

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 8, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr., Justices.

-----X
Diana Joy Ingham, derivatively on
behalf of Cobalt Asset Management, L.P.,
Plaintiff-Respondent,

-against-

M-4139
Index No. 651145/10

Charles R. Thompson,
Defendant-Appellant,

-and-

Cobalt Holding Co., Inc., et al.,
Defendants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 17, 2015,

Now, upon reading and filing the stipulation of the parties hereto, dated August 25, 2015, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected, is withdrawn in accordance with the aforesaid stipulation.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 8, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr., Justices.

-----X
Kathy Zhuhui Qi,
Plaintiff-Respondent,

-against-

M-4140
Index No. 308470/09

The City of New York, Wildlife
Conservation Society,
Defendants-Respondents,

Hill International, Inc. and M.A.
Angeliades, Inc.,
Defendants-Appellants.

-----X
(And a third-party action)
-----X

Appeals having been taken from orders of the Supreme Court, Bronx County, entered on or about September 5, 2014,

Now, upon reading and filing the stipulation of the parties hereto, dated June 4, 2015, and due deliberation having been had thereon,

It is ordered that the appeals, previously perfected, are withdrawn in accordance with the aforesaid stipulation.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 8, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr., Justices.

-----X
Camofi Master LDC,
Plaintiff-Respondent,

-against-

M-4141
Index No. 650825/10

Charles D. Newman, et al.,
Defendants-Appellants.
-----X

An appeal having been taken from an order of the Supreme Court, New York County, dated on or about May 10, 2012,

Now, upon reading and filing the stipulation of the parties hereto, dated May 29, 2015, and due deliberation having been had thereon,

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 8, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr., Justices.

-----X
Leonor Ortiz and Juan Ortiz,
Plaintiffs-Respondents,

-against-

M-4142
Index No. 309557/11

Northern Westchester Hospital, et al.,
Defendants,

-and-

Empire State Orthopedics, PLLC,
et al.,
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about October 13, 2014,

Now, upon reading and filing the stipulation of the parties hereto, dated August 24, 2015, and due deliberation having been had thereon,

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 8, 2015.

Present - Hon. Luis A. Gonzalez, Justice Presiding,
Peter Tom
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr., Justices.

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

Jennifer S.,
Petitioner-Appellant,

M-3161
Docket No. P-3521/15

-against-

Tony V.,
Respondent-Respondent.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about June 12, 2015, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Larry S. Bachner, Esq., 153-01 Jamaica Avenue, Suite #201, Jamaica, NY 11432, Telephone No. 917-378-0176, 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**

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

order; and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.** (See M-3162, decided simultaneously herewith.)

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 8, 2015.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr., Justices.

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

Jennifer S.,
Petitioner-Appellant,

M-3162
Docket No. P-3521/15

-against-

Tony V.,
Respondent-Respondent.

-----X

Respondent-respondent having moved for leave to respond, as a poor person, to the appeal from the order of the Family Court, Bronx County, entered on or about June 12, 2015, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Kenneth M. Tuccillo, 591 Warburton Avenue, #576, Hastings on Hudson, NY 10706, Telephone No. 914-439-4843, 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 petitioner-appellant and 8 copies thereof are filed with this Court. (See M-3161, decided simultaneously herewith.)

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 8, 2015.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr., Justices.

-----X

In the Matter of the Commitment of

De'Lyn Delilah W.,

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

- - - - -

Mercyfirst, et al.,
Petitioners-Respondents,

M-3233
Docket No. B-31345/14

Liza Carmen T., also known as Liza
T., also known as Lisa T.,
Respondent-Appellant.

- - - - -

Michael Conroy, Esq.,
Attorney for the Child.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about May 27, 2015, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Steven N. Feinman, Esq., One North Broadway, Suite 412, White Plains, NY 10601, Telephone No. 914-949-8214, 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) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:


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 October 8, 2015.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr., Justices.

-----X
In the Matter of

Anthony S.,
Natalie H.,
Amya S.,
Sania S.,
and Patrice H.,

M-3230
Docket Nos. NA-23487/13
NA-23488/13
NA-23489/13
NA-23490/13
NA-23491/13

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

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

-against-

Marcia McG-W.,
Respondent-Appellant.

Keith Brown, Esq.,
Attorney for the Child Anthony S.,

Kenneth M. Tuccillo, Esq.,
Attorney for the Child Natalie H.,

Patricia L. Moreno, Esq.,
Attorney for the Child Sania S.,

Aleza Ross, Esq.,
Attorney for the Child Amya S.,

Larry S. Bachner, Esq.,
Attorney for the Child Patrice H.

