

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 28, 2019.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Peter Tom
Angela M. Mazzarelli
Troy K. Webber, Justices.

-----X

R&R Capital LLC and FTP Capital LLC,
Plaintiffs-Appellants,

-against-

M-850
Index No. 604080/05

Linda Merritt also known as Lyn
Merritt,
Defendant-Respondent.

-----X

Defendant-respondent having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on January 8, 2019 (Appeal No. 8033),

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 May 28, 2019.

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

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

-against-

M-998
Index No. 401336/05

Burton S. Sultan,
Defendant-Appellant.

-----X

A corrected order of this Court having been entered on July 24, 2019 (M-2521/M-2691) granting plaintiffs-respondents' motion to dismiss defendant-appellant's appeal taken from an order of the Supreme Court, New York County, entered on or about February 15, 2018, and enjoining defendant-appellant from filing any notice of appeal, appellate papers or motions related to this action without prior leave of this Court,

And plaintiffs-respondents having moved for an order pursuant to Judiciary Law §§ 753, 756 and 773, adjudging defendant guilty of, and punishing him for, civil contempt for his alleged misconduct in disobeying the aforesaid corrected order entered July 24, 2018, by serving and filing a motion for leave to appeal to the Court of Appeals, without prior leave of this Court, and for costs and attorney's fees incurred as a result of his contempt,

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 May 28, 2019.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Judith J. Gische
Barbara R. Kapnick
Cynthia S. Kern
Peter H. Moulton, Justices.

-----X

Domingo Feliz Terc,
Plaintiff-Appellant-Respondent,

-against-

M-1356

M-1450

535 Coster Realty, Inc.,
Defendant-Respondent-Appellant.

Index No. 302163/16

-----X

Appeals having been taken by the captioned parties from an order of the Supreme Court, Bronx County, entered on or about May 7, 2018,

And plaintiff-appellant-respondent having moved for an enlargement of time to perfect his appeal, nunc pro tunc to March 6, 2019 (M-1356),

And defendant-respondent-appellant having cross-moved to (1) amend the Court's filings to reflect their appeal as a cross-appeal, and (2) for an enlargement of time to perfect same (M-1450),

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

It is ordered that plaintiff-appellant-respondent's motion, deemed one to vacate the dismissal of his appeal pursuant to 22 NYCRR 1250.10(c), is granted to the extent of reinstating the appeal and enlarging the time to perfect said appeal to the October 2019 Term (M-1356), and

It is further ordered that defendant-respondent-appellant's cross motion is granted and the time to perfect their cross-appeal is enlarged to the October 2019 term (M-1450).

Plaintiff-appellant-respondent is directed to utilize the correct case caption on the briefs and joint record to reflect defendant's designation as defendant-respondent-appellant. Plaintiff-appellant-respondent is further directed to supplement the joint record on appeal to include the defendant-respondent-appellant's notice of appeal and pre-argument statement. The parties attention is directed to 22 NYCRR 1250.9(f)(1).

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 28, 2019.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Judith J. Gische
Troy K. Webber
Anil C. Singh, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-1280
Ind. No. 3671/16

Nelson Jiminez,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about October 10, 2017,

And defendant-appellant, pro se, having moved to withdraw 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 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 May 28, 2019.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Judith J. Gische
Troy K. Webber
Anil C. Singh, Justices.

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

-against-

M-1494
Ind. No. 3481/17

Sergio Mejia Ogando,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about February 15, 2018,

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

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 28, 2019.

PRESENT: Hon. Rosalyn H. Richter, Justice Presiding,
Sallie Manzanet-Daniels
Troy K. Webber
Cynthia S. Kern, Justices.

-----X

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

- - - - -

Reginald C.,
Petitioner-Appellant,

CONFIDENTIAL

M-15

Docket No. F-5260-07/17C

-against-

Lisa H.,
Respondent-Respondent.

