about October 2, 2017 and April 16, 2018,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 10, 2018, and due deliberation having been had thereon,

It is ordered that the appeals are withdrawn in accordance with the aforesaid stipulation.

ENTERED:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 20, 2018.

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

-----X  
Arbor Realty Funding, LLC,  
Plaintiff-Respondent,

-against-

Herrick, Feinstein LLP,  
Defendant-Appellant.

- - - - -  
Herrick, Feinstein LLP,  
Third-Party Plaintiff-Appellant,

M-3518X  
Index No. 651079/11

-against-

Ivan Kaufman, Frred Weber, Arbor  
Commercial Mortgage, LLC and  
Arbor Realty Trust, Inc.,  
Third-Party Defendants-Respondents.

-----X

Three appeals having been taken to this Court from an order of the Supreme Court, New York County, entered on or about April 5, 2018,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 16, 2018, and due deliberation having been had thereon,

It is ordered that the appeals are withdrawn in accordance with the aforesaid stipulation.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 20, 2018.

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

-----X  
Robert Stephens,  
Plaintiff-Respondent,

-against-

M-3705  
Index No. 116200/09

New York Law School, et al.,  
Defendants.

- - - - -

New York Law School, et al.,  
Third-Party Plaintiffs,

-against-

Index No. 590582/11

Henick-Lane, Inc., et al.,  
Third-Party Defendants.

- - - - -

New York Law School, et al.,  
Second Third-Party Plaintiffs-  
Respondents,

-against-

Taggart Associates Corp.,  
Second Third-Party Defendant-  
Appellant,

Index No. 590608/12

-and-

Sirina Fire Protection Corp.,  
Second Third-Party Defendant-  
Respondent.

- - - - -

[And fourth-party actions.]

-----X

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about April 12, 2017,

Now, upon reading and filing the stipulation of the parties hereto, filed on July 26, 2018, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected, is withdrawn in accordance with the aforesaid stipulation.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 20, 2018.

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

-----X  
M.H., an Infant under the Age of 18  
Years, by his Mother and Natural  
Guardian Nancy Reyer, and Nancy Reyer,  
Individually,  
Plaintiffs,

M-3706  
Index No. 101083/12

-against-

Bed Bath & Beyond Inc.,  
Defendant.

- - - - -  
Bed Bath & Beyond Inc.,  
Third-Party Plaintiff-Respondent,

-against-

Napa Home & Garden, Inc., et al.,  
Third-Party Defendants-Respondents,

Index No. 590629/12

-and-

Ashland, Inc. and Essential Ingredients,  
Inc.,  
Third-Party Defendants-Appellants.

-----X

Separate appeals having been taken to this Court by third-party defendants-appellants from the order of the Supreme Court, New York County, entered on or about January 12, 2017,

Now, upon reading and filing the stipulation of the parties hereto, dated July 17, 2018, and due deliberation having been had thereon,

It is ordered that the appeals, previously perfected, are withdrawn in accordance with the aforesaid stipulation.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 20, 2018

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

-----X  
Gary Devirgilio,  
Plaintiff-Respondent,

-against-

1634-1646 Broadway Realty Co., Inc.  
and Trebuhs Realty Co., Inc.,  
Defendants,

-and-

**M-4202**  
Index No. 162149/14

Bespoke Theatricals LLC,  
Defendant-Appellant-Respondent,

-and-

Stage Entertainment USA, Inc.,  
Defendant-Respondent-Appellant.

-----X

Appeals having been taken from an order of the Supreme Court, New York County, entered on or about July 14, 2017,

Now, upon reading and filing the stipulation of the parties hereto, dated August 17, 2018, and due deliberation having been had thereon,

It is ordered that the appeals, previously perfected, are withdrawn in accordance with the aforesaid stipulation.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 20, 2018.

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

-----x

Linear Contracting, Inc.,  
Plaintiff-Respondent,

-against-

M-4205  
Index No. 153097/12

Mt. Hawley Insurance Company,  
Defendant-Appellant.

-----x

An appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about July 14, 2014,

Now, upon reading and filing the stipulation of the parties hereto, dated August 7, 2018, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected, is withdrawn in accordance with the aforesaid stipulation.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 20, 2018.

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

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

- - - - -  
Dave D.,  
Petitioner-Appellant,

**CONFIDENTIAL**

M-3404  
Docket No. V-31561-11/15B

-against-

Cara C.,  
Respondent-Respondent.

-----X

Assigned counsel for petitioner-appellant having moved to withdraw the appeal taken from orders of the Family Court, Bronx County, entered on or about April 19, 2016, to relieve assigned 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 deeming the appeal 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 September 20, 2018.

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

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

- - - - -  
Rachel M.,  
Petitioner-Appellant,  
  
-against-

**CONFIDENTIAL**

M-3444  
Docket Nos. V-17925-13/16B  
V-17925-13/16C

Arkhameed T.,  
Respondent-Respondent.

-----X

Assigned counsel for petitioner-appellant having moved to withdraw the appeal taken from an order of the Family Court, New York 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 to the extent of deeming the appeal withdrawn.

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 September 20, 2018.

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

-----X  
Christopher Brown,  
Plaintiff-Respondent,

-against-

M-2958  
Index Nos. 159252/14  
595628/16

Wendy Webb-Weber,  
Defendant-Appellant.

- - - - -

Wendy Webb-Weber,  
Third-Party Plaintiff-Appellant,

-against-

Steven Thau,  
Third-Party Defendant-Respondent.

-----X

Defendant/third-party plaintiff-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on May 15, 2018 (Appeal No. 6556),

Now, upon reading and filing the papers with respect to the motion, including the stipulation of the parties dated July 2, 2018, and due deliberation having been had thereon,

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 September 20, 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-3238  
Ind. No. 2754/16

Reginald Herbin,

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 18, 2017, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28<sup>th</sup> Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 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 September 20, 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-3407  
Ind. No. 4477/16

Angelique Mejias,  
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 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, 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 September 20, 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-3461  
Ind. No. 5652/14

Ali Moalawi,  
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 February 5, 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 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

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

Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, 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 September 20, 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-3463  
Ind. No. 1684/15

Karilie Herrera,  
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 11, 2017, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28<sup>th</sup> Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 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 September 20, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice4,  
David Friedman  
John W. Sweeny, Jr.  
Rosalyn H. Richter, Justices.

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

-against-

M-3470  
Ind. No. 2678/12

Gabriel Perez,  
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 March 19, 2014, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28<sup>th</sup> Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 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 September 20, 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-3576  
Ind. No. 1690/16

Anthony Cochrane,  
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about November 1, 2017, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about November 1, 2017,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and which directed trial counsel to file a notice of appeal on defendant's behalf,

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

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

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:

A handwritten signature in black ink, appearing to read "Susan R.", is written above a horizontal line.

CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 20, 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-3591  
Ind. No. 6007/10

Babu McNeil,  
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about November 8, 2017, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about October 31, 2017,

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

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

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

Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, 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 September 20, 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-3593  
Ind. No. 704/15

Christopher Gomez,  
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about November 9, 2017, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about November 9, 2017,

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

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

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

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 September 20, 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-3602  
Ind. No. 5401/16

Allen Emmet,  
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about November 20, 2017, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about November 20, 2017,

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

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

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

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 September 20, 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-3604  
Ind. No. 862/16

Davia Clarke,  
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about November 28, 2017, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about April 27, 2017,

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

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

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

Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, 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 September 20, 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-3605  
Ind. Nos. 24/17  
3229/16

Timothy Buchanan,  
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about September 19, 2017, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about September 15, 2017,

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

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

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

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 September 20, 2018.

