

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 16, 2016.

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

-----X  
Paul Giordano and Rachel Giordano,  
Plaintiffs-Respondents,

-against-

M-237X  
Index No. 113325/11

Tishman Construction Corporation,  
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about April 10, 2015,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 13, 2016, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 16, 2016.

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

-----X  
Denise Bennett,  
Plaintiff-Respondent,

-against-

M-276X  
Index No. 302917/09

Christopher Duke,  
Defendant-Appellant.  
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 29, 2015,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 9, 2016, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 16, 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-387  
Index No. 1000/10

Marsha Murota,  
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about July 25, 2012,

Now, upon reading and filing the stipulation of the parties hereto, dated December 21, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 16, 2016.

Present: Hon. Peter Tom, Justice Presiding,  
Diane T. Renwick  
David B. Saxe  
Barbara R. Kapnick, Justices.

-----X  
In the Matter of a Custody/Visitation  
Hearing Under Article 6 of the Family  
Court Act.

-----  
Gamal M., **M-5483**  
Petitioner-Respondent, Docket Nos. V-37048-15/15B  
V-37048-15/15A  
-against-

Nada A.,  
Respondent-Respondent.

Laila G.,  
Child-Appellant.

-----  
Shirim Nothenberg, Esq.,  
Lawyers for Children,  
Attorney for Subject Child, Laila G.

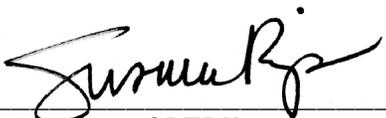
-----X  
An appeal having been taken from an order of the Family Court, New York County, entered on or about October 22, 2015,

And child-appellant having moved for a stay of the aforesaid order pending hearing and determination of the appeal,

Now, upon reading and filing the papers with respect to the motion, and a stipulation of the parties, dated December 14, 2015, and due deliberation having been had thereon, it is

Ordered that the motion is deemed 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 16, 2016.

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

-----X  
In the Matter of a Family Offense  
Proceeding,

Ironelys A.,  
Petitioner-Appellant,

-against-

M-6293  
Docket No. O-28307/12

Jose A.,  
Respondent-Respondent.

-----X

Petitioner-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 November 6, 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, Richard L. Herzfeld, Esq., 112 Madison Avenue 8<sup>th</sup> Floor, New York, NY 10016, Telephone No. (212) 818-9019, 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<sup>1</sup> **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**

---

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

**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.** (See M-6319, 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 February 16, 2016.

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

-----X

In the Matter of a Family Offense Proceeding,

Ironelys A.,  
Petitioner-Appellant,

-against-

M-6319  
Docket No. O-28307/12

Jose A.,  
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, New York County, entered on or about November 6, 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, Lewis S. Calderon, Esq., 153-01 Jamaica Avenue, Suite #201, Jamaica NY 11432, Telephone No. (718)883-1560, 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-6293, 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 February 16, 2016.

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

-----X  
In the Matter of

Nefertiti P.,

A Child Under the Age of 18 Years  
Pursuant to § 384-b of the Social  
Services Law of the State of New York  
and/or Article 6 of the Family  
Court Act.

M-5419  
Docket No. B-49210/12

- - - - -  
Forestdale, Inc. and Administration  
for Children's Services,  
Petitioners-Respondents,

John Lee P.,  
Respondent-Appellant,

Shanel N.,  
Respondent-Appellant.

- - - - -  
Andrew J. Baer, Esq.,  
Court Attorney for the Child  
Nefertiti P.

-----X

Alexander M. Carlin, Esq., court attorney for the subject child, 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, New York County, entered on or about July 30, 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, Andrew J. Baer, Esq., 299 Broadway, Suite #1415, New York, NY 10007, Telephone No. 212-233-0318, 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 attorneys for respondents-appellants and 8 copies thereof are filed with this Court. (See M-5481, M-5344, M-5421, M-5616 and M-5527, 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 February 16, 2016.

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

-----X  
In the Matter of

Nephra P. I,  
Nephra P. II,  
Nephra P. III,  
Nephra P. IV,  
Nephra P. V,  
Nephra P. VI,  
Nephra P. VII, and  
Nefertiti P.,

M-5481  
Docket Nos.  
B-51656-62/11  
B-49210/12

Children Under the Age of 18 Years  
Pursuant to § 384-b of the Social  
Services Law of the State of New York  
and/or Article 6 of the Family  
Court Act.

