

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 12, 2017.

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

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

-against-

M-5547  
Ind. No. 2498/14

Nazir Khan,  
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, Bronx County, rendered on or about November 30, 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 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.

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 12, 2017.

Present - Hon. Richard T. Andrias, Justice Presiding,  
Judith J. Gische  
Cynthia S. Kern  
Jeffrey K. Oing  
Anil C. Singh, Justices.

-----x

The People of the State of New York,

Respondent,

-against-

M-4125

SCI Ind. No. 1668/09

Ricardo Scott,

Defendant-Appellant.

-----x

Respondent having moved for an order dismissing defendant's appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about July 29, 2009,

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

It is ordered that the People's motion to dismiss is denied, with leave to renew upon service on assigned counsel,

Sua sponte, defendant is granted poor person relief 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.

(M-4125)

-2-

December 12, 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.

ENTERED:

A handwritten signature in black ink, appearing to read "Susan R. Jones". The signature is written in a cursive style with a large initial "S" and "R".

---

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 12, 2017.

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

-----X

The People of the State of New York,

Respondent,

-against-

Anthony Criscuolo,

Defendant-Appellant.

**CONFIDENTIAL**

M-5518

Ind. No. 2055/13

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about July 7, 2014,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the May 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 12, 2017.

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

-----X

The People of the State of New York,  
Respondent,

-against-

M-5541  
Ind. No. 9343/89

Miguel Guity,  
Defendant-Appellant.

-----X

An order of this Court having been entered on August 28, 2014, (M-1724), granting defendant leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about September 24, 2013, and assigning Richard M. Greenberg, Esq., predecessor chief counsel at the Office of The Appellate Defender, to Christina Swarns, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

It is ordered that the appeal is granted to the extent of deeming the appeal withdrawn, and 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 in the County of New York on December 12, 2017.

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

-----X  
Zohar CDO 2003-1 Limited and  
Zohar II 2005-1 Limited,  
Plaintiffs-Appellants,

-against-

M-5646  
Index No. 651473/11

Xinhua Sports & Entertainment  
Limited, et al.,  
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about August 18, 2017,

And an order of this Court, entered on October 5, 2017 (M-4733), having granted plaintiffs-appellants motion for a stay of all proceedings, pending hearing and determination of the aforesaid appeal, on condition the appeal is perfected for the January 2018 Term of this Court,

And plaintiffs-appellants having moved for an enlargement of time to perfect their appeal and to continue the aforesaid stay granted by this Court's October 5, 2017 order (M-4733),

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 and continuing the stay granted by the order of this Court on October 5, 2017 (M-4733) on condition the appeal is perfected for said 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 12, 2017.

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

-----X

The People of the State of New York,  
Respondent,

-against-

Johnnie Kelly,

Defendant-Appellant.

M-5655  
Ind. No. 1958/14

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about November 5, 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 April 2018 Term of 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 12, 2017.

PRESENT: Hon. Judith J. Gische, Justice Presiding,  
Troy K. Webber  
Jeffrey K. Oing  
Anil C. Singh  
Peter H. Moulton, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

M-5689

Ind. No. 2912/16

Kareem Jones,  
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 March 16, 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, 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:

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

---

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 12, 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-5807  
Ind. No. 815/10

Timothy Newman,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of **resentence** of the Supreme Court, Bronx County, rendered on or about October 13, 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, of the plea, trial, sentence and **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, 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. Jones", written in a cursive style.

---

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 12, 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-5838  
Ind. No. 3604/14

Edward Abraham,

Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on June 7, 2017, inter alia, granting defendant poor person relief with respect to the appeal from the judgment, of the Supreme Court, Bronx County, rendered on or about June 7, 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:

A handwritten signature in black ink, appearing to read "Seymour W. James, Jr.", 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 12, 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-5839  
Ind. No. 2075/15

Arthur Meredith,

Defendant-Appellant.  
-----X

An order of the Supreme Court, Bronx County, having been entered on June 8, 2017 inter alia, granting defendant poor person relief with respect to the appeal from the judgment, of the Supreme Court, Bronx County, rendered on or about June 8, 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:

A handwritten signature in black ink, appearing to read "Seymour James, Jr.", 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 12, 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-

Cory Dunton,

Defendant-Appellant.

