

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 21, 2017.

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

-----X
Nicola Nicholas, as Administrator
of the Estate of Cecilia V. McDowell,
Deceased,
Plaintiff-Appellant,

-against-

HSBC Bank USA, et al.,
Defendants-Respondents.

M-5438
Index No. 154900/13

-----X

Plaintiff-appellant having moved an enlargement of time to perfect the appeal from an order of the Supreme Court, New York County, entered on or about December 23, 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:



DEPUTY 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 21, 2017.

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

-----X
Michael Weiss,
Plaintiff-Respondent,

-against-

M-5742
Index No. 160202/13

Pamela Buchbinder,
Defendant-Appellant,

Jacob Nolan,
Defendant.

-----X

Defendant-appellant having moved for a further enlargement of time to perfect the appeal from an order of the Supreme Court, New York County, entered 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 enlarging the time to perfect the appeal to the April 2018 Term.

ENTERED:



DEPUTY 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 21, 2017.

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

-----x
Colonial Surety Company,
Plaintiff-Respondent,

-against-

M-4519
Index No. 603656/08

Eastland Construction, Inc., et al.,
Defendants-Appellants.
-----x

A consolidated appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about August 11, 2016 and a judgment, same court and Justice, entered on or about December 6, 2016,

And defendants-appellants having moved for an enlargement of time to perfect the consolidated appeals,

Now, upon reading and filing the papers with respect to the motion including the correspondence from Sanford Hausler, Esq., counsel for defendants-appellants, dated September 28, 2017, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn, said relief having been granted by an order of this Court entered on September 19, 2017 (M-3062).

ENTERED:



DEPUTY 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 21, 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-5732
Ind. No. 4050N/15

Uriel Guerrero,
Defendant-Appellant.

-----X

Defendant-appellant having moved for dismissal of the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about July 9, 2015, without prejudice to reinstatement at such time as appellant becomes amendable 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:



DEPUTY 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 21, 2017.

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

-----X
Marcie Balint,
Plaintiff-Respondent,

-against-

M-5734
Index No. 652230/14

Kopy International LLC, et al.,
Defendants-Appellants.

-----X
Kopy International LLC, et al.,
Third-Party Plaintiffs-Appellants,

-against-

Third Party
Index No. 595438/14

Gadi Rosenfeld,
Third-Party Defendant-Appellant.

-----X

Defendants/third-party plaintiffs-appellants Kopy International LLC, et al., 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 January 11, 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 May 2018 Term.

ENTERED:


DEPUTY 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 21, 2017.

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

-----X
Omnivere, LLC,
Plaintiff-Respondent,

-against-

M-5736
Index No. 154544/16

Saul N. Friedman; Saul N. Friedman & Co.,
Simeon Friedman, Ben Friedman,
Intelligent Discovery Management, LLC,
and Balint Brown & Basri, 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 January 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 May 2018 Term.

ENTERED:



DEPUTY 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 21, 2017.

Present - Hon. Sallie Manzanet-Daniels, Justice Presiding,
Angela M. Mazzarelli
Richard T. Andrias
Ellen Gesmer
Anil C. Singh, Justices.

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

Respondent,

-against-

Jean Carlos Delacruz,

Defendant-Appellant.
-----X

CