

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 4, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X
Roy Cosme, doing business as,
Arcos Communications,
Plaintiff-Appellant,

-against-

M-6020X
Index No. 651441/13

Central Properties, LLC,
Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about June 26, 2015,

Now, after pre-argument conference, and upon reading and filing the stipulation of the parties hereto, "so ordered" November 30, 2015, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 February 4, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X
Giuseppe Romanello,

Plaintiff-Respondent-Appellant,

-against-

M-6453X
Index No. 109314/09

Intesa Sanpaolo S.p.A., et al.,

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 August 4, 2015,

Now, after pre-argument conference, and upon reading and filing the stipulation of the parties hereto, "so ordered" December 21, 2015, and due deliberation having been had thereon,

It is ordered that the appeal and cross appeal are withdrawn in accordance with the aforesaid stipulation.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 February 4, 2016.

PRESENT: Hon. Peter Tom Justice Presiding,
Angela M. Mazzairelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X
Estate of Stephen L. Tecson,
Plaintiff-Appellant,

-against-

M-6071
Index No. 650462/12

Okgil Cho and K Town 32 Corp.,
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 29, 2014,

Now, upon reading and filing the stipulation of the parties hereto, dated October 28, 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 February 4, 2016.

PRESENT: Hon. Peter Tom Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X

Jessie Nizewitz,
Plaintiff-Appellant,

-against-

M-6451

Index No. 158209/14

Viacom International, Inc.,
et al.,
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 30, 2015,

Now, upon reading and filing the stipulation of the parties hereto, dated December 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 February 4, 2016.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X
Eric Jones,
Plaintiff-Appellant,

-against-

M-5461

Index Nos. 23252/06
85917/07

Hairo Cocktail Lounge, et al.,
Defendants-Respondents.

-----X
And a Third-Party Action)
-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, entered on or about April 1, 2014,

And plaintiff-appellant having moved for an enlargement of time to perfect the appeal, and related relief,

Now, upon reading and filing the stipulation of the parties hereto, dated November 20, 2015, and due deliberation having been had thereon,

It is ordered that the motion 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 February 4, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X
Stephen Martin,
Plaintiff-Respondent,

-against-

M-5874
Index No. 305155/09

The City of New York, Metro-North
Commuter Railroad, Metropolitan
Transportation Authority and CCA
Civil Inc. & Halmar International
LLC,
Defendants-Appellants.

-----X

Defendants-appellants having moved for a stay of all proceedings pending hearing and determination of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about October 13 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 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 February 4, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Richard T. Andrias, Justices.

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

-against-

M-6037
Ind. No. 2116/13

Flavio Orta,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of **resentence** of the Supreme Court, New York County, rendered on or about November 30, 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 with this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of **resentence**. 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, NY 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 February 4, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

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

-against-

M-6111
Ind. No. 1987/13

Samuel Morales,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County (Raymond L. Bruce, J.) entered on or about November 18, 2015, 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 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice Bruce as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Seymour W. James, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed. 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 February 4, 2016.

PRESENT - Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

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

Respondent,

-against-

M-5980
Ind. No. 3103/13

Jose Delacruz,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about July 15, 2015, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, in compliance with CPLR 1101(a), setting forth the terms of defendant's retainer agreement with trial counsel, David Goldstein, Esq., the amount and sources of funds for trial counsel's fee and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

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 February 4, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Richard T. Andrias, Justices.

-----X
US Bank National Association, etc.,
et al.,
Plaintiffs-Respondents,

-against-

M-6277
Index No. 381069/12

Georgia Ferguson, Cheryl Campbell-Edwards,
Connolly E. Edwards, et al.,
Defendants-Appellants.
-----X

Defendants-appellants having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about January 7, 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 to the extent of enlarging the time to perfect the appeal to the June 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 February 4, 2016.

PRESENT - Hon. Peter Tom, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Richard T. Andrias, Justices.

-----X
In the Matter of the Commitment and Guardianship of

Star Natavia B.,

M-6363
Docket No. B-01585/13

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

- - - - -
Cardinal McCloskey Community Services,
Commissioner of Social Services of the City of New York,
Petitioners-Respondents,

Douglas B.,
Respondent-Appellant.

