

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 13, 2016.

PRESENT: Hon. David Friedman, Justice Presiding,
Richard T. Andrias
David B. Saxe
Marcy L. Kahn, Justices.

-----x

David Turret,
Plaintiff-Appellant,

-against-

Nancy Turret,
Defendant-Respondent.

M-4685
M-4596
Index Nos. 101662/12
312678/14

-----x

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about February 16, 2016, and said appeal having been perfected,

And defendant-respondent having moved to enlarge the record on appeal and to include appellant's 2015 Federal 1040 and New York State IT 201 personal income tax returns, or in the alternative to order this Court to take judicial notice of said returns (M-4685),

And plaintiff-appellant having cross moved to enlarge the record on appeal to include a certain record of defendant's July 29, 2016 purchase of a certain apartment at 410 Central Park West, New York, New York and documents pertaining to plaintiff's recently diagnosed medical condition (M-4596),

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 directing this Court to take judicial notice of the documents attached to the motion and cross motion (M-4685/M-4596).

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 13, 2016.

Present: Hon. David Friedman, Justice Presiding,
Richard T. Andrias
Rosalyn H. Richter
Judith J. Gische
Marcy L. Kahn, Justices.

-----X
In the Matter of

Brighton M.,

A Person Alleged to Be a Juvenile
Delinquent,

M-4167

Docket No. D-36159/15

Respondent-Appellant.
-----X

An appeal having been taken from an order of the Family Court, New York County, entered on or about July 24, 2015,

And, respondent-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 to the February 2017 Term.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 13, 2016.

Present: Hon. David Friedman, Justice Presiding,
Richard T. Andrias
Rosalyn H. Richter
Judith J. Gische
Marcy L. Kahn, Justices.

-----X
Jian-Guo Yu and Hui-Di Tu,
Plaintiffs,

-against-

M-4299
Index No. 116885/05

Greenway Mews Realty L.L.C., et al.,
Defendants.

-----X
Greenway Mews Realty L.L.C.
and Little Rest Twelve, Inc.,
Third-Party Plaintiffs-
Respondents,

-against-

Third-Party
Index No. 590639/19

UAD Group,
Third-Party Defendant-
Appellant.

-----X

Third-party defendant-appellant, UAD Group, having moved for an enlargement of time to perfect their appeal taken from an order of the Supreme Court, New York County, entered on or about October 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 February 2017 Term.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 13, 2016.

Present: Hon. David Friedman, Justice Presiding,
Richard T. Andrias
Rosalyn H. Richter
Judith J. Gische
Marcy L. Kahn, Justices.

-----X
Ana Tzarev New York LLC and 24 West
57 APF LLC,
Plaintiffs-Appellants,

M-4106
Index No. 112529/11

-against-

Nova Casualty Company, et al.,
Defendants-Respondents.

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

Plaintiffs-appellants having moved for an enlargement of time to perfect their appeal taken from an order of the Supreme Court, New York County, entered on or about July 15, 2015,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the February 2017 Term, with leave to seek additional enlargements if necessary.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 13, 2016.

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

-----x
Wilfredo Rosado, individually and
derivatively as shareholder on behalf
of Castillo Rosado, Inc., Edmundo
Castillo LLC and Edmundo Castillo
International, S.r.l.,
Plaintiff-Appellant,

-against-

M-4854
Index No. 603214/04

Edmundo Castillo Inc., et al.,
Defendants-Respondents,

Beverly Whitaker, doing business as
Money Tree,
Defendant.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about September 12, 2014, and from the judgment of said Court entered on or about December 15, 2014, respectively,

And Timothy Parlatore, Esq., having moved for leave to withdraw as counsel for defendant-respondent Denise Cassano, and for adjournment of the aforesaid appeal to allow additional time to substitute counsel, or 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 relieving Timothy Parlatore, Esq., as counsel for defendants-respondents Denise Cassano and B&D Financial Strategies, Inc. ("the Cassano respondents") on the appeal, and adjourning the appeal to the February 2017 Term. The Cassano respondents are granted leave to file a respondents' brief for the February 2017 Term, and plaintiff is granted leave to file a reply thereto.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 13, 2016.

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

-----x
East Fordham DE LLC,
Plaintiff-Respondent,

-against-

M-4992
Index No. 260551/14

U.S. Bank National Association, et al.,
Defendants-Appellants.
-----x

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about August 12, 2015, and said appeal having been perfected,

And plaintiff-respondent having moved for adjournment 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 to the extent of adjourning the appeal to the December 2016 Term, with no further adjournments to be granted.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 13, 2016.