-----X

Petitioner-appellant, pro se, having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, Bronx County, entered on or about July 10, 2018, which dismissed his petition seeking to vacate the order of filiation of the same court entered on or about March 6, 2007, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the attorney for respondent 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 Family Court is directed to have transcribed the minutes of the relevant proceedings, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor within 30 days of service of a copy of this order upon the Clerk. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record. Appellant is directed to immediately subpoena the record from the Family Court and to serve a copy of this order upon the Clerk of the Family Court. The motion, to the extent that it seeks assignment of counsel, is denied.

On the Court's own motion, petitioner's time to perfect the appeal, which is deemed one taken from an October 2, 2018 order of the same Court, which denied petitioner's objections to the Support Magistrate's order, is enlarged to the October 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 May 28, 2019.

Present - Hon. Rosalyn H. Richter, Justice Presiding,
Sallie Manzanet-Daniels
Marcy L. Kahn
Ellen Gesmer
Jeffrey K. Oing, Justices.

-----x
Bliss World LLC,

Plaintiff-Respondent,

-against-

M-1482
Index No. 657007/17

10 West 57th Street Realty LLC,

Defendant-Appellant.
-----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 April 6, 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 October 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 May 28, 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-805
Ind. No. 3287/16

Maria Savides,
Defendant-Appellant.

-----X

An order of this Court having been entered on October 26, 2017 (M-5110), granting defendant 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 18, 2016, 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., as assigned 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, 28th 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 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 May 28, 2018.

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

-----X

Skiboky Shavar Stora,
Plaintiff-Appellant,

-against-

M-1076

M-1077

Index No. 107715/06

City of New York, et al.,
Defendants-Respondents,

Marcus Serrano,
Defendant.

-----X

Volunteers of America-Greater
New York, Inc.,
Third Party-Plaintiff Respondent,

-against-

FJC Security Services, Inc.,

Third Party-Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about September 19, 2017, and a decision and order of this Court having been entered on March 12, 2019, unanimously affirming said order (Appeal No.8683),

And plaintiff-appellant, pro se, having moved to add American International Group, Inc. (M-1076) and Allied Universal (M-1077) as parties to his 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 denied (M-1076/M-1077).

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 28, 2019.

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 Custody/Visitation
Proceeding Under Article 6 of the
Family Court Act.

Corinne Frances B.,
Petitioner-Appellant,

CONFIDENTIAL

M-1786

-against-

Docket Nos. V-10349/17
V-5270/18

V-5270/18/18A

Antwan M.,
Respondent-Respondent.

Anna Schissel, Esq.,
Attorney for the Child.

-----X
Consolidated appeals having been taken to this Court by petitioner-appellant from orders of the Family Court, New York County, entered on or about March 8, 2018, May 7, 2018, December 5, 2018 and December 17, 2018,

And petitioner-appellant, pro se, having moved to modify the interim relief granted by a Justice of this Court on June 14, 2019, continued by an order of this Court entered on September 13, 2018 (M-3078), to the extent of striking the subject father's scheduled visitation,

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 May 28, 2019.

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

-----X
Real World Holdings LLC.,
Plaintiff-Respondent,

-against-

M-1849
Index No. 160732/15

393 West Broadway Corporation, Timothy
Clark, Joan Hardin, James Schaeufele,
Mariacristina Parravicini, and John
Wotowicz,
Defendants-Appellants.

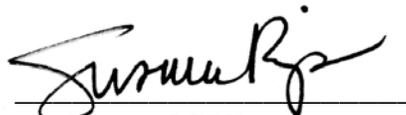
-----X

Defendants-appellants having moved for a stay of discovery pending the hearing and determination of an appeal taken from an order of the Supreme Court, New York County, entered on or about September 10, 2018,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties, dated April 8, 2019, 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 May 28, 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 Commitment of the Guardianship and Custody of

Xavier Blade Lee Billy Joe S.,
also known as Xavier S.,
Claudia Kathleen Rosa Storm S.,
also known as Claudia S.,

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

CONFIDENTIAL
M-1652
Docket No. B-7087-88/14

The Children's Aid Society,
Petitioner-Appellant,

Josefina S.,
Respondent-Respondent.