M-5845

Ind. No. 632/16  
1864/15  
1968/15  
2369/16  
912/15

-----X

An order of the Supreme Court, Bronx County, having been entered on June 12, 2017, inter alia, granting defendant poor person relief with respect to the appeal from the judgment, of the Supreme Court, Bronx County, rendered on or about June 12, 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-5845)

-2-

December 12, 2017

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:

A handwritten signature in black ink, appearing to read "Seymour W. James, Jr.", 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 12, 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-5848  
Ind. No. 615/15

Michael Pippins,

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 judgment, 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:

A handwritten signature in black ink, appearing to read "Seymour James, Jr.", 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 12, 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-5849  
Ind. No. 1716/15

Murray Lawrence,

Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on June 15, 2017, inter alia, granting defendant poor person relief with respect to the appeal from the judgment, of the Supreme Court, Bronx County, rendered on or about June 15, 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:

A handwritten signature in black ink, appearing to read "Seymour James, Jr.", written in a cursive style.

---

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 12, 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-5850  
Ind. No. 2460/14

Imani Barbosa,

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 judgment, 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:

A handwritten signature in black ink, appearing to read "Seymour W. James, Jr.", 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 12, 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

Gisele G. (Anonymous),

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

**CONFIDENTIAL**

M-4868

- - - - -  
The New York Foundling Hospital,  
et al.,  
Petitioners-Respondents,

Docket No. B-30391/16

Gisele G.,  
Child/Respondent-Appellant,  
- - - - -  
Larry S. Bachner, Esq.  
Attorney for the Child.

-----X

An appeal having been taken from an order of the Family Court, New York County, entered on or about April 20, 2017,

And the child-appellant, through assigned counsel Larry S. Bachner, Esq. having moved to withdraw the notice of appeal, and to relieve said counsel from his assignment,

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

(M-4868)

-2-

December 12, 2017

It is ordered that the motion is granted to the extent that the appeal is deemed withdrawn.

ENTERED:

A handwritten signature in black ink, appearing to read "Susan R.", 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 12, 2017.

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

-----X  
Itau Unibanco S.A., et al.,  
Plaintiffs-Respondents,

-against-

M-5840X  
Index No. 651648/15

Milton Taufic Schahin, et al.,  
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about August 7, 2017,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" November 13, 2017, and due deliberation having been had thereon,

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

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 12, 2017.

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

-----X  
ASRR Suzer 218, LLC,  
Plaintiff-Respondent-Appellant,

-against-

M-5853X  
Index No. 650154/17

Barbes Restaurant, Inc.,  
Defendant-Appellant-Respondent.  
-----X

An appeal and cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 19, 2017,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" October 30, 2017, and due deliberation having been had thereon,

It is ordered that the defendant-appellant-respondent Barbes Restaurant, Inc.'s direct appeal is withdrawn in accordance with the aforesaid stipulation.

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 12, 2017.

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

-----X  
Berkshire Capital Securities LLC,  
Plaintiff-Respondent-Appellant,

-against-

M-5854X  
Index No. 655297/16

Auerbach Grayson and Company LLC,  
and Belton Financial Holding SAE,  
Defendants-Appellants-Respondents.  
-----X

An appeal and cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about April 4, 2017,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" October 26, 2017, and due deliberation having been had thereon,

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

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 12, 2017.

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

-----X  
Anthony Joseph Smith, Jr.,  
Plaintiff-Respondent,

-against-

M-5855X  
Index No. 306181/14

Drain Kleen Sewer Service, Inc.,  
et al.,  
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about March 3, 2017,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" November 14, 2017, and due deliberation having been had thereon,

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

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 12, 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-5836  
Ind. No. 1245/15

Ronnell Joseph,  
Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on June 26, 2017, inter alia, granting defendant poor person relief with respect to the appeal from the judgment, of the Supreme Court, Bronx County, rendered on or about June 26, 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-5836)

-2-

December 12, 2017

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 12, 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-5837

Ind. No. 976/16

Gabriel Camacho,

Defendant-Appellant.  
-----X

An order of the Supreme Court, New York County, having been entered on July 6, 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 29, 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 "Susan R. Jones", written in a cursive style.

---

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 12, 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-5841  
SCI No. 1967/16

Dave Tolbert,

Defendant-Appellant.  
-----X

An order of the Supreme Court, New York County, having been entered on June 27, 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 21, 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.

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. Jones", written in a cursive style.

---

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 12, 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-5851  
Ind. No. 882/16

Roberto Vasquez,

Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on June 21, 2017, inter alia, granting defendant poor person relief with respect to the appeal from the judgment, of the Supreme Court, Bronx County, rendered on or about June 20, 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:

A handwritten signature in black ink, appearing to read "Seymour W. James, Jr.", written in a cursive style.

---

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 12, 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-5863  
Ind. No. 4513/15

Guillermo Smith,

Defendant-Appellant.  
-----X

An order of the Supreme Court, New York County, having been entered on June 14, 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 14, 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.

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. Jones", written in a cursive style.

---

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 12, 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 Guardianship  
Proceeding Pursuant to § 661 of the  
Family Court Act.

**CONFIDENTIAL**

M-4964

- - - - -  
Cornell S. J.,  
Petitioner-Respondent,

Docket Nos. G-2790/16  
G-2791/16

-against-

Altemese R. J.,  
Respondent-Appellant.

- - - - -  
John R. Eyerman, Esq.,  
Attorney for the Children,  
Quadir J. and Mi-Angel J.

-----X  
Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from three orders of the Family Court, Bronx County, all entered on or about June 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 Article 18b of the County Law and §1120 of the Family Court Act, Richard L. Herzfeld, Esq., 112 Madison Avenue, 8<sup>th</sup> Floor, New York, NY 10016, Telephone No. 212-818-9019, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City

of New York from funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTERED:

  
CLERK

---

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 12, 2017.

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

-----X  
In the Matter of a Family Offense  
Proceeding Under Article 8 of the  
Family Court Act.

- - - - - **CONFIDENTIAL**  
Doris M., M-4976  
Petitioner-Respondent, Docket No. O-2918/17

-against-

Yarenis P.,  
Respondent-Appellant.  
-----X

Petitioner-respondent having moved for leave to respond, as a poor person, to the appeal from two orders of the Family Court, New York County, both entered on or about June 30, 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, Andrew J. Baer, Esq., 299 Broadway, Suite 1415, New York, NY 10007, Telephone No. 212-233-0318, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the 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 12, 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 the Application for  
the Custody and Guardianship of

Noah Iaan T.,

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

- - - - -  
Catholic Guardian Services, et al.,  
Petitioners-Respondents,

Argenis C.,  
Respondent-Appellant.

- - - - -  
Joann Bourne, Esq.,  
Attorney for the Child.

**CONFIDENTIAL**

M-4980  
Docket Nos. AS-10871/17  
B-844/14

-----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 June 29, 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, Richard L. Herzfeld, Esq., 112 Madison Avenue, 8<sup>th</sup> Floor, New York, NY 10016, Telephone No. 212-818-9019, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City

of New York from funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTERED:

  
\_\_\_\_\_  
CLERK

---

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 12, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
Troy K. Webber  
Jeffrey K. Oing  
Peter H. Moulton, Justices.

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

Respondent,

-against-

M-4712

Docket No. 2012BX015654

Jeffeth James,

Defendant-Appellant.

-----x

Defendant-appellant having moved, through assigned counsel, for an order transferring the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about August 5, 2016, from the Appellate Term, First Judicial Department, to 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.

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 12, 2017.

PRESENT: Hon. Peter Tom, Justice Presiding,  
David Friedman  
Dianne T. Renwick  
Marcy L. Kahn  
Cynthia S. Kern, Justices.