-----X

Beatrice Mayol, Esq., attorney for the subject child Natalie H., having moved on the child's behalf for leave to respond, as a poor person, to the appeal from the order of the Family Court, Bronx County, entered on or about September 11, 2014, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Kenneth M. Tuccillo, Esq., 591 Warburton Avenue, #576, Hastings on Hudson, NY 10706, Telephone No. 914-439-4843, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for respondent-appellant and 8 copies thereof are filed with this Court. (See M-3231 and M-3232, decided simultaneously herewith.)

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 8, 2015.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr., Justices.

-----X
In the Matter of

Anthony S.,
Natalie H.,
Amya S.,
Sania S.,
and Patrice H.,

M-3231
Docket Nos. NA-23487/13
NA-23488/13
NA-23489/13
NA-23490/13
NA-23491/13

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

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

-against-

Marcia McG-W.,
Respondent-Appellant.

Keith Brown, Esq.,
Attorney for the Child Anthony S.,

Kenneth M. Tuccillo, Esq.,
Attorney for the Child Natalie H.,

Patricia L. Moreno, Esq.,
Attorney for the Child Sania S.,

Aleza Ross, Esq.,
Attorney for the Child Amya S.,

Larry S. Bachner, Esq.,
Attorney for the Child Patrice H.

-----X

Dana Stricker, Esq., attorney for the subject child Patrice H., having moved on the child's behalf for leave to respond, as a poor person, to the appeal from the order of the Family Court, Bronx County, entered on or about September 11, 2014, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Larry S. Bachner, Esq., 153-01 Jamaica Avenue, Suite #201, Jamaica, NY 11432, Telephone No. 917-378-0176, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for respondent-appellant and 8 copies thereof are filed with this Court. (See M-3230 and M-3232, decided simultaneously herewith.)

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 8, 2015.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr., Justices.

-----X
In the Matter of

Anthony S.,
Natalie H.,
Amya S.,
Sania S.,
and Patrice H.,

M-3232
Docket Nos. NA-23487/13
NA-23488/13
NA-23489/13
NA-23490/13
NA-23491/13

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

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

-against-

Marcia McG-W.,
Respondent-Appellant.

Keith Brown, Esq.,
Attorney for the Child Anthony S.,

Kenneth M. Tuccillo, Esq.,
Attorney for the Child Natalie H.,

Patricia L. Moreno, Esq.,
Attorney for the Child Sania S.,

Aleza Ross, Esq.,
Attorney for the Child Amya S.,

Larry S. Bachner, Esq.,
Attorney for the Child Patrice H.

-----X

Patricia L. Moreno, trial court attorney for the subject child Sania S., having moved on the child's behalf for leave to respond, as a poor person, to the appeal from the order of the Family Court, Bronx County, entered on or about September 11, 2014, and leave to be assigned as counsel on the appeal, a free copy of the transcript, and for related relief,

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

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Patricia L. Moreno, Esq., 180 East 162nd Street, #1E, Bronx, NY 10451, Telephone No. 631-766-4524, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for respondent-appellant and 8 copies thereof are filed with this Court. (See M-3230 and M-3231, decided simultaneously herewith.)

ENTER:


CLERK

the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 8, 2015.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr., Justices.

-----X
In the Matter of

Mathayus N.,
Hermione G. T.,
Shajada B.,
Liverio G. T.,
Vonshay G. T., and
Tobias N.,

M-3545
Docket Nos. NN-31631/13
NN-31632/13
NN-31633/13
NN-31634/13
NN-31635/13
NN-31636/13

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

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

Samantha N.,
Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from the Order of Fact-Finding and Order of Disposition of the Family Court, Bronx County, entered on or about February 20, 2015 and May 14, 2015, respectively, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of
(1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Patrick Clark, Esq., The Bronx Defenders, 360 East 161st Street, Bronx, NY 10451, Telephone No. 718-838-7878, 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) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:


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 October 8, 2015.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr., Justices.

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

-against-

M-3438

Ind. No. 1406/13

Gabriel Shelton,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about June 3, 2014, 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 granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts 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.

Dennis Doody, Esq., 120 White Plains Road, Tarrytown, NY 10591, Telephone No. (914) 588-9954, 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 120 days from the date of filing of the record.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 8, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
John W. Sweeny, Jr.
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
Michael Ferrante,
Plaintiffs-Respondents,

-against-

M-4358
Index No. 102765/11

Metropolitan Transportation Authority,
et al.,
Defendants-Respondents.

-----X
Metropolitan Transportation Authority,
et al.,
Third-Party Plaintiffs-Respondents,

-against-

Kelley Engineered Equipment, LLC,
Third-Party Defendant-Appellant.

-----X

Third-party defendant-appellant Kelley Engineered Equipment, LLC having moved for an order staying the trial in the above-entitled action pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about January 13, 2015 (mot. seq. no. 006),

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.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 8, 2015.

Present: Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Rosalyn H. Richter, Justices.

-----X
Alison Dorian,

Plaintiff-Appellant,

-against-

The City of New York, et al.,

Defendants-Respondents.
-----X

M-3573

Index No. 103817/12

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 June 4, 2015 (Appeal No. 15300),

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.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 8, 2015.

Present: Hon. Peter Tom, Justice Presiding,
Diane T. Renwick
Richard T. Andrias
Sallie Manzanet-Daniels
Barbara R. Kapnick, Justices.

-----X
Obed Martinez,
Plaintiff-Respondent,

-against-

M-3549

Index No. 154205/14

Angela McTair and Carl McTair,
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 18, 2015,

And plaintiff-respondent having moved for an order lifting a prior stay granted by an order of this Court entered on July 9, 2015 (M-1786),

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 modifying the prior order of this Court entered on July 9, 2015 (M-1786) to impose a condition of the stay that defendants-appellants perfect their appeal on or before November 9, 2015 for the January 2016 Term, and otherwise denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 8, 2015.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Rolando T. Acosta
Richard T. Andrias, Justices.

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

Respondent,

-against-

M-2767
Ind. No. 3282/12

Eric Soto,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about November 14, 2014, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

Richard M. Weinstein, Esq., 1133 Broadway, Suite 708, New York, NY 10010-8065, Telephone No. 212-330-7623, 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 120 days from the date of filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 8, 2015.

Present: Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Karla Moskowitz
Rosalyn H. Richter
Barbara R. Kapnick, Justices

-----X
John P. Bostany, **M-2176**
Plaintiff-Appellant, **M-2199**
M-2468
-against- Index No. 602627/08
Trump Organization LLC, et al.,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for reargument of the decision and order of this Court entered on April 7, 2015 (Appeal No. 14726-14726A) [M-2176],

And defendants-respondents having moved for reargument of the same decision and order of this Court entered on April 7, 2015 (Appeal No. 14726-14726A), or in the alternative, for leave to appeal to the Court of Appeals [M-2199],

And plaintiff-appellant having separately moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on April 7, 2015 (Appeal No. 14726-14726A) [M-2468],

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

It is ordered that all three motions are denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 8, 2015.

PRESENT: Hon. David Friedman, Justice Presiding,
Dianne T. Renwick
Karla Moskowitz
Rosalyn H. Richter, Justices.

-----X

Endurance American Specialty
Insurance Company, et al.,
Plaintiffs-Appellants,

-against-

M-1663

Index No. 650703/13

Utica First Insurance Company,
Defendant-Respondent,

CFC Contractor Group, Inc.,
Defendant.

-----X

Plaintiffs-appellants having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on March 31, 2015 (Appeal No. 14678),

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

It is ordered that the motion is granted to the extent of granting reargument of the aforesaid and, upon reargument, the decision and order of this Court entered on March 31, 2015 (Appeal No. 14678) is recalled and vacated and a new decision and order substituted therefor. (See Appeal No. 14678, decided simultaneously herewith.) The motion is otherwise denied.

ENTER:



CLERK

CORRECTED ORDER – November 9, 2015

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 8, 2015.

PRESENT: Hon. David Friedman, Justice Presiding,
Richard T. Andrias
David B. Saxe
Judith J. Gische
Barbara R. Kapnick, Justices.

-----X
LI 740 Acquisition, LLC,
Plaintiff-Respondent-Appellant,

-against-

M-4412
Index No. 102902/12

Kent M. Swig,
Defendant-Plaintiff-Appellant.

-----X

Kent M. Swig,
Third-Party Plaintiff,

-against-

Third-Party
Index No. 590276/14

Elizabeth Swing,
Third-Party Defendant.

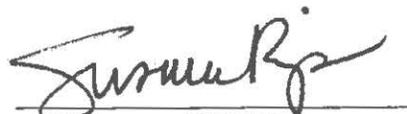
-----X

Defendant-plaintiff-appellant having moved for a stay of trial in the above-entitled action pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about July 20, 2015,

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 on condition that the appeal is perfected on or before **December 7, 2015** for the **February 2016 Term**. The interim relief granted by an order of a Justice of this Court, dated September 9, 2015, is continued.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 8, 2015.

PRESENT: Hon. Karla Moskowitz, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

-----X
Salim Diarrassouba, etc., et al.,
Plaintiffs-Respondents,

-against-

M-3832
Index No. 155528/12

Rubenstein & Rynecki, Esqs.,
Defendant-Appellant.

-----X

Defendant-appellant having moved to withdrawn the appeal from the order of the Supreme Court, New York County, entered on or about May 24, 2013,

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

It is ordered that the motion is granted and the appeal is deemed withdrawn.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 8, 2015.

PRESENT: Hon. Karla Moskowitz, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

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

-against-

M-3682
Ind. No. 2366/12

Adrian Lopez,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about May 5, 2015, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 8, 2015.

PRESENT: Hon. Karla Moskowitz, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

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

-against-

M-3864
Ind. No. 3624/13

Jose Ortega,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about July 17, 2014, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 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 120 days from the date of filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 8, 2015.

Present - Hon. Karla Moskowitz, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

-----x
In the Matter of

Elizabeth O.,
Mason O. and
Christian O.,

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

- - - - -
Administration for Children's Services,
Petitioners-Respondents,

M-4083
Docket Nos.
NN-31918-20/13

Erika S.,
Respondent-Appellant.

- - - - -
Seymour W. James, Jr., Esq., The Legal
Aid Society, Juvenile Rights Division,
Attorney for the Children.

-----x
An order of this Court having been entered on January 26, 2015 (M-5014), granting respondent-appellant leave to prosecute, as a poor person, the appeal from the order of the Family Court, Bronx County, entered on or about September 16, 2014, and assigning Julian A. Hertz, Esq., as counsel to prosecute the appeal,

And assigned counsel for respondent-appellant having moved to be relieved as assigned counsel and substituting other counsel to prosecute the appeal,

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

It is ordered that the motion is granted to the extent of striking the designation of assigned counsel Julian A. Hertz, Esq., as counsel to prosecute the appeal and substituting, pursuant to Article 18b of the County Law and § 1120 of the

Family Court Act, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, NY 11791, Telephone No. 516-921-8800, as such counsel to prosecute the aforesaid appeals. The poor person relief previously granted is continued, and appellant's time to perfect the appeal is enlarged 120 days from the date of filing the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 8, 2015.

Present - Hon. Karla Moskowitz, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

-----x
Jennifer Tejada,
Plaintiff-Respondent,

-against-

Mohammed S. Aifa, et al.,
Defendants,

M-4073
Index No. 303750/09

-and-

Evelyna Lake, et al.,
Defendants-Appellants.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about April 23, 2013, and said appeal having been perfected,

And defendants-appellants having moved for an extension of time to file a reply brief,

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

It is ordered that the motion is granted to the extent of adjourning the appeal to the November 2015 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 8, 2015.

PRESENT: Hon. Karla Moskowitz, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

-----X

Don Jackson,
Plaintiff-Appellant,

-against-

M-3879
Index No. 302182/11

Mariam Et Alassane Car Service Inc.,
et al.,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about October 7, 2014,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the January 2016 Term.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 8, 2015.

PRESENT: Hon. Karla Moskowitz, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

-----X

Michael Lobel,
Plaintiff-Appellant,

-against-

M-3927
Index No. 652984/11

Uri Hakami, et al.,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, New York County, entered on or about October 10, 2014,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the January 2016 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 8, 2015.

PRESENT: Hon. Karla Moskowitz, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

-----X

Ana Juca,
Plaintiff-Respondent,

-against-

M-3711

Index No. 111449/09

50 Avenue B Associates, L.P.,
et al.,
Defendants-Appellants.

-----X

Defendant-appellant Gemini Electric Co., Inc. having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, New York County, entered on or about September 16, 2014,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the January 2016 Term.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 8, 2015.

PRESENT: Hon. Karla Moskowitz, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

-----X

OTR Media Group, Inc.,
Petitioner-Appellant,

-against-

M-3882
Index No. 151531/14

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

-----X

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about June 30, 2014,

And petitioner-appellant having moved for an enlargement of time to perfect the aforesaid appeal,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the aforesaid appeal to the January 2016 Term.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 8, 2015.

PRESENT: Hon. Karla Moskowitz, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

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

Velda Clarke,
Petitioner,

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

M-3990
Index No. 400764/14

-against-

New York State Office of Children
and Family Services,
Respondent.

-----X

An Article 78 proceeding having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about August 28, 2014, to review a determination of respondent,

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

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the proceeding to the January 2016 Term.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 8, 2015.

PRESENT: Hon. Karla Moskowitz, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

-----X
Salim M. Abdushshahid,
Plaintiff-Appellant,

-against-

M-4032
Index No. 105695/95

N.Y.C. Department of Corrections,
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about June 18, 2014,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the January 2016 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 8, 2015.

PRESENT: Hon. Karla Moskowitz, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

-----X
Silvia Perina,
Plaintiff-Appellant,

-against-

M-4080
Index No. 401403/13

Animal Care and Control of New York
City, Inc.,
Defendant-Respondent.
-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about October 8, 2013,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the January 2016 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 8, 2015.

PRESENT: Hon. Karla Moskowitz, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

-----X
Juan Carlos Molina,
Plaintiff-Respondent,

-against-

M-4096
Index No. 603763/06

James Chladek,
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, New York County, entered on or about November 6, 2014,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the January 2016 Term.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 8, 2015.

PRESENT: Hon. Karla Moskowitz, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

-----X

Rachel Emproto,
Plaintiff-Appellant,

-against-

M-4105
Index No. 100066/12

The Department of Education of
the City of New York, et al.,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from a judgment of the Supreme Court, New York County, entered on or about October 24, 2014,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the January 2016 Term.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 8, 2015.

PRESENT: Hon. Karla Moskowitz, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

-----X

Armand Retamozzo,
Claimant-Appellant,

-against-

City University of New York,
Defendant-Respondent.

-----X

M-4101
Court of Claims No.
120424

Claimant-appellant having moved for an enlargement of time to perfect the appeal from an order of the Court of Claims, New York County, entered on or about August 26, 2014, and for other relief,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the January 2016 Term, with no further enlargements to be granted.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 8, 2015.

PRESENT: Hon. Karla Moskowitz, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

-----X
In the Matter of the Application of
VSA Architectural Consultants, P.C.,
Petitioner-Appellant,

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

M-3657
Index No. 100146/15

-against-

State of New York Division of Human
Rights, et al.,
Respondents-Respondents.

-----X
Petitioner-appellant having moved for a stay of all administrative proceedings pending hearing and determination of the appeal taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about July 15, 2015,

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.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 8, 2015.

PRESENT: Hon. Karla Moskowitz, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

-----X

In the Matter of the Application of
Aboubacar Diawara,
Petitioner,

-against-

M-3945

Patricia Cardoso,
Respondent.

-----X

Petitioner, pro se, having moved pursuant to CPLR 5704(a) for certain relief denied by a Justice of the Supreme Court, New York County, rendered on or about July 30, 2015, denying his application for poor person relief without prejudice,

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.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 8, 2015.

Present - Hon. Karla Moskowitz, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

-----x

ACS Systems Associates, Inc.,
Plaintiff-Respondent,

-against-

M-3955

Index No. 150625/11

Safeco Insurance Company of America,
Defendant-Appellant.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about July 10, 2014, and said appeal having been perfected,

And plaintiff-respondent having moved for leave to enlarge the record on appeal with the exhibits from a deposition held on October 8, 2013, and the trial court's November 24, 2014 order,

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

The motion is granted only to the extent of taking judicial notice of the trial court's November 24, 2014 order, and directing counsel for plaintiff-respondent to file one original and 8 copies of a cover letter attaching said trial court order and one copy of this order forthwith. The motion is otherwise denied. Sua sponte, all references notice with the abbreviation "Dep. Ex." to certain deposition exhibits are deemed stricken from the respondent's brief.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 8, 2015.

Present: Hon. Karla Moskowitz, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

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

-against-

M-3793

Ind. No. 933/13

Thomas Bullock,
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to file a pro se supplemental brief in connection with the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about June 14, 2013, 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.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 8, 2015.

