

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 December 7, 2017.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Sallie Manzanet-Daniels  
Richard T. Andrias  
Cynthia S. Kern  
Anil C. Singh, Justices.

-----X

In the Matter of

Xiomary L.,

A Person Alleged to be a  
Juvenile Delinquent,

Respondent-Appellant.

-----X

**CONFIDENTIAL**

M-5458  
Docket No. D-15618/16

Respondent-appellant having moved for an enlargement of time to perfect the appeal taken from an Order of Disposition of the Family Court, Bronx County, entered on or about December 30, 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 to the extent of enlarging the time to perfect the appeal to the March 2018 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 December 7, 2017.

Present - Hon. Sallie Manzanet-Daniels, Justice Presiding,  
Angela M. Mazzarelli  
Barbara R. Kapnick  
Troy K. Webber, Justices.

-----x  
New York Center for Esthetic & Laser  
Dentistry and David Poiman,  
Plaintiffs-Appellants,

-against-

M-5448

Index No. 154374/12

VSLP United LLC and DRRM Universal  
LLP,  
Defendants-Respondents.

-----x  
An appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about July 14, 2016, and said appeal having been perfected,

And defendants-respondents having moved for dismissal 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 denied, without prejudice to advancing said arguments in the respondents' brief.

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 December 7, 2017.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
Judith J. Gische  
Cynthia S. Kern  
Anil C. Singh, Justices.

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

-against-

M-4795  
Ind. No. 4671N/15

Marquis Sargeant,  
Defendant-Appellant.

-----X

Assigned counsel for defendant-appellant having moved for dismissal of the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about April 11, 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 to the extent of deeming the appeal withdrawn.

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 December 7, 2017.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
Judith J. Gische  
Cynthia S. Kern  
Anil C. Singh, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

Roberto Nunez,  
Defendant-Appellant.

-----X

**CONFIDENTIAL**

M-5160

Ind. No. 956/13

Assigned counsel for defendant-appellant having moved for an order dismissing defendant's appeal taken from a judgment of the Supreme Court, New York County, rendered on or about December 17, 2014, without prejudice to reinstatement at such time appellant becomes amenable to the jurisdiction of 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 is granted to the extent of deeming the appeal withdrawn.

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 December 7, 2017.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
Judith J. Gische  
Cynthia S. Kern  
Anil C. Singh, Justices.

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

-against-

M-4797  
Ind. No. 4218/15

Ivan Yamazkaki,  
Defendant-Appellant.

-----X

Assigned counsel for defendant-appellant having moved for dismissal of the appeal taken from a judgment of the Supreme Court, New York County, rendered 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 to the extent of deeming the appeal withdrawn.

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 December 7, 2017.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
Judith J. Gische  
Cynthia S. Kern  
Anil C. Singh, Justices.

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

-against-

M-4798  
Ind. No. 3982/15

Anthony Echevarria,  
Defendant-Appellant.

-----X

Assigned counsel for defendant-appellant having moved for dismissal of the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about January 22, 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 to the extent of deeming the appeal withdrawn.

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 December 7, 2017.

Present - Hon. Judith J. Gische, Justice Presiding,  
Barbara R. Kapnick  
Jeffrey K. Oing  
Peter H. Moulton, Justices.

-----X  
Hiram Hernandez and Migdalia Hernandez,  
Plaintiffs,

-against-

M-5593  
Index No. 301466/11

2075-2081 Wallace Avenue Owners Corp.  
and Metro Management and Development,  
Corp.,  
Defendants.

-----X  
Metro Management and Development, Corp.,  
Third-Party Plaintiff-Appellant,

-against-

Third-Party  
Index No. 83894/15

2075-2081 Wallace Avenue Owners Corp.,  
Third-Party Defendant-Respondent.

-----X

Defendant/third-party plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, Bronx County, entered on or about December 22, 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 to the extent of enlarging the time to perfect the appeal to the March 2018 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 December 7, 2017.

Present - Hon. Judith J. Gische,  
Barbara R. Kapnick  
Jeffrey K. Oing  
Peter H. Moulton,

Justice Presiding,  
  
Justices.