Thomas R. Villecco, Esq.,
Attorney for the Child Claudia S.,

Larry S. Bachner, P.C.,
Attorney for the Child Xavier S.

-----x

Ellen Winter Mendelson, Esq., court attorney for the subject child, Claudia S., having moved on said child's behalf for leave to respond, as a poor person, to the appeal taken from an order of the Family Court, Bronx County, entered on or about January 10, 2019, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and the certification of Ellen Winter Mendelson, Esq., dated March 16, 2019, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to §1120 of the Family Court Act, Thomas R. Villecco, Esq., 366 N. Broadway - Suite 410, Jericho, New York, 11753, Telephone No. 516-942-4221, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for each party to the appeal, and an original and five hard copies, and if represented by counsel, one digital copy of such brief, are filed with this court, pursuant to 22 NYCRR Section 1250.9. (See, M-1862, 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 May 28, 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

Desiree T.,

A Child Subject of a Foster Care Placement Proceeding under Social Services Law § 358-a.

- - - - -
Administration for Children's Services, M-1737
Petitioner-Appellant, Docket No. L-46578/16

Tawana T.,
Respondent-Respondent.

- - - - -
Janet E. Sabel, Esq.,
Attorney for the Child-Appellant.

-----x

Respondent-respondent mother having moved for leave to respond, as a poor person, to the appeals taken from the order of the Family Court, New York County, entered on or about February 26, 2019, which granted her request for the immediate return of the subject child, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, including the certification of Paul Matthews, Esq., dated March 9, 2019, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to §1120 of the Family Court Act, Richard L. Herzfeld, Esq., 112 Madison Avenue, 8th Floor, New York, New York, 10016, Telephone No. 212-818-9019, as counsel for purposes of responding to the appeals; (2) permitting movant to respond to

the appeals upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for each party to the appeal, and an original and five hard copies, and if represented by counsel, one digital copy of such brief, are filed with this court, pursuant to 22 NYCRR Section 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 May 28, 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 Commitment of the Guardianship and Custody of

Xavier Blade Lee Billy Joe S.,
also known as Xavier S.,
Claudia Kathleen Rosa Storm S.,
also known as Claudia S.,

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

CONFIDENTIAL
M-1862
Docket No. B-7087-88/14

- - - - -
The Children's Aid Society,
Petitioner-Appellant,

Josefina S.,
Respondent-Respondent.

- - - - -
Thomas R. Villecco, Esq.,
Attorney for the Child Claudia S.,

- - - - -
Larry S. Bachner, P.C.,
Attorney for the Child Xavier S.

-----x

Jessica Brown, Esq., court attorney for the subject child, Xavier S., having moved on said child's behalf for leave to respond, as a poor person, to the appeal taken from an order of the Family Court, Bronx County, entered on or about January 10, 2019, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and the certification of Jessica Brown, Esq., dated April 1, 2019, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to §1120 of the Family Court Act, Larry S. Bachner, P.C., c/o Bachner & Associates, P.C., 39 Broadway, Suite 1610, New York, New York 10006, Telephone No. 917-674-9516, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for each party to the appeal, and an original and five hard copies, and if represented by counsel, one digital copy of such brief, are filed with this court, pursuant to 22 NYCRR Section 1250.9. (See M-1652, 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 May 28, 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

Gabriel R.,
Liam B.,
Arianna B.,
Alexia B. and
Nadya R.,

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

CONFIDENTIAL
M-1863
Docket Nos. NA-23662-5/17
NA-16938-18

Administration for Children's Services,
Petitioner-Respondent,

Jose R.,
Respondent-Appellant,
Shameeza K.
Respondent,

Larry S. Bachner, P.C., for subject
Children Nadya R. and Gabriel F.

Janet E. Sabel, Esq., The Legal Aid
Society, Attorney for the B. Children,
-----X

Patricia L. Moreno, Esq., court attorney for the subject children Nadya R. and Gabriel R., having moved on the children's behalf for leave to respond, as poor persons, to the appeal taken from the order of the Family Court, Bronx County, entered on or about February 14, 2019, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and the certifications of Patricia L. Moreno, Esq., both dated April 1, 2019, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to §1120 of the Family Court Act, Larry S. Bachner, P.C. C/O Bachner & Associates, P.C., 39 Broadway, Suite 1610, New York, New York 10006, Telephone No. 917-674-9516, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for each party to the appeal, and an original and five hard copies, and if represented by counsel, one digital copy of such brief, are filed with this court, pursuant to 22 NYCRR Section 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 May 28, 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-

Marlon Carrion,
Defendant-Appellant.

M-1548
Ind. No. 4267/17
SCI. No. 172/19
SCI. No. 173/19

-----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 14, 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.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th 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 May 28, 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-1691

-against-

SCI. No. 4232/16

Brett Bernstein,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from the order of the Supreme Court, New York County (Merchan, J.), entered on or about March 12, 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 files with the criminal court (CPL 460.70) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice Merchan as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Robert S. Dean, Esq., Center for Appellate Litigation, 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, 28th 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 May 28, 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,

-against- M-708
Ind. Nos. 2274/13
1837/14
3294/14
Phillip Shulterbrandt, Defendant-Appellant. DKT No. 51031C/14
-----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 9, 2017, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th 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 May 28, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Peter Tom
Jeffrey K. Oing, Justices.

-----X
In the Matter of

Alonzo Owens,
Petitioner-Appellant,

M-1082
Index No. 100223/18

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

-against-

New York City Resource Administration,
et al.,
Respondent-Respondent.

-----X

Petitioner-appellant, pro se, having moved for leave to prosecute, as a poor person, the appeal taken from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about September 19, 2018, for an enlargement of time to perfect said appeal, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the October 2019 Term 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 in the County of New York on May 28, 2019.

Present: Hon. Rolando T. Acosta, Presiding Justice,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Peter Tom
Jeffrey K. Oing, Justices.

-----X
East River Fifties Alliance, Inc.,
and Benjamin Kallos,

Petitioners-Appellants,

M-1265
Index No. 157917/18

For a judgment Pursuant to Article 63
and 78 of the Civil Practice Law and Rules

-against-

City of New York, Board of Standards
and Appeals of the City of New York,
Margery Perlmutter (chair) and Sutton
58 Holding Company LLC,

Respondents-Respondents.

-----X

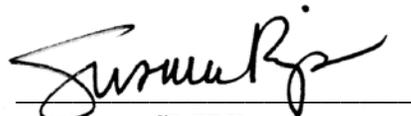
An order of a Justice of this Court having been entered on March 22, 2019, granting petitioners leave to appeal to this Court from an order of the Supreme Court, New York County, entered on or about March 4, 2019,

And petitioners-appellants having moved for a preliminary injunction enjoining respondent Sutton 58 Holding Company LLC and its agents from continuing construction of the building to be located at 428-432 East 58th Street, New York, New York, pending hearing and determination of the appeal,

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

It is ordered that the motion is 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 May 28, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Troy K. Webber
Cynthia S. Kern, Justices.

-----x
In the Matter of

Janiya P., and
Jaloni G.,

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

CONFIDENTIAL

M-1675
M-2031

Administration for Children's Services,
Petitioner-Respondent,

Docket Nos. NN-26042/17
NN-26043/17

Scott G.,
Respondent-Respondent.

Janet E. Sabel, Esq., The Legal Aid
Society,
Attorney for the Children-
Appellants.

-----x

Appeals having been taken to this Court from the order of the Family Court, New York County, entered on or about December 5, 2018, dismissing the child protective proceedings against respondent Scott G.,

And respondent, Scott G., having moved to dismiss the appeal taken by Administration for Children's Services from the aforesaid order (M-1675),

And the Administration for Children's Services having cross-moved to change their designation from an appellant to a respondent (M-2031),

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-1675) is granted to the extent of deeming the appeal taken by Administration for Children's Services from the order entered on or about December 5, 2018 withdrawn, and it is further,

Ordered that the cross motion (M-2031) is granted to the extent of deeming the Administration for Children's Services as a respondent in connection with the subject children's 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 May 28, 2019.

