

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 10, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
S. Alex Beroukhim,
Plaintiff-Respondent-Appellant,

-against-

M-125
Index No. 158977/15

Linden Street Realty of New York LLC,
Defendant-Respondent,

Pliskin, Rubano, Baum & Vitulli and
Joseph D. Vitulli, Esq.,
Defendants-Appellants-Respondents.

-----X

An appeal and cross-appeal having been taken from an order of the Supreme Court, New York County, entered on or about February 28, 2019,

And defendants-appellants having moved for an extension of time to perfect said appeal,

Now, upon reading and filing the stipulation of the parties hereto, dated February 13, 2020, and due deliberation having been had thereon,

It is ordered that the appeal, cross-appeal and motion are deemed withdrawn in accordance with the aforesaid stipulation.

ENTERED:


DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 10, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----x

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

CONFIDENTIAL

M-543

Derwood G.,
Petitioner-Appellant,

Docket No. O-39151/19

-against-

Daniel R.,
Respondent-Respondent.

The Children's Law Center,
Attorney for the Child.

-----x

Petitioner-appellant 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 December 27, 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 Bryan Greenberg, Esq., dated January 24, 2020, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, George E. Reed, Jr., Esq., 222 Mamaroneck Avenue, White Plains, New York, 10605, Telephone No. 914-946-5000, as counsel for purposes of prosecuting the appeal;

(2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) directing appellant to perfect this appeal, in compliance with Section 1250.9 of the Practice Rules of the Appellate Division, **within 60 days** of the filing of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTERED:



DEPUTY CLERK

¹Service of appellant's brief upon respondent(s) shall include assigned counsel's copy of the transcript.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 10, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----x

In the Matter of the Guardianship and Custody of

Raeydan Dominick Evan C.,
also known as Raeydan D. Evan C.,
also known as Raeydan Dominick E. C.,
also known as Raeydan D.E.C.,
also known as Raeydan Dominick C.,
also known as Raeydan Evan C.,
also known as Raeydan C., and
Nakeira C.,

CONFIDENTIAL

M-591
Docket Nos. B-19051/17
B-19052/17

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

- - - - -
St. Dominic's Family Services, et al.,
Petitioners-Respondents,

Lauren M.,
Respondent,

Kevin C.,
Respondent-Appellant.

- - - - -
George E. Reed, Jr., Esq.
Attorney for the Children.

-----x

Attorney for the subject children having moved, on the childrens' behalf, for leave to respond, as a poor person, to the appeal taken from two orders of the Family Court, New York County, entered on or about March 25, 2019 and July 1, 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 by Goetz L. Vilsaint, Esq., dated January 29, 2020, 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, George E. Reed, Jr. Esq., 222 Mamaroneck Avenue, White Plains, New York 10605, Telephone No. 914-946-5000 , 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:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 10, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X

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

CONFIDENTIAL

M-592

Martyna B.,
Petitioner-Appellant,

Docket No. V-5613-13/18H

-against-

Marlo M.,
Respondent-Respondent.

-----X

Respondent-respondent having moved 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 March 22, 2019, and for assignment of counsel, a free copy of the transcript, and related relief,

Now, upon reading and filing the papers with respect to the motion, and the certification of Goetz L. Vilsaint, Esq., dated January 29, 2020, 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, Salihah R. Denman, Esq., 200 Park Avenue, Suite #1700, New York, New York 10166, Telephone No. 914-215-7221, 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:

A handwritten signature in black ink, appearing to read "Eric Schuck", written in a cursive style.

DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 10, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----x

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

CONFIDENTIAL

M-621

Maren R.,
Petitioner-Respondent,

Docket No. V-15529/17

-against-

Manoch Robert R.,
Respondent-Appellant.

-----x

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, New York County, entered on or about December 4, 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 William Wight Booth, Esq., dated January 29, 2020, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Carol L. Kahn, Esq., 225 Broadway, Suite 1510, New York, New York, 10007, Telephone No. 212-227-0206, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;**

¹Service of appellant's brief upon respondent(s) shall include assigned counsel's copy of the transcript.