- - - - -  
Forestdale, Inc. and Administration  
for Children's Services,  
Petitioners-Respondents,

John Lee P.,  
Respondent-Appellant,

Shanel N.,  
Respondent-Appellant.

- - - - -  
Larry S. Bachner, Esq.,  
Court Attorney for the Children  
Nephra P. II, Nephra P. VI and  
Nephra P. VII,

Tenille M. Tatum-Evans, Esq.,  
Court Attorney for the Children  
Nephra P. III and Nephra P. V,

Andrew J. Baer, Esq.,  
Court Attorney for the Child  
Nefertiti P.

-----X

An appeal having been taken to this Court from eight orders of the Family Court, New York County, entered on or about July 30, 2015,

And respondent-appellant John Lee P. having moved for leave to prosecute the appeal as a poor person, and for assignment of counsel, a free copy of the transcript, for a stay of enforcement of the order terminating parental rights and ordering adoption, and for an enlargement of time to perfect the appeal,

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

Ordered that the motion is granted to the extent of (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<sup>1</sup> **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.** The motion, to the extent it seeks a stay of enforcement of the orders, is denied. (See M-5527, M-5419, M-5344, M-5421 and M-5616, decided simultaneously herewith.)

ENTER:



CLERK

---

<sup>1</sup>Service 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 February 16, 2016.

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

-----X  
In the Matter of

Nephra P. III, and  
Nephra P. V,

Children Under the Age of 18 Years  
Pursuant to § 384-b of the Social  
Services Law of the State of New York  
and/or Article 6 of the Family  
Court Act.

M-5527  
Docket Nos. B-51658/11  
B-51659/11

- - - - -  
Forestdale, Inc. and Administration  
for Children's Services,  
Petitioners-Respondents,

John Lee P.,  
Respondent-Appellant,

Shanel N.,  
Respondent-Appellant.

- - - - -  
Larry S. Bachner, Esq.,  
Court Attorney for the Children  
Nephra P. II, Nephra P. VI and  
Nephra P. VII,

Tenille M. Tatum-Evans, Esq.,  
Court Attorney for the Children  
Nephra P. III and Nephra P. V.

-----X

Liza S. Camellerie, Esq., court attorney for the subject children, having moved on the childrens' behalf for leave to respond, as a poor person, to the appeal from orders of the Family Court, New York County, both entered on or about July 30, 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, Tennille M. Tatum-Evans, Esq., 260 Convent Avenue, Suite #34, New York, NY 10031, Telephone No. 347-645-6660, 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 attorneys for respondents-appellants and 8 copies thereof are filed with this Court. (See M-5527, M-5419, M-5344, M-5616 and M-5481, 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 February 16, 2016.

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

-----X  
In the Matter of

Nephra P. I,  
Nephra P. II,  
Nephra P. III,  
Nephra P. IV,  
Nephra P. V,  
Nephra P. VI, and  
Nephra P. VII,

M-5421  
Docket Nos.  
B-51656-62/11

Children Under the Age of 18 Years  
Pursuant to § 384-b of the Social  
Services Law of the State of New York  
and/or Article 6 of the Family  
Court Act.

- - - - -  
Forestdale, Inc. and Administration  
for Children's Services,  
Petitioners-Respondents,

John Lee P.,  
Respondent-Appellant,

Shanel N.,  
Respondent-Appellant.

- - - - -  
Larry S. Bachner, Esq.,  
Court Attorney for the Children  
Nephra P. II, Nephra P. VI and  
Nephra P. VII,

Tenille M. Tatum Evans, Esq.,  
Court Attorney for the Children  
Nephra P. III and Nephra P. V

-----X

Respondent-appellant Shanel N. having moved for leave to prosecute, as a poor person, the appeal from eight orders of the Family Court, New York County, entered on or about July 30, 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 therefor<sup>1</sup> **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.** (See M-5527, M-5419, M-5344, M-5616 and M-5481, decided simultaneously herewith.)

ENTER:

  
CLERK

---

<sup>1</sup>Service 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 February 16, 2016.

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

-----X

In the Matter of

Nefertiti P.,

A Child Under the Age of 18 Years  
Pursuant to § 384-b of the Social  
Services Law of the State of New York  
and/or Article 6 of the Family  
Court Act.

- - - - -

Forestdale, Inc. and Administration  
for Children's Services,  
Petitioners-Respondents,

M-5344  
Docket No. B-49210/12

John Lee P.,  
Respondent-Appellant,

Shanel N.,  
Respondent-Appellant.