Present - Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Rosalyn H. Richter
Jeffrey K. Oing
Peter H. Moulton, Justices.

-----X
Local 621, S.E.I.U., Seupersaud Bharat,
Bishambhar Kubair, and Heidi Cohen, in
her capacity as the personal representative
of the Estate of Andrew Cohen,
Petitioners-Appellants-Respondents,

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

-against-

M-1512
Index No. 101831/17

The New York City Department of
Transportation, Polly Trottenberg,
personally and as Commissioner of the
New York City Department of Transportation,
James L. Hallman, personally and as Chief
Diversity/EEO Officer of the New York City
Department of Transportation, and the City
of New York,
Respondents-Respondents-Appellants.

-----X

An appeal and cross appeal having been taken from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about July 16, 2018; and an appeal having been taken by petitioners from an order of the same court, entered on or about November 13, 2018,

And an order of this Court having been entered on March 12, 2019, granting petitioners-appellants-respondents motion to file a supplemental record for the June 2019 Term (M-6629), and denying their motion to substitute Heidi Cohen in place of Andrew Cohen, with leave to renew upon proof that Heidi Cohen has been named personal representative of the estate (M-6657),

And petitioners-appellants-respondents having renewed their motion to substitute Heidi Cohen, in her capacity as the personal representative of the Estate of Andrew Cohen, in place of Andrew Cohen as petitioner, and to amend the caption to reflect same,

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

It is ordered that the motion is granted, and the caption is amended, as indicated.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 28, 2019.

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

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

-against-

M-1261
Ind. No. 3466/17

Elijah Randolph,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about December 19, 2018, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), and 22 NYCRR 1250.4(d)(1) and (4), setting forth, inter alia, his indigency, the amount and sources of funds utilized to post the \$10,000 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available 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 May 28, 2019.

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

-----X
Boris Teichmann,
Petitioner-Appellant,

-against-

M-1269
Index No. 101209/18

NYC Employees' Retirement System,
Respondent-Respondent.
-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal taken from the judgment of the Supreme Court, New York County, entered on or about November 28, 2018, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that said 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 attorney for respondent 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. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 28, 2019.

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

-----X
Haim Zitman,
Plaintiff-Appellant,

-against-

M-1496
Index No. 652015/18

Sutton LLC, et al.,
Defendants-Respondents.
-----X

Plaintiff-appellant having moved for leave to prosecute, as a poor person, the appeal taken from the order of the Supreme Court, New York County, entered on or about September 6, 2018, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that said motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a) and 22 NYCRR 1250.4(d)(1) and (2), setting forth, inter alia, the amount and sources of funds used to retain trial counsel, Robert Elan, Esq., the disposition thereof, and an explanation as to why similar funds are not available to prosecute the appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 28, 2019.

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

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

-against-

M-1409
Ind. No. 3042/17

Luders Lafontant,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about April 2, 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 moving papers a timely filed notice of appeal.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 28, 2019.

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

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

-against- M-1426
Ind. Nos. 2331/17
Carmelo Gonzalez, 1790/17
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about April 9, 2018, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

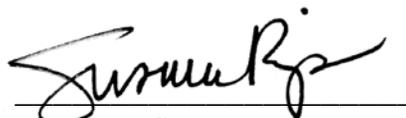
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of deeming the moving papers as 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.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th 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 May 28, 2019.

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

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

-against-

M-1427
Ind. No. 446/11

Amaury Jimenez,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of **resentence** of the Supreme Court, New York County, rendered on or about December 21, 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 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 May 28, 2019.

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

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

-against-

M-1466
Ind. No. 5271/14

Jhovanny Francisco Delacruz-Fernandez,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about August 20, 2018,

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

It is ordered that the motion is granted to the extent of deeming the notice of appeal as 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 May 28, 2019.

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

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

-against-

M-1415
Ind. No. 4340/17

Darren Lee,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about January 4, 2019, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of deeming the notice of appeal as timely filed and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 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 May 28, 2019.