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

-----X

Respondent-appellant, Douglas B., having moved for an enlargement of time in which to perfect the appeal taken from the order of the Family Court, Bronx County, entered on or about February 26, 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 to the extent of enlarging the time to perfect the appeal to the June 2016 Term.

ENTER:



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 4, 2016.

PRESENT - Hon. Peter Tom, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Richard T. Andrias, Justices.

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

Stephen Grant,
Petitioner-Appellant,

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

-against-

M-6082
Index No. 101412/13

New York City Loft Board, et al.,
Respondents-Respondents.
-----X

Petitioner-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 February 9, 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 to the extent of enlarging the time to perfect the appeal to the June 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 February 4, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Richard T. Andrias, Justices.

-----X
Southwest Marine and General Insurance
Company, Soilsolution Industries, Inc.,
Exxonmobil Corporation and Roux
Associates, Inc.,
Plaintiffs-Appellants,

-against-

M-6196
Index No. 153861/14

Preferred Contractors Insurance
Company, et al.,
Defendants-Respondents.
-----X

Plaintiffs-appellants 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 April 14, 2015 (mot. seq. no. 002),

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 June 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 February 4, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
In the Matter of Shahnawaz Khan,
Petitioner-Appellant,

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

-against-

The New York City Health and Hospitals
Corporation, et al.,
Respondents-Respondents.

M-5890
Index Nos. 101284/13
158058/14

-----X

Petitioner-appellant having moved for an enlargement of time to perfect the appeal from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about July 18, 2014 (mot. seq. no. 002) in the captioned Article 78 proceeding (Index No. 101284/13), and for consolidation of the aforesaid appeal with the appeal from the order of the same Court entered on or about April 29, 2015, in a related plenary action (Index No. 158058/14), and for consolidation of the aforesaid appeals, and related relief,

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

It is ordered that the motion is granted to the extent of permitting appellant to prosecute the appeals upon 9 copies of one record and one set of appellant's points covering the appeals and enlarging the time to perfect the consolidated appeals to the June 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 February 4, 2016.

PRESENT - Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
David B. Saxe
Sallie Manzanet-Daniels
Barbara R. Kapnick, Justices.

-----X
In re Elihu K., etc.,
Petitioner-Respondent,

For the Appointment of a Guardian of
the Person and Property of Eva Dworecki,
An Alleged Incapacitated Person.

CONFIDENTIAL
M-6224
Index No. 401545/12

Burton Citak, et al.,
Non-Party Appellants.

-----X

An order of this Court entered on January 7, 2016 (M-5951) denying appellants leave for reargument, or in the alternative, leave to appeal to the Court of Appeals, from the decision and order of this Court entered October 27, 2015 (Appeal Nos. 14667N-14667NA),

And Marisa Falero, Attorney at Law, having moved for leave to file an affidavit amicus curiae in connection with the aforesaid appeal,

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

Ordered that the motion is 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 February 4, 2016.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David B. Saxe
Karla Moskowitz
Rosalyn H. Richter, Justices.

-----X
Marianne Spiegel,
Plaintiff-Appellant,

-against-

M-5952
Index No. 114420/11

Carl Kempner, et al.,
Defendants-Respondents.

-----X

Defendant-respondent Carl Kempner having moved to dismiss the appeal from the order of the Supreme Court, New York County, entered on or about June 10, 2015 (mot. seq. no. 002),

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 February 4, 2016.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David B. Saxe
Karla Moskowitz
Rosalyn H. Richter, Justices.

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

-against-

M-6330
Ind. No. 4570/13

Roberto A. Martinez,
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about November 17, 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 deeming the moving papers a timely filed notice of appeal.

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 February 4, 2016.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
David B. Saxe
Karla Moskowitz
Rosalyn H. Richter, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

CONFIDENTIAL

M-6221
Ind. No. 8640/93

Michael Ferguson,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about February 10, 2015, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, in compliance with CPLR 1101(a), setting forth the terms of defendant's retainer agreement with trial counsel, Steven Brill, Esq., the amount and sources of funds for trial counsel's fee and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

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 February 4, 2016.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Richard T. Andrias
Karla Moskowitz, Justices.

-----X
Kevin Whyte,
Plaintiff-Appellant,

-against-

New York City Police Department,
Defendant-Respondent.

