

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 25, 2019.

PRESENT: Hon. Rosalyn H. Richter, Justice Presiding,  
Judith J. Gische  
Cynthia S. Kern  
Peter H. Moulton, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

M-63

Ind. No. 1851/16

Miguel Diaz,  
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 June 28, 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 deeming defendant's moving papers a timely filed notice of appeal and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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

(M-63)

-2-

April 25, 2019

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 April 25, 2019.

PRESENT: Hon. Rosalyn H. Richter, Justice Presiding,  
Judith J. Gische  
Cynthia S. Kern  
Peter H. Moulton, Justices.

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

-against- M-632  
Ind. No. 5652/14

Ali Moalawi,  
Defendant-Appellant.

-----X

An order of this Court having been entered on January 31, 2019 (M-5438), granting defendant leave to prosecute, as a poor person, the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about February 5, 2018, and assigning Robert S. Dean, Esq., Center for Appellate Litigation, as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

It is ordered that the motion is granted to the extent of striking the designation of Robert S. Dean, Esq., as assigned counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Richard L. Herzfeld, Esq., 112 Madison Avenue, 8<sup>th</sup> Floor, New York, New York 10016, Telephone No. 212-818-9019, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the receipt of the complete record, whichever is later.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 25, 2019.

Present - Hon. Sallie Manzanet-Daniels, Justice Presiding,  
Judith J. Gische  
Ellen Gesmer  
Anil C. Singh  
Peter H. Moulton, Justices.

-----X  
Bear Stern Asset-Backed Securities  
I Trust 2006-IMI, Asset-Backed  
Certificates, Series 2006-IMI,  
U.S. Bank National Association,  
as Trustee,  
Plaintiff-Appellant,

-against-

**M-459**  
Index No. 32709/16

Eliman Ceesay,  
Defendant-Respondent,

Saul Romero, Lacardo Ramirez,  
Maria Reyes, Reynaldo Romero,  
Rell Csse, John Doe,  
Defendants.

-----X

Plaintiff-appellant having moved pursuant to 22 NYCRR 1250.10(c) to vacate the dismissal of appeal taken from an order of the Supreme Court, Bronx County, entered on or about April 3, 2018, and upon vacatur, for an enlargement of time to perfect the appeal,

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

It is ordered that the motion is granted to the extent of reinstating the appeal and enlarging the time to perfect said appeal to the September 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 April 25, 2019.

Present - Hon. Sallie Manzanet-Daniels, Justice Presiding,  
Judith J. Gische  
Ellen Gesmer  
Anil C. Singh  
Peter H. Moulton, Justices.

-----X  
Robert Moskowitz as Trustee of the  
Moskowitz Children Irrevocable Trust,  
  
Plaintiff-Respondent,

-against-

**M-852**  
Index No. 159188/13

Tribeca Hospitality Corp., doing  
Business as The Greek,  
  
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about April 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, deemed one to vacate the dismissal of appeal pursuant to 22 NCYRR 1250.10(c), is hereby granted, and the time to perfect said appeal is enlarged to the September 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 April 25, 2019.

Present - Hon. Sallie Manzanet-Daniels, Justice Presiding,  
Judith J. Gische  
Ellen Gesmer  
Anil C. Singh  
Peter H. Moulton, Justices.

-----X

Eric Rowe,  
Plaintiff-Respondent-Cross-Appellant,

-against-

**M-926**

Index No. 155902/12

Strike Force of New Jersey, Inc.,  
Defendant-Appellant,

-and-

AEG Live LLC, AEG Live Productions, LLC,  
AEG Live NY, LLC, Mariel's Tours,  
LLC, Mariel's Tours, Inc., and Armando  
Perez, also known as Pitbull,  
Defendants-Cross-Respondents.

-----X

Defendant-appellant having moved, pursuant to 22 NYCRR 1250.10(c), to vacate the dismissal of its appeal taken from an order of the Supreme Court, New York County, entered on or about June 5, 2018, and, upon reinstatement, for an enlargement of time to perfect the appeal,

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

It is ordered that the motion is granted, the appeal reinstated and the time to perfect said appeal and the cross-appeal is enlarged to the September 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 April 25, 2019.

Present - Hon. Sallie Manzanet-Daniels, Justice Presiding,  
Judith J. Gische  
Ellen Gesmer  
Anil C. Singh  
Peter H. Moulton, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

M-6296  
Ind. No. 4843/16

Daryl Johnson,  
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 28, 2018, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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

(M-6296)

-2-

April 25, 2019

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 April 25, 2019.

PRESENT: Hon. Sallie Manzanet-Daniels, Justice Presiding,  
Peter Tom  
Marcy L. Kahn  
Ellen Gesmer, Justices.

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

-against-

Mitchell Archer,  
Defendant-Appellant.

**CONFIDENTIAL**

M-479

Ind. No. 2328/09

-----X

An order of this Court having been entered on July 18, 2017 (M-2245), granting defendant leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about July 7, 2011, and assigning Seymour W. James, Jr., Esq., predecessor to Janet E. Sabel, Esq., 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 Janet E. Sabel, Esq., The Legal Aid Society, as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, Suite 1601, New York, New York 10007, Telephone No. 212-402-4100, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the complete record, whichever is later.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 25, 2019.

PRESENT: Hon. Judith J. Gische, Justice Presiding,  
Troy K. Webber  
Cynthia S. Kern  
Anil C. Singh, Justices.