- - - - -

Andrew J. Baer, Esq.,  
Attorney for the Child  
Nefertiti P.

-----X

Respondent-appellant Shanel N. 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 30, 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 therefor<sup>1</sup> **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.** (See M-5419, M-5527, M-5421, M-5616 and M-5481, decided simultaneously herewith.)

ENTER:

  
\_\_\_\_\_  
CLERK

---

<sup>1</sup>Service 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 February 16, 2016.

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

-----X  
In the Matter of

Nephra P. II,  
Nephra P. VI, and  
Nephra P. VII,

M-5616  
Docket Nos. B-51657/11  
B-51661/11  
B-51662/11

Children Under the Age of 18 Years  
Pursuant to § 384-b of the Social  
Services Law of the State of New York  
and/or Article 6 of the Family  
Court Act.

- - - - -  
Forestdale, Inc. and Administration  
for Children's Services,  
Petitioners-Respondents,

John Lee P.,  
Respondent-Appellant,

Shanel N.,  
Respondent-Appellant.

- - - - -  
Larry S. Bachner, Esq.,  
Court Attorney for the Children  
Nephra P. II, Nephra P. VI and  
Nephra P. VII.

-----X  
Vanessa J. Spears, Esq., court attorney for the subject children, having moved on the childrens' behalf for leave to respond, as a poor person, to the appeal from orders of the Family Court, New York County, entered on or about July 30, 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 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 attorneys for respondents-appellants and 8 copies thereof are filed with this Court. (See M-5527, M-5419, M-5344, M-5421 and M-5481, 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 February 16, 2016.

PRESENT - Hon. Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
Judith J. Gische  
Barbara R. Kapnick, Justices.

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

Respondent,

-against-

M-6366  
Ind. No. 4097/14

Robert Moco,

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 16, 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 sources of funds to post the \$50,000 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

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 16, 2016.

Present: Hon. Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
Judith J. Gische  
Barbara R. Kapnick, Justices.

-----X  
The People of the State of New York  
ex rel. Gregory Ferguson,  
Petitioner-Appellant,

-against-

**M-5690**

Ind. No. 2061/11

Joe Ponte, Commissioner, New York  
City Department of Corrections,  
et al.,  
Respondents-Respondents.

-----X

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

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

It is ordered that said motion is 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 16, 2016.

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

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

Jerome Razor,  
Petitioner-Respondent,

For a Judgment Pursuant to Article 78  
of the CPLR,

-against-

M-89  
Index No. 101079/13

Board of Education of the City School  
District of the City of New York,  
Dennis M. Walcott, etc.,  
Respondents-Appellants,

City of New York,  
Respondent.

-----X

Respondents-appellants 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 April 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 16, 2016.

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

-----X  
Metro Woodworking Inc., doing  
business as Metropolitan Woodwork,  
Plaintiff-Appellant,

-against-

Hunter Roberts Construction Group,  
LLC, et al.,  
Defendants-Respondents.

M-6121  
Index No. 653760/12

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from orders of the Supreme Court, New York County, entered on or about July 30, 2014 and February 11, 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 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 16, 2016.

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

-----X  
In the Matter of

Kessiah A.,

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

-----  
Commissioner of the Administration for Children's Services,  
Petitioner-Respondent,

M-6526  
Docket No.  
NA-36154-14/14B

Roshana A.,  
Petitioner-Respondent,

Eriq W.,  
Respondent-Appellant.

-----  
Marisa Gold, Esq.,  
Lawyers for Children,  
Attorney for the Child.

-----X

Respondent-appellant having moved for an enlargement of time to perfect the appeals from orders of the Family Court, New York County, entered on or about December 18, 2014 and January 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 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 16, 2016.

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

-----X  
Julia Irizzary,  
Plaintiff-Appellant,

-against-

M-32  
Index No. 20626/09

St. Barnabas Hospital, et al.,  
Defendants-Respondents,

George Piccorelli, M.D.,  
Defendant-Respondent-Appellant.  
-----X

An appeal and cross appeal having been taken from a judgment of the Supreme Court, Bronx County, entered on or about March 6, 2015,

And plaintiff-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 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 16, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
Judith J. Gische  
Barbara R. Kapnick, Justices.

-----X  
Judith Valentin,  
Plaintiff-Appellant,

-against-

M-6496  
Index No. 303472/10

The City of New York,  
Defendant-Respondent.  
-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, Bronx County, entered on or about March 17, 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 September 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 16, 2016.