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

-----X  
Flutur Bida,

Plaintiff-Appellant,

-against-

**M-4114**

Index No. 111370/10

Port Authority of New York and New Jersey  
and Modern Facilities Services, Inc.,

Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from a judgment of the Supreme Court, New York County, entered on or about June 22, 2017,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the January 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 September 20, 2018.

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

-----X  
N.P., an infant by his mother and  
natural guardian, Suso Pinzolo, etc.,

Plaintiffs-Appellants,

-against-

M-4267  
Index No. 101529/11

West 8 Street Associates LLC, et al.,

Defendants-Respondents.  
-----X

Plaintiffs-appellants having moved for an enlargement of time to perfect the appeal taken from taken the order of the Supreme Court, New York County, entered on or about February 7, 2018,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the March 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 September 20, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
Sallie Manzanet-Daniels  
Peter Tom  
Jeffrey K. Oing  
Anil C. Singh, Justices.

-----X  
Max Ember,

Plaintiff-Appellant,

-against-

M-2618  
Index No. 151379/16

Charlene Denizard, et al.,

Defendants-Respondents.

-----X

Defendants-respondents having moved for reargument/renewal of or, in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on April 19, 2018 (Appeal No. 6332),

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

It is ordered that the motion is denied.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 20, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,  
Peter Tom  
Richard T. Andrias  
Ellen Gesmer, Justices.

-----X  
Galaxy General Contracting Corp.,  
Plaintiff-Appellant,

-against-

M-2946  
Index No. 102131/10

2201 7th Avenue Realty LLC,  
Defendant-Respondent,

Banco Popular North America, et al.,  
Defendants.

-----X

Defendant-respondent having moved to vacate the decision and order of this Court, entered on May 31, 2012 (Appeal No. 7825), and to remand plaintiff-appellant's motion for a default judgment to 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 September 20, 2018.

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

-----X

Stop Irresponsible Frick Development,  
Petitioner-Appellant,

M-3216

M-3535

-against-

Index No. 155904/18

The Landmarks Preservation Commission  
and the Frick Collection,  
Respondents-Respondents.

-----X

Petitioner-appellant having moved for leave to appeal to this Court from an order of the Supreme Court, New York County, entered on or about June 25, 2018, to enjoin respondent The Landmarks Preservation Commission from conducting a vote in connection with a certain application made by respondent the Frick Collection with the Landmarks Preservation Commission, and other related relief (M-3216),

And respondent the Frick Collection having cross-moved to dismiss any appeal taken as a result of the aforesaid order entered on or about June 25, 2018, and to vacate any stay issued in connection therewith (M-3535),

Now, upon reading and filing the papers with respect to the motion and cross motion, including the stipulation of the parties dated July 27, 2018, and due deliberation having been had thereon,

It is ordered that petitioner's motion for leave to appeal to this Court and the notice of appeal filed in connection with

the within motions are withdrawn in accordance with the aforesaid stipulation (M-3216). The cross motion is denied as moot (M-3535).

ENTERED:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 20, 2018.

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

-----x  
In the Matter of the Application of

Gary Segal,  
Petitioner-Respondent,

-against-

M-3929  
Index No. 651745/18

Five Star Electric Corporation,  
et al.,  
Respondents-Appellants.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about July 3, 2018, and said appeal having been perfected,

And respondents-appellants having moved for a calendar preference in hearing 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 ordering that the appeal be maintained on this Court's calendar 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 September 20, 2018.

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

Justice Presiding,  
  
Justices.

-----X  
Railakhan Osmonova,

Plaintiff-Appellant,

-against-

Bridgett L. Mayorga,

Defendant-Respondent.  
-----X

**M-4273**  
Index No. 155396/16

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from two orders of the Supreme Court, New York County, entered on or about June 28, 2017,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the January 2019 Term, with no further enlargements to be granted.

ENTERED:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 20, 2018.

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

-----X  
Michael Hedges, As Guardian Ad Litem of  
Marion Hedges, An Incapacitated Person,  
and Michael Hedges Individually, and  
Dayton Hedges, An Infant by his Father  
and Natural Guardian Michael Hedges and  
Michael Hedges, Individually  
Plaintiffs-Respondents,

-against-

**M-4150**  
**M-4239**  
Index No. 101854/12

East River Plaza, LLC., Tiago Holding,  
LLC., Blumenfeld Development Group, Ltd.,  
Forest City Enterprise, Inc., Forest City  
Ratner Companies, Inc., ERP Management  
LLC.,  
Defendants-Respondents-Appellants,

Target Corporation, COSTCO Wholesale  
Corporation and Bob's Discount Furniture  
of New York, LLC.,  
Defendants-Respondents,

Planned Security Service Inc.,  
Defendant-Appellant-Respondent.

- - - - -  
[And Third-Party Actions]

-----X  
Defendant-appellant-respondent, Planned Security Service,  
Inc., having moved for an enlargement of time to perfect an  
appeal taken from the order of the Supreme Court, New York  
County, entered on or about January 19, 2018, (M-4150) and,

Defendants-respondents-appellants, having cross-moved (M-  
4239) for an enlargement of time to perfect their appeal from  
said order of the Supreme Court, New York County,

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 and cross motion are granted to the extent of enlarging the time to perfect the appeals to the January 2019 Term, with leave to seek additional enlargements if necessary.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 20, 2018.

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

-----x

Maria Caminiti, etc., et al.,  
Plaintiffs-Respondents,

-against-

M-3660

Index No. 150298/13

Extell West 57<sup>th</sup> Street LLC, 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 March 6, 2018, and said appeal having been perfected,

And defendants-appellants having moved for a stay of trial pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is granted.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 20, 2018.

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

-----X  
Mariana Dimitrova Alekna, et al.,  
Plaintiffs,

-against-

207-217 West 110 Portfolio Owner LLC,  
Defendants-Respondents,

M-4223  
Index No. 156847/16

-against-

207 Realty Associates, L.L.C.,  
Mann Realty Associates,  
Defendants-Appellants,

-against-

GFB Management LLC,  
Defendant-Respondent.

-----X

Defendants-appellants having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about November 15, 2017,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the 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 September 20, 2018.

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

-----X  
Gershon Sontag, as Trustee of the  
Esther Waxman Trust dated  
December 12, 2012,  
Plaintiff-Appellant,

-against-

American International Group, Inc.  
And American General Life  
Insurance Company, etc.,  
Defendants-Respondents,

M-4022  
M-4345  
Index No. 156056/15

-and-

Moshe Lebovits,  
Defendant.

-----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 May 5, 2017 (M-4022),

And defendants-respondents having cross-moved to dismiss the aforesaid appeal (M-4345),

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 (M-4022) is granted to the extent of enlarging the time to perfect the appeal to the February 2019 Term. The cross motion (M-4345) is granted to the extent of dismissing the appeal unless it is perfected for said 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 September 20, 2018.

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

-----X

Odilson Fuentes,  
Plaintiff-Respondent,

-against-

Kwik Realty LLC,  
Defendant-Appellant.