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

-against- M-510  
Ind. No. 2795/17

Jason Reid,  
Defendant-Appellant.

-----X

An order of this Court having been entered on January 10, 2019 (M-5797), granting defendant leave to prosecute, as a poor person, the appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about May 9, 2018, and assigning Robert S. Dean, Esq., Center for Appellate Litigation, as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

It is ordered that the motion is granted to the extent of striking the designation of Robert S. Dean, Esq., as assigned counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Richard L. Herzfeld, Esq., 112 Madison Avenue, 8<sup>th</sup> Floor, New York, New York 10016, Telephone No. 212-818-9019, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the receipt of the complete record, whichever is later.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 25, 2019.

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

-----X

Lantau Holdings Ltd.,  
Plaintiff-Appellant Cross-Respondent,

**M-227**

Index No. 650085/17

-against-

General Pacific Group LTD. and John Does  
1 through 30,  
Defendants,

-and-

SVK Capital Management, LTD.,  
Defendant-Respondent Cross-Appellant.

-----X

An appeal and a cross-appeal having been taken from an order of the Supreme Court, New York County, entered on or about February 20, 2018,

And an appeal having been taken from the order of the same court entered on or about June 7, 2018,

Now, upon reading and filing the stipulation of the parties hereto, dated October 26, 2018, and due deliberation having been had thereon,

It is ordered that the appeals, previously perfected, (Cal. Nos. 2018-1070 and 2018-2979) and the cross-appeal (Cal. No. 2018-3867) are hereby 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 April 25, 2019.

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

-----X

Theodore Coolbaugh,  
Plaintiff-Respondent,

-against-

**M-435**

Index No. 151225/14

Shulman Industries Inc., Desman, Inc.,  
J.F. O'Healy Construction Corp.,  
Roget V. Healy,  
Defendants-Respondents,

Taylor Clark Architects Inc.,  
Thornton Engineering, P.C.,  
Defendants,

-and-

North Shore University Hospital,  
Defendant-Appellant.

-----X

Shulman Industries, Inc.,  
Third-Party Plaintiff,

Index No. 595054/14

-against-

Shared Systems Technology, Inc.,  
Third-Party Defendant.

-----X

Shulman Industries, Inc.,  
Second Third-Party Plaintiff,

-against-

BAE Systems Shared Services, Inc., et al.,  
Second Third-Party Defendants.

-----X

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

Now, upon reading and filing the correspondence received from counsel for defendant-appellant dated December 26, 2018 and the stipulation of discontinuance dated November 9, 2018, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid correspondence and 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 April 25, 2019.

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

-----X  
Yitzhak Aron Pastreich and  
Menachem Mendl Pastreich, as  
Trustees for the Irrevocable Trust of  
2012 FBO Samuel Pastreich, the  
Irrevocable Trust of 2012 FBO Eta  
Tzipporah Pastreich and the Mark  
Pastreich Irrevocable Trust of 2012,  
and One Civic Center LLC,

Plaintiffs-Appellants,

-against-

Mark Pastreich, One Civic Center  
Management LLC, and Lisa Aronson,

Defendants-Respondents.

**M-840**

Index No. 654759/17

-----X  
An appeal having been taken from an order of the Supreme Court, New York County entered on or about January 8, 2019,

And, plaintiffs-appellants having moved for an order staying the trial in the above-entitled action pending hearing and determination of the aforementioned appeal,

Now, upon reading and filing the correspondence filed by plaintiffs-appellants' counsel dated January 29, 2019 with respect to the motion, and due deliberation having been had thereon,

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

ENTERED:

  
\_\_\_\_\_

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 25, 2019.

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

-----X

Kanuteh Bakusa,

Plaintiff-Respondent,

-against-

M-810X  
Index No. 303851/15

Boysie T. Powell,

Defendant-Appellant.

-----X

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" February 7, 2019, 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 April 25, 2019.

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

-----X

Ana Jiminian, Individually and as  
parent and natural Guardian of  
Alexander Nunez, an infant and  
Karlenys Nunez, an infant,  
Plaintiffs-Appellants,

M-812X  
Index No. 16954/96

-against-

Best Transit Corp., Wagner M.  
Alcivar, Ford Motor Co., Warrick  
Industries, Inc., doing business as  
Goshen Co., and J&R Tours, Inc.,  
Defendants-Respondents.

-----X

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" February 1, 2019, 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 April 25, 2019.

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

-----X  
In the Matter of the Application of  
Government Employees Insurance Company  
to stay Arbitration,  
Petitioner-Appellant,

-against-

Manuel Pimentel, as Administrator of M-891  
the Estate of Pamela Pimentel, Index No. 28398/16E  
Respondent-Respondent,

-and-

American United Trans, Inc. and  
American Transit Insurance Co.,  
Proposed Additional Respondents-  
Respondents.

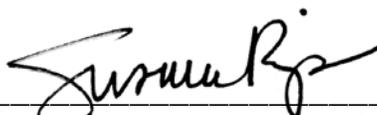
-----X

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

Now, upon reading and filing the papers with respect to the motion, including the correspondence from the attorney for petitioner-appellant dated January 31, 2019, and due deliberation having been had thereon,

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

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 25, 2019.