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

-----X  
Orchard Hotel, LLC,  
Plaintiff-Respondent,

-against-

D.A.B. Group, LLC, et al., etc.,  
Defendants,

M-6266  
Index No. 850044/11

Brooklyn Federal Savings Bank, et al.,  
Defendants-Respondents,

Flintlock Construction Services,  
LLC,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeals from the orders of the Supreme Court, New York County, both entered on or about May 19, 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 appeals to the September 2016 Term, with leave to seek further enlargements, if necessary.

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 16, 2016.

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

-----X  
Herminio Pizarro and Olga Iris Garcia,  
Plaintiff-Respondent,

-against-

M-102  
Index No. 304460/08

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

-and-

P.O. Jose M. Reyna, et al.,  
Defendant.

-----X

Appeals having been taken from a judgment of the Supreme Court, Bronx County, entered on or about April 7, 2015 and from an order of the same Court and Justice entered on or about October 8, 2015, respectively,

And defendants-appellants having moved for an enlargement of time to perfect the appeal taken from the judgment entered April 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 appeals, which are, sua sponte, consolidated, to the June 2016 Term. Appellants are permitted to prosecute the appeals upon 9 copies of one record and one copy of appellants' points covering the aforesaid appeals.

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 16, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
Karla Moskowitz  
Rosalyn H. Richter, Justices.

-----X  
Yousef Yahudaii,  
Plaintiff-Appellant-Respondent,

-against-

M-212  
Index No. 103449/08

Nourallah Baroukhian et al.,  
Defendants-Respondents-Appellants.  
-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 5, 2012,

And defendants-respondents-appellants having moved for an extension of time in which to file the supplemental reply brief to the March 2016 Term, or later,

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 16, 2016.

Present - Hon. Peter Tom, Justice Presiding,  
Rolando T. Acosta  
Karla Moskowitz  
Judith J. Gische, Justices.

-----X

In the Matter of the Application of  
Skanska USA Building, Inc.,  
Plaintiff-Appellant-Respondent,

-against-

M-172  
Index No. 652680/14

Atlantic Yards B2 Owner, LLC, et al.,  
Defendants-Respondents-Appellants,

-and-

ABC Companies, LLC, et al.,  
Defendants.

-----X

Appeals and a cross appeal having been taken to this Court from orders of the Supreme Court, New York County, entered on or about July 20, 2015 (mot. seq. nos. 002, 003),

And the Associated General Contractors of New York State, LLC having moved for leave to file a brief 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 granted, and movant is directed to file 9 copies of the brief as amicus curiae forthwith.

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 16, 2016.

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

-----X

Jericho Group, Ltd., et al.,  
Plaintiffs-Respondents,

**M-3436**

-against-

Index No. 101105/13

Mid-Town Development Limited Partnership,  
et al.,  
Defendants-Appellants,

Michael A. Szegda, et al.,  
Defendants.

-----X

Plaintiffs-respondents 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 18, 2015 (Appeal No. 15312),

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

It is ordered that the motion is denied. (See M-3908, M-4454 and M-5660, 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 February 16, 2016.

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

-----X

Jericho Group, Ltd., et al.,  
Plaintiffs-Respondents,

-against-

**M-3908**

Index No. 101105/13

Mid-Town Development Limited  
Partnership, et al.,  
Defendants-Appellants,

Michael A. Szegda, et al.,  
Defendants.

-----X

Plaintiffs-respondents having moved for clarification of the decision and order of this Court entered on June 18, 2015 (Appeal No. 15312),

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 costs. (See M-5660, M-4454 and M-3436, 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 February 16, 2016.

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

-----X  
Jericho Group, Ltd., et al.,  
Plaintiffs-Respondents,

-against-

**M-5660**

Index No. 101105/15

Mid-Town Development Limited  
Partnership, et al.,  
Defendants-Appellants,

Michael A. Szegda, et al.,  
Defendants.

-----X

A decision and order of this Court having been entered on June 18, 2015 (Appeal No. 15312) which dismissed plaintiffs-respondents complaint against defendants-appellants,

And Bronstein, Gewirts & Grossman, LLC (by Peter Bronstein, Esq.) having moved to be relieved as appellate counsel for plaintiffs-respondents, and for a stay of all further proceedings for plaintiffs-respondents to obtain other counsel,

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.  
(See M-4454, M-3908 and M-3436, 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 February 16, 2016.