-----X

M-4032

M-4222

Index No. 450153/14

Defendant-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about October 17, 2017, and from an amended order of the same court and Justice entered on or about October 19, 2017 (M-4032),

And plaintiff-respondent having moved to dismiss the aforesaid appeal (M-4222),

Now, upon reading and filing the papers with respect to the motions, 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 (M-4032). The motion to dismiss the appeal is granted unless perfected for said February 2019 Term (M-4222).

ENTERED:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 20, 2018.

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

-----x  
Michael Kadosh, individually and on  
behalf of 213 W. 85<sup>th</sup> St., LLC,  
Plaintiff-Respondent,

-against-

M-3927  
Index No. 651834/10

David Kadosh,  
Defendant-Appellant,  
  
114 W. 71<sup>st</sup> St., LLC, et al.,  
Defendants.

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

-----x  
An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about November 2, 2017, and said appeal having been perfected,

And plaintiff-respondent having moved to dismiss the aforesaid appeal as untimely taken and because defendant-appellant stipulated in open court, on the record, to waive his right to appeal, and to impose sanctions against defendant-appellant for bringing the appeal after he waived his right to take an appeal. Plaintiff also moves for a stay of all proceedings pending hearing and determination of this motion,

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 dismissal of the appeal and for the imposition of sanctions, is denied, without prejudice to plaintiff addressing the issues

directly on appeal. The appeal is deemed timely, pursuant to CPLR 5520(a) and, sua sponte, is adjourned to the January 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 September 20, 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-4066  
Ind. No. 782/15

John Cornachio,  
Defendant-Appellant.

-----x

An appeal having been taken to this Court from the judgment of the Supreme Court, Bronx County, rendered on or about March 23, 2018,

And defendant-appellant having moved, through retained counsel, for an enlargement of time to perfect the appeal, and for a continuation of a stay of execution of sentence and bail granted by the order of a Justice of this Court on February 20, 2018 (M-843), pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the January 2019 Term. The stay of execution of sentence and bail, previously granted by the order of a Justice of this Court, dated February 20, 2018, is continued upon the original terms and conditions, and upon the further condition that the appeal is perfected for said January 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 September 20, 2018.

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

-----x

Cinthia I. Caimares,  
Plaintiff-Respondent,

-against-

M-3699  
Index No. 20620/17E

Aimee Erickson, FNP and Medalliance  
Medical Health Services, Inc.,  
Defendants-Appellants,

-and-

David M. Jakubowicz, M.D., et al.,  
Defendants.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about May 29, 2018,

And defendants-appellants having moved for a stay of further proceedings pending hearing and determination of the aforesaid appeal,

And by order of a Justice of this Court, entered July 26, 2018, an interim stay of proceedings was granted pending determination of the motion,

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 an order of a Justice of this Court, entered July 26, 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 September 20, 2018.

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

-----X

Eduardo Gelvez and Daniela Cisnero,  
Individually, and as husband and wife,  
Plaintiffs-Appellants,

-against-

M-3731

Index No 159225/12

Tower II, LLC, 885 Avenue of the  
Americas Management Company and  
Stonehenge Properties LLC,  
Defendants-Respondents,

Pav-Lak Contracting, Inc., et al.,  
Defendants.

-----X

Plaintiffs-appellants having moved for a stay of trial pending the hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about January 22, 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.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 20, 2018.

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

-----x  
Avail 1 LLC,  
Plaintiff-Respondent,

-against-

Acquafredda Enterprises LLC, et al.,  
Defendants-Appellants.  
-----x

M-3745  
M-3881  
Index No. 380881/11

An appeal having been taken from an order and judgment (one paper) of the Supreme Court, Bronx County, entered on or about May 29, 2018,

And defendants-appellants having moved, by duplicate motions, to stay the aforesaid judgment of foreclosure and sale of the subject property, pending hearing and determination of the appeal,

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 held in abeyance pending the lifting of a Bankruptcy Court stay filed on August 9, 2018. The parties are directed to inform this Court when said stay has been lifted.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 20, 2018.

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

-----X  
Murtaza Hague,  
Plaintiff-Respondent,

-against-

M-3790  
Index No. 653016/18

Sound Point Capital Management LP,  
Defendant-Appellant,

Stephen Ketchum,  
Defendant.

-----X  
Sound Point Capital Management LP,  
Counterclaim Plaintiff-Appellant,

-against-

Murtaza Hague and Goldentree Asset  
Management LP,  
Counterclaim Defendants-Respondents.

-----X

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about June 29, 2018,

And defendant/counterclaim plaintiff-appellant having moved to modify and to stay enforcement of certain portions of that order, pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is granted to the extent of staying that part of the order directing Sound Point to pay plaintiff's salary for a certain time period or to obtain an undertaking commensurate with that salary, and is otherwise denied, and it is further,



Ordered that the interim relief granted by an order of a Justice of this Court, dated August 2, 2018, 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 September 20, 2018.

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

-----X  
John Slawsky,  
Plaintiff-Respondent,

-against-

Turner Construction Company, et al.,  
Defendants-Appellants.

M-4189  
Index No. 155051/14

-----X

Defendants-appellants having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about October 23, 2017,

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

It is ordered that the motion is denied.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 20, 2018.

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

-----x  
Faith in Action Deliverance  
Ministries,  
Plaintiff-Appellant,

-against-

3231 Associates LLC,  
Defendant-Respondent.

M-4304  
Index No. 21066/18E

-----x  
An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about May 3, 2018,

And an interim stay having been entered by this Court on May 14, 2018, on condition that plaintiff make payment in the amount of \$20,000, due in December 2017, pursuant to the Housing Court stipulation, and continue to pay use and occupancy of \$15,000 going forward, subject to that order,

And an order of this Court having been entered on June 26, 2018 (M-2398), inter alia, granting a preliminary appellate injunction and a stay of enforcement of the order on condition plaintiff perfect the appeal for the October 2018 Term, and continues compliance with the stipulation referenced in the interim stay entered on May 14, 2018, which granted the stay on condition plaintiff makes payment in the amount of \$20,000 per month, on the first day of each month, beginning on July 21, 2018, as use and occupancy, and continues to pay such use and occupancy,

And plaintiff having moved for an enlargement of time to perfect the appeal, to modify the prior order of this Court so that plaintiff pay use and occupancy in the amount of \$15,000 in accordance with this Court's initial interim stay, to continue the preliminary appellate injunction/stay by restraining defendant from taking any action to commence a summary proceeding

to terminate the month-to-month tenancy, or to convey or otherwise encumber, the premises pending determination of plaintiff's claims for a declaratory judgment, specific performance and breach of contract, and for a stay pending determination of the appeal of Supreme Court's order entered on or about May 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 continuing the relief provided in the order of this Court entered June 26, 2018 (M-2398), modifying that order to reduce monthly use and occupancy to \$15,000, conditioned on plaintiff remaining current with use and occupancy, and upon further condition the appeal be perfected for 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 September 20, 2018.

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

-----x  
In the Matter of the Application of  
L&M Bus Corp., et al.,  
Petitioners-Respondents-Appellants,

For a Judgment Pursuant to Article 78 M-3863  
of the Civil Practice Law and Rules, Index No. 152673/18

-against-

The New York City Department of  
Education, et al.,  
Respondents-Appellants-Respondents.  
-----x

An appeal and cross appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about June 14, 2018, and said appeal and cross appeal having been perfected,

And Reliant Transportation, Inc., having moved for leave intervene in connection with the aforesaid appeal and cross appeal or, in the alternative, for leave to file an amicus curiae brief,

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

It is ordered that the motion is granted to the extent of deeming the 9 copies of the amicus curiae brief submitted with the moving papers as filed, and 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 September 20, 2018.