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

-----X

Edward W. Armstrong,  
Petitioner-Respondent,

-against-

**M-893**

Docket No. O-16404-18

Piotr Hanschke,  
Respondent-Appellant.

-----X

An appeal having been taken from an order of the Family Court, New York County, entered on or about September 21, 2018,

Now, upon reading and filing respondent-appellant's correspondence dated January 30, 2019, and due deliberation having been had thereon,

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

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 25, 2019.

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

-----X  
R&R Capital LLC, et al.,

Plaintiff-Respondent,

-against-

M-899  
Index No. 604080/05

Linda Merritt, etc.,

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 19, 2018,

Now, upon reading and filing the papers with respect to the motion, including the correspondence from the attorney for defendant-appellant dated February 11, 2019, and due deliberation having been had thereon,

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

ENTERED:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 25, 2019.

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

-----X

Eyal Zabari,

Plaintiff-Respondent,

-against-

M-1113X  
Index No. 653997/13

Doron Zabari,

Defendant-Appellant.

-----X

Appeals having been taken from orders of the Supreme Court, New York County, all entered on or about May 7, 2018 (mot. seq. nos. 009, 010, 014),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" February 26, 2019, 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 April 25, 2019.

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

-----X  
Tonette Joslin,

Plaintiff-Respondent,

-against-

M-1114X  
Index No. 302381/16

Riverdale Neighborhood House, Inc.,

Defendant-Appellant.  
-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about September 11, 2018,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" February 20, 2019, 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 April 25, 2019.

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

-----X

Timothy J. Fullum, et al.,

Plaintiffs-Appellants,

-against-

M-1115X  
Index No. 656038/17

Richard Siskind, et al.,

Defendants-Respondents.

-----X

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" February 20, 2019, 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 April 25, 2019.

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

-----X  
Duncanwood Properties, LLC,

Plaintiff-Respondent,

-against-

Midtown Funding LLC,

Defendant-Appellant.  
-----X

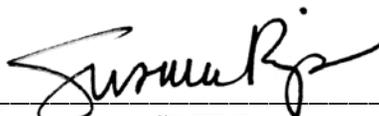
M-1116X  
Index No. 655746/16

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 11, 2018,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" February 19, 2019, 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 April 25, 2019.

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

-----X

Jomell Gutierrez,

Plaintiff-Respondent,

-against-

M-1174X  
Index No. 302687/13

Albany Express Transportation, Inc.,  
et al.,

Defendants-Appellants.

-----X

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" February 27, 2019, 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 April 25, 2019

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

-----X

The Carlton Group, LTD.,  
Plaintiff-Appellant,

-against-

**M-6634**

Index No. 651694/18

VS 125, LLC and SHVO, Inc., doing  
business as SHVO.,  
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 15, 2018, and the so ordered transcript of the same Court entered on or about November 5, 2018,

And, defendants-respondents having moved for an order dismissing the aforesaid appeal (M-6634),

Now, upon reading and filing the stipulation of the parties hereto, dated January 18, 2019, and due deliberation having been had thereon,

It is ordered that the aforesaid appeal and motion are deemed withdrawn in accordance with the aforesaid stipulation.

ENTERED:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 25, 2019.

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

-----X  
Tonnette Hightower, Lotticia Simone  
Wright and Nadia Hawkins,  
Plaintiffs-Respondents,

-against-

**M-6793**

Index No. 22428/13E

Lepido A. Nunez, Miquel A. Anez,  
Defendants-Respondents,

-and-

Errol Taffe,  
Defendant-Appellant.

-----  
Lepido A. Nunez and Miquel A. Anez,  
Third-Party Plaintiffs-Respondents,

-against-

Index No. 23197/13

Errol Taffe,  
Third-Party Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about January 23, 2018,

Now, upon reading and filing the correspondence received from counsel for defendant-appellant/third-party defendant-appellant dated November 28, 2018, and the stipulations of discontinuance dated August 7, 2018 and August 21, 2018 and due deliberation having been had thereon,

(M-6793)

-2-

April 25, 2019

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

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 25, 2019.

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

-----X

The People of the State of New York,  
Respondent,

-against-

M-467

Ind. No. 4296/17

Albert Jackson,  
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 3, 2018, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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

Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, Suite 1601, New York, New York 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete record.

ENTERED:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 25, 2019.

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

-----X

The People of the State of New York,  
Respondent,

-against-

M-719  
Ind. No. 3650/18

James Davilla,  
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 9, 2019, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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

(M-719)

-2-

April 25, 2019

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 April 25, 2019.

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

-----X

The People of the State of New York,  
Respondent,

-against-

M-720  
SCI. No. 4147/18

Alejandro Garcia,  
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 7, 2018, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, 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 April 25, 2019.

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

-----X

The People of the State of New York,  
Respondent,

-against-

M-761  
Ind. No. 3027/18

Samuel Ball,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about October 30, 2018, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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

(M-761)

-2-

April 25, 2019

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 April 25, 2019.

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-778  
SCI. No. 3807/17

Kevin Avila,  
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 14, 2018, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, 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 April 25, 2019.

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

-----X

The People of the State of New York,  
Respondent,

-against-

M-803  
Ind. Nos. 2607/16  
3381/16

Nigel Clark,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about April 3, 2018, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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

Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, Suite 1601, New York, New York 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete record.

ENTERED:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 25, 2019.