-----X

In the Matter of

Justin R.,

A Person Alleged to be a  
Juvenile Delinquent,

Respondent-Appellant.

**CONFIDENTIAL**

M-5459  
Docket No. D-20915/16

-----X

Respondent-appellant having moved for an enlargement of time to perfect the appeal taken from an Order of Disposition of the Family Court, Bronx County, entered on or about December 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 granted to the extent of enlarging the time to perfect the appeal to the April 2018 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 December 7, 2017.

Present - Hon. Judith J. Gische, Justice Presiding,  
Barbara R. Kapnick  
Jeffrey K. Oing  
Peter H. Moulton, Justices.

-----x  
Judith Mejia,  
Plaintiff-Appellant-Respondent,

-against-

M-5601  
Index No. 150228/14

T.N. 888 Eighth Avenue LLC, doing  
business as Cosmic Diner, Elias  
"Louie" Tsanias, and John Dimos,  
Defendants-Respondents-Appellants.

-----x

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about December 30, 2016; and a separate appeal having been taken by defendants from an order, same Court and Justice, entered on or about August 15, 2017,

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 from the order entered on or about December 30, 2016 to the April 2018 Term. Further, defendants are directed to perfect the appeal from the order entered on or about August 15, 2017 for the April 2018 Term. The Clerk of the Court is directed to calendar both appeals to be heard together on the same date in the April 2018 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 December 7, 2017.

Present: Hon. Rolando T. Acosta, Presiding Justice,  
Peter Tom  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick, Justices.

-----X  
In the Matter of

William Maragh E.,

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

**CONFIDENTIAL**

M-5584

Docket No. NN-29213/16

- - - - -  
Administration for Children's Services, et al.,  
Petitioners-Respondents,

Shaunette W.,  
Respondent-Appellant,

Leroy R.,  
Respondent.

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

-----X

Thomas J. Caruso, 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, Bronx County, entered on or about May 12, 2017, 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 §1120 of the Family Court Act, Larry S. Bachner, P.C., C/O Bachner & Associates, P.C., 39 Broadway,

Suite 1610, New York, NY 10006, Telephone No. 917-674-9516, 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.

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 December 7, 2017.

Present: Hon. Rolando T. Acosta, Presiding Justice,  
Peter Tom  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick, Justices.

-----X  
In the Matter of

Kayla C.,  
Kylie D.,  
Christian D.,  
McKenzie G., and  
Melanie G.,

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

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

Faith J. and Stephanie C.,  
Respondents-Respondents.

- - - - -  
Seymour W. James, Jr., Esq., The Legal  
Aid Society, Juvenile Rights Division,  
Attorney for the Children  
Kylie D., Christian D.,  
McKenzie G. and Melanie G.,

Larry S. Bachner, Esq.,  
Attorney for the Child Kayla C.

-----X

**CONFIDENTIAL**

M-5567  
Docket Nos.  
NA-32217/16  
NA-32218/16  
NA-32216/16  
NA-31273/16  
NA-31272/16

Patricia L. Moreno, Esq., court attorney for the subject child Kayla C., having moved on the child's behalf for leave to respond, as a poor person, to the appeal from the order of the Family Court, Bronx County, entered on or about August 9, 2017, 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 §1120 of the Family Court Act, Larry S. Bachner, P.C., C/O Bachner & Associates, P.C., 39 Broadway, Suite 1610, New York, NY 10006, Telephone No. 917-674-9516, 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.

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 December 7, 2017.

Present: Hon. Rolando T. Acosta, Presiding Justice,  
Peter Tom  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick, Justices.

-----X  
In the Matter of

Kayla C.,  
Kylie D.,  
Christian D.,  
McKenzie G., and  
Melanie G.,

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

**CONFIDENTIAL**

M-5567

Docket Nos.  
NA-32217/16  
NA-32218/16  
NA-32216/16  
NA-31273/16  
NA-31272/16

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Administration for Children's Services,  
Petitioner-Appellant,

Faith J. and Stephanie C.,  
Respondents-Respondents.  
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Seymour W. James, Jr., Esq., The Legal  
Aid Society, Juvenile Rights Division,  
Attorney for the Children  
Kylie D., Christian D.,  
McKenzie G. and Melanie G.,

Larry S. Bachner, Esq.,  
Attorney for the Child Kayla C.  
-----X

Patricia L. Moreno, Esq., court attorney for the subject child Kayla C., having moved on the child's behalf for leave to respond, as a poor person, to the appeal from the order of the Family Court, Bronx County, entered on or about August 9, 2017, 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 §1120 of the Family Court Act, Larry S. Bachner, P.C., C/O Bachner & Associates, P.C., 39 Broadway, Suite 1610, New York, NY 10006, Telephone No. 917-674-9516, 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.