M-5993
Index. No. 401069/14

-----X

Plaintiff-appellant having moved for leave to prosecute, as a poor person, the purported appeal from the order of the Supreme Court, New York County, entered on or about October 27, 2015, for leave to have the purported appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon submission of a valid notice of appeal and a copy of the order appealed from.

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 February 4, 2016.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David B. Saxe
Karla Moskowitz
Rosalyn H. Richter, Justices.

-----X
Gary Drummond,
Plaintiff-Respondent,

-against-

M-6199
Index No. 310192/10

Andres Perez, NYLL Management, Ltd.,
Lawrence Williams,
Defendants-Appellants.

-----X

Defendants-appellants having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about February 3, 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 to the extent of enlarging the time to perfect the appeal to the June 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 February 4, 2016.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David B. Saxe
Karla Moskowitz
Rosalyn H. Richter, Justices.

-----X
Robert J. Gumenick and
Lizabeth Mitty,
Plaintiffs-Appellants,

-against-

M-6283
Index No. 651427/10

Christopher Arvidson,
Defendant-Respondent,

Darrin Krumpus, et al.,
Defendants.

-----X

Plaintiffs-appellants 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 July 21, 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 to the extent of enlarging the time to perfect the appeal to the June 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 February 4, 2016.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David B. Saxe
Karla Moskowitz
Rosalyn H. Richter, Justices.

-----X
Waringin, Ltd.,
Plaintiff-Appellant,

-against-

M-6399
Index. No. 110122/06

The City of New York,
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 January 6, 2015, and for leave to prosecute said appeal as a poor person, 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 enlarging the time to perfect the appeal to the June 2016 Term. The motion is 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 February 4, 2016.

PRESENT : Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Richard T. Andrias
Karla Moskowitz, Justices.

-----X
Julia Velez and Antonio Cortorreal,
Plaintiffs-Appellants,

-against-

New York Presbyterian Hospital,
et al.,
Defendants-Respondents.

M-5955
Index No. 800173/11

-----X

Plaintiffs-appellants having moved for consolidation of the appeals taken from the orders of the Supreme Court, New York County, entered on or about August 4, 2014, February 27, 2015 and October 7, 2015, respectively,

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 appellant to prosecute the appeals upon 9 copies of one record and of one set of appellants' points covering the appeals and enlarging the time in which to perfect the consolidated appeals to the June 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 February 4, 2016.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David B. Saxe
Karla Moskowitz
Rosalyn H. Richter, Justices.

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

-against-

M-6278
Ind. No. 4483/10

Steffon Bridges,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about September 16, 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 June 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 February 4, 2016.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David B. Saxe
Karla Moskowitz
Rosalyn H. Richter, Justices.

-----X

U.S. National Bank Association,
solely in its capacity as Trustee
of the J.P. Morgan Alternative Loan
Trust 2007-A2 (JPALT 2007-A2),
Plaintiff-Appellant-Respondent,

-against-

Greenpoint Mortgage Funding, Inc.,
Defendant-Respondent-Appellant.

-----X

M-6323
M-6371
Index No. 651954/13

Plaintiff-appellant-respondent 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 March 4, 2015 (M-6323),

And defendant-respondent-appellant having cross-moved for an enlargement of time to perfect their cross appeal from the aforementioned order (M-6371),

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

It is ordered that the motion and cross motion are granted to the extent of enlarging the time to perfect the appeal and cross appeal to the June 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 February 4, 2016.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David B. Saxe
Karla Moskowitz
Rosalyn H. Richter, Justices.

-----X
Lennart Pehrson and Deirdre Downes,

Petitioners-Appellants,

For a Judgment Under Article 78
of the CPLR,

-against-

M-6427
Index No. 100694/14

New York State Division of Housing
and Community Renewal and 215 West
88th Street Holdings LLC,

Respondents-Respondents.
-----X

Petitioners-appellants having moved for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, New York County, entered on or about February 6, 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 to the extent of enlarging the time to perfect the appeal to the June 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 February 4, 2016.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
Judith J. Gische
Barbara R. Kapnick, Justices.

-----X

Harvey Barrison,

Plaintiff-Appellant,

-against-

D'Amato and Lynch, LLP, et al.,

Defendants-Respondents.

-----X

M-5681
Index No. 653530/11

Plaintiff-appellant having moved for an order staying the action in the trial Court and staying the order of the Supreme Court, New York County, entered on or about October 23, 2015, 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.