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

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

Respondent,

**CONFIDENTIAL**

**M-811**

-against-

Ind. No. 565/04

Kevin White,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Supreme Court, New York County (Convisor, J.), rendered on or about January 8, 2019, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

The Clerk of the Supreme Court shall expeditiously make and file with the criminal court (CPL 460.70) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice Convisor as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Janet E. Sabel, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

(M-811)

-2-

April 25, 2019

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 April 25, 2019.

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-817**

Ind. No. 2996/17

Shawn Daniels,  
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 18, 2018, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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

(M-817)

-2-

April 25, 2019

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 April 25, 2019.

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-880**

Ind. No. 394/17

Kenny Castillo,  
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 31, 2018, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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

(M-880)

-2-

April 25, 2019

Janet E. Sabel, Esq., The Legal Aid Society, 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 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 April 25, 2019.

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

-----X

The People of the State of New York,  
Respondent,

-against-

Javier Maisonet,  
Defendant-Appellant.

M-965  
Index Nos. 696/16  
1037/16

-----X

An appeal having been taken from judgments of the Supreme Court, Bronx County, rendered on or about October 19, 2018,

Now, upon reading and filing the stipulation of the parties hereto, dated February 1, 2019, 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 April 25, 2019.

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-1013**

Ind. No. 4370/16

Joseph Alvarado,  
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about January 3, 2019, 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 25, 2018,

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

It is ordered that the appeal is permitted to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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

(M-1013)

-2-

April 25, 2019

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 April 25, 2019.

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

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

**CONFIDENTIAL**

**M-470**

-against-

Ind. No. 90082/05

Emmanuel Taveras,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Supreme Court, Bronx County (Bruce, J.), entered on or about January 4, 2019, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and file an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

The Clerk of the Supreme Court shall expeditiously make and file with the criminal court (CPL 460.70) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice Bruce as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Christina Swarns Esq., 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 April 25, 2019.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,  
John W. Sweeny, Jr.  
Sallie Manzanet-Daniels  
Judith J. Gische  
Barbara R. Kapnick, Justices.

-----x  
Maxim Inc. and Sardar Biglari, **M-610**  
Plaintiffs-Respondents, **M-611**  
**M-612**  
-against- **M-613**  
Index No. 654137/15  
Wayne Gross and Jason Feifer,  
Defendants-Appellants.

-----x  
Appeals having been taken to this Court from the order of the Supreme Court, New York County, entered on or about March 6, 2018, which decided four motions in this action (Calendar No. 2018-797), and the order of the same court entered on or about January 8, 2019, which decided three motions in this action (Calendar Nos. 2019-225, 2019-226 and 2019-228),

And defendant-appellant Jason Feifer, in separate motions for each calendar number, having moved for an order (1) consolidating the aforesaid appeals; (2) enlarging the time to perfect the appeal from the March 6, 2018 order (Calendar No. 2018-797); and (3) granting a calendar preference and expediting the briefing schedule for the consolidated appeals,

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

Ordered that the branch of the motions seeking to enlarge the time to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about March 6, 2018 (Calendar No. 2018-797) is denied as unnecessary, the time to perfect said appeal having been enlarged to the September 2019 Term by order of this Court entered simultaneously herewith (see M-6364, M-6365), and it is further

Ordered that the branch of the motions seeking to consolidate the appeals from the order of the Supreme Court, New York County, entered on or about March 6, 2018 (Calendar No.

2018-797), and the order of the same court entered on or about January 8, 2019 (Calendar Nos. 2019-225, 2019-226 and 2019-228), is denied as unnecessary as the appeals may be consolidated as of right (see 22 NYCRR 1250.9 [f][3]), and it is further

Ordered that the branch of the motions seeking a calendar preference and expediting the briefing schedule for the consolidated 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 April 25, 2019.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,  
John W. Sweeny, Jr.  
Sallie Manzanet-Daniels  
Judith J. Gische  
Barbara R. Kapnick, Justices.

-----x

Maxim Inc. and Sardar Biglari,  
Plaintiffs-Respondents,

**M-6364**

**M-6365**

Action No. 1

-against-

Index No. 654137/15

Wayne Gross and Jason Feifer,  
Defendants-Appellants.

-----x

Maxim Inc.,  
Plaintiff-Respondent,

Action No. 2

-against-

Index No. 162933/15

Jason Feifer and Charna Sherman,  
Defendants-Appellants.

-----x

Defendant-appellant Jason Feifer, having separately moved for an enlargement of time to perfect the appeals taken from an order of the Supreme Court, New York County, entered on or about March 6, 2018, which decided four motions in Action #1 and two motions in Action #2,

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 with respect to Action #1 (M-6364), deemed one seeking to vacate the dismissal of the appeal, is granted, the appeal is reinstated and the time to perfect same is enlarged to the September 2019 Term, and it is further

Ordered that the motion with respect to Action #2 (M-6365) is denied as academic, the action having been dismissed by order of this Court entered May 17, 2018 (Appeal Nos. 6208-6213N).

ENTERED:

A handwritten signature in black ink, appearing to read "Susan R. Jones". The signature is written in a cursive style with a prominent initial "S".

---

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 25, 2019.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Peter Tom  
Peter H. Moulton, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

M-482  
Ind. No. 3384/16

Jaleel Gardner,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about November 15, 2018, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, 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 April 25, 2019.

Present - Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Peter Tom  
Peter H. Moulton, Justices.