PRESENT: Hon. Karla Moskowitz, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

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

-against-

M-3401
Ind. No. 4903/12

Wilson Laboriel,
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to file a pro se supplemental brief in connection with an appeal from a judgment of the Supreme Court, New York County, rendered on or about June 25, 2013, for a copy of the trial transcripts and for an enlargement of time in which to file said pro se supplemental brief,

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

It is ordered that the motion is granted to the extent of directing defendant to serve and file 8 copies of his pro se supplemental brief on or before November 9, 2015 for the January 2016 Term, to which Term the appeal is adjourned. The Clerk of the Court is directed to forward to the Warden at the State correctional facility wherein defendant is incarcerated a transcript of the minutes relating to defendant's appeal, said transcript to be made available to appellant and returned by appellant to this Court when submitting the pro se supplemental brief hereto. The appeal will not be heard unless and until all material furnished to appellant has been returned.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 8, 2015.

PRESENT: Hon. Karla Moskowitz, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

-----X
Bruce Schwartz,
Plaintiff-Respondent,

-against-

Boom Batta, Inc., et al.,
Defendants,

Robert Watman and Tim Ouellette,
Defendants-Appellants.

-----X

M-3742
M-4135
Index No. 100524/08

Appeals having been taken from the orders of the Supreme Court, New York County, entered on or about November 6, 2013, November 22, 2013 (mot. seq. no. 010) and April 3, 2014 (mot. seq. no. 013), and said appeals having been perfected,

And an appeal having been taken from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about July 28, 2014,

And defendants-appellants having moved to resubmit their main appellate brief (M-3742),

And plaintiff-respondent having cross-moved for sanctions against defendants and their counsel (M-4135),

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 is granted to the extent of granting defendants-appellants leave to resubmit their main brief on or before November 9, 2015 for the January 2016 Term and deeming the main brief filed in connection with their appeal withdrawn (M-3742). Sua sponte, the perfected appeals are adjourned to the January 2016 Term. The cross motion is denied in its entirety (M-4135).

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 8, 2015.

PRESENT: Hon. Karla Moskowitz, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

-----X
In the Matter of

Josee Louise L. H.,

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

- - - - -
The Administration for Children's Services, M-4082
Petitioner-Respondent, Docket No. NN-49278/12-14

DeCarla L.,
Respondent-Appellant.

- - - - -
Seymour W. James, Jr., Esq., The Legal Aid
Society, Juvenile Rights Division,
Attorney for the Child.

-----X

An order of this Court having been entered on January 25, 2015 (M-5573) granting defendant leave to prosecute, as a poor person the appeal from an order of the Family Court, New York County, entered on or about October 1, 2014, and assigning Julian A. Hertz, Esq., 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 assigned counsel Julian A. Hertz, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Randal Carmel, Esq., 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 record, whichever is later.

ENTER:



CLERK

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

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

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

M-3335
Ind. No. 3720/14

-against-

CERTIFICATE
DENYING LEAVE

Terrence Wright,

Defendant.

-----X

I, Rosalyn H. Richter, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon the application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about May 7, 2015, is hereby denied.



Hon. Rosalyn H. Richter

Dated: August 25, 2015
New York, New York

ENTERED: October 8, 2015

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

BEFORE: Hon. Paul G. Feinman
Justice of the Appellate Division

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

Respondent

M-3515
Ind. No. 2753/2013

-against-

CERTIFICATE
DENYING LEAVE

Caliph Wilson

Defendant.
-----X

I, Paul G. Feinman, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County (Richard Carruthers, J.), entered on or about June 10, 2015, is hereby denied.


Associate Justice

Dated: August 28, 2015
New York, New York

Entered: October 8, 2015

P.M. ORDERS
FOR
OCTOBER 8, 2015

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 8, 2015.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Diane T. Renwick
Richard T. Andrias
Sallie Manzanet-Daniels, Justices.

-----X
In the Matter of

Eric F. and Natasha W.,

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

M-4508
Docket Nos. NN-34047/13
NN-447798/13

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

Anthony W.,
Respondent-Appellant,

Rasheida F.,
Respondent.

- - - - -
Seymour W. James, Jr., Esq.,
The Legal Aid Society,
Juvenile Rights Division,
Attorney for the Children.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about July 27, 2015, and for assignment of counsel, a free copy of the transcript, for a stay of all Family Court proceedings pending hearing and determination of said 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 (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, NY 11791, Telephone No. (516) 921-8800, 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 therefor;¹ **within 30 days (FCS 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of the receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.** So much of the motion which seeks a stay of all Family Court proceedings is denied. The interim stay granted by order of a Justice of this Court, dated September 14, 2015, is hereby recalled and vacated.

ENTER:



CLERK

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