-----X  
Christopher Morse,  
Plaintiff-Respondent,

-against-

M-5884  
Index No. 158948/16

Fidessa Corporation, Mark Ames and  
Maria Mika,  
Defendants-Appellants.

-----X

Defendants-appellants having moved for a stay of discovery pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about August 8, 2017, and said appeal having been perfected,

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 December 12, 2017.

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

-----X  
Andres Rivera,  
Plaintiff-Appellant,

-against-

M-4812  
Index No. 21697/12E

MD Hafizur Rahaman and OV Inc.,  
Defendants-Respondents.

-----X

Defendants-respondents having moved for dismissal of the appeal taken from an order of the Supreme Court, Bronx County, entered on or about May 6, 2016,

Now, upon reading and filing the papers with respect to the motion including the correspondence from Robert D. Grace, Esq., attorney for defendants-respondents, dated October 19, 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 12, 2017.

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

-----X  
In the Matter of

Kenneth J.,  
Petitioner-Appellant,  
  
-against-

Lesley B.,  
Respondent-Respondent.

**CONFIDENTIAL**

M-4839  
Docket Nos. V-43284-10/16K  
V-43284-10/16J  
V-43284-10/16I  
V-43284-10/16H

-----X

Petitioner-appellant, pro se, having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about June 27, 2017, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that said 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 serve one copy of such brief upon the attorney for respondent and file 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record. The 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 12, 2017.

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

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

Norma Kirkland,  
Petitioner,

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

M-2864  
Index No. 100493/16

-against-

New York State Office of Children  
and Family Services, et al.,  
Respondents.

-----X

An Article 78 proceeding to review a determination of respondents having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about May 16, 2016,

And respondents having moved to vacate the Supreme Court's prior stay or, in the alternative, to expedite the appeal and to direct that the proceeding be dismissed and said stay vacated if the petitioner does not timely perfect,

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

It is ordered that so much of the motion seeking vacatur of the stay is denied, the appeal is expedited to the March 2018 Term, with leave to renew the present stay should petitioner fail to timely perfect.

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 12, 2017.

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

-----X  
Patrick Harmancin,  
Plaintiff-Appellant-Respondent,

-against-

M-4886  
Index No. 159693/15

Henry E. Keil, Vera Keil, HVG  
International Corp., and HVG  
International Inc.,  
Defendants-Respondents-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about May 25, 2017 and defendants-respondents-appellants having moved for a stay of that order and any further proceedings in this action, and/or in the alternative, to stay any proceedings against HVG International, 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 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 12, 2017.

PRESENT: Hon. David Friedman, Justice Presiding,  
Barbara R. Kapnick  
Troy K. Webber  
Ellen Gesmer  
Jeffrey K. Oing, Justices.

-----X  
In the Matter of the Application of  
Oswald Sealy,  
Petitioner,

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

-against-

M-4931  
M-5306  
Index No. 100873/16

New York City Housing Authority,  
Respondent.

-----X

An Article 78 proceeding to review a determination of respondent having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about November 17, 2016,

And respondent having moved to dismiss the aforesaid proceeding for failure to timely perfect (M-4931),

And petitioner having cross-moved for leave to prosecute the aforesaid proceeding, as a poor person, and for leave to have the proceeding heard on the original record and upon a reproduced appellant's brief, and for other relief (M-5306),

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

It is ordered that the motion to dismiss the appeal is granted unless the proceeding is perfected for the April 2018 Term (M-4931). The cross-motion for leave to prosecute, as a poor person, the aforesaid proceeding is granted to the extent of permitting the proceeding to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serve one copy of such brief upon the attorney for respondent and

files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record. The Clerk of Supreme Court, New York County, is directed to have transcribed the minutes of the proceedings held therein, if any, for inclusion in the record on appeal, with a copy to appellant's counsel, the cost thereof to be charged against the City of New York from funds available therefor and any other fees in connection therewith. The time to perfect the proceeding is enlarged to the April 2018 Term (M-5306).

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 12, 2017.

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

-----x  
In the Matter of the Application of

Debra Kronenberg,  
Petitioner-Appellant,

For the Appointment of a Guardian of

Gloria Kronenberg,

M-5741  
Index No. 500138/13

An allegedly incapacitated person.  
-----x

Petitioner-appellant having moved for a stay of all proceedings, including discovery, pending hearing and determination of the appeal from the order of the Supreme Court, New York County, entered on or about September 22, 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.

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 12, 2017.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,  
Karla Moskowitz  
Marcy L. Kahn  
Ellen Gesmer, Justices.

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

-against-

Craig Newsome, also known as Craig  
Newsom,  
Defendant-Appellant.

**CONFIDENTIAL**

M-4601

Ind. No. 4582/02

-----x  
A purported appeal having been taken to this Court from the SORA order of the Supreme Court, New York County, entered on or about July 12, 2004,

And defendant-appellant having moved pro se, for an order deeming the moving papers as a timely filed notice of appeal or, in the alternative, for permission to file an untimely notice of appeal pursuant to CPL 460.30, and for the assignment of counsel,

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

It is ordered that the motion is granted to the extent of directing defendant-appellant to immediately file a notice of appeal from the SORA order entered on or about July 12, 2004, and granting defendant-appellant leave to renew this motion for poor person relief and assignment of counsel upon the filing of said notice of appeal.

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 12, 2017.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,  
Karla Moskowitz  
Marcy L. Kahn  
Ellen Gesmer, Justices.

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

-against-

M-4677  
Ind. No. 542/16

Vladimir Sanchez,  
Defendant-Appellant.

-----X

An order of this Court having been entered on July 18, 2017 (M-3086), inter alia, granting defendant's motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about December 1, 2016, under Indictment No. 542/16, 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 December 15, 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 of assignment to include the judgment of resentence of said Court, rendered on or about December 15, 2016, under the same indictment number, and extending the poor person relief previously granted to cover same. (See M-4678, decided simultaneously herewith.)

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 12, 2017.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,  
Karla Moskowitz  
Marcy L. Kahn  
Ellen Gesmer, Justices.

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

-against-

M-4678  
Ind. No. 2461/16

Vladimir Sanchez,  
Defendant-Appellant.

-----X

An order of this Court having been entered on August 8, 2017 (M-3088), inter alia, granting defendant's motion for leave to prosecute, as a poor person, the appeal from a judgment of resentence of the Supreme Court, Bronx County, rendered on or about December 15, 2016, under Indictment No. 2461/16, 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 said Court, rendered on or about December 1, 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 of assignment to include the judgment of said Court, rendered on or about December 1, 2016, under the same indictment number, and extending the poor person relief previously granted to cover same. (See M-4677, decided simultaneously herewith.)

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 12, 2017.

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

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

Respondent,

-against-

M-5517  
Ind. No. 5023/15

Patrick McMullan,

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 15, 2017, and for an order continuing the stay of execution of sentence and bail granted per an order of a Justice of this Court on April 27, 2017 (M-2265),

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the June 2018 Term, and continuing bail on the conditions set forth in the aforementioned April 27, 2017 order, and on the further condition that either the appeal is perfected for the June 2018 Term or, if so advised, a motion for a further enlargement and continuation of bail is filed with this Court and made returnable on or before February 19, 2018.

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 12, 2017.

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

-----X  
Daniel J. McManus and Dana McManus,  
Plaintiffs,

-against-

M-4667  
Index No. 113868/09

The Athena Group, LLC., Athena CPN,  
LLC and Bovis Lend Lease LMB, Inc.,  
Defendants.

-----X  
The Athena Group, LLC., Athena CPN,  
LLC and Bovis Lend Lease LMB, Inc.,  
Third-Party Plaintiffs-Respondents,

-against-

Port Morris Tile & Marble, Corp.,  
Third-Party Defendant-Appellant.