-----x

In the Matter of the Application of  
Naraine Singh,  
Petitioner-Appellant,

For a Judgment Pursuant to Article 78 M-1219  
of the Civil Practice Law and Rules, Index No. 100175/19

-against-

The City of New York, et al.,  
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 February 25, 2019, which denied the petition and dismissed the proceeding, and vacated the temporary restraining order staying the demolition of the subject building located at 2999 Fulton Street, Brooklyn, New York 11208,

And petitioner-appellant having moved for a stay of the demolition of the subject building, pending hearing and determination of the appeal taken,

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 April 25, 2019.

Present - Hon. David Friedman, Justice Presiding,  
Dianne T. Renwick  
Troy K. Webber  
Marcy L. Kahn  
Cynthia S. Kern, Justices.

-----X  
Mario Fabian,

Plaintiff-Appellant,

-against-

**M-667**  
Index No. 301408/15

Mohammad A. Quadir and  
Sparrow Taxi, Inc.,

Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, Bronx County, entered on or about April 10, 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 September 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 April 25, 2019.

Present - Hon. David Friedman, Justice Presiding,  
Dianne T. Renwick  
Troy K. Webber  
Marcy L. Kahn  
Cynthia S. Kern, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

**M-798**

Ind. No. 4124/17

Maria Esperanza,

Defendant-Appellant.

-----X

Defendant-appellant having moved, pro se, to deem the notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about November 1, 2018, to be 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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 25, 2019.

Present - Hon. David Friedman, Justice Presiding,  
Dianne T. Renwick  
Troy K. Webber  
Marcy L. Kahn  
Cynthia S. Kern, Justices.

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

Respondent,

-against-

**M-6749**

Ind. No. 2689/17

Derly Marte,

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 8, 2018, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

Now, upon reading the affirmation of counsel for defendant-appellant, dated December 18, 2018, and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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

Defendant-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 April 25, 2019.

Present - Hon. David Friedman, Justice Presiding,  
Dianne T. Renwick  
Troy K. Webber  
Marcy L. Kahn  
Cynthia S. Kern, Justices.

-----X  
American Stevedoring, Inc.,  
Plaintiff-Respondent-Appellant,

-against-

**M-917**

Index No. 651472/12

Red Hook Container Terminal, LLC,  
Defendant-Appellant,

-and-

Seneca Insurance Company, Inc., doing  
business as The Seneca Companies,  
Defendant-Respondent,

The Port Authority of New York and  
New Jersey,  
Defendant-Respondent.

-----X  
Red Hook Container Terminal, LLC,  
Third-Party Plaintiff-Appellant,

-against-

JBL Trinity Group, Ltd.,  
Third-Party Defendant-Respondent.

-----X

An order of this Court having been entered on January 24, 2019 granting defendant-appellant/third party plaintiff-appellant Red Hook Container Terminal, LLC (RHCT) an enlargement of time to perfect its appeals from orders of the Supreme Court, New York County, entered on or about September 14, 2017 and on or about December 15, 2017, to the May 2019 Term (M-6430/M-5380/M-5410), granting plaintiff-respondent-appellant an enlargement of time to perfect its appeal from the order entered on or about December 15, 2017, to the aforesaid May 2019 Term (M-5411), and directing the parties to perfect the appeals in accordance with 22 NYCRR 1250.9(f) and the Clerk of this Court to calendar the appeals to be heard together on the same day of the May 2019 Term,

And defendant-appellant/third party plaintiff-appellant RHCT having moved this Court for an order directing the Clerk of this Court to calendar its appeal from the September 14, 2017 order separately from the appeals from the December 15, 2017 order, and for a further enlargement of time to perfect its appeal from the September 14, 2017 order,

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

It is ordered that the motion is granted to the extent of enlarging defendant-appellant/third party plaintiff-appellant RHCT's time to perfect its appeals from the orders of the Supreme Court, New York County, entered on or about September 14, 2017 and on or about December 15, 2017, to the September 2019 Term; Sua sponte, plaintiff-respondent-appellant's time to perfect its appeal taken from the order of the Supreme Court, New York County entered on or about December 15, 2017 is enlarged to the September 2019 Term. The parties are directed to perfect the appeals from the order entered on or about December 15, 2017 in accordance with 22 NYCRR 1250.9(f). Defendant-appellant/third party plaintiff-appellant RHCT, if so advised, may perfect its appeal from the order of the Supreme Court, New York County, entered on or about September 14, 2017 separately, provided that the appeal is perfected for the September 2019 Term. The Clerk of this Court is directed to calendar the appeals to be heard together on the same date of the September 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 April 25, 2019.

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

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

-against-

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

M-883  
Index No. 250720/15  
251413/14

-----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, Bronx County, entered on or about June 16, 2015,

And an order of this Court having been entered on September 20, 2018 (M-3876) denying petitioners' motion for reversal of this Court's order entered on July 19, 2018,

And petitioner-appellant, James Pettus, pro se having moved for reconsideration/reargument and to vacate the vexatious litigation order, or in the alternative, for leave to appeal to the Court of Appeals, from the aforesaid orders of this Court, and other relief,

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

It is ordered that the motion is denied.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 25, 2019.

Present - Hon. David Friedman, Justice Presiding,  
Judith J. Gische  
Troy K. Webber  
Marcy L. Kahn  
Jeffrey K. Oing, Justices.