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

-----x  
In the Matter of the Application of  
L&M Bus Corp., et al.,  
Petitioners-Respondents-Appellants,

For a Judgment Pursuant to Article 78 M-3798  
of the Civil Practice Law and Rules, Index No. 152673/18

-against-

The New York City Department of  
Education, et al.,  
Respondents-Appellants-Respondents.  
-----x

An appeal and cross appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about June 14, 2018, and said appeal and cross appeal having been perfected,

And Local 1181-1061, Amalgamated Transit Union, AFL-CIO, having moved for leave to file an amicus curiae brief in connection with the aforesaid appeal and cross appeal,

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

It is ordered that the motion is granted, and the 9 copies of the amicus curiae brief submitted with the moving papers herein are deemed filed.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 20, 2018.

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

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

-against-

M-4064  
Ind. No. 982/10

Lawrence Folks,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to file a pro se supplemental brief in connection with an appeal from a judgment of the Supreme Court, Bronx County, rendered on or about July 24, 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 deeming the pro se supplemental briefs enclosed in the motion jacket as timely filed 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 September 20, 2018.

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

-----X  
Prince Oparaji, et al.,

Plaintiffs-Appellants,

-against-

M-1951  
Index No. 102264/15

Lawrence T. Yablon, et al.,

Defendants-Respondents.  
-----X

Plaintiffs-appellants having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on March 20, 2018 (Appeal No. 6035),

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. In addition, plaintiffs-appellants are enjoined from filing any papers in this Court that have **any relation to or connection with this matter** without prior leave 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 September 20, 2018.

Present - Hon. David Friedman, Justice Presiding,  
Rosalyn H. Richter  
Richard T. Andrias  
Barbara R. Kapnick  
Troy K. Webber, Justices.

-----x

In re James Pettus, et al.,  
Petitioners-Appellants,

-against-

M-3876  
Index No. 250720/15

Board of Directors, et al.,  
Respondents-Respondents.

-----x

An order of this Court having been entered on July 19, 2018 (M-2223/M-2629), inter alia, denying petitioners-appellants' motion for reargument of the decision and order of this Court, entered on April 19, 2018 (Appeal No. 6311), and granting respondents-respondents' cross-motion to the extent of enforcing the vexatious litigation order of the Supreme Court, New York County, entered on or about June 16, 2015,

And petitioner-appellant James Pettus having moved for reversal of this Court's order entered on July 19, 2018 (M-2223/M-2629),

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

It is ordered that the motion is denied.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 20, 2018.

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

-----X  
Daniel Jaquez, et al.,  
Plaintiffs-Appellants-Respondents,

Jose Cruz Molina, et al.,  
Plaintiffs,

M-3109  
Index No. 111250/11

-against-

Union Radio Dispatch, Inc.,  
Defendant-Respondent-Appellant.

-----X

Defendant-respondent-appellant having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on May 24, 2018 (Appeal Nos. 6655-6656-6657-6657A),

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 for reargument is granted and, upon reargument, the decision and order of this Court entered on May 24, 2018, is recalled and vacated and a new decision and order substituted therefor. (See Appeal Nos. 6655-6656-6657-6657A, decided simultaneously herewith.) So much of the motion seeking leave to appeal to the Court of Appeals is denied.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 20, 2018.

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

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

Respondent,

-against-

M-2752  
Ind. No. 4992/15

Nicole Shapiro,

Defendant-Appellant.

-----X

Respondent having moved for reargument or clarification of the decision and order of this Court, entered on May 10, 2018 (Appeal No. 6531),

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

It is ordered that the motion is granted to the extent of granting clarification, and accordingly, the decision and order of this Court, entered on May 10, 2018 (Appeal No. 6531), is recalled and vacated and a new decision and order substituted therefor. (See Appeal No. 6531, decided simultaneously herewith.)

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 20, 2018.

Present - Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Barbara R. Kapnick  
Marcy L. Kahn, Justices.

-----X

William T. West, et al.,  
Plaintiffs-Respondents-  
Appellants,

-against-

B.C.R.E. - 90 West Street, LLC,  
Defendant-Appellant-  
Respondent,

M-3130  
Index No. 157031/15

Lee Rosen,  
Defendant.

-----X

Plaintiffs-respondents-appellants having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on May 17, 2018 (Appeal Nos. 6589-6590),

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 this Court, pursuant to CPLR 5713, certifies that the following question of law, decisive of the correctness of its determination, has arisen, which in its opinion, ought to be reviewed by the Court of Appeals:

"Was the amended order of this Court, which reversed the order of Supreme Court, properly made?"

This Court further certifies that its determination was made as a matter of law and not in the exercise of discretion.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 20, 2018.

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

-----X

Murlar Equities Partnership,  
Plaintiff-Respondent-Appellant,

-against-

Franklin Jiminez,  
Defendant-Appellant-Respondent,

M-3061  
M-3441  
Index No. 17611/06

-and-

NYC Environmental Control Board,  
et al.,  
Defendants.

-----X

Plaintiff-respondent-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on May 17, 2018 (Appeal No. 6593),

And defendant-appellant-respondent Franklin Jiminez having cross-moved for the imposition of sanctions against plaintiff for costs and attorneys fees incurred in responding to the direct motion, and for related relief (M-3441),

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 and cross motion are denied.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 20, 2018.

PRESENT: Hon. David Friedman, Justice Presiding,  
Rosalyn H. Richter  
Ellen Gesmer  
Cynthia S. Kern  
Peter H. Moulton, Justices.

-----X  
Paul Davis,  
Plaintiff-Appellant-Respondent,

-against-

Scottish Re Group Limited, et al., M-3086  
Defendants, Index No. 654027/13

Jonathan Bloomer, et al.,  
Defendants-Respondents-Appellants,

SRGL Acquisition, LDC, et al.,  
Defendants-Respondents.

-----X

Plaintiff-appellant-respondent having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on March 20, 2018 (Appeal No. 5391),

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

It is ordered that the motion is denied.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 20, 2018.

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

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

-against-

M-2873  
Index No. 35932/14E

Josephine Fernandez, etc., et al.,  
Defendant-Appellant,

Commissioner of Social Services of the  
City of New York Social Services  
District, et al.,  
Defendants.

-----x

Plaintiff-respondent having moved to dismiss the appeal taken from the judgment of the Supreme Court, Bronx County, entered on or about October 31, 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.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 20, 2018.

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

-----x

Bracha NY, LLC, doing business as  
Keller Williams NYC,

Plaintiff-Appellant,

-against-

M-2957

Index No. 653374/15

Moncler USA Retail, LLC, et al.,

Defendants-Respondents.

-----x

Defendants-respondents having moved for dismissal of the appeal taken from the order of the Supreme Court, New York County, entered on or about May 11, 2017,

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

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

ENTERED:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 20, 2018.

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

-----X  
PK Restaurant LLC, doing business as  
212 Restaurant and Bar,  
Plaintiff-Appellant, M-2839  
M-3042  
-against- Index No. 151096/12

133 East 65<sup>th</sup> Street Associates LLC  
and 133 East 65<sup>th</sup> Street Corporation,  
Defendants-Respondents.