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

-----X  
Jericho Group, Ltd., et al.,  
Plaintiffs-Respondents,

-against-

**M-4454**

Index No. 101105/15

Mid-Town Development Limited  
Partnership, et al.,  
Defendants-Appellants,

Michael A. Szegda, et al.,  
Defendants.

-----X

A decision and order of this Court having been entered on June 18, 2015 (Appeal No. 15312) which dismissed plaintiffs-respondents complaint against defendants-appellants,

And Bronstein, Gewirts & Grossman, LLC (by Peter Bronstein, Esq.) having moved to vacate all proceedings in this matter, including the decision and order of this Court entered on June 18, 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 in its entirety, with costs. (See M-5660, M-3908 and M-3436, 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 February 16, 2016.

PRESENT - Hon. Peter Tom, Justice Presiding,  
David Friedman  
Dianne T. Renwick  
Paul G. Feinman, Justices.

-----X  
Sergey Ishin,  
Plaintiff-Appellant,

-against-

M-6131  
Index No. 113925/11

QRT Management, LLC, et al.,  
Defendants,

Michael Aksman, et al.,  
Defendants-Respondents.  
-----X

Plaintiff-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on November 12, 2015 (Appeal No. 11248/11248A),

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 16, 2016.

PRESENT - Hon. Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
Richard T. Andrias  
Judith J. Gische, Justices.

-----X  
Rosemarie A. Herman, etc., et al.,  
Plaintiffs-Respondents,

-against-

Julian Maurice Herman, et al.,  
Defendants-Appellants,

M-31  
Index Nos. 650205/11  
590354/13  
590355/13

J. Maurice Herman, etc., et al.,  
Defendants.

-----  
Julian Maurice Herman,  
Third-Party Plaintiff-Appellant,

-against-

Joseph Esmail, et al.,  
Third-Party Defendants.

-----  
(And Another Third-Party Action)  
-----X

Defendant-appellant Julian Maurice Herman having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on December 3, 2015 (Appeal No. 16287/16288/16289N),

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 16, 2016.

PRESENT - Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
David Friedman  
Sallie Manzanet-Daniels, Justices.

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

-against-

M-2936  
Ind. No. 7983/96

William Coleman,  
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on May 24, 2001 (Appeal No. 4252), unanimously affirming a judgment of the Supreme Court, Bronx County (Daniel Sullivan, J.), rendered on December 9, 1997, as amended April 29, 1998,

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

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

It is ordered that said application is denied.

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 16, 2016.

PRESENT - Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
Sallie Manzanet-Daniels  
Barbara R. Kapnick, Justices.

-----X  
Terry Lane,  
Plaintiff-Respondent,

-against-

M-6329  
Index No. 155708/14

Lydell Tyson,  
Defendant-Appellant.  
-----X

Defendant-appellant having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on November 24, 2015 (Appeal No. 16200),

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 16, 2016.

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

-----X  
The People of the State of New York  
ex rel. Felix Morales,  
Petitioner,

-against-

M-6333  
Ind. No. 5578/13

Warden Lemon, Warden of Rikers  
Island, GMDC, C-73,  
Respondent(s).

-----X

The above-named petitioner having moved for, inter alia, a writ of habeas corpus to be issued from this Court,

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 be and the same hereby is granted only to the extent of transferring the proceeding to the Ex Parte Office of the Supreme Court and be heard before a Justice of the Supreme Court of the State of New York, New York County, 60 Centre Street, New York, New York 10007, forthwith, and

It is further ordered that service by mail of a copy of this writ of habeas corpus, petition and supporting papers, by the Clerk of this Court, contemporaneous with the entry hereof, upon the Warden at Riker's Island, GMDC, C-73; the Attorney General of the State of New York, 120 Broadway, New York, New York 10271; and the District Attorney of New York County, One Hogan Place, New York, NY 10013, be deemed due and sufficient notice.

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 16, 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-

M-6220  
Ind. No. 945/08  
Case No. 11455C/08

Jermaine Dunham,  
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 May 13, 2011, 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) 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 February 16, 2016.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
Dianne T. Renwick  
Sallie Manzanet-Daniels  
Barbara R. Kapnick, Justices.

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

-against-

M-6521  
Ind. No. 1222/10

Bruce Adams,  
Defendant-Appellant.

-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about May 3, 2011, 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) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 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 16, 2016.