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

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

-against-

M-1516
Ind. No. 4005/11

Daniel Everett,
Defendant-Appellant.

-----X

Defendant-appellant having moved for a further enlargement of time to perfect the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about May 14, 2012,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the October 2019 Term.

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 May 28, 2019.

Present: Hon. David Friedman, Justice Presiding,
Judith J. Gische
Troy K. Webber
Ellen Gesmer
Peter H. Moulton, Justices.

-----X

Elie Tahari,
Plaintiff-Respondent,

-against-

M-2275
Index No. 654702/18

860 Fifth Avenue Corporation,
Defendant-Appellant,

-and-

Christina Hagglund, Daniel Melendez,
David Leben, Steven Holm, Robert Katz,
Christin Passaro, Garrett Camporine,
Ann Korelitz, Sherry Warren, Jennifer
Chin Dussich, Joseph Dussich, Nomi
Ghez, Herbert Biern, and Darrell Zander,
Defendants.

-----X

An appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about April 25, 2019,

And defendant-appellant, 860 Fifth Avenue Corp., having moved for an order staying the enforcement of the aforesaid order, which directed it to: (1) review and provide any comments or feedback on plaintiff-respondent's proposed construction plans and drawings within two weeks; and (2) permit plaintiff-respondent to begin asbestos abatement and interior demolition work, within thirty days of the date of the 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 staying that part of the order requiring defendant-appellant to permit plaintiff-respondent to commence work in the subject apartments, on the condition that the appeal is perfected by August 3, 2019, for the October 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 May 28, 2019.

Present - Hon. David Friedman, Justice Presiding,
Judith J. Gische
Marcy L. Kahn
Ellen Gesmer
Peter H. Moulton, Justice.

-----x
In the Matter of the Application for
Approval of an Instrument Concerning:

CONFIDENTIAL

M-1995

Docket No. L-3288-18

Izeac Alesandro F.

Pursuant to Section 358-a of the
Social Services Law.

-----x
An appeal having been taken to this Court from an order of the Family Court, New York County, entered on or about April 9, 2019,

And Shirim Nothenberg, Esq., Lawyers for Children, court attorney for the subject child, having moved on the child's behalf for an order, pursuant to CPLR 5704(b), directing the Administration for Children's Services (ACS) to produce, for *in camera* review by the New York County Family Court, any and all notes concerning the above-named child, including those designated by ACS as investigative notes, for the period from February 15, 2018 until March 9, 2018, to determine whether any of those notes are subject to discovery,

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 May 28, 2019.

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

-----X

Courtney Quinn, Jeanne Shotzbarger, James Edwards, Claire Shriver, Anum Shah, James Ramsay, Miriam Ramsay, Lora Seo, Adam Heltzer, Christine Yi, Richard Borovoy, Idalmis Borovoy, Graham Ciraulo, Thomas Pierce, April Townes, Judith Trezza, Antonio Vazquez, Jennifer Duprey, Juliette Vaiman, Lisavetta Reyes, Andom Ghebreghiorgis, Doug Bender, Sara Bender, Charles Goldman, Christopher Ford, Steven Katchen, Ron Yosipovich, R.S. Salamon, and S.E. Falk on behalf of themselves and all others similarly situated,
Plaintiffs-Appellants,

M-1008
Index No. 155195/17

-against-

Parkoff Operating Corporation, Gramercy Park Estates LLC, Seadyck Realty Co., LLC, 19 Seaman LLC, and Elbridge Realty Corporation,
Defendants-Respondents.

-----X

An appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about March 19, 2018,

And plaintiffs-appellants having moved for an order, pursuant to CPLR 907(2), 1) directing that notice be provided to those current tenants at 144 E. 22nd Street, 1-9 Seaman Avenue, 11-19 Seaman Avenue, and 500 West 235th Street, who moved into their apartments while defendants-respondents were participating in the J-51 Program, but who did not receive rent-stabilized

leases; and 2) directing that defendants-respondents provide the names and addresses of such individuals to plaintiffs-appellants; and 3) directing that plaintiffs-appellants bear the costs of such notice,

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 May 28, 2019.