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 December 7, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
Peter Tom  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick, Justices.

-----X

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

Kahlisha J.,  
Petitioner-Appellant,  
  
-against-

**CONFIDENTIAL**

M-5554  
Docket Nos.  
V-18120-12/16B  
V-18120-12/16C

Eddie R., Jr.,  
Respondent-Respondent.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about September 6, 2017, 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, Leslie S. Lowenstein, Esq., 567 Sunset Drive, Woodmere, NY 11598, Telephone No. 516-374-1962, 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

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



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.**

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 December 7, 2017.

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

-----X

The People of the State of New York,  
Respondent,

-against-

M-5812  
Ind. No. 669/16

Michael Boone,  
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on June 28, 2017, inter alia, granting defendant poor person relief with respect to the appeal from the judgment, of the Supreme Court, New York County, rendered on or about June 5, 2017,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and which directed trial counsel to file a notice of appeal on defendant's behalf,

It is ordered that the appeal is permitted 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.

(M-5812)

-2-

December 7, 2017

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28<sup>th</sup> 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:

A handwritten signature in black ink, appearing to read "Susan R.", 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 December 7, 2017.

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

-----X

The People of the State of New York,  
Respondent,

**CONFIDENTIAL**

M-5745

-against-

Ind. No. 1708/14

Efrain Nieves,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from the order of the Supreme Court, Bronx County (Clancy, J.), entered on or about October 12, 2017, 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 Clancy as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Robert S. Dean, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

(M-5749)

-2-

December 7, 2017

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". The signature is written in a cursive style with a prominent initial "S".

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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 December 7, 2017.

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

-----X

The People of the State of New York,  
Respondent,

-against-

M-5811  
Ind. No. 5257/11

Hockeem Smith a/k/a Hakem Smith,  
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on June 29, 2017, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment, of the Supreme Court, New York County, rendered on or about June 28, 2017,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and which directed trial counsel to file a notice of appeal on defendant's behalf,

It is ordered that the appeal is permitted 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.

Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4112, 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:

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

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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 December 7, 2017.

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

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

Respondent,

-against-

M-5637

Ind. No. 1122/15

Rafael Cabrera Veras,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about February 8, 2017, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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



Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4112, 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:

A handwritten signature in black ink, appearing to read "Susan R. Jones", written in a cursive style.

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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 December 7, 2017.

Present: Hon. Rolando T. Acosta, Presiding Justice,  
Peter Tom  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick, Justices.

-----X

In the Matter of

Hector R.,

**CONFIDENTIAL**

M-5600

A Person Alleged to Be a Juvenile  
Delinquent,

Docket No. D-17341/17

Appellant.

-----X

Appellant having moved for leave to prosecute the appeal from orders of the Family Court, New York County, entered on or about September 11, 2017 and September 18, 2017, respectively, as a poor person, 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 Section 35 of the Judiciary Law and Section 1120 of the Family Court Act, Steven N. Feinman, Esq., One North Broadway, Suite #412, White Plains, NY 10006, 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 State 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) directing appellant to perfect this appeal in compliance with Rule 600.11 of the Rules

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

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.**

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 December 7, 2017.

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

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

Respondent,

-against-

M-5846  
Ind. No. 2056/15

Edmond Acquah,

Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on June 13, 2017, inter alia, granting defendant poor person relief with respect to the appeal from the the order of the Supreme Court, Bronx County, rendered on or about June 13, 2017,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and which directed trial counsel to file a notice of appeal on defendant's behalf,

It is ordered that the appeal is permitted 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.

Seymour W. James, Jr., Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

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 December 7, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
Peter Tom  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick, Justices.

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

Respondent,  
-against-

M-5640  
Ind. No. 521/15

Keenon Lozano,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about July 15, 2016, 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, 28<sup>th</sup> 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 December 7, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
Peter Tom  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick, Justices.

-----X

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

- - - - -

Leonidez A.,  
Petitioners-Respondents,

**CONFIDENTIAL**

M-5566

Docket Nos. V-24698/15  
V-25614/15

-against-

Sira L. R.,  
Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about August 7, 2017, 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**

---

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



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

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 December 7, 2017.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,  
Sallie Manzanet-Daniels  
Judith J. Gische  
Barbara R. Kapnick  
Marcy L. Kahn, Justices.

-----X  
Nationstar Mortgage LLC,  
Plaintiff-Respondent,

-against-

M-5234  
Index No. 850118/15

Michael Cogen, also known as  
John Cogen, Sr., also known as  
Michael J. Cogen,  
Defendant-Appellant,

-and-

New York State Department of  
Taxation and Finance, et al.,  
Defendants.

-----X

Plaintiff-respondent having moved for an adjournment of the appeal from an order of the Supreme Court, New York County, entered on or about October 19, 2016,

Now, upon reading and filing the papers with respect to the motion including the stipulation of the parties dated October 4, 2017, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn.

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 December 7, 2017.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
Troy K. Webber  
Jeffrey K. Oing  
Peter H. Moulton, Justices.

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

-against-

M-4869  
Ind. No. 504/15

Ramusa Alejandro,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to file a pro se supplemental brief in connection with the appeal from a judgment of the Supreme Court, New York County, rendered on or about January 19, 2016, and for related relief,

Now, upon reading and filing the papers with respect to the motion including the correspondence from defendant-appellant, pro se, dated September 18, 2017, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn in accordance with the aforesaid correspondence.

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 December 7, 2017.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Dianne T. Renwick  
Angela M. Mazzarelli  
Jeffrey K. Oing  
Anil C. Singh, Justices.

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

-against-

M-5180  
Ind. No. 191/15

Richard Lee Bates,  
Defendant-Appellant.

-----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 June 8, 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 moving papers a timely filed notice of appeal 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, 28<sup>th</sup> 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 December 7, 2017.

Present - Hon. Peter Tom, Justice Presiding,  
Rosalyn H. Richter  
Richard T. Andrias  
Ellen Gesmer  
Anil C. Singh, Justices.

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

-against-

M-4768  
Ind. No. 1140/14

Marcus Tittle,  
Defendant-Appellant.

-----X

An order of this Court having been entered on November 10, 2016 (M-4096), inter alia, substituting Robert S. Dean, as counsel to prosecute the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about February 25, 2015, under Indictment No. 1140/14, 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 resentencing of said Court rendered on or about July 13, 2017, 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 resentencing rendered on or about July 13, 2017 under the same indictment number, and extending the poor person relief previously granted by the order of this Court entered in November 10, 2016 (M-4096) to cover same.

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 December 7, 2017.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Rosalyn H. Richter  
Richard T. Andrias  
Ellen Gesmer  
Anil C. Singh, Justices.

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

-against-

M-4731  
Ind. No. 1304/09

David Snipes,  
Defendant-Respondent-Appellant.

-----X

Consolidated appeals and cross appeals having been taken to this Court by the People from an order of the Supreme Court, New York County, entered on or about March 28, 2016, and from a judgment of **resentence** of said Court, rendered on or about April 19, 2016, respectively, and an appeal having been taken to this Court by defendant-appellant from the judgment of conviction rendered March 23, 2010, and the aforesaid judgment of **resentence**,

And, the People having moved for an enlargement of time to perfect the consolidated 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 motion is granted to the extent of enlarging the time to perfect the consolidated appeals taken by the People to the April 2018 Term. Sua sponte, defendant's time to perfect his appeals from the aforesaid judgment of conviction and **resentence** is enlarged to said April 2018 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 December 7, 2017.

Present - Hon. Peter Tom,  
David Friedman  
Richard T. Andrias  
Ellen Gesmer,

Justice Presiding,  
  
Justices.