PRESENT - Hon. John W. Sweeny, Jr., Justice Presiding,
David B. Saxe
Karla Moskowitz
Sallie Manzanet-Daniels, Justices.

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

-against-

M-2941
Ind. No. 1381/09

Jose Inoa,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on September 26, 2013 (Appeal No. 10585), unanimously affirming a judgment of the Supreme Court, New York County (Carro, J.), rendered on December 14, 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 October 13, 2016.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,
David B. Saxe
Karla Moskowitz
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-3081

Ind. No. 1165/07

Felix Hernandez,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on August 21, 2012 (Appeal Nos. 7531 - 7532), unanimously affirming the judgment of the Supreme Court, New York County (Edward McLaughlin, J.), rendered on November 29, 2007,

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 in its entirety.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 13, 2016.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Troy K. Webber
Marcy L. Kahn, Justices.

-----X
Jubae Mujahid,
Plaintiff-Appellant,

-against-

Merscorp Holdings Inc., et al.,
Defendants-Respondents,

M-2428
Index No. 101485/15

HSBC Bank USA, et al.,
Defendants.

-----X

Defendants having moved for dismissal of the appeal taken from an order of the Supreme Court, New York County, entered on or about February 3, 2016,

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 determination of the motion on notice.

ENTER:


CLERK

CORRECTED ORDER – March 24, 2017

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 13, 2016.

Present: Hon. Karla Moskowitz, Justice Presiding,
Paul G. Feinman
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer, Justices.

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

-against-

Kerwin Johnson,

Defendant.

M-3545
Ind. Nos. 6066/08
6172/08

-----X

Defendant having moved, pursuant to CPLR 5701(c) for leave to appeal to this Court from an order of the Supreme Court, **New York** County, entered on or about June 27, 2016,

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

Ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 13, 2016.

Present: Hon. Karla Moskowitz, Justice Presiding,
Paul G. Feinman
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer, Justices.

-----X
Trevor Fagan,

Plaintiff-Appellant,

-against-

Sobro Sharp II, LLC,

Defendant-Respondent.
-----X

M-4085

Index No. 307690/08

Plaintiff-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Supreme Court, Bronx County, purportedly entered on or about August 25, 2015, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, for an enlargement of time to perfect said appeal, and for related relief,

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

It is ordered that the motion is denied and the appeal is dismissed.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 13, 2016.

Present - Hon. Karla Moskowitz, Justice Presiding,
Paul G. Feinman
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer, Justices.

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

-against-

Albert Acosta,
Defendant-Appellant.

M-4082
Ind. No. 21/15
4302/15

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about January 13, 2016, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of deeming the notice of appeal as timely filed and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 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 10006, 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. (See M-4176, decided simultaneously herewith.)

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 13, 2016.

Present - Hon. Karla Moskowitz, Justice Presiding,
Paul G. Feinman
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer, Justices.

-----X

The People of the State of New York,
Respondent,

M-4176

Ind. Nos. 21/15

-against-

4302/15

518/12

Albert Acosta,

1947/15

Defendant-Appellant.

2702/11

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of **resentence** of the Supreme Court, New York County, rendered on or about January 13, 2016, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of deeming the notice of appeal as timely filed and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 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 **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, New York 10006, 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. (See M-4082, decided simultaneously herewith.)

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on October 13, 2016.

Present: Hon. Karla Moskowitz, Justice Presiding,
Paul G. Feinman
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer, Justices.

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

-against-

M-4031
Ind. No. 1140/16

Antonio Jones,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about June 16, 2016, 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, 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.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 13, 2016.

Present - Hon. Karla Moskowitz, Justice Presiding,
Paul G. Feinman
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer, Justices.

-----x
Daniel G. Hickey, Jr.,
Plaintiff-Respondent,

-against-

M-4026
M-4074
Index No. 153640/13

Stephen E. Kaufman, P.C., et al.,
Defendants-Appellants,

Spiegel, Brown, Fichera & Cote, LLP,
et al.,
Defendants-Appellants.

-----x

Separate appeals having been taken to this Court by the respective defendants from the order of the Supreme Court, New York County, entered on or about October 9, 2015,

And Stephen E. Kaufman, P.C., et al. having moved for an enlargement of time to perfect their appeal (M-4026),

And Spiegel, Brown, Fichera & Cote, LLP, et al. having separately moved for an enlargement of time to perfect their appeal (M-4074),

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

It is ordered that, sua sponte, 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. The time to perfect the consolidated appeals is enlarged to the February 2017 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in in the County of New York on October 13, 2016.