(3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) directing appellant to perfect this appeal, in compliance with Section 1250.9 of the Practice Rules of the Appellate Division, **within 60 days** of the filing of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTERED:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 10, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
In the Matter of
Beacon Health Strategies LLC,
Petitioner-Appellant,

-against-

M-778
Index No. 150413/19

Metroplus Health Plan, Inc., New York
City Health & Hospitals Corporation, and
Community Care Behavioral Health
Organization,
Respondents-Respondents.
-----X

An appeal having been taken from three orders of the Supreme Court, New York County, entered on or about July 25, 2019, and said appeal having been perfected,

Now, upon reading and filing the stipulation of the parties hereto, dated January 28, 2020, and due deliberation having been had thereon,

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

ENTERED:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 10, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-60
Ind. No. 368/19

Jason Green,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about August 21, 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.

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:

A handwritten signature in black ink, appearing to read "Eric Schuck", written in a cursive style.

DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 10, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-64
Ind. No. 655/17

Cisco Ward,
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 April 2, 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:

A handwritten signature in black ink, appearing to read "Eric Schuck", written in a cursive style.

DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 10, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-396
Ind. No. 2398/15

Everette Edmonds,
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 22, 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.

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:

A handwritten signature in black ink, appearing to read "Eric Schuck", written in a cursive style.

DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 10, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-437
Ind. Nos. 1097/18
922/18

Habib Muhammed,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about October 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, 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.

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:

A handwritten signature in black ink, appearing to read "Eric Schuck", written in a cursive style.

DEPUTY CLERK

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

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

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

ORDER

-against-

Maurice Robinson,

M-1110
Ind. No. 3749-2019
Case No. 2020-01590

Defendant.

-----X

An application having been made by defendant, pursuant to CPL 245.70(6), for expedited review of a ruling of a Justice of the Supreme Court, New York County (Maxwell Wiley, J.), as set forth in an order of that court, dated February 24, 2020, which granted the People's motion for a protective order, and, upon review, to vacate or modify the ruling,

Now, upon reading and filing the papers with respect to the application, it is

Ordered that the application is denied, and it is further

Ordered that the papers submitted under seal in connection with this application shall continue to be sealed.

Dated: March 3, 2020
New York, New York

ENTERED: March 10, 2020

Hon. Rosalyn Richter
Associate Justice

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

BEFORE: Hon. Ellen Gesmer
Associate Justice of the Appellate Division

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

-against-

Ricardo McDonald,

Defendant.
-----X

ORDER

M-1131

Case No. 2020-1610

Ind. No. 2632/18

An application having been made by the defendant, pursuant to CPL 245.70(6), for expedited review of a ruling of a Justice of the Supreme Court, Bronx County (Bahaati E. Pitt, J.), as set forth in an order of that court, dated February 26, 2020, filed under seal, and, upon review, to modify or vacate the ruling,

Now, upon reading and filing the papers with respect to the motion, it is

Ordered that the application is granted, on consent, to the extent of modifying the order as follows:

The People shall provide to defense counsel Jeffrey Bloom, within two business days, a copy of the transcript of the Grand Jury testimony from which the People may redact the contact information of the witnesses (the Redacted Grand Jury Minutes);

Defense counsel may permit the defendant to view the Redacted Grand Jury Minutes in the office of defense counsel and under the supervision of defense counsel or any attorney or successor attorney

directly involved and/or participating in the representation of the defendant or persons employed by the attorney or appointed by the court to assist in the preparation of defendant's case (Defense Counsels);

Defense Counsels shall not provide to defendant the Redacted Grand Jury Minutes, or any portion thereof;

Defense Counsels shall not permit defendant to make a copy of the Redacted Grand Jury Minutes, or any portion thereof, by any means; and

Defense Counsels shall not utilize the Redacted Grand Jury Minutes for any purpose other than the preparation of the defense in the criminal action.

The motion court improvidently exercised its discretion to the extent it required the People to redact the testimony of each complaining witness from the Grand Jury minutes before turning them over to defense counsel. There is insufficient record evidence to support the court's finding that permitting defense counsel to have a copy of these materials, subject to the limitations set forth above, will endanger the safety of a witness or pose a risk of witness intimidation, harassment or embarrassment. It is further

Ordered that the papers submitted by the People under seal shall be sealed by the Clerk of this Court.