-----X  
Omar Fuentes-Gil,  
Plaintiff-Appellant,

-against-

M-5526  
Index No. 301746/14

Zear LLC.,  
Defendants-Respondent.

-----X  
Zear LLC.,  
Third-Party Plaintiff,

-against-

Third-Party  
Index No. 84043/14

East Village 4th Street Café Inc.,  
d/b/a Still Water Bar & Grill and  
East Village 4th Street Rest Corp.  
d/b/a Still Water Bar & Grill,  
Third-Party Defendants.

-----X

Plaintiff having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, Bronx County, entered on or about January 9, 2017,

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 March 2018 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 December 7, 2017.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Rosalyn H. Richter  
Richard T. Andrias  
Ellen Gesmer  
Anil C. Singh, Justices.

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

-against-

M-4794  
Ind. No. 4799/12

Michelle Harris,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the consolidated appeals taken from judgments of the Supreme Court, New York County, rendered on or about April 10, 2013 and July 9, 2013,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the consolidated appeals to the April 2018 Term.

ENTERED:

  
\_\_\_\_\_  
CLERK

CORRECTED ORDER - March 9, 2018

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 December 7, 2017.

Present - Hon. Peter Tom, Justice Presiding,  
Rosalyn H. Richter  
Richard T. Andrias  
Ellen Gesmer  
Anil C. Singh, Justices.

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

Respondent,

-against-

Jesus Ramos,

Defendant-Appellant.  
-----x

SEALED

M-4859

Docket No. 2016NY006080

Defendant-appellant having moved, through assigned counsel, for an order transferring the appeal from the judgment of the Supreme Court, New York County, rendered on or about August 12, 2016, from the Appellate Term, to the Appellate Division, First Judicial Department,

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

It is ordered that the motion is granted.

ENTERED:

  
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 December 7, 2017.

Present - Hon. Peter Tom, Justice Presiding,  
David Friedman  
Richard T. Andrias  
Ellen Gesmer, Justices.

-----x  
Tamara Behan,  
Plaintiff-Respondent,

-against-

Andrew N. Kornstein,  
Defendant-Appellant.  
-----x

M-5559  
M-5606  
Index No. 303383/10

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about April 21, 2017, and from the Judgment of Divorce of said Court entered on or about July 24, 2017, and said appeal having been perfected,

And plaintiff-respondent having moved for dismissal of the appeal or, in the alternative, for an enlargement of time to submit a supplemental appendix, to serve a respondent's brief, and to adjourn the aforesaid appeal (M-5559),

And defendant-appellant having cross-moved for a stay of enforcement of the order entered on or about April 21, 2017, for a stay of the Judgment of Divorce entered on or about July 24, 2017, for leave to file a supplemental appendix and an amended brief, and for other relief (M-5606),

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

It is ordered that the motion is granted to the extent of directing plaintiff-respondent to file a supplemental appendix, along with a respondent's brief, on or before February 28, 2018 for the April 2018 Term, to which Term, the appeal is adjourned, and it is further,

Ordered that the cross motion is granted only to the extent of permitting defendant-appellant to file a supplemental appendix within 20 days of the date of entry hereof, if so advised, and the cross motion is otherwise 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 December 7, 2017.

Present: Hon. David Friedman, Justice Presiding,  
Judith J. Gische  
Barbara R. Kapnick  
Marcy L. Kahn  
Peter H. Moulton, Justices.

-----X  
115-117 Nassau St. LLC, also known  
as 115-117 Nassau Street LLC, and  
Beekman Development LLC,

Plaintiffs-Respondents,

-against-

M-5296  
Index No. 600991/08

Nassau Beekman LLC and Beekman  
Conduit LLC,

Defendants-Appellants.

-----X

Defendants-appellants 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 August 16, 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 to the extent of enlarging the time to perfect the appeal to the March 2018 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 December 7, 2017.

Present - Hon. David Friedman, Justice Presiding,  
Marcy L. Kahn  
Ellen Gesmer  
Cynthia S. Kern  
Peter H. Moulton, Justices.

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

-against-

M-5842  
Ind. No. 4184/15

Andrew McFaline,  
Defendant-Appellant.