Present: Hon. Karla Moskowitz, Justice Presiding,
Paul G. Feinman
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer, Justices.

-----X
David Hickey

Plaintiff-Appellant,

-against-

M-3966
Index No. 150139/10

The City of New York, Metropolitan
Transportation Authority and the
Long Island Railroad,

Defendants-Respondents.

-----X

Plaintiff-appellant having moved for a stay of enforcement of the order of the Supreme Court, New York County, entered on or about May 29, 2016, pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is denied.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 13, 2016.

Present - Hon. Karla Moskowitz, Justice Presiding,
Paul G. Feinman
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer, Justices.

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

-against-

M-3954
Ind. No. 3112/13

Fidel Vega,
Defendant-Appellant.

-----X

An order of this Court having been entered on March 31, 2015 (M-884), inter alia, granting defendant's motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about December 8, 2014, under Indictment No. 3112/13, and assigning counsel therefor,

And defendant-appellant having moved for an order amending the notice of appeal and the aforementioned order to include the judgment of resentence of said Court rendered on or about July 28, 2016 under the same indictment number,

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

It is ordered that said motion is granted to the extent of amending defendant's notice of appeal and the aforementioned order to include the judgment of resentence rendered on or about July 28, 2016, and extending the poor person relief previously granted to cover same.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 13, 2016.

Present: Hon. Karla Moskowitz, Justice Presiding,
Paul G. Feinman
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer, Justices.

-----X
In the Matter of the Application of
R.C.F.H.P., Inc.,
Petitioner,

For a Judgment Pursuant to Article 78 **M-3937**
of the Civil Practice Law and Rules, Index No. 100092/15

-against-

The New York City Department of
Buildings (DOB), 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 October 16, 2015, to review a determination of respondents,

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

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

It is ordered that petitioner's motion is granted to the extent of enlarging the time to perfect the proceeding to the February 2017 Term.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 13, 2016.

Present: Hon. Karla Moskowitz, Justice Presiding,
Paul G. Feinman
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer, Justices.

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

-against-

M-4232
Ind. No. 3349/12

Wilfred Matthews,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, New York County, rendered on or about June 3, 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 February 2017 Term, with leave to seek further enlargements, in necessary.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 13, 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-4490
Index No. 2116/13

Flavio Orta, also known as Miguel
Gonzales,
Defendant-Appellant.

-----X

An appeal having been taken from orders of the Supreme Court, New York County, entered on or about November 17, 2015 and November 20, 2015,

Now, upon reading and filing the stipulation of the parties hereto, dated September 2, 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 October 13, 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-

Elizabeth S.,
Defendant-Appellant.

SEALED

M-4496

Index No. 6321/90

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about June 25, 2015,

Now, upon reading and filing the stipulation of the parties hereto, dated August 21, 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 October 13, 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-4499
Index No. 2865/13

Francisco Fernandez,
Defendant-Appellant.
-----X

An appeal having been taken from a judgment of the Supreme Court, Bronx County, rendered on or about November 6, 2014,

Now, upon reading and filing the stipulation of the parties hereto, dated September 6, 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 October 13, 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-4182
Ind. No. 1600/13

Joel Lucca,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about April 19, 2015, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on October 13, 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-4210
Ind. No. 147/13

Jose Martinez,
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 March 31, 2016, 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.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on October 13, 2016.

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

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

-against-

M-4257
Ind. No. 3025/13

Samuel Bell,
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 1, 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 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, Suite 1601, New York, NY 10007, Telephone No. (212) 402-4142, is assigned as counsel for defendant 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.

ENTERED:

A handwritten signature in black ink, appearing to read "Susan R. Jones", is written over a horizontal line.

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 13, 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-4273
Ind. No. 2014/13

Fermin Fores,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about April 14, 2015, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

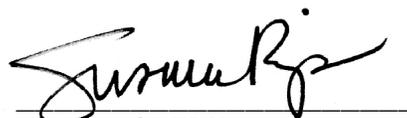
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 13, 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-4274
Ind. No. 157/12

Christian Perez,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about September 25, 2013, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 13, 2016.

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

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

-against-

M-4293
Ind. No. 99075/15

Marc Morales,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (Efrain Alvarado, J.), entered on or about July 8, 2016, 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 Alvarado as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's

counsel, Seymour W. James, Jr., 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.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 13, 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

Shyann Jael S.,
and Tyler Pierceton S.,

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

M-4378
Docket Nos. B-21091-2/12

Edwin Gould Services for Children
and Families,
Petitioners-Respondents,

Nicole Jael L.,
Respondent-Appellant.