-----X  
133 East 65<sup>th</sup> Street Associates LLC,  
Counterclaim-Plaintiff-Respondent,  
-against-

PK Restaurant LLC, doing business as  
212 Restaurant and Bar, and Phillipe  
Kayadjanian,  
Counterclaim-Defendants-Appellants.

-----X

An order of this Court having been entered on May 22, 2018 (M-1093), dismissing the appeal taken from an order of the Supreme Court, New York County, entered on or about December 27, 2017,

And appellants having moved to vacate the aforesaid order of this Court dismissing their appeal, and to reinstate same (M-2839),

And respondent 133 East 65<sup>th</sup> Street Associates LLC having cross-moved to dismiss the appeals taken from three orders all entered on or about September 29, 2016, and from an order and judgment (one paper) of the same Court, entered on or about October 27, 2016 (M-3042),

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 appellants' motion is denied in all respects (M-2839). The respondent's cross motion is granted and the appeals taken from the three orders entered on September 29, 2016 and from an order and judgment (one paper) entered on or about October 27, 2016, are dismissed (M-3042).

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 20, 2018.

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

-----x  
Green Tree Servicing LLC,  
Plaintiff-Respondent,

-against-

M-2826  
Index No. 35362/14E

Blyss Consulting Group, Inc.,  
Defendant-Appellant,

Sarran Ramsaroop, et al.,  
Defendants-Respondents.  
-----x

Defendant-appellant having moved for an enlargement of time to perfect the appeal taken from the order of the Supreme Court Bronx County, entered on or about August 23, 2017,

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

It is ordered that the motion is denied and, sua sponte, the appeal is dismissed.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 20, 2018.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,  
Sallie Manzanet-Daniels  
Angela M. Mazzarelli  
Jeffrey K. Oing  
Peter H. Moulton, Justices.

-----X  
Gem Holdco, LLC, et al.,  
Plaintiffs-Respondents,

-against-

Changing World Technologies, L.P.,  
et al.,  
Defendants,

M-1845  
Index No. 650841/13

CWT Canada II Limited Partnership,  
et al.,  
Defendants-Respondents,

Ridgeline Energy Services, Inc.,  
et al.,  
Defendants-Appellants.

-----X

Defendants-appellants having moved for reargument of the decision and order of this Court, entered on March 8, 2018 (Appeal Nos. 5954-5955N),

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

It is ordered that the motion is granted and, upon reargument, the decision and order of this Court entered on March 8, 2018 (Appeal Nos. 5954-5955N) is recalled and vacated and a new decision and order substituted therefor. (See Appeal Nos. 5954-5955N, decided simultaneously herewith.)

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 20, 2018.

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

-----X  
Springer Science + Business Media LLC,

Plaintiff-Respondent,

-against-

Soho AOA Owner LLC,

Defendant-Appellant.  
-----X

**SEALED**

M-3101

Index No. 650665/15

Defendant-appellant having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on May 17, 2018 (Appeal Nos. 6492-6493),

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

It is ordered that the motion is denied.

ENTERED:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 20, 2018.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,  
Dianne T. Renwick  
Rosalyn H. Richter  
Peter Tom, Justices.

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

Respondent,

-against-

M-2816  
Ind. No. 8989/98

Gil Lewis,

Defendant-Appellant.

-----X

Defendant-appellant having moved for reargument/  
reconsideration of the decision and order of this Court, entered  
on May 27, 2004 (Appeal No. 3747),

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

It is ordered that the motion is denied.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 20, 2018.

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

-----X  
Justin Rivera,

Plaintiff-Appellant,

-against-

M-2823  
Index No. 300994/14

New York City Housing Authority,

Defendant-Respondent.

-----X

Plaintiff-appellant having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on April 24, 2018 (Appeal No. 6355),

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

It is ordered that the motion is denied.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 20, 2018.

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

-----X  
Janiya W.-G., etc.,

Plaintiff-Appellant,

M-2427

Janel G., etc.,

Plaintiff,

M-2437

M-2853

-against-

Index No. 350663/08

Michael Smith, et al.,

Defendants,

Canje Discount, Inc., et al.,

Defendants-Respondents.

-----  
Durst Corporation,

Third-Party Plaintiff-Appellant,

-against-

Index No. 83807/09

Hercules Chemical Company, Inc., et al.,

Third-Party Defendants-Respondents.

-----  
Durst Corporation,

Second Third-Party Plaintiff-Appellant,

-against-

Index No. 84155/09

Hercules Chemical Company, Inc., et al.,

Second Third-Party Defendants-Respondents.

-----X



Defendant-respondent Canje Discount, Inc. having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on April 12, 2018 (Appeal Nos. 6270-6270A)[M-2427],

And defendant/third-party plaintiff/second third-party plaintiff-appellant, The Durst Corporation, having separately moved for the aforesaid relief [M-2437],

And plaintiffs-appellants Janiya W.-G., et al. having cross-moved for leave to appeal to the Court of Appeals from the aforesaid decision and order of this Court [M-2853],

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

It is ordered that the motions and cross motion are denied.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 20, 2018.

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

-----X

In re Geraldine Rosa,  
Petitioner-Respondent,

-against-

M-4070  
Index No. 101297/15

New York City Housing Authority,  
Straus Houses,  
Respondent-Appellant.

-----X

Petitioner-respondent having moved for reargument of the decision and order of this Court, entered on April 12, 2018 (Appeal No. 6265),

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

It is ordered that the motion is denied.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 20, 2018.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,  
Rosalyn H. Richter  
Richard T. Andrias  
Marcy L. Kahn  
Peter H. Moulton, Justices.

-----X  
JMPC Specialty Mortgage LLC, formerly  
known as WM Specialty Mortgage, LLC,  
Plaintiff-Respondent,

-against-

M-3379  
Index No. 380356/13

Gary Khan,  
Defendant-Appellant,

Howard Brandstein, et al.,  
Defendants.

-----X

Defendant-appellant having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on May 31, 2018 (Appeal Nos. 6745-6745A),

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

It is ordered that the motion is denied.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 20, 2018.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,  
Rosalyn H. Richter  
Richard T. Andrias  
Marcy L. Kahn  
Peter H. Moulton, Justices.

-----X  
William E. Mack, Jr.,  
Plaintiff-Appellant,

-against-

Ronald Seabrook,  
Defendant-Respondent.

M-3497  
Index No. 309347/10  
83768/12

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

-----X

Plaintiff-appellant having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on May 31, 2018 (Appeal No. 6738),

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

It is ordered that the motion is denied.

ENTERED:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 20, 2018.

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

-----X  
In the Matter of the Application of

The Board of Education of the City School District of the City of New York, and Carmen Fariña, as Chancellor of the City School District of the City of New York,  
Petitioners-Respondents,

For a Judgment Pursuant to Article 75 of the Civil Practice Law and Rules,

M-4271  
Index No. 453214/15

-against-

United Federation of Teachers,  
Local 2, American Federation of Teachers, AFL-CIO,  
Respondent-Appellant.

-----X

Respondent-appellant having moved for an enlargement of time in which to perfect the appeal taken from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about January 9, 2017,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the January 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 September 20, 2018.

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

-----X  
B.B.A., an infant by her mother  
and natural guardian, Bianka Brito,  
Plaintiffs-Respondents,

-against-

Myriam F. Vanegas, M.D., et al.,  
Defendants,

**CONFIDENTIAL**

M-4141

Index No. 350636/10

-and-

Huntington Hospital,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal taken from the order of the Supreme Court, Bronx County, entered on or about October 20, 2017,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the 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 September 20, 2018.