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 February 4, 2016.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David B. Saxe
Karla Moskowitz
Rosalyn H. Richter, Justices.

-----X
SBE 44 Wall, LLC, et al.,
Plaintiffs-Respondents,

-against-

M-6114
Index No. 654038/12

New 44 Wall Street, LLC, Kommersiella
Fastigheter in NY 3 Corp.,
Defendants-Appellants,

Paul Elliott,
Defendant.

-----X

Defendants-appellants having moved for a stay of certain discovery pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about November 30, 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 February 4, 2016.

PRESENT - Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
David B. Saxe
Karla Moskowitz
Judith J. Gische, Justices.

-----X

In re James B.,
Petitioner-Appellant,

-against-

M-5751
Index No. F-10750-06/13E

Regina D. S.,
Respondent-Respondent.

-----X

Petitioner-appellant having moved for, inter alia, leave to appeal to the Court of Appeals from the decision and order of this Court, entered on October 15, 2015 (Appeal No. 15884), the entry seeks a "default judgment" against respondent, and for leave to prosecute the appeal to the Court of Appeals as a poor person, and related relief,

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

It is ordered that the motion is denied in its entirety.

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 February 4, 2016.

PRESENT - Hon: David Friedman, Justice Presiding,
Rolando T. Acosta
David B. Saxe
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X
Osqugama F. Swezey, et al.,
Petitioners-Respondents,

-against-

M-6062
Index No. 155600/13

Merrill Lynch, Pierce, Fenner & Smith
Inc.,
Respondent-Respondent.

New York City Department of Finance,
Respondent,

Philippine National Bank, et al.,
Intervenors-Appellants.

The United States of America,
Amicus Curiae.
-----X

Petitioners-respondents having moved for vacatur of the stay imposed by the decision and order of this Court entered on November 18, 2014 (Appeal No. 13525),

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 February 4, 2016

PRESENT - Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

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

-against-

M-5988
Ind. Nos. 2872/14
5817/12

Priscilla Lopez,
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 March 25, 2015, 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 reproduced 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.

Seymour W. James, Jr., Esq., 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 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 February 4, 2016.

PRESENT - Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

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

-against-

Hassan Campbell,
Defendant-Appellant.

M-6049
Ind. No. 2975N/13

-----X

Defendant-appellant having moved for an enlargement of time to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about July 13, 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 to the extent of deeming the moving papers a timely filed notice of appeal.

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 February 4, 2016.

PRESENT - Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

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

-against-

M-5997
Ind. No. 1133/12

Erwin Ruiz,
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 September 10, 2015, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth the amount and sources of funds to post the \$50,000 bail via \$3,260 bond, in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

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 February 4, 2016.

PRESENT - Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-6002
Ind. No. 5548/13

Mark Spencer,
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 October 14, 2015, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, in compliance with CPLR 1101(a), setting forth defendant's indigency, the terms of defendant's retainer agreement with trial counsel, Manuel Sanchez, Esq., the amount and sources of funds for trial counsel's fee and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

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 February 4, 2016.

PRESENT - Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X
The People of the State of New York
ex rel. Joseph Watson,
Petitioner-Appellant,

-against-

M-5744
Index No. 340746/14

Warden, Rikers Island Correctional
Facility, et al.,
Respondents-Respondents.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County, entered on or about March 19, 2015, which dismissed a habeas corpus proceeding, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, for assignment of counsel, for an enlargement of time to perfect the appeal, and for other relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the Attorney General of the State of New York and files 10 reproduced copies of such brief, together with the original record, with this Court.

The time within which appellant shall perfect this appeal is enlarged to the June 2016 Term. The motion is 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 February 4, 2016.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,
Diane T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X
In the Matter of the Application of
OTR Media Group and OTR 330 Bruckner,
LLC,

Petitioners-Appellants,

M-6081

Index No. 260130/14

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

-against-

Board of Standards and Appeals of
the City of New York, et al.,
Respondents-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about November 16, 2015,

And petitioners-appellants having moved to stay respondents from taking any action to compel removal of the outdoor advertising sign in dispute, and to continue a March 7, 2014 preliminary injunction, as modified by this Court on March 12, 2014, pending hearing and determination of the appeal,

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

Ordered that the motion is granted. The aforesaid interim stay is continued on condition that the appeal is perfected on or before March 21, 2016 for the June 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 February 4, 2016.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X
Suntrust Mortgage, Inc.,
Plaintiff-Respondent,

-against-

M-6040
Index No. 381878/10

Olmedo Moran,
Defendant,

Lawrence S. Carpenter,
Defendant-Appellant,

New York City Transit Adjudication
Bureau, et al.,
Defendants.