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

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

-against-

M-1408
Ind. No. 4273/17

Franklin Veras,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about 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 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 May 28, 2019.

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

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

-against-

M-1429
Ind. No. 3119/16

Frankys Calvoroza,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about December 20, 2018, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

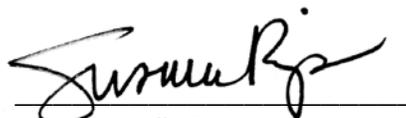
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th 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 May 28, 2019.

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

-----X

The People of the State of New York,
Respondent,

-against-

M-1451
Ind. No. 5109/16

Daniel Alvarez, also known as
Daniel Alvarez,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about February 13, 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 notice of appeal as 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 May 28, 2019.

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

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

-against-

M-1416
Ind. No. 1735/18

Joshua Brignoni,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about December 12, 2018, for leave to prosecute the appeal as a poor person, 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 granted only to the extent of deeming the notice of appeal as timely filed.

The motion, to the extent that it seeks poor person relief, is denied, with leave to renew, upon defendant's submission of a notarized affidavit, pursuant to CPLR 1101(a), and 22 NYCRR 1250.4(d)(1) and (4), setting forth, inter alia, his indigency, including the amount and sources of funds utilized to pay trial counsel's fee, and to post bail in the Supreme Court, the

disposition thereof, and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 28, 2019.

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

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

-against-

M-1462
Ind. No. 242/18

Gustavo Bencosme,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about March 5, 2018, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

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

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th 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. Jones", is written over a horizontal line. The signature is fluid and cursive.

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 28, 2019.

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

-----X

The People of the State of New York,
Respondent,

-against-

M-1524

Ind. No. 689/17

Ron Credle,
Defendant-Appellant.

-----X

An order of this Court having been entered on March 7, 2019 (M-6743), 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 August 14, 2018, under Indictment No. 689/17, and assigning counsel therefor,

And defendant-appellant having moved for an order amending the aforementioned order of assignment to include the appeal taken from the judgment of **resentence** of the same court, rendered on or about October 29, 2018 under the same indictment number, and deeming the notice of appeal from the judgment of **resentence** 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 said motion is granted to the extent of deeming the notice of appeal from the judgment of **resentence** as timely filed and amending this Court's March 7, 2019 order of assignment to include the judgment of **resentence** rendered on or

about October 29, 2018, and extending the poor person relief previously granted to cover same. 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 May 28, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Sallie Manzanet-Daniels
Cynthia S. Kern
Anil C. Singh, Justices.

-----X
Aleks Y. Kovkov,
Plaintiff-Appellant,

-against-

Law Firm of Dayrel Sewell, PLLC, et al., M-935
Defendants, Index No. 300163/18

-and-

The Schutzer Group, PLLC, Rickin Desai,
Anthony Agolia, Fordham University,
Defendants-Respondents.

-----X

Plaintiff-appellant, pro se, having moved for leave to prosecute, as a poor person, the appeal taken from the order of the Supreme Court, Bronx County, entered on or about January 7, 2019, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, a free copy of the transcript, and for other relief,

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

It is ordered that said 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 May 28, 2019.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Rosalyn H. Richter
Peter Tom
Marcy L. Kahn
Peter H. Moulton, Justices.

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

-against-

M-1020
Ind. No. 4951N/16

Antonio Vasquez-Cedano,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about January 25, 2018, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

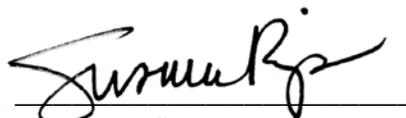
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, 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 May 28, 2019.

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

-----X

The People of the State of New York,
Respondent,

-against-

M-1463
Ind. Nos. 6548/06
41/07

Carl Wells,
Defendant-Appellant.

-----X

Defendant, pro se, 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 26, 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, 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