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

-----X  
Partners VII/98 Avenue A Owner  
LLC,  
Plaintiff-Respondent,

-against-

Board of Managers of 132 East 7<sup>th</sup> M-4148  
Street Condominium, et al., Index No. 651073/17  
Defendants-Appellants,

-and-

Kensington Vanguard Holdings,  
LLC,  
Defendant.

-----X

Defendants-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 October 13, 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 September 20, 2018.

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

-----X  
Abdullah Ileiwat,  
Plaintiff-Appellant,

-against-

M-4277  
Index No. 150343/10

PS Marcato Elevator Co., Inc.,  
et al.,  
Defendants-Respondents.

- - - - -  
[And other actions]

-----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 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 September 20, 2018.

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

-----X  
Yeshaya Averbuch, suing individually  
and derivatively on behalf of  
New York Budget Inn LLC and  
Layinn Hospitality Group Inc.,  
Plaintiffs-Appellants,

M-4389  
Index No. 653343/16

-against-

New York Budget Inn LLC, et al.,  
Defendants-Respondents.

-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about January 10, 2018 and June 28, 2018,

And plaintiffs-appellants having moved for consolidation of the aforesaid appeals,

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

It is ordered that the motion is granted to the extent of permitting appellants to prosecute the consolidated appeals upon 9 copies of one record and one set of appellant points covering the consolidated appeals. The attention of the parties is directed to 22 NYCRR § 600.11. The time to perfect the consolidated appeals is enlarged to the January 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 September 20, 2018.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Angela M. Mazzarelli, Justices.

-----x  
John McCabe,  
Plaintiff-Appellant-Respondent,

-against-

M-4306  
Index No. 101565/15

Consulate General of Canada,  
Defendant-Respondent-Appellant.  
-----x

An order of this Court entered on February 22, 2018 (M-6534) having consolidated the appeals taken to this Court by plaintiff-appellant-respondent, pro se, from orders of the Supreme Court, New York County, entered on or about January 23, 2017 and October 10, 2017, and a cross appeal having been taken from the October 10, 2017 order by defendant-respondent-appellant,

And plaintiff-appellant-respondent having moved for leave to withdraw the brief he filed perfecting his appeal solely from the January 23, 2017 order and replacing it with a brief which addresses his appeals from both the January 23, 2017 and October 10, 2017 orders, and for an enlargement of time to file said brief to the January 2019 Term or, in the alternative, to adjourn the perfected appeal to the January 2019 Term 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 adjourning the perfected appeal to the January 2019 Term and granting a further enlargement of time for the parties to perfect their respective appeals and cross appeal from the October 10, 2017 order to said January 2019 Term. The parties are directed to file their joint supplemental appendix on or before November 6, 2018 and on the same date, plaintiff-appellant-respondent shall file a supplemental brief which shall address only his appeal from the October 10, 2017 order; defendant-respondent-appellant shall perfect its cross appeal from the October 10, 2017 order and respond to both plaintiff's appeals in a

single brief filed on or before December 5, 2018; plaintiff shall file his brief in reply on his appeals and in opposition to the cross appeal on or before December 14, 2018; and defendant shall file its brief in reply on the cross appeal on or before December 24, 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 September 20, 2018.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,  
Sallie Manzanet-Daniels  
Angela M. Mazzarelli  
Marcy L. Kahn, Justices.

-----X  
Amir Korangy,  
Plaintiff-Appellant-Respondent,

-against-

M-3348  
Index No. 655211/16

Georgia Malone, et al.,  
Defendants-Respondents-Appellants,

Daniel Shimko, et al.,  
Defendants.

-----X

Plaintiff-appellant-respondent having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on May 24, 2018 (Appeal No. 6683N),

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

It is ordered that the motion is denied.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 20, 2018.

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

-----X  
In the Matter of the Application of

200 East 62nd Owner LLC,  
Petitioner-Respondent,

For an Order discharging and canceling  
certain Mechanic's Liens filed by

**M-4172**  
Index No. 160665/16

Central Interiors Inc.,  
Respondent-Appellant,

against certain units at the condominium  
building located at the premises known  
and described as 200 East 62nd Street,  
New York, New York.

-----X

Respondent-appellant having moved for a further enlargement of time in which to perfect the appeals taken from two orders of the Supreme Court, New York County, both entered on or about July 19, 2017, and to consolidate the appeals taken from said orders with the appeals taken from an order entered on or about June 27, 2018 and a judgment entered on or about July 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 to the extent of deeming the appeal to be one from the judgment entered on or about July 12, 2018, bringing up for review the appeal from the order entered June 27, 2018, and is otherwise denied.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 20, 2018.

Present - Hon. Sallie Manzanet-Daniels, Justice Presiding,  
Peter Tom  
Troy K. Webber  
Jeffrey K. Oing, Justices.

-----X

In the Matter of the Application of  
Julio C. Ruiz,  
Petitioner,

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

M-4270  
Index No. 102023/16

-against-

City of New York Department of  
Finance (Parking Violations),  
Respondent.

-----X

An Article 78 proceeding having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about July 19, 2017, to review a determination of respondent,

And petitioner having moved for an enlargement of time to perfect the proceeding,

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 proceeding to the January 2019 Term, with no further enlargements to be granted.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 20, 2018.

Present - Hon. Sallie Manzanet-Daniels, Justice Presiding,  
Peter Tom  
Troy K. Webber  
Jeffrey K. Oing, Justices.

-----X  
Julian Andujar,

Plaintiff-Appellant,

-against-

M-4231  
Index No. 150509/12

The Port Authority of New York and  
New Jersey, et al.,

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 October 23, 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 September 20, 2018.

Present - Hon. Sallie Manzanet-Daniels, Justice Presiding,  
Peter Tom  
Troy K. Webber  
Jeffrey K. Oing, Justices.

-----x  
Diane Sacchetti,  
Plaintiff-Respondent,

-against-

The City of New York,  
Defendant-Appellant,

M-4280  
Index No. 155993/13

-and-

Cardella Trucking Co., et al.,  
Defendants.

-----x

Defendant-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 October 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 to the extent of enlarging the time to perfect the appeal to the February 2019 Term, with leave to seek a further enlargement, if necessary.

ENTERED:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 20, 2018.

Present - Hon. Sallie Manzanet-Daniels, Justice Presiding,  
Peter Tom  
Troy K. Webber  
Jeffrey K. Oing, Justices.

-----x

Justin Montero,

Petitioner-Appellant,

-against-

The City of New York,

Respondent-Respondent.

-----x

M-3762  
Index No. 101935/16

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

And petitioner-appellant having moved for an enlargement of time to perfect the consolidated appeals,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the consolidated appeals to the January 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 September 20, 2018.

Present - Hon. Sallie Manzanet-Daniels, Justice Presiding,  
Peter Tom  
Troy K. Webber  
Jeffrey K. Oing, Justices.

-----x  
Robert Jablonski,  
Plaintiff-Respondent,

-against-

M-3987  
M-4171  
Index No. 154224/14

Archstone Builders, LLC and L&M 825,  
LLC,  
Defendants-Appellants,

-and-

L&M LLC C.O. Fri.,  
Defendant.