-----x

INTL FCStone Markets, LLC, formerly  
known as INTL Hanley, LLC,

Plaintiff-Respondent,

-against-

M-1666  
Index No. 653364/16

Corrib Oil Company, Ltd.,

Defendant-Appellant.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about April 9 2018,

And plaintiff-respondent having moved for a preference in hearing of the appeal for the May 2019 Term,

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

It is ordered that the motion is denied, as academic.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 25, 2019.

Present - Hon. David Friedman, Justice Presiding,  
Angela M. Mazzarelli  
Troy K. Webber  
Cynthia S. Kern  
Jeffrey K. Oing, Justices.

-----X

G & Y Maintenance Corp.,  
Plaintiff-Appellant,

-against-

**M-1320**

Index No. 162458/14

GLSC 48 Special, LLC,  
Defendant-Respondent,

Core Continental Construction LLC,  
Defendant.

-----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 February 5, 2019 (Appeal No. 8325N),

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



(M-6517 & M-564)

-2-

April 25, 2019

Elmhurst, New York, 11370, the Attorney General of the State of New York, 120 Broadway, New York, New York 10271, and the District Attorney of Bronx County, 198 East 161st Street, Bronx, New York, 10451, be deemed due and sufficient notice of the proceeding hereby transferred.

The motion is otherwise denied, without prejudice to further proceedings.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 25, 2019.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Rosalyn H. Richter  
Peter Tom  
Barbara R. Kapnick  
Jeffrey K. Oing, Justices.

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

Respondent,

**SEALED**

**M-689**

-against-

Ind. No. 1067N/13

Franquely Martinez, also known as  
Franquelly Martinez,  
Defendant-Appellant.

-----X

An order of this Court having been entered on October 30, 2018 (M-4567), inter alia, granting defendant's motion for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about October 14, 2016, and assigning counsel therefor,

And counsel for defendant-appellant having moved to unseal the plea transcript from June 6, 2013 as well as the sentencing transcript from October 14, 2016, for the purposes of perfecting said 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 unsealing the aforementioned plea and sentencing minutes and granting access to those minutes to appellate counsel for both sides.

ENTERED:

  
-----  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 25, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,  
Rosalyn H. Richter  
Peter Tom  
Barbara R. Kapnick  
Jeffrey K. Oing, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

**M-748**

Ind. No. 1963/17

Tyler Johnson,

Defendant-Appellant.

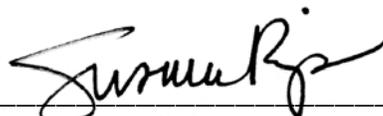
-----X

Defendant-appellant having moved, pro se, to deem the late notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about January 4, 2018, to be 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



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 25, 2019.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Sallie Manzanet-Daniels  
Peter Tom  
Barbara R. Kapnick  
Peter H. Moulton, Justices.

-----X  
Kelly Gunn,  
Petitioner-Respondent,

-against-

M-1655  
Index No. 309154/16

Circe Hamilton,  
Respondent-Respondent.  
-----X

Orders of the Supreme Court, New York County, having been entered on or about December 19, 2018, appointing a forensic evaluator, and on or about January 18, 2019, directing an interim access hearing, and a purported appeal having been taken by Philip Katz, Esq., court attorney for the subject child, from an order to show cause granted by the same court or about March 21, 2019, insofar as it denied his request for a temporary restraining order staying the interim access hearing and forensic examination,

And the court attorney for the subject child, having moved pursuant to CPLR 5519(c) for a stay of the Interim Access Hearing and appointment of a forensic evaluator, pending the hearing and determination of his motion to renew the aforesaid orders of the Supreme Court, New York County, entered on or about December 19, 2018 and on or about January 18, 2019,

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, deemed one to include a request for relief pursuant to CPLR 5704(a), is denied and the interim relief granted by an order of a Justice of this Court, dated March 22, 2019, 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 April 25, 2019.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Judith J. Gische  
Troy K. Webber  
Marcy L. Kahn  
Peter H. Moulton, Justices.

-----X  
CitiMortgage Inc.,  
Plaintiff-Respondent,

-against-

**M-1454**  
Index No. 35399/14

Lloyd Ferguson,  
Defendant-Appellant,

-and-

Karen Bryan also known as Karen  
Ferguson; Secretary of Housing and  
Urban Development; et al,  
Defendants.

-----X

An appeal having been taken from the order and judgment of foreclosure and sale of the Supreme Court, Bronx County, entered on or about January 8, 2019,

And defendant-appellant having moved for a stay of the sale of the subject property or enforcement of the aforesaid order and judgment pending hearing and determination of the appeal,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from the attorney for plaintiff-respondent, dated March 19, 2019, and due deliberation having been had thereon,

It is ordered that the motion is held in abeyance pending the vacatur of or modification of the bankruptcy stay which resulted from respondent's filing a Chapter 13 petition in the Southern District of New York. The parties shall inform this Court when said stay has been modified or 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 April 25, 2019.

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

-----X  
In the Matter of

Nyshawn L.,

A person Alleged to be a  
Juvenile Delinquent,

Appellant.

-----  
Presentment Agency  
-----X

**Confidential**

**M-1181**

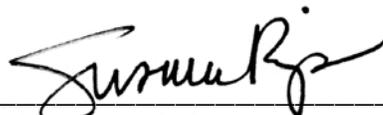
Docket No. D12668/17

Appellant having moved for reargument of the decision and order of this Court, entered on January 29, 2019 (Appeal No. 8246),

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 April 25, 2019.