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

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

Melinda R.,  
Petitioner-Respondent,

-against-

Salvatore A.,  
Respondent-Appellant.  
-----

M-6270  
Docket Nos. V-34751/12  
V-49929/12

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 August 18, 2015 (M-2660) assigning Geoffrey P. Berman, Esq., as counsel to prosecute the appeal from the order of the Family Court, New York County, entered on or about April 24, 2015; and a motion having been made to relieve such counsel, 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 striking the designation of assigned counsel Geoffrey P. Berman, Esq., as counsel to prosecute appellant's appeal. 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

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 16, 2016.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Dianne T. Renwick  
Sallie Manzanet-Daniels  
Barbara R. Kapnick, Justices.

-----X  
In the Matter of the Application of  
Brenda Nazario, As Administratrix  
of the Estate of Deogracias Nazario,  
Deceased,  
Petitioner-Appellant,

M-61  
Index No. 157732/14

-against-

New York City Health and Hospitals  
Corporation,  
Respondent-Respondent.

-----X  
Petitioner-appellant having moved for an enlargement of time to perfect the appeal from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about February 4, 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 16, 2016.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Dianne T. Renwick  
Sallie Manzanet-Daniels  
Barbara R. Kapnick, Justices.

-----X  
Residential Board of Managers of  
310 West 52<sup>nd</sup> Street Condominium,  
Plaintiff,

M-6271  
Index No. 600174/10

-against-

EL-AD 52 LLC,  
Defendant.

-----X  
EL-AD 52 LLC,  
Third-Party Plaintiff-Appellant,

Third-Party  
Index No. 590986/12

-against-

Apogee Wausau Group, Inc., doing business  
as Wausau Window & Wall Systems,  
Third-Party Defendant-Respondent,

Tishman Construction Corporation of  
New York, et al.,  
Third-Party Defendants.

-----X  
EL-AD 52 LLC,  
Second Third-Party Plaintiff,

-against-

Ecker Window Corp.,  
Second Third-Party Defendant.

-----X

Third-party plaintiff-appellant, EL-AD 52 LLC, having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about September 15, 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 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 16, 2016.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Dianne T. Renwick  
Sallie Manzanet-Daniels  
Barbara R. Kapnick, Justices.

-----X  
Iykeland Ricketts and Javona Ricketts,  
Claimants-Appellants,

-against-

State of New York,  
Defendant-Respondent.

M-6438  
Court of Claims  
No. 125355

-----X

Claimants-appellants 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 March 5, 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 16, 2016.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Dianne T. Renwick  
Sallie Manzanet-Daniels  
Barbara R. Kapnick, Justices.

-----X  
Terrell Brannon,  
Plaintiff-Appellant,

-against-

M-6489  
Index No. 157048/12

Thomas O'Neill,  
Defendant-Respondent.

-----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 March 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 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 16, 2016.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Karla Moskowitz  
Rosalyn H. Richter  
Judith J. Gische, Justices.

-----X  
In the Matter of a Proceeding for  
Support Under Article 4 of the  
Family Court Act.

-----  
Commissioner of Social Services,  
on behalf of Nazli Q.,  
Petitioner-Respondent,

M-37  
Docket No. F-17099/14

-against-

Babar C.,  
Respondent-Appellant.

-----X

Respondent-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Family Court, New York County, entered on or about December 11, 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 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 16, 2016.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Rolando T. Acosta  
Richard T. Andrias  
Rosalyn H. Richter, Justices.

-----X  
Salvatore Oliveri and Josephine  
Oliveri,  
Plaintiffs-Respondents,

-against-

M-6437  
Index No. 109331/09

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

Environmental Laboratories, Inc.,  
Defendant-Appellant.

-----X  
The City of New York, et al.,  
Third-Party Plaintiffs,

Third Party  
Index No. 590039/11

-against-

Environmental Laboratories, Inc.,  
Third-Party Defendant-Appellant.

-----X

Defendant/third-party 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 March 25, 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 16, 2016.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Rolando T. Acosta  
Richard T. Andrias  
Rosalyn H. Richter, Justices.

-----X  
Alberto Vazquez and Cecilia Mejia,  
Plaintiffs-Appellants,

-against-

M-6439  
Index No. 300498/10

Takara Condominium, et al.,  
Defendants-Respondents.

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

Plaintiffs-appellants having moved for an enlargement of time to perfect the appeal from an order of the Supreme 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:

  
\_\_\_\_\_  
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 16, 2016.