-----x

Separate appeals having been taken to this Court by the respective appellants from the order of the Supreme Court, New York County, entered on or about October 26, 2017,

And defendants-appellants L&M 825, LLC (M-3987) and Archstone Builders, LLC (M-4171) having separately moved for an enlargement of time to perfect their respective appeals,

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

It is ordered that, sua sponte, the appeals are consolidated, and defendants-appellants are permitted to prosecute the consolidated appeals upon 9 copies of one record and one set of appellants' points covering the consolidated appeals. The attention of the parties is directed to 22 NYCRR § 600.11. The time to perfect the consolidated appeals is enlarged to the January 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 September 20, 2018.

PRESENT: Hon. Sallie Manzanet-Daniels, Justice Presiding,  
Peter Tom  
Troy K. Webber  
Jeffrey K. Oing, Justices.

-----X  
Michelle Foxman,  
Plaintiff-Respondent,

-against-

M-3738  
Index No. 301017/15

Daniel Small,  
Defendant-Appellant.  
-----X

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

And interim relief having been denied by an order of a Justice of this Court, dated July 22, 2018,

And defendant-appellant having again moved for a stay of all proceedings pending hearing and determination of the aforesaid appeal, insofar as it directed defendant not to hold or distribute any copies of an audio recording of a conversation among the parties and their children and that defendant's counsel hold the recording and all copies thereof.

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

It is ordered that the motion is denied.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 20, 2018.

Present - Hon. Sallie Manzanet-Daniels, Justice Presiding,  
Peter Tom  
Troy K. Webber  
Jeffrey K. Oing, Justices.

-----x  
Adam Brook, M.D., Ph.D. and Adam  
Brook, M.D., Ph.D., P.L.L.C.,  
Plaintiffs-Appellants,

-against-

M-4258  
Index No. 650921/12

Peconic Bay Medical Center, Richard  
Kubiak, M.D., Danial Massiah, M.D.,  
Agostino Cervone, M.D., Jay  
Zuckerman, Joan Hoil, R.N., Daniel  
Hamou, M.D., Andrew Mitchell and  
John Does #1-5,  
Defendants-Respondents.

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

And defendants-respondents having move for leave to file a supplemental record on appeal to include the deposition transcript of non-party George Keckeisen, M.D., dated April 5, 2018 (Exhibit C. to the moving papers),

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 defendants-respondents are directed to serve and file 9 copies of a supplemental record on appeal, containing the aforesaid exhibit, on or before October 3, 2018 for the November 2018 Term.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 20, 2018.

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

-----X  
45 Renwick Street, LLC,  
Plaintiff-Respondent,

-against-

M-3606  
Index No. 159939/14

Lionbridge, LLC,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on June 21, 2018 (Appeal No. 6925),

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

It is ordered that the motion is denied.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 20, 2018.

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

-----x  
Donna C. Mannino, as Executor of the  
Estate of Louis P. Mannino, Sr., and  
Donna C. Mannino, Individually,

Plaintiffs-Appellants,

-against-

M-3064  
Index No. 805196/13

Mount Sinai Hospital, Anelechi Anyanwu,  
M.D., "John" Doe, M.D.s and "Jane"  
Doe, M.D.s,

Defendants-Respondents.  
-----x

Defendants-respondents having moved to dismiss the appeal taken from the order of the Supreme Court, New York County, entered on or about November 15, 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.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 20, 2018.

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

-----x

Green Tree Servicing LLC,  
Plaintiff-Respondent,

-against-

M-3432  
Index No. 381582/08

Shaa K. Bey, also known as Dr. S K Bey,  
Proposed Intervenor Defendant-  
Appellant,

Hector Duverge, et al.,  
Defendants.

-----x

Plaintiff-respondent having moved to dismiss the appeal from the order of the Supreme Court, Bronx County, entered on or about February 21, 2017,

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

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

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 20, 2018.

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

-----x  
Foxhurst Center, LLC,

Plaintiff-Respondent,

-against-

M-3665  
Index No. 23945/16E

Brijlall Realty Corp., et al.,

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 May 8, 2018, and for the imposition of attorney's fees in connection with the aforesaid appeal,

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

It is ordered that the motion is granted to the extent of dismissing the appeal; 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 September 20, 2018.

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

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

Respondent,

-against-

M-3181  
Ind. No. 1580/10

Gabriel Fernandez,

Defendant-Appellant.  
-----x

An appeal having been taken to this Court from the judgment of the Supreme Court, Bronx County, rendered on or about March 14, 2013,

And assigned counsel for defendant-appellant having moved to be relieved as counsel and to substitute other counsel on the appeal or, in the alternative, to dismiss 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 deeming the appeal dismissed.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 20, 2018.

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

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

Respondent,

-against-

Michael Bonano, also known as Michael  
Banano,

M-3521  
Ind. Nos. 2237/09  
1369/10

Defendant-Appellant.  
-----X

An order of this Court having been entered April 24, 2018 (M-992), enlarging defendant-appellant's time in which to perfect his pro se appeal taken from a judgment of the Supreme Court, New York County, rendered on or about March 31, 2011, to the October 2018 Term of this Court,

And respondent having moved for dismissal of the aforesaid appeal,

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

It is ordered that the motion is denied, as defendant has not abandoned his 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 September 20, 2018.

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

-----x  
601 West Realty, LLC,

Petitioner-Landlord-Respondent,

-against-

M-3274

Index No. 570688/16

Mao Chu Zheng, doing business as,  
Brothers Fish Market, etc.,  
Respondent-Tenant-Appellant,

"XYZ Corp., "John Doe," and "Jane Doe,"  
Respondents-Undertenants.

-----x

An order of this Court having been entered on September 19, 2017 (M-2976), granting 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 February 28, 2017, and granting a stay of the warrant of eviction pending the determination of the appeal on condition that tenant continue to pay use and occupancy, such funds to be held in escrow by petitioner-landlord-respondent's attorney,

And petitioner-landlord-respondent having moved for an order dismissing the aforesaid appeal for failure to prosecute, vacating all stays of enforcement of the final judgment of possession and all stays of issuance and/or execution of the warrant of eviction, and directing the release to petitioner of all use and occupancy monies currently being held in escrow by petitioner's attorneys,

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, the appeal is dismissed, the stay of the warrant of eviction and all other stays are vacated, and any use and occupancy payments being held in escrow by petitioner's attorney, pursuant to the prior order of this Court entered September 19, 2017 (M-2976), are to be released to petitioner forthwith.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 20, 2018.

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

-----x  
Shelly Cao, 18 M.S. Realty, Inc.,

Plaintiff-Appellant,

-against-

M-3397  
Index No. 304911/14

Nasser Zar, Inc., et al.,

Defendants-Respondents.  
-----x

Plaintiff Shelly Cao, as President of plaintiff-appellant 18 M.S. Realty, Inc., having moved for an enlargement of time to perfect the appeal taken from the order of the Supreme Court, Bronx County, entered on or about April 1, 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 denied and, sua sponte, the appeal is dismissed.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 20, 2018.

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

-----X

Helga Ingvarsdottir,  
Petitioner-Appellant,

-against-

M-3474  
Index No. 155571/16

Vickram A. Bedi and  
Datalink Computer Products, Inc.,  
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about April 24, 2017,

And plaintiff-appellant having moved to withdraw 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 and the appeal is deemed withdrawn.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 20, 2018.

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

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

Respondent,

-against-

Kadeem R.,

Defendant-Appellant.  
-----x

**SEALED**  
M-3179  
Ind. Nos. 5501/15  
2979/16

Assigned counsel for defendant having moved to withdraw the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about April 6, 2017, as abandoned,

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.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 20, 2018.