Dated: March 4, 2020
New York, New York

ENTERED: March 10, 2020

Hon. Ellen Gesmer
Associate Justice

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

BEFORE: Hon. Ellen Gesmer
Associate Justice of the Appellate Division

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

-against-

Julio Pena,

Defendant.

-----X

ORDER

M-1134

Case No. 2020-01619
Ind. No. 707/2019

An application having been made by the defendant, pursuant to CPL 245.70(6), for expedited review of a ruling of a Justice of the Supreme Court, Bronx County (Guy Mitchell, J.), as set forth in an order of that court, dated February 25, 2020, filed under seal, and, upon review, to modify or vacate the ruling,

Now, upon reading and filing the papers with respect to the motion, it is

Ordered that the application is denied. The court providently exercised its discretion in holding an ex parte hearing pursuant to CPL 245.70(1) in view of the showing made by the People. Moreover, during that hearing, the People established good cause, based on the statutory factors set forth in CPL 245.70(4), to justify the protective order. In particular, the People demonstrated that, to the extent that any witnesses whose identity is being protected and who cooperated did so upon the representation made by law enforcement, based on the law then in effect, that the witness' identity and testimony would remain confidential up until the point that this case went to hearings and/or trial. Moreover, the People demonstrated that

disclosure of some of the materials would provide at most a negligible benefit to defendant. It is further

Ordered that the papers submitted by the People under seal shall be sealed by the Clerk of this Court.

Dated: March 4, 2020
New York, New York

ENTERED: March 10, 2020

Hon. Ellen Gesmer
Associate Justice

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 10, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-438
Ind. No. 657/17

Tyrell Hendricks,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about September 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, 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 "Eric Schuck", written in a cursive style.

DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 10, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-444
Ind. No. 4395/01

Sean Salley,
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 July 15, 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:

A handwritten signature in black ink, appearing to read "Eric Schuck", written in a cursive style.

DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 10, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-445
Ind. No. 157/17

Guillen Gustavo, also known as
Gustavo Guillen,
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 4, 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:

A handwritten signature in black ink, appearing to read "Eric Schuck", written in a cursive style.

DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 10, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,
Respondent,

CONFIDENTIAL

M-787

-against-

Ind. No. 2754/18

David Feldmeth,
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 (Statsinger, J.), entered on or about December 10, 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 Statsinger 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-787)

-2-

March 10, 2020

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:

A handwritten signature in black ink, appearing to read "Eric Schuck", written in a cursive style.

DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 10, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-8697
Ind. No. 919/17

Davon Heatley,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about May 20, 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.

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:

A handwritten signature in black ink, appearing to read "Eric Schuck", written in a cursive style.

DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 10, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-8689
Ind. No. 3332/18

Vincent Hanemann,
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 July 11, 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.

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:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 10, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-8702
Ind. No. 1088/18

Ryan Guzman,
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 July 30, 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:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 10, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

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

-against-

M-436
Ind. Nos. 2443/15
2534/18

Jamar Williams
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeals taken from a judgment of the Supreme Court, Bronx County, rendered on or about November 13, 2019, for leave to have the appeals 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 appeals 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 appeals. The time within which appellant shall perfect the appeals 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 "Eric Schuck", written in a cursive style.

DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 10, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Angela M. Mazzarelli
Troy K. Webber, Justices.

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

CONFIDENTIAL

M-232

Ind. No. 4745/16

-against-

Zoltan Gorocs,
Defendant-Appellant.

-----X

Defendant having moved for leave to file a late notice of appeal from the order of the Supreme Court, New York County, entered on or about September 24, 2019, for leave to prosecute the appeal as a poor person, for assignment of 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 directing assigned counsel to file a civil notice of appeal, if timely, pursuant to CPLR 5513(a) (See, Correction Law 168-n(3)) and, 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 as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Christina Swarns, Esq., Office of the Appellate Defender, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

(M-232)

-2-

March 10, 2020

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.

ENTERED:

A handwritten signature in black ink, appearing to read "Eric Schuck", written in a cursive style.

DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 10, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Angela M. Mazzarelli
Troy K. Webber, Justices.

-----X
U.S. Bank National Association,
solely in its capacity as Trustee of
the Home Equity Asset Trust
2006-5 (HEAT 2006-5) etc.,
Plaintiff-Appellant,

M-384
Index No. 654652/19

-against-

DLJ Mortgage Capital, Inc.,
Defendant-Respondent.

-----X

Defendant-respondent having moved for summary affirmation, or in the alternative, dismissal of the appeal, taken from an order of the Supreme Court, New York County, entered on or about November 25, 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 is denied without prejudice to defendant raising the issue directly on appeal.

ENTERED:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 10, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Dianne T. Renwick
Sallie Manzanet-Daniels
Anil C. Singh, Justices.

-----X
Leslie Moore Mira,
Plaintiff-Appellant,

-against-

M-8847
Index No. 100583/17

Beth Harder (Evans), et al.,
Defendants-Respondents.

-----X

Plaintiff-appellant, pro se, 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 November 12, 2019 (Appeal No. 10313),

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:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 10, 2020.

PRESENT: Hon. David Friedman, Justice Presiding,
Barbara R. Kapnick
Cynthia S. Kern
Jeffrey K. Oing, Justices.

-----X
In re Progressive Specialty
Insurance Company,
Petitioner-Respondent,

-against-

M-502
Index No 20000/17E

Pabel N. Tapia,
Respondent-Appellant.
-----X

Respondent-appellant having moved for reargument of the decision and order of this Court, entered on December 10, 2019 (Appeal No. 10526),

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:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 10, 2020.

PRESENT: Hon. David Friedman, Justice Presiding,
Barbara R. Kapnick
Cynthia S. Kern
Jeffrey K. Oing, Justices.

-----X
The Automobile Insurance Company
of Hartford Connecticut,
Plaintiff,

-against-

Jevan Damadian, et al.,
Defendants.

M-508
Index No. 160743/15

Jonathan Tang, Deceased by and through
Timothy Tang, etc.,
Defendant-Respondent.

- - - - -
Jevan Damadian,
Third-Party Plaintiff-Appellant,

-against-

North Country Insurance Company,
Third-Party Defendant-Respondent.

-----X
Third-party 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 December 10, 2019 (Appeal No. 10532),

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:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 10, 2020.

Present - Hon. David Friedman, Justice Presiding,
Barbara R. Kapnick
Jeffrey K. Oing
Lizbeth González, Justices.

-----X
David Moyal, derivatively on behalf
of Group IX, Inc.,
Plaintiff-Appellant,

-against-

M-647
Index No. 601973/07

Stu Sleppin, Bob Teeman and Telecom
Switching, Inc.,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an extension of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered 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 extending the time to perfect the appeal to the September 2020 Term.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 10, 2020.

PRESENT: Hon. David Friedman, Justice Presiding,
Angela M. Mazzarelli
Ellen Gesmer
Cynthia S. Kern, Justices.

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

-against-

M-3669
Ind. No. 3206/01

Juan Nieves-Andino,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on June 6, 2006 (Appeal No. 8687), unanimously modifying a judgment of the Supreme Court, Bronx County (Albert Lorenzo, J. On motion; Joseph Fisch, J., at jury trial and sentence), rendered on May 19, 2004,

And defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate counsel, and for related relief,

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

It is ordered that said application is denied.

ENTERED:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 10, 2020.

PRESENT: Hon. David Friedman, Justice Presiding,
Troy K. Webber
Cynthia S. Kern
Peter H. Moulton, Justices.

-----X
In re Stone Column Trading House
Limited,
Claimant-Respondent,

-against-

M-474
Index No. 650228/13

Beogradska Banka A.D., etc.,
Claimant-Appellant.
-----X

Claimant-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on December 26, 2019 (Appeal No. 10661),

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:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 10, 2020.

Present - Hon. David Friedman, Justice Presiding,
Troy K. Webber
Cynthia S. Kern
Peter H. Moulton, Justices.

-----X
John Hon, Julie Hon, and John Hon D.O.,
P.C., doing business as Elmhurst Avenue
Medical Associates and doing business as
Flushing Medical Associates,
Plaintiffs-Respondents,

M-803
M-849
Index No. 602236/04

-against-

Prince Development Company, LLC, et al.,
Defendants,

Roug Kang Wang, Stella Wang, Wang
Real Estate Property LLC,
Non-Parties-Appellants.

-----X
An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 23, 2019,

And plaintiffs-respondents having moved for this Court to take judicial notice of exhibits D and E of the affirmation of Joseph Aronauer, Esq., in support of the motion (M-803),

And non-party appellants having cross-moved to disqualify plaintiff-respondent's counsel, Joseph Aronauer, Esq., pursuant to Rules 1.8(a), (e), and (i) of the Rules of Professional Conduct, and Judiciary Law § 488 (M-849),

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

(M-803 & M-849)

-2-

March 10, 2020

It is ordered that the motion is granted and plaintiffs-respondents are directed to immediately file a supplemental record which includes copies of the exhibits in question forthwith (M-803). The cross motion is denied (M-849).

ENTERED:

A handwritten signature in black ink, appearing to read "Eric Schuck". The signature is written in a cursive style with a long horizontal stroke at the end.

DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 10, 2020.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Rosalyn H. Richter
Judith J. Gische
Anil C. Singh, Justices.

-----X

Francesca Andreotti and Joseph Andreotti.

Plaintiffs-Appellants,

-against-

M-690

Index No. 27743/17

New York City Transit Authority,
Metropolitan Transportation Authority,
MTA Bus Company, Manhattan and Bronx
Surface Transit Operating Authority,
and Charlene Irby,
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about January 24, 2020,

And plaintiffs-appellants having moved to stay enforcement of the aforementioned order pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 10, 2020.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Judith J. Gische
Troy K. Webber, Justices.

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

-against-

M-8779
Ind. No. 5711/11

Roberto Geron,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on October 13, 2016 (Appeal No. 1916), unanimously affirming a judgment of the Supreme Court, New York County (Farber, J.), rendered on December 11, 2012,

And defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate counsel, and for related relief,

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

It is ordered that said application is denied.

ENTERED:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 10, 2020.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Judith J. Gische
Cynthia S. Kern
Anil C. Singh, Justices.

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

CONFIDENTIAL

M-471

-against-

Ind. No. 2366/16

Gabriel Bulina,
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 (Farber, J.), entered on or about December 18, 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 Farber as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Robert S. Dean, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

(M-471)

-2-

March 10, 2020

Robert S. Dean, Esq., Center for Appellate Litigation,
120 Wall Street, 28th Floor, New York, New York 10005, Telephone
No. 212-577-2523, 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 "Eric Schuck", written in a cursive style.

DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 10, 2020.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Judith J. Gische
Cynthia S. Kern
Anil C. Singh, Justices.

-----X
Robert Budwilowitz,
Plaintiff-Appellant,

-against-

Marc Nichols Associates and
Marc Kouffman,
Defendants-Respondents.

M-564
Index No. 101292/16

-----X

Plaintiff-appellant having moved, pro se, for leave to prosecute, as a poor person, the appeal taken from an order of the Supreme Court, New York County, entered on or about October 11, 2019, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for leave to admit new evidence on 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 only 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.

(M-564)

-2-

March 10, 2020

Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record. That branch of plaintiff's motion which seeks the admission of certain documents as new evidence is denied.

ENTERED:

A handwritten signature in black ink, appearing to read "Eric Schuck". The signature is written in a cursive style with a long horizontal stroke at the end.

DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 10, 2020.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Judith J. Gische
Cynthia S. Kern
Anil C. Singh, Justices.

-----X
Mario Fabian,
Plaintiff-Appellant,

-against-

M-578

Index No. 301408/15

Mohammad A. Quadir and
Sparrow Taxi, Inc.,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an extension 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 extending the time to perfect the appeal to the September 2020 Term.

ENTERED:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 10, 2020.

Present - Hon. Rosalyn H. Richter, Justice Presiding,
Sallie Manzanet-Daniels
Anil C. Singh
Peter H. Moulton, Justices.