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

-----X

In the Matter of the Application of

Pauls Pizza Inc., et al.,  
Petitioners,

-against-

M-6318  
Index No. 100824/14

The Commissioner of Labor of the State  
of New York, et al.,  
Respondents.

-----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 March 20, 2015, to review a determination of respondent,

And petitioners 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 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 16, 2016.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
Dianne T. Renwick  
Sallie Manzanet-Daniels  
Barbara R. Kapnick, Justices.

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

Lisa Broad,  
Petitioner-Respondent,

For a Judgment Pursuant to Article 75  
of the CPLR,

-against-

M-6417  
Index No. 101304/14

New York City Board/Department of  
Education,  
Respondent-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 23, 2015,

And respondent-appellant having moved for an order deeming the notice of appeal filed on December 4, 2015 to be timely filed,

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

It is ordered that the motion is granted to the extent of deeming the notice of appeal filed December 4, 2015 timely filed.

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 16, 2016.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David B. Saxe  
Paul G. Feinman, Justices.

-----X  
In re Agah Durudogan,  
Petitioner-Appellant,

-against-

M-101  
Index No. 100065/13

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

Petitioner-appellant having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on December 8, 2015 (Appeal No. 14511),

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 16, 2016.

Present: Hon. David Friedman, Justice Presiding,  
Diane T. Renwick  
David B. Saxe  
Karla Moskowitz, Justices.

-----X

In the Matter of the Application of  
Misael Fernandez,  
Petitioner-Respondent,

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

**M-5964**  
Index No. 100894/15

-against-

New York State Division of Housing  
and Community Renewal,  
Respondent-Respondent,

560-568 Audubon Realty, LLC,  
Respondent-Appellant.

-----X

Respondent-respondent, Division of Housing and Community Renewal, having moved for dismissal of the appeal taken from an order of the Supreme Court, New York County, entered on or about October 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 and the appeal is dismissed, without prejudice to further administrative proceedings and respondent-appellant seeking appellate review of respondent Division of Housing and Community Renewal's final order.

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 16, 2016.

PRESENT: Hon. David Friedman, Justice Presiding,  
Rolando T. Acosta  
Richard T. Andrias  
David B. Saxe  
Paul G. Feinman, Justices.

-----X  
Joshua Watson,  
Plaintiff-Respondent,

-against-

M-6502  
Index No. 306472/10

The City of New York, et al.,  
Defendants-Appellants.  
-----X

Appeals having been taken from orders of the Supreme Court, Bronx County, entered on or about November 26, 2014 and December 1, 2015, respectively,

And defendants-appellant having moved for an enlargement of time to perfect the appeal taken from the order entered November 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 appeals, which are, sua sponte, consolidated, to the June 2016 Term. Appellants are permitted to prosecute the appeals upon 9 copies of one record and one copy of appellants' points covering the aforesaid appeals.

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 16, 2016.

Present - Hon. David Friedman, Justice Presiding,  
Rolando T. Acosta  
Richard T. Andrias  
David B. Saxe  
Paul G. Feinman, Justices.

-----x  
In the Matter of the Application of  
Joseph Sanchez,  
Petitioner-Appellant,

For an order Pursuant to Article 78 M-111  
of the Civil Practice Law and Rules, Index No. 250137/13

-against-

The Bronx District Attorney's Office,  
Defendant-Respondent.  
-----x

An appeal having been taken to this Court from the judgment of the Supreme Court, Bronx County, entered on or about March 10, 2014, and said appeal having been perfected,

And defendant-respondent having moved for leave to enlarge the record on appeal,

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

It is ordered that the motion is granted to the extent of permitting defendant-respondent leave to file nine copies of a supplemental record on appeal containing copies of the documents attached to the moving papers labeled as Movant Exhibits 1-3, at their own expense, forthwith, 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 February 16, 2016.

PRESENT - Hon. David Friedman, Justice Presiding,  
Richard T. Andrias  
David B. Saxe  
Rosalyn H. Richter  
Judith J. Gische, Justices.

-----X

Estee Lauder Inc.,  
Plaintiff-Appellant,

-against-

M-3880  
Index No. 602379/05

OneBeacon Insurance Group, LLC,  
etc., et al.,  
Defendants-Respondents.

-----X

Defendants-respondents 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 July 9, 2015 (Appeal No. 15549N),

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 for leave to appeal to the Court of Appeals is granted, and this Court, pursuant to CPLR 5713, certifies that the following question of law, decisive of the correctness of its determination, has arisen, which in its opinion ought to be reviewed by the Court of Appeals:

"Was the order of the Supreme Court, as reversed by the order of this Court, properly made?"