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

-----x

Adem Arici,  
Plaintiff-Appellant,

-against-

M-3514  
Index No. 654665/17

Andrew Poma,  
Defendant-Respondent.

-----x

An appeal having been taken from an order of the Supreme Court, New York County, rendered on or about April 12, 2018, and defendant-respondent having moved to dismiss said appeal,

Now, upon reading and filing the stipulation of the parties hereto, dated July 25, 2018, and due deliberation having been had thereon,

It is ordered that the within 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 September 20, 2018.

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

-----X  
Allstate Insurance Company as subrogee  
of Renee Fleysher, Glenda M. Vizhnay  
and William R. Claxton, III and Allstate  
Indemnity Company as subrogee of Kerry  
M. Lloyd and John P. Reilly,  
Plaintiffs-Respondents,

M-2736  
Index No. 157977/14

-against-

Utica First Insurance Company,  
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 13, 2017,

Now, upon reading and filing the stipulation of the parties hereto, dated June 28, 2018, and due deliberation having been had thereon,

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

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 20, 2018.

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

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

Respondent,

-against-

Moussa Dourcoure,

Defendant-Appellant.  
-----X

M-3265  
Ind. Nos. 3662/14  
4987/14  
5358/14

Assigned counsel for defendant having moved for an order dismissing defendant's appeal taken from a judgment of the Supreme Court, New York County, rendered on or about December 1, 2015, without prejudice, and relieving assigned counsel,

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

It is ordered that the motion is granted to the extent of deeming the appeal 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 September 20, 2018.

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

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

-against-

Nelson Jacquez,  
Defendant-Appellant.

M-3290  
Ind. Nos. 651/16  
196/17

-----X

An order of this Court having been entered on May 10, 2018 (M-1584), inter alia, granting defendant's motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about February 21, 2017, under Indictment No. 196/17, and assigning counsel therefor,

And defendant-appellant having moved for an order amending the notice of appeal and the aforementioned order to include the judgment of said Court, same date, under Indictment No. 651/16,

Now, upon reading and filing the papers with respect to the motion, including correspondence from defendant's assigned counsel, and due deliberation having been had thereon,

It is ordered that said motion is deemed withdrawn.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 20, 2018.

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

-----x  
In the Matter of

Farida A.,  
Muhammad A.,  
Amir A.,  
Laila A., and  
Yusuf A.,

**CONFIDENTIAL**

M-3164  
Docket Nos. NA-31057-61/16A  
NA-38365-69/16

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

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

Abdoulkader T., also known as  
Abdoul K.T.,  
Respondent-Appellant.

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

-----x  
Respondent-appellant having moved for an order dismissing the appeal from the order of the Family Court, New York County, entered on or about May 16, 2017, and relieving Lewis S. Calderon, Esq., of his appellate assignment in connection with the aforesaid appeal (M-3908),

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties, dated June 14, 2018, and due deliberation having been had thereon,

It is ordered that the motion is granted, the appeal is deemed withdrawn in accordance with the aforesaid stipulation, and Lewis S. Calderon, Esq., is relieved of his assignment as respondent-appellant's counsel.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 20, 2018.

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

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

-----  
Rosaura C.,  
Petitioner-Appellant,

**CONFIDENTIAL**

-against-

M-3418  
Docket Nos. V-26399/16  
V-32288/16

Mark C.,  
Defendant-Respondent.

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

-----X  
An appeal having been taken from an order of the Family Court, Bronx County, entered on or about January 19, 2018,

And petitioner-appellant having moved for an order withdrawing the aforesaid appeal and relieving her as assigned counsel,

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

It is ordered that the motion is granted, the appeal is deemed withdrawn and assigned counsel is relieved.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 20, 2018.

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

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

-against-

M-2051  
Ind. No. 2299/14

James Cruz,  
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 March 21 2017, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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



Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, 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 September 20, 2018.

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

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

Respondent,

-against-

M-2726  
Ind. No. 2606/16

Tysheem McGregor,

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 11, 2017, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that the motion is granted to the extent of 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 serve one copy of such brief upon the District Attorney of said county and file 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.

Debevoise & Plimpton LLP, 919 Third Avenue New York, New York, 10022, Telephone No. 909-6000, is assigned as pro bono counsel for defendant-appellant for purposes of the appeal, and is directed to contact trial counsel to obtain the minutes previously provided to defendant. Defendant-appellant's time in which to perfect the appeal is hereby enlarged to the January 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 September 20, 2018.

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

-----X

The People of the State of New York,  
Respondent,

-against-

M-3239  
Ind. No. 1944/16

Tonja Fenton,  
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 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.

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 September 20, 2018.

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

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

Respondent,

-against-

M-3399  
Ind. No. 826/17

Leverett Spinac,

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 June 27, 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 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

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

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28<sup>th</sup> Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 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 September 20, 2018.

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

-----X  
In the Matter of the Application of

Lloyd N. Gibbs,  
Petitioner,

For a Judgment Pursuant to Article  
78 of the CPLR,

M-3554  
Index No. 260345/17

-against-

The New York State Department of  
Motor Vehicles, Traffic Violation  
Division,  
Respondent.

-----X

An Article 78 proceeding having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, Bronx County, entered on or about June 6, 2018, to review a determination of the New York State Department of Motor Vehicles, Traffic Violations Division,

And petitioner having moved for leave to prosecute the proceeding as a poor person, upon the original record and reproduced petitioner's brief,

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

It is ordered that the motion is granted to the extent of permitting the proceeding to be heard on the original record and upon a reproduced petitioner's brief, on condition that petitioner serves one copy of such brief upon the attorney for the respondent and file 8 copies of such brief, together with the



original record, pursuant to Rule 600.11 of the Rules of this Court. Petitioner 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 September 20, 2018.

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

-----X

Betty Moncion,  
Plaintiff-Appellant,

-against-

M-3187  
Index No. 100900/17

New York City Police Department,  
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Supreme Court, New York County, entered on or about October 16, 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 plaintiff's submission of a detailed notarized affidavit, in compliance with CPLR 1101(a), setting forth facts sufficient to establish that plaintiff has no funds or assets with which to prosecute 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 September 20, 2018.

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

-----X

The People of the State of New York,  
Respondent,

-against-

M-3258  
Ind. No. 4138/15

Nabil Hlimi,  
Defendant-Appellant.

-----X

An order of this Court having been entered on February 16, 2017 (M-6530), granting defendant leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about May 9, 2016, and assigning The Legal Aid Society, 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 Legal Aid Society, as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, 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, as such counsel. The poor person relief previously granted is continued, and

appellant's time in which to perfect the 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 September 20, 2018.

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

-----X  
In the Matter of a Support Proceeding  
Under Article 4 of the Family Court  
Act.

- - - - -  
Samuel C., Jr.,  
Petitioner-Appellant,

**CONFIDENTIAL**

M-3513  
Docket No. V-15772-14/17A

-against-

Cristina F.,  
Respondent-Respondent.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about June 19, 2018, for assignment of counsel, a free copy of the transcript, and related relief,

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

Ordered that the motion is denied.

ENTERED:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 20, 2018.

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

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

-against-

M-3236  
Ind. No. 2080/16

Felix Delaguila,  
Defendant-Appellant.

-----X

Defendant-appellant having moved to deem his notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about August 2, 2017, as timely filed,

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

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

ENTERED:

  
CLERK