-----x

Defendant-appellant 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 29, 2017, and for an extension of time "to perfect bail" pending hearing and determination of the appeal,

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

It is ordered that the motion is granted to the extent of continuing the order of a Justice of this Court dated June 13, 2017, which granted bail, upon the same terms and conditions, and on condition the appeal is perfected for the March 2018 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 December 7, 2017.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Dianne T. Renwick  
Richard T. Andrias  
Barbara R. Kapnick  
Marcy L. Kahn, Justices.

-----X  
In re Lacey L.,

A Child Under the Age of Eighteen Years,  
etc.,

Stephanie L.,  
Respondent-Appellant,

M-5469  
Docket No. NN-14741/14

Administration for Children's Services,  
Petitioner-Respondent,

Dekodia L.,  
Respondent.

- - - - -

Disability and Civil Rights Clinic:  
Advocating for Adults with  
Intellectual and Developmental Disabilities,  
Amicus Curiae.

-----X

Respondent-appellant having moved for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on September 12, 2017 (Appeal No. 4387),

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 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 Supreme Court, as affirmed by the 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.

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 December 7, 2017.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Dianne T. Renwick  
Barbara R. Kapnick  
Cynthia S. Kern  
Peter H. Moulton, Justices.

-----X

NAACP New York State Conference  
Metropolitan Council of Branches,  
Plaintiff-Respondent,

M-4553  
M-5372  
M-5399

-against-

Index No. 156382/15

Philips Electronics North America Corporation, Koninklijke Philips N.V., NTT Data Inc., Recall Holdings Limited, Recall Total Information Management, Inc., Advance Tech Pest Control, Does 1-100,  
Defendants-Appellants,

-and-

Monster Worldwide, Inc.,  
Ziprecruiter, Inc., Indeed, Inc.,  
Joined Defendants.

-----X

Appeals having been taken from an order of the Supreme Court, New York County, entered on or about October 17, 2016 and from an order of the same Court and Justice entered on or about December 13, 2016,

And defendant-appellant NTT Data Inc, having moved by separate orders for an enlargement of time to perfect their appeal taken from the aforesaid order of the Supreme Court, New York County, entered on or about October 17, 2016 and from an order of the same Court and Justice entered on or about December 13, 2016 (M-4553/M-5372),

And defendant-appellant Philips Electronics North America Corporation having moved for an enlargement of time to perfect its appeal taken from the aforesaid order entered December 13, 2016 (M-5399),

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

It is ordered that the motions by NTT Data, Inc., are granted, on consent, to the extent of enlarging the time to perfect its appeals, which are, sua sponte, consolidated, to the March 2018 Term. Appellant is permitted to prosecute the appeals upon 9 copies of one record and one copy of appellants' points covering the aforesaid appeals (M-4553/M-5371). The motion by defendant-appellant Philips Electronics North America Corporation is granted to the extent of enlarging the time to perfect their appeal to said March 2018 Term (M-5399). The Clerk of the Court is directed to calendar the appeals to be heard together on the same day of said March 2018 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 December 7, 2017.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,  
Sallie Manzanet-Daniels  
Richard T. Andrias  
Cynthia S. Kern  
Jeffrey K. Oing, Justices.

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

-against-

Leonardo Gonzalez,  
Defendant-Appellant.

M-5277  
Ind. No. 513546/11

-----X

Assigned counsel for defendant-appellant having moved to be relieved as counsel or, in the alternative, for dismissal of the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about May 16, 2012,

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 appeal withdrawn and otherwise 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 December 7, 2017.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,  
Sallie Manzanet-Daniels  
Richard T. Andrias  
Cynthia S. Kern  
Jeffrey K. Oing, Justices.

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

-against-

M-5345  
Ind. No. 1117/17

Edwin Rackley,  
Defendant-Appellant.

-----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 August 14, 2017, 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 moving papers a timely filed notice of appeal 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.

Seymour W. James, Jr., Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

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 December 7, 2017.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,  
Sallie Manzanet-Daniels  
Richard T. Andrias  
Cynthia S. Kern  
Jeffrey K. Oing, Justices.

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

-against-

Paul Hewett,  
Defendant-Appellant.

M-5468  
Ind. Nos. 1559/11  
3209/11

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about June 4, 2012,

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 March 2018 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 December 7, 2017.

Present: Hon. Dianne T. Renwick, Justice Presiding,  
Sallie Manzanet-Daniels  
Angela M. Mazzarelli  
Marcy L. Kahn  
Peter H. Moulton, Justices.

-----X  
L.A. Grika, Derivatively on Behalf  
of Nominal Defendant McGraw Hill  
Financial, Inc.,  
Plaintiff-Appellant,

-against-

M-5555  
Index No. 650459/16

Harold McGraw III, Douglas L.  
Peterson, Deven Sharma, Andrea  
Bryan, Kathleen A. Corbet, Barbara  
Duka, Thomas Gillis, Vickie A.  
Tillman, Joanne Rose, David Tesher  
and Patrice Jordan,  
Defendants-Respondents,

and

McGraw Hill Financial, Inc.  
Nominal Defendant-Respondent.

-----X

Plaintiff-appellant 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 December 29, 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 to the extent of enlarging the time to perfect the appeal to the March 2018 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 December 7, 2017.

Present - Hon. Dianne T. Renwick, Justice Presiding,  
Sallie Manzanet-Daniels  
Angela M. Mazzarelli  
Marcy L. Kahn  
Peter H. Moulton, Justices.

-----X  
Application of Hugh W. Campbell,  
as the Preliminary Executor of

The Estate of Emma C. Brisbane  
Petitioner-Appellant,

M-5592  
Index No. 17384/07

for the Judicial Dissolution of  
McCall's Bronxwood Funeral Home, Inc.

-----X  
Hugh W. Campbell,

as the Executor of  
The Estate of Emma C. Brisbane,  
Plaintiff-Appellant,

Index No. 300513/10

-against-

Jeffrey D. Buss, Esq. and  
James H. Alston, Jr.,

Defendants-Respondents.

-----X  
James H. Alston, Jr. and McCall's  
Bronxwood Funeral Home, Inc.

Third Party Plaintiffs,

Index No. 83796/10

-against-

Hugh W. Campbell, individually,

Third Party Defendant.  
-----X



Petitioner-plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, Bronx County, entered on or about December 22, 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 to the extent of enlarging the time to perfect the appeal to the March 2018 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 December 7, 2017.

Present - Hon. Dianne T. Renwick, Justice Presiding,  
Sallie Manzanet-Daniels  
Angela M. Mazzarelli  
Marcy L. Kahn  
Peter H. Moulton, Justices.

-----X  
In the Matter of the Application of  
160 East 84th Street Associates LLC,  
Petitioner-Appellant-Respondent,

-against-

M-5638  
Index No. 100643/16

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

-against-

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

Sherry Sado,  
Intervenor-Respondent.

-----X

Petitioner-appellant-respondent having moved for an enlargement of time to perfect an appeal taken from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about March 1, 2017,

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 March 2018 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 December 7, 2017.

Present - Hon. Dianne T. Renwick, Justice Presiding,  
Sallie Manzanet-Daniels  
Angela M. Mazzarelli  
Marcy L. Kahn  
Peter H. Moulton, Justices.

-----X  
Joanna J. Singh and Leah P. Singh,  
an Infant by her Mother and Natural  
Guardian Joanna J. Singh, and  
Joanna J. Singh, Individually,

Plaintiffs-Appellants,

-against-

M-5447  
Index No. 23325/15E

Maximo Lopez, Georgina Cepin,  
Duo Colony Fuel Corp., and  
Salvatore Meli,

Defendants-Respondents.  
-----X

Plaintiffs having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, Bronx County, entered on or about December 13, 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 to the extent of enlarging the time to perfect the appeal to the May 2018 Term, with leave to seek further enlargements, if so advised.

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 December 7, 2017.

Present - Hon. Dianne T. Renwick, Justice Presiding,  
Sallie Manzanet-Daniels  
Angela M. Mazzarelli  
Marcy L. Kahn  
Peter H. Moulton, Justices.

-----X  
Asanda Park Avenue, Inc. and  
Gene Frisco,

Plaintiffs-Appellants,

-against-

120 East 56th Street,

Defendant-Respondent.  
-----X

M-5444  
Index No. 653623/16

Plaintiffs-appellants 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 December 30, 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 to the extent of enlarging the time to perfect the appeal to the May 2018 Term, with leave to seek further 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 December 7, 2017.