Present - Hon. Dianne T. Renwick, Justice Presiding,  
Rosalyn H. Richter  
Barbara R. Kapnick  
Marcy L. Kahn  
Jeffrey K. Oing, Justices.

-----x

In the Matter of a Family Offense Proceeding Under Article 8 of the Family Court Act.

**CONFIDENTIAL**

**M-669**

- - - - -  
Krystal R.,  
Petitioner-Respondent,

Docket No. O-14455-17

-against-

Kriston L.,  
Respondent-Appellant.

-----x

In the Matter of

Kai L.

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

Docket No. NN-17331-17

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

-against-

Kriston L.,  
Respondent-Appellant.

- - - - -

Katherine Tracey, Esq.,  
Attorney for the Child.

-----x

Appeals having been taken to this Court by respondent-appellant father, from orders of the Family Court, Bronx County, entered on or about July 31, 2018 (Family Offense Proceeding) and July 31, 2018 (Neglect Proceeding),

And respondent-appellant father, 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 and the aforesaid appeal are consolidated (See 22 NYCRR 1250.9).

ENTERED:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 25, 2019.

Present - Hon. Dianne T. Renwick, Justice Presiding,  
Rosalyn H. Richter  
Ellen Gesmer  
Cynthia S. Kern  
Anil C. Singh, Justices.

-----X  
Mark Pastreich,  
Plaintiff-Respondent,

-against-

Yitzhak Aron Pastreich and  
Menachem Mendl Pastreich, as  
Trustees for the Irrevocable Trust of  
2012 FBO Samuel Pastreich, the  
Irrevocable Trust of 2012 FBO Eta  
Tzipporah Pastreich and the Mark  
Pastreich Irrevocable Trust of 2012,  
Defendants-Appellants,

**M-1433**  
Index No. 650740/18

-and-

Lisa Aronson, as Trustee of the Mark  
Pastreich Irrevocable Trust of 2012,  
Defendant.

-----X

Plaintiff-respondent having moved for an order pursuant to CPLR 5511 dismissing the perfected appeal taken from an order of the Supreme Court, New York County, entered on or about May 11, 2019 (Calendar No. 2018-1554),

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

It is ordered that the motion to dismiss is denied. The Clerk is directed to calendar and maintain this appeal (Calendar No. 2018-1554) together with the appeals, if timely perfected, in the related action, Pastreich v Pastreich, Index No. 654759/17

(Calendar Nos. 2019-590 and 2019-1265) for hearing on the same day during the September 2019 Term (see 22 NYCRR 1250.9[f][3] & [4]). (See M-1435 and M-1564/M-1735, 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 April 25, 2019

Present - Hon. Dianne T. Renwick, Justice Presiding,  
Rosalyn H. Richter  
Ellen Gesmer  
Cynthia S. Kern  
Anil C. Singh, Justices.

-----X

Yitzhak Aron Pastreich and  
Menachem Mendl Pastreich, as  
Trustees for the Irrevocable Trust of  
2012 FBO Samuel Pastreich, the  
Irrevocable Trust of 2012 FBO Eta  
Tzipporah Pastreich and the Mark  
Pastreich Irrevocable Trust of 2012,  
and One Civic Center LLC,  
Plaintiffs-Appellants,

**M-1435**  
Index No. 654759/17

-against-

Mark Pastreich, One Civic Center  
Management LLC, and Lisa Aronson,

Defendants-Respondents.

-----X

Defendants-respondents Mark Pastreich and One Civic Center Management LLC having moved for an order pursuant to CPLR 5511 dismissing the appeal taken from the order of the Supreme Court, New York County, entered on or about January 8, 2019 (Calendar No. 2019-590),

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. (See M-1433 and M-1564/M-1735, 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 April 25, 2019.

Present - Hon. Dianne T. Renwick, Justice Presiding,  
Rosalyn H. Richter  
Ellen Gesmer  
Cynthia S. Kern  
Anil C. Singh, Justices.

-----X

Yitzhak Aron Pastreich and  
Menachem Mendl Pastreich, as  
Trustees for the Irrevocable Trust of  
2012 FBO Samuel Pastreich, the  
Irrevocable Trust of 2012 FBO Eta  
Tzipporah Pastreich and the Mark  
Pastreich Irrevocable Trust of 2012,  
and One Civic Center LLC,  
Plaintiffs-Appellants,

**M-1564**  
**M-1735**  
Index No. 654759/17

-against-

Mark Pastreich, One Civic Center  
Management LLC, and Lisa Aronson,

Defendants-Respondents.