Kenneth M. Tuccillo, Esq.,
Attorney for the Children.

-----X

Monica S. Eskin, Esq., court attorney for the subject children, having moved on the children's behalf for leave to respond, as poor persons, to the appeal from the order of the Family Court, Bronx County, entered on or about September 11, 2015 and January 6, 2016, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Kenneth M. Tuccillo, Esq., 591 Warburton Avenue, #576, Hastings on Hudson, NY 10706, Telephone No. 914-439-4843, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a

reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for respondent-appellant and 8 copies thereof are filed with this Court.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 13, 2016.

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

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

-against-

M-3386
Ind. No. 12241/92

Diane Word,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on September 27, 2007 (Appeal No. 8908), unanimously affirming the judgment of the Supreme Court, New York County (Harold Beeler, J.), rendered on November 5, 1999,

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 in its entirety.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 13, 2016.

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

-----X

The People of the State of New York,
Respondent,

-against-

M-4127
Ind. No. 8759/99

Juan Nova,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on October 16, 2003 (Appeal No. 1876), unanimously affirming a judgment of the Supreme Court, New York County (Joan Sudolnik, J.), rendered on February 14, 2001,

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 October 13, 2016.

Present - Hon. Peter Tom, Justice Presiding,
David Friedman
Rolando T. Acosta
David B. Saxe
Barbara R. Kapnick, Justices.

-----x

Jennifer Cangro,

Plaintiff-Appellant,

-against-

M-3184

Index No. 100005/13

Mary V. Rosado,

Defendant-Respondent.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about October 8, 2015,

And plaintiff-appellant having moved for leave to file an appellate brief and appendix in connection with the aforesaid appeal (See M-5829 [March 3, 2016]),

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. The Clerk is again directed not to accept any further motions and/or filings in this matter from plaintiff without plaintiff first obtaining prior leave of the Court.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 13, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
David B. Saxe
Karla Moskowitz, Justices.

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

-against-

M-717
Ind. No. 937/11

Eddy Coello,
Defendant-Appellant.
-----X

A decision and order of this Court having been entered on June 4, 2015 (Appeal No. 15296), unanimously affirming a judgment of the Supreme Court, Bronx County (Ralph Fabrizio, J.), rendered on November 14, 2012,

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

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

It is ordered that said application is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 13, 2016.

PRESENT - Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Rosalyn H. Richter
Ellen Gesmer, Justices.

-----X

Juan Ramon Almonte, et al.,
Plaintiffs-Appellants,

-against-

M-4058
Index No. 112220/11

CastlePoint Insurance Company,
Defendant-Respondent.

-----X

Plaintiffs-appellants having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court entered on June 30, 2016 (Appeal No. 1379),

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

It is ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 13, 2016.

Present: Hon. Peter Tom, Justice Presiding,
Diane T. Renwick
Rosalyn H. Richter
Barbara R. Kapnick
Troy K. Webber, Justices.

-----X
Velda Clarke,
Petitioner,

For a Judgment Pursuant to Article 78 of the Civil Practice Law and Rules, **M-3428**
Index No. 400764/14

-against-

The New York State Office of Children and Family Services (NYSOCFS)
Respondent.
-----X

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

And, an order of this Court having been entered on May 17, 2016 (M-1654), denying petitioner's motion for an enlargement of time to perfect the aforesaid proceeding and for poor person relief, and sua sponte, dismissing said proceeding,

And, petitioner having moved for reconsideration of the aforesaid order of this Court entered on May 17, 2016 (M-1654), dismissing petitioner's proceeding, and for said proceeding to be restored to this Court's calendar,

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

Ordered that the motion is denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 13, 2016.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
Richard T. Andrias
Troy K. Webber
Ellen Gesmer, Justices.

-----X

In re Ramona Prioleau,
Petitioner-Appellant,

-against-

M-3904
Index No. 100357/14

New York State Division of Housing
and Community Renewal, et al.,
Respondents-Respondents.

-----X

Petitioner-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on July 7, 2016 (Appeal No. 1691),

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

It is ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 13, 2016.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
David B. Saxe
Barbara R. Kapnick
Marcy L. Kahn, Justices.

-----X
In re CPS 227 LLC,
Petitioner-Respondent,

-against-

M-3246
Index No. 652566/15

Martin Brody, also known as Mendel Brody,
et al.,
Respondent,

Little Cherry LLC,
Respondent-Appellant.

-----X

Respondent-appellant having moved for reargument of the decision and order of this Court entered on June 9, 2016 (Appeal No. 1428),

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

It is ordered that the motion is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 13, 2016.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Rosalyn H. Richter
Barbara R. Kapnick
Ellen Gesmer, Justices.

-----X
The Bank of New York Mellon, etc.,
et al.,
Plaintiffs-Respondents,

-against-

M-4370
Index No. 850163/14

R. Tara Miller, etc., et al.,
Defendants,

Adam Plotch LLC,
Defendant-Appellant.
-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about October 16, 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 February 2017 Term, with no further enlargements to be granted.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 13, 2016.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
Richard T. Andrias
Karla Moskowitz
Marcy L. Kahn, Justices.

-----X
Eric L. Sawyer,
Plaintiff-Respondent,

-against-

M-2974
Index No. 158034/13

Michael F. Parrish, on behalf of
and as Administrator of the Estate of
Karl M. Parish, Deceased,
Defendant-Appellant.

-----X

Defendant-appellant having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court entered on May 3, 2016 (Appeal No. 1052N),

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

It is ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 13, 2016.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David B. Saxe
Karla Moskowitz
Marcy L. Kahn, Justices.

-----X
Curtis M. Stewart,
Plaintiff-Appellant,

-against-

M-2471
Index No. 260685/13

ARC Development LLC, et al.,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court entered on April 5, 2016 (Appeal No. 708),

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

It is ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 13, 2016.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David B. Saxe
Judith J. Gische
Marcy L. Kahn, Justices.

-----X

Laurie Cochin, et al.,
Plaintiffs-Respondents,

-against-

M-3195
Index No. 159331/13

Metropolitan Transit Authority, et al.,
Defendants-Appellants,

City of New York,
Defendant.

-----X

Defendants-appellants having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court entered on June 21, 2016 (Appeal No. 1523N),

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

It is ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 13, 2016.

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

-----X
Robert Solomon,
Plaintiff-Appellant,

-against-

M-1265
Index No. 110152/11

Pepsi-Cola Bottling Company of
New York, Inc.,
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court entered on February 9, 2016 (Appeal No. 162),

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

It is ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 13, 2016.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
Karla Moskowitz
Sallie Manzanet-Daniels
Ellen Gesmer, Justices.

-----X

In re Sara Salerno,
Petitioner-Appellant,

-against-

M-3183
Index No. 100213/12

Raymond Kelly, etc., et al.,
Respondents-Respondents.

-----X

Petitioner-appellant having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court entered on May 17, 2016 (Appeal No. 1165),

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

It is ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 13, 2016.

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

-----X
13775 Realty, LLC,
Petitioner-Landlord-Appellant,

-against-

M-3085
Index No. 570011/16

Annette Foglino,
Respondent-Respondent.
-----X

Petitioner-landlord having moved for leave to appeal to this Court from the order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about March 21, 2016,

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

It is ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 13, 2016.

PRESENT - Hon. David Friedman, Justice Presiding,
Richard T. Andrias
David B. Saxe
Rosalyn H. Richter
Marcy L. Kahn, Justices.

-----X
In re Okolie Cyril,
Petitioner,

-against-

M-3611
Index No. 101364/13

New York City Department of Housing
Preservation and Development, et al.,
Respondents.

-----X

Petitioner 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 28, 2016 (Appeal No. 1601),

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



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

BEFORE: Hon. Barbara R. Kapnick
Justice of the Appellate Division

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

M-3313
Ind. No. 4995/06

-against-

CERTIFICATE
DENYING LEAVE

Edward Teal,

Defendant.

-----X

I, Barbara R. Kapnick, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon the application made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, dated May 17, 2016, is hereby denied.

Dated: October 7, 2016
New York, New York

Hon. Barbara R. Kapnick
Associate Justice

ENTERED
OCT 13 2015

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 13, 2016.

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

-----X

The People of the State of New York,

Respondent,

-against-

M-4725

Ind. No. 201/14

Kevin Hurley,

Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, New York County, rendered on or about June 17, 2016, and to extend the stay of execution of the judgment until 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 to the extent of enlarging the time to perfect the appeal to the February 2017 Term. The stay previously granted by order of this Court on June 20, 2016 (M-3106) is continued under the original terms and conditions and on the condition that the appeal is perfected for the February 2017 Term.

ENTER:


CLERK