-----X

Third-party-defendant-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 June 20, 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 12, 2017.

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

-----X  
SPT Realty, LLC,

Plaintiff-Respondent,

-against-

M-5612  
Index No. 24185/15E

Banner Realty Company, LLC, Jay Katz,  
& Susan Saunders Katz,

Defendants-Appellants.  
-----X

Defendants-appellants 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 February 2, 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 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 12, 2017.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Barbara R. Kapnick  
Troy K. Webber  
Jeffrey K. Oing  
Anil C. Singh, Justices.

-----X  
Rachid El Jafli,

Plaintiff-Appellant,

-against-

M-5378  
Index No. 156529/13

Enterprise Rent-A-Car, Enterprise Holdings, Inc., Enterprise Holdings, Inc. d/b/a Enterprise Rent-A-Car, Ean Holdings, LLC, Ean Holdings, LLC d/b/a Enterprise Holdings, Inc., and Danielle Kauderer.

Defendants-Respondents.  
-----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 November 7, 2014,

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

It is ordered that the motion be granted to the extent of enlarging the time to perfect the appeal to the June 2018 Term, with no further enlargements to be 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 12, 2017.

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

-----X

In the Matter of the Application of Natalie Schleifer, Individually, as Co-Executrix of the Estate of Jack P. Schleifer, and as Co-Trustee of The Jack P. Schleifer Revocable Trust, and Martin Rosen, as Co-Executor of the Estate of Jack P. Schleifer and as Co-Trustee of the Jack P. Schleifer Revocable Trust,

Petitioners-Respondents,

**Surrogate's Court**

M-5048

To Rescind a Settlement Agreement Entered in Connection with the Estate of Jack P. Schleifer;

File No. 3599A/2010

-against-

Richard L. Yellen and Richard L. Yellen & Associates LLP,  
Respondents.

34-10 Development LLC, 37-11 Development LLC, 338-342 East 110 LLC, 333-339 East 109 LLC, Louisiana Nursing Realty, LLC, 91-DMR of Queens, LLC, Douglaston Realty Associates, LLC Atria Builders, LLC, DSM Design Group, LLC, David Marx and Robert Marx, Respondents-Appellants.

-----X

An appeal having been taken from an order of the Surrogate's Court, New York County, entered on or about July 20, 2017,

And petitioners-respondents having moved for leave to file a cross-appeal with respect to the aforesaid appeal, and for other relief,

Now, upon reading and filing the papers with respect to the motion, including the correspondence from Wook Hwang, Esq., counsel to the moving parties, dated September 27, 2017, and due deliberation having been had thereon, it is

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

ENTERED:

A handwritten signature in black ink, appearing to read "Susan R. Jones". The signature is written in a cursive style with a large initial "S".

---

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 12, 2017.

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

-----X  
Gidar Manuel Cuevas,  
Plaintiff,

-against-

M-5594  
Index No. 306798/13

Baruti Construction Corp.,  
Defendant-Appellant.

-----X  
Baruti Construction Corp.,  
Third-Party Plaintiff-Appellant,

-against-

Third-Party  
Index No. 83700/15

Dynasty Roofing Siding and  
Waterproofing LLC, et al.,  
Third-Party Defendants-Respondents.  
-----X

Defendant-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 January 13, 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 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 12, 2017.

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

-----X

In the Matter of the Application  
of Matthew Sullivan,

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

Petitioner-Respondent,

-against-

M-5711  
Index No. 101371/15

226-8 East 2<sup>nd</sup> Owners Corp., Jesus  
Picayo, as a Director of 226-8 East  
2<sup>nd</sup> Owners Corp., Angus Grandfield,  
as a Director of 226-8 East 2<sup>nd</sup>  
Owners Corp., Henri Palacci, as a  
Director of 226-8 East 2<sup>nd</sup> Owners  
Corp. and Elise Vogel, as a Director  
of 226-8 East 2<sup>nd</sup> Owners Corp.,

Respondents-Appellants.