-----X
Lolita C. Hallman,
Plaintiff-Appellant,

M-754
Index No. 162787/14

-against-

Wollman Rink Operations LLC and The
City of New York,
Defendants-Respondents,
-----X

Plaintiff-appellant having moved, pursuant to 22 NYCRR 1250.10(c), to vacate the dismissal of the appeal taken from a judgment of the Supreme Court, New York County, entered on or about December 26, 2018, and upon vacatur, for an extension of time to perfect 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, the dismissal vacated, the appeal reinstated, and the time to perfect the appeal is extended to the September 2020 Term.

ENTERED:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 10, 2020.

PRESENT: Hon. Rosalyn H. Richter, Justice Presiding,
Jeffrey K. Oing
Peter H. Moulton
Lizbeth González, Justices.

-----X
Francesco Nicoletti,
Plaintiff-Respondent,

-against-

582-92 West 207th Street Realty Corp.,
Defendant-Respondent,

Liberty NYC Tax, LLC,
Defendant-Appellant.
-----X

M-515
Index No. 24416/14E

Defendant-appellant having moved for a stay of trial pending hearing and determination of the appeal taken from an order of the Supreme Court, Bronx County, entered on or about June 21, 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 is granted.

ENTERED:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 10, 2020.

Present: Hon. Rosalyn H. Richter, Justice Presiding,
Jeffrey K. Oing
Peter H. Moulton
Lizbeth González, Justices.

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

-against-

Anonymous,
Defendant-Appellant.

Confidential

M-518

Ind. No. 3433/14

-----X

Defendant-appellant having moved for an order granting anonymity of the records in connection with an appeal taken from a judgment of the Supreme Court, New York County, rendered on or about February 21, 2017, designating the case and all future filings as *People v Anonymous*, and sealing the Supreme Court record and the record on appeal, including the minutes of the proceedings and the appellate briefs and motion papers and orders, and all future filings in 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, and the records on appeal and all briefs and orders, as well as all future filings are to be sealed. The Clerk is directed to calendar the appeal under *People v Anonymous*, and all records pertaining to this case are to refer to appellant as "Anonymous".

ENTERED:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 10, 2020.

PRESENT: Hon. Judith J. Gische, Justice Presiding,
Angela M. Mazzarelli
Anil C. Singh
Peter H. Moulton, Justices.

-----X
Clark Tower, LLC,
Plaintiff-Respondent,

-against-

Wells Fargo Bank, N.A., M-402
etc., et al., Index No 651319/19
Defendants-Appellants,

Axonic Capital LLC,
Defendant.

-----X

Plaintiff-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 December 17, 2019 (Appeal No. 10595N),

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:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 10, 2020.

Present - Hon. Judith J. Gische, Justice Presiding,
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern, Justices.

-----X
Thomas Brigham,
Plaintiff-Appellant,

M-412

M-851

-against-

Index No. 653270/15

Mark M. Jaffe, Beth Pressman, B. Jaffe
Real Estate Co., Inc., B. Jaffe Real
Estate Co. L.P., Gerard Proefriedt, Norris
McLaughlin & Marcus P.A., Sara Arnold,
Oaklandes, Coogan & Vitto, P.C., et al.,
Defendants-Respondents.

-----X

Appeals having been taken from orders of the Supreme Court, New York County entered on or about February 25, 2019 and June 21, 2019,

And defendants-respondents, Sara Arnold, and Oaklandes, Coogan & Vitto, P.C., having moved to dismiss the appeals (M-412), and for an extension of time within which to file their respondents' brief (M-851),

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 to dismiss is denied without prejudice to movants addressing the issues directly on appeal (M-412). The motion for an extension of time to file movant's respondent's brief is denied as academic, the appeal having been adjourned to the May 2020 Term (M-851). Sua sponte, the appeals are further adjourned to the June 2020 Term.

ENTERED:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 10, 2020.

Present - Hon. Judith J. Gische, Justice Presiding,
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern, Justices.

-----X
Culligan Soft Water Company et al.,
Plaintiffs-Respondents,

-against-

M-725

Index No. 651863/12

Clayton Dubilier & Rice, LLC et al.,
Defendants-Appellants.