This Court further certifies that its determination was made as a matter of law and not in the exercise of discretion. The motion to the extent it seeks reargument 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 16, 2016.

PRESENT - Hon. David Friedman, Justice Presiding,  
Richard T. Andrias  
David B. Saxe  
Karla Moskowitz, Justices.

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

-against-

M-6043  
Ind. No. 2138/10

Hector Madera-Alvarez,  
Defendant-Appellant.  
-----X

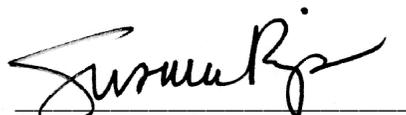
A decision and order of this Court having been entered on October 8, 2013 (Appeal No. 10684), unanimously affirming a judgment of the Supreme Court, New York County (Laura Ward, J.), rendered on November 29, 2010,

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

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

It is ordered that said application is denied.

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 16, 2016.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,  
Dianne T. Renwick  
Sallie Manzanet-Daniels  
Barbara R. Kapnick, Justices.

-----x

Bruckner Realty LLC,

Petitioner-Appellant,

-against-

M-122

Index No. 570004/15

Jeannette Cruz,

Respondent-Respondent.

-----x

An appeal having been taken to this Court from the order of the Appellate Term, First Department, entered on or about March 16, 2015, and said appeal having been perfected,

And respondent-respondent having moved for an order enlarging the record on appeal to include certain documents, 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 16, 2016.

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

-----X  
In re American Transit Insurance Company,  
Petitioner-Appellant,

-against-

M-6269  
Index No. 20939/14E

Margarita Rosario,  
Respondent-Respondent.

-----X

Respondent-respondent having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on November 17, 2015 (Appeal No. 16175),

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 16, 2016.

PRESENT - Hon. Rolando T. Acosta, Justice Presiding,  
David B. Saxe  
Rosalyn H. Richter  
Judith J. Gische  
Barbara R. Kapnick, Justices.

-----X  
Emerald Investors Limited,  
Plaintiff-Respondent,

-against-

M-6510  
Index No. 150359/14

Newby Toms,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on November 24, 2015 (Appeal No. 16238),

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 16, 2016.

Present - Hon. Dianne T. Renwick, Justice Presiding,  
Richard T. Andrias  
David B. Saxe  
Rosalyn H. Richter, Justices.

-----x  
Access Nursing Services, a division of  
Alternative Care Systems, Inc.,  
Plaintiff-Respondent,

-against-

M-346  
Index No. 651587/15

Elizabeth Patton,  
Defendant-Appellant.

- - - - -

Access Nursing Services, a division of  
Alternative Care Systems, Inc.,  
Plaintiff-Respondent,

-against-

M-349  
Index No. 651589/15

The Street Consulting Group, et al.,  
Defendants-Appellants.

-----x

Appeals having been taken to this Court by the respective defendants from orders of the Supreme Court, New York County, both entered on or about November 10, 2015,

And the respective defendants having moved for a stay of discovery pending hearing and determination of the appeals, and for consolidation of the aforesaid appeals,

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

It is ordered that the motions are granted, a stay of discovery is granted pending hearing and determination of the aforesaid appeals, and it is further,

Ordered that the appeals are consolidated, and appellants are permitted to prosecute the consolidated appeals upon 9 copies of one record and one set of appellants' points covering the consolidated appeals. The attention of the parties is directed to 22 NYCRR § 600.11.

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 16, 2016.

Present - Hon. Dianne T. Renwick, Justice Presiding,  
Richard T. Andrias  
David B. Saxe  
Rosalyn H. Richter, Justices.

-----x

Gordon Pellegrini, et al.,  
Plaintiffs-Respondents,

-against-

Duane Reade, Inc.,  
Defendant-Appellant,

M-141  
Index No. 156317/12

-and-

Sottile Security Co., et al.,  
Defendants.

-----x

An appeal having been taken to this court from the order of the Supreme Court, New York County, entered on or about November 5, 2015,

And defendant-appellant having moved for a stay of all proceedings, including trial, pending hearing and determination of 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.

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 16, 2016.

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

-----X  
Alexander Gliklad,  
Plaintiff-Respondent,

-against-

M-6375  
Index No. 602335/09

Michael Cherney,  
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 March 10, 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