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

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

-against-

M-5198  
Ind. No. 765/12

Melvin Gardner,  
Defendant-Appellant.

-----X

Assigned counsel for defendant-appellant having moved to be relieved as counsel or, in the alternative, for dismissal of the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about October 12, 2012, without prejudice to reinstatement,

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 appeal withdrawn and otherwise 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 December 7, 2017.

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

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

-against-

M-5199  
Ind. No. 4531/12

John Herrera,  
Defendant-Appellant.

-----X

Assigned counsel for defendant-appellant having moved to be relieved as counsel or, in the alternative, for dismissal of the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about December 9, 2013, without prejudice to reinstatement,

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 appeal withdrawn and otherwise 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 December 7, 2017.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Sallie Manzanet-Daniels  
Richard T. Andrias  
Cynthia S. Kern  
Anil C. Singh, Justices.

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

-against-

M-5562  
Ind. No. 3388/16

Selvaggia Pizzetti,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal taken from a judgment of the Supreme Court, New York County, rendered on or about March 22, 2017, 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 moving papers as a timely filed notice of appeal 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.

Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4112, 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:

A handwritten signature in black ink, appearing to read "Susan R. Jones", written in a cursive style.

---

CLERK



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

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

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

KATHLEEN R. HANNA,

An Incapacitated Person, now deceased, M-5164

NY County Index No.  
500150/2016

-----X  
Charles Jeffrey Hanna, having moved for leave to appeal to this Court from the order of the Supreme Court, New York County (Visitacion-Lewis, J.), entered on or about August 14, 2017,

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.



Angela M. Mazzarelli, Associate Justice

Dated: New York, New York  
11/9, 2017

ENTERED

DEC 07 2017

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

BEFORE: Hon. Troy K. Webber  
Justice of the Appellate Division

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

M-5665  
Ind. No. 9985/1994

-against-


CERTIFICATE  
DENYING LEAVE

Elie Granger,  
Defendant.

-----X

I, Troy K. Webber, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County (Anthony Ferrara, J.), entered on or about September 5, 2017 is hereby denied.

Dated: November 16, 2017  
New York, New York

  
\_\_\_\_\_  
Hon. Troy K. Webber  
Associate Justice

ENTERED: DEC 07 2017

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

BEFORE: Hon. DAVID FRIEDMAN  
Justice of the Appellate Division

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

M-5784  
Ind. Nos.  
5963/11, 4251/13

-against-

Melvin Allison,  
Defendant-Appellant.

CERTIFICATE  
GRANTING LEAVE  
-----X

I, DAVID FRIEDMAN, a Justice of the Appellate Division, First Judicial Department, do hereby certify that in the proceedings herein questions of law or fact are involved which ought to be reviewed by the Appellate Division, First Judicial Department, and, pursuant to Section 460.15 of the Criminal Procedure Law, permission is hereby granted to the above-named defendant to appeal to the Appellate Division, First Judicial Department, from the Order of the Supreme Court, New York County, entered on or about February 10, 2017.<sup>1</sup>

Dated: New York, New York  
November 30, 2017

ENTERED

DEC 07 2017

David Friedman  
DAVID FRIEDMAN  
Justice of the Appellate Division

NOTICE: Within 15 days from the date hereon, an appeal must be taken, and this certificate must be filed with the notice of appeal. An appeal is taken by filing, in the Clerk's office of the criminal court in which the order sought to be appealed was rendered, a written notice in duplicate that appellant appeals to the Appellate Division, First Judicial Department (Section 460.10, subd. 4, CPL), together with proof that another copy of the notice of appeal has been served upon opposing counsel. The appeal (or consolidated appeals; see footnote) must be argued within 120 days from the date of the notice of appeal, unless the time to perfect the appeal(s) is enlarged by the court or a justice thereof.

<sup>1</sup>In the event defendant has an existing (direct) appeal from a judgment, such appeal shall be consolidated with the appeal from the aforesaid order; and any poor person relief granted with respect to the appeal from the judgment shall be extended to cover the appeals so consolidated.