-----X

Plaintiffs-appellants having moved (M-1564) for an order (1) staying the enforcement of orders of the Supreme Court, New York County, entered on or about January 23, 2019 and February 14, 2019, and the enforcement of any judgment issued pursuant to the orders, pending the hearing and determination of the appeal taken from the order entered on or about February 14, 2019 (Calendar No. 2019-1265), (2) fixing an undertaking pursuant to CPLR 5519(c), and (3) consolidating the aforesaid appeal for oral argument with the appeal taken in this action from the order of the same court, entered on or about January 8, 2018 (Calendar No. 2019-590) and the appeal taken in the related action, Pastreich v Pastreich, Index No. 650740/18 (Calendar No. 2018-1554),

And defendants-respondents Mark Pastreich and One Civic Center Management LLC having cross-moved (M-1735) for an order dismissing the the appeal from the order entered on or about February 14, 2019 (Calendar No. 2019-1265),

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 (M-1564) is granted to the extent staying, pending the hearing and determination of the appeal taken from the order of the Supreme Court, New York County entered February 14, 2019 (Calendar No. 2019-1265), the enforcement of orders of the Supreme Court, New York County, entered on or about January 23, 2019 and February 14, 2019, and the enforcement of any judgment issued pursuant to the orders, on condition that plaintiffs perfect their appeals (Calendar No. 2019-1265 and 2019-590) for the September 2019 Term, and on the further condition that they post an undertaking in the amount of \$430,873 within fourteen days of the date of this order, and it is further

Ordered that the cross-motion (M-1735) is denied, and it is further

Ordered that the Clerk is directed to calendar and maintain the appeals in this action (Calendar No. 2019-1265 and 2019-590), if timely perfected, together with the perfected appeal in the related action, Pastreich v Pastreich, Index No. 650740/18 (Calendar No. 2018-1554) for hearing on the same day during the September 2019 Term (see 22 NYCRR 1250.9[f][3] & [4]). (See M-1433 and 1435, decided simultaneously herewith).

ENTERED:

  
CLERK

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

BEFORE: Hon. Anil C. Singh  
Justice of the Appellate Division

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

Respondent

-against-

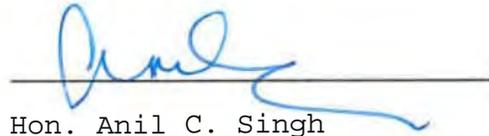
Jose Morel

Defendant.

-----X

M-416  
Ind. No.  
6140/2011  
CERTIFICATE  
DENYING LEAVE

I, Hon. Anil C. Singh, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.10 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County (Juan M. Merchan, J.), entered on or about September 25, 2018 is hereby denied.



Hon. Anil C. Singh

Associate Justice

Dated: March 13, 2019  
New York, New York

ENTERED:

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

BEFORE: Hon. Marcy L. Kahn  
Justice of the Appellate Division

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

M-765  
Indictment No.  
3261/07

-against-

CERTIFICATE  
DENYING LEAVE

Raymond Sprinkler,  
Defendant.

-----X

I, Marcy L. Kahn, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application deemed timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County (Hon. Gregory Carro), entered on or about June 20, 2018, is hereby denied.

  
\_\_\_\_\_  
Associate Justice

Dated: March 12, 2019  
New York, New York

ENTERED:

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

BEFORE: Hon. Anil C. Singh  
Justice of the Appellate Division

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

Respondent

-against-

Timothy Bailey

Defendant.

M-6237  
Ind. No.  
1712/2011  
CERTIFICATE  
DENYING LEAVE

-----X  
I, Hon. Anil C. Singh, a Justice of the Appellate Division, First  
Judicial Department, do hereby certify that, upon application timely made  
by the above-named defendant for a certificate pursuant to Criminal  
Procedure Law, sections 460.15, and upon the record and proceedings  
herein, there is no question of law or fact presented which ought to be  
reviewed by the Appellate Division, First Judicial Department, and  
permission to appeal from the order of the Supreme Court, New York County  
(A. Kirk Bartley, J.), entered on or about September 6, 2018 is hereby  
denied.



Hon. Anil C. Singh

Associate Justice

Dated: March 13, 2019  
New York, New York

ENTERED:

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

BEFORE: Hon. Judith J. Gische  
Justice of the Appellate Division

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

M-800  
Ind. No. 1544/2007

-against-

CERTIFICATE  
GRANTING LEAVE

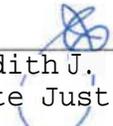
Angel Martinez  
Defendant-Appellant.

-----X

I, Judith J. Gische, a Justice of the Appellate Division, First Judicial Department, do hereby certify that in the proceedings herein questions of law or fact are involved which ought to be reviewed by the Appellate Division, First Judicial Department, and, pursuant to Section 460.15 of the Criminal Procedure Law, permission is hereby granted to the above-named defendant to appeal to the Appellate Division, First Judicial Department, from the order of the Supreme Court, New York County, entered on or about June 28, 2018.<sup>1</sup>

Dated: March 15, 2019  
New York, New York

**Entered: APR 25 2019**

  
\_\_\_\_\_  
Hon. Judith J. Gische  
Associate Justice

NOTICE: Within 15 days from the date hereon, an appeal must be taken, and this certificate must be filed with the notice of appeal. An appeal is taken by filing, in the Clerk's office of the criminal court in which the order sought to be appealed was rendered, a written notice in duplicate that appellant appeals to the Appellate Division, First Judicial Department (Section 460.10, subd. 4, CPL), together with proof that another copy of the notice of appeal has been served upon opposing counsel. The appeal (or consolidated appeals; see footnote) must be argued within 120 days from the date of the notice of appeal, unless the time to perfect the appeal(s) is enlarged by the court or a justice thereof.

<sup>1</sup>In the event defendant has an existing (direct) appeal from a judgment, such appeal shall be consolidated with the appeal from the aforesaid order; and any poor person relief granted with respect to the appeal from the judgment shall be extended to cover the appeals so consolidated.