-----X

Respondents-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 October 4, 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



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

BEFORE: Hon. Peter Tom  
Justice of the Appellate Division

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

Respondent,  
-against-

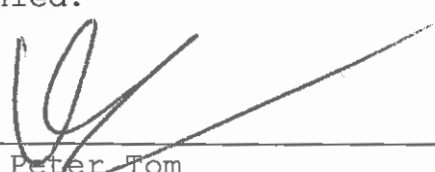
Dwayne Malave a/k/a Dwayne Matave,

Defendant-Appellant.  
-----X

M-5290  
Ind. No. 3019/1992

CERTIFICATE  
DENYING LEAVE

I, Peter Tom, 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, Bronx County, entered on or about August 1, 2017 is hereby denied.

  
\_\_\_\_\_  
Hon. Peter Tom  
Associate Justice

Dated: November 16, 2017  
New York, New York

**ENTERED**

**DEC 12 2017**

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

BEFORE: Hon. Sallie Manzanet-Daniels  
Justice of the Appellate Division  
-----X

The People of the State of New York,

M-5706  
Ind. Nos. 288/00,  
488/00

-against-

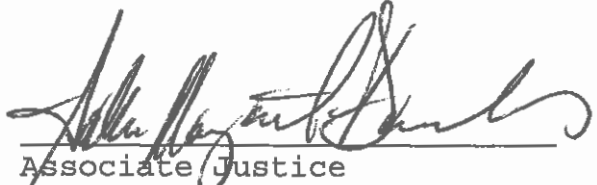
CERTIFICATE  
DENYING LEAVE

Omar Triplett,

Defendant.

-----X

I, Sallie Manzanet-Daniels, 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, entered on or about September 7, 2017, is hereby denied.

  
Associate Justice

Dated: December 4, 2017  
New York, New York

ENTERED: **DEC 13 2017**

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

BEFORE: Hon. Jeffrey K. Oing  
Justice of the Appellate Division

-----X

PEOPLE OF THE STATE OF NEW YORK,

Respondent-Appellee,

-against-

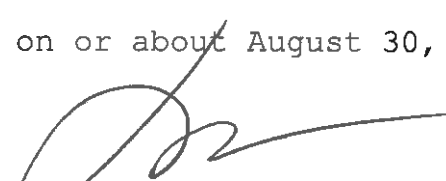
M-5012  
Ind. No. 1348/2006

ALBERT JAVIER,

Defendant-Appellant.

-----X

I, Jeffrey K. Oing, 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, Ferrara, J., New York County, entered on or about August 30, 2017, is hereby denied.

  
\_\_\_\_\_  
Hon. Jeffrey K. Oing  
Associate Justice

Dated: November 9, 2017  
New York, New York

ENTERED: **DEC 12 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 December 12, 2017.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Rosalyn H. Richter  
Barbara R. Kapnick  
Cynthia S. Kern  
Peter H. Moulton, Justices.

-----X  
Scott Miller and Jennifer Miller,  
Plaintiffs-Respondents,

-against-

M-6021  
Index No. 155573/12

177 Ninth Avenue Condominium, Chelsea  
Enclave, Chelsea Enclave Owners Corp.,  
The Brodsky Organization, L.L.C.,  
Brodsky Control, L.L.C., Chelsea 234  
Properties L.L.C., Chelsea West 21<sup>st</sup>  
Street Retail LLC, Chelsea 20<sup>th</sup> Street  
Development, L.L.C., LMS Realty L.L.C.,  
2 Chelsea Square Properties, L.L.C.,  
4 Chelsea Square L.L.C., The General  
Theological Seminary of the Protestant  
Episcopal Church In the United States,  
Defendants-Appellants,

-and-

Chelsea Enclave Owners Corp., et al.,  
Defendants.

-----X  
Defendants-appellants having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about August 22, 2017,

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

(M-6021)

-2-

December 12, 2017

It is ordered that the motion for a stay of trial is granted. The Clerk of the Court is directed to maintain the appeal on the calendar for the January 2018 Term.

ENTERED:

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

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CLERK