-----X

Defendants-appellants having moved for an extension of time to perfect the appeals taken from an order of the Supreme Court, New York County, entered on or about January 2, 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 is granted to the extent of extending the time to perfect the appeals to the September 2020 Term.

ENTERED:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 10, 2020.

Present - Hon. Judith J. Gische, Justice Presiding,
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern, Justices.

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

-against- **M-783**
SCI. No. 1536/18

Franklin Quiles,
Defendant-Appellant.
-----X

An order of this Court having been entered on January 16, 2020 (M-8077) 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 September 20, 2018, and assigning Christina Swarns, Esq., Office of the Appellate Defender, 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 Christina Swarns, Esq., Office of the Appellate Defender, as assigned counsel and substituting, pursuant to Section 722 of the County Law, Janet E. Sabel, Esq., The Legal Aid Society, 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688 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:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 10, 2020.

PRESENT: Hon. Judith J. Gische, Justice Presiding,
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern, Justices.

-----X

In Rem Tax Foreclosure Action No. 52
Borough of Bronx

M-877
Index No. 40000/15

Sections 9, 10, 11, 12, 14, 15 and 16

Tax Classes 1 and 2.

-----X

Defendant-appellant 3175-77 Villa Avenue, HDFC having moved to a stay the transfer of property located at 3175-77 Villa Avenue, Bronx New York, pending hearing and determination of the appeal taken from an order of the Supreme Court, Bronx County, entered on or about July 9, 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 is granted.

ENTERED:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 10, 2020.

Present - Hon. Judith J. Gische, Justice Presiding,
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern, Justices.

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

-against-

M-619
Ind. No. 2178/13

Michael Boone,
Defendant-Appellant.

-----X

An order of this Court having been entered on March 16, 2017 (M-621) 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 November 10, 2016, and by order of this Court, entered on December 26, 2019 (M-7724) Janet E. Sabel, Esq., The Legal Aid Society, having been substituted for the Center for Appellate Litigation as assigned counsel to prosecute the appeal; and a motion having been made, by defendant, pro se, 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 denied.

ENTERED:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 10, 2020.

Present - Hon. Judith J. Gische, Justice Presiding,
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern, Justices.

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

-against-

Michael Bonano,
Defendant-Appellant.

M-756
Ind. Nos. 2237/09
1369/10

-----X

Defendant-appellant having moved for an extension of time to file his pro se briefs and to perfect the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about March 31, 2011,

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 2020 Term.

ENTERED:



DEPUTY CLERK

STATE OF NEW YORK
APPELLATE DIVISION: FIRST DEPARTMENT

BEFORE: Hon. David Friedman
Justice of the Appellate Division

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

M-469
Ind. No. 208/19

-against-

ORDER DENYING R.O.R
OR BAIL PENDING
APPEAL

Noel Thomson

Defendant.
-----X

An appeal having been taken to this Court by the above-named defendant from the judgment of the Supreme Court, New York County, rendered on November 25, 2019, and defendant having moved, pursuant to CPL 460.50 and 510.30, for an order of recognizance or to be admitted to bail pending hearing and determination of the aforesaid appeal,

Now, upon the reading and filing the notice of motion, with proof of due service thereof, and the papers filed in support of said motion, and further papers filed in relation thereto; and due deliberation having had thereon,

It is ordered that the motion be and the same hereby is denied.

Dated: New York, New York
February 21, 2020



David Friedman
Justice of the Appellate Division

ENTERED
MAR 10 2020

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

BEFORE: **Hon. Angela M. Mazzarelli,**
Justice of the Appellate Division

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

M-8770

Ind. No.
6135/03

-against-

CERTIFICATE
GRANTING LEAVE

Gustavo Holguin,

Defendant.

-----X

I, Angela M. Mazzarelli, 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 (Thomas Farber, J.), entered on or about November 8, 2019.

Dated:

New York, New York
February 21, 2020



Hon. Angela M. Mazzarelli
Associate Justice

ENTERED
MAR 10 2020

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 must be argued within 120 days from the date of the notice of appeal, unless the time to perfect the appeal is enlarged by the court or a justice thereof.