-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, entered on or about October 8, 2015

And defendant-appellant Lawrence S. Carpenter having moved for a stay of enforcement of said judgment 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.

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 February 4, 2016.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X
Tokunbo Onilude,
Plaintiff-Appellant,

-against-

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

M-6118
Index No. 309622/09

-----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 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 as premature with leave to renew, if necessary, after July 23, 2016.

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 February 4, 2016.

PRESENT - Hon. David B. Saxe, Justice Presiding,
Karla Moskowitz
Rosalyn H. Richter
Paul G. Feinman, Justices.

-----X
Liberty Surplus Insurance Corporation,
Eurostruct Inc., St. Hilda's & St. Hugh's
School,
Plaintiffs-Appellants,

-against-

M-6546
Index No. 154336/14E

Harleysville Insurance Company of
New York, et al.,
Defendants-Respondents.
-----X

An appeal having been taken by plaintiffs-appellants from the order of the Supreme Court, New York County, entered on or about December 11, 2014, and said appeal having been perfected,

And plaintiffs-appellants having moved for an order striking the respondent's brief filed by Harleysville Insurance Company of New York, and for an adjournment of the appeal,

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

Ordered that the motion is denied without prejudice to addressing the issue directly on the appeal. The perfected appeal is adjourned to the June 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 February 4, 2016.

PRESENT - Hon. David B. Saxe, Justice Presiding,
Karla Moskowitz
Rosalyn H. Richter
Paul G. Feinman, Justices.

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

Celeste Frazier,
Petitioner,

M-6511
Index No. 100580/15

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

-against-

New York City Housing Authority,
Respondent.

-----X

Petitioner having moved pursuant to CPLR 5704(a) for certain relief denied by a Justice of the Supreme Court, New York County, on or about December 23, 2015, 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 February 4, 2016.

Present: Hon. David B. Saxe, Justice Presiding,
Karla Moskowitz
Rosalyn H. Richter
Paul G. Feinman, Justices.

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

Hone Rub KTV Inc.,
Petitioner,

For a Judgment Pursuant to Article 78 **M-6423**
of the Civil Practice Law and Rules, Index No. 101744/15

-against-

New York State Liquor Authority,
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 December 21, 2015, to review a determination of respondent,

And an order of a Justice of this Court, dated December 22, 2015, having granted petitioner an interim stay on condition that petitioner pay the penalty amount of \$8,500 into escrow with petitioner's attorney, or petitioner obtain a bond for the same amount to be held by counsel, within 7 days of the interim order. The reply affirms that petitioner deposited the required amount with counsel on December 23, 2015,

And petitioner having moved to stay respondent from enforcing the civil penalty \$8,500, which converts into a penalty of its liquor license upon non-payment, pending determination of this Article 78 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, and the terms of the interim stay granted by a Justice of this Court on December 22, 2015 are continued, on condition petitioner perfects the proceeding on or before March 21, 2016 for the June 2016 Term.

ENTER:


CLERK

SUPREME COURT OF THE 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-5888
Ind. No. 6451/98

-against-

CERTIFICATE
DENYING LEAVE

Waddell Smith,
Defendant.

-----X
I, DAVID FRIEDMAN, 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, section 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 August 12, 2015, is hereby denied.

Dated: New York, New York
January 12, 2016

ENTERED



DAVID FRIEDMAN
Justice of the Appellate Division

FEB 04 2016

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

BEFORE: Hon. Rolando T. Acosta
Justice of the Appellate Division

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

M - 5405
Ind. No. 1397/05

-against-

CERTIFICATE
DENYING LEAVE

Carlos Barrientos,

Defendant.
-----X

I, Rolando T. Acosta, 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 orders of the Supreme Court, New York County, entered on or about August 26, 2015, is hereby denied. The related relief requested by defendant is hereby denied as moot.



Hon. Rolando T. Acosta
Associate Justice

Dated: January 13, 2016
New York, New York

ENTERED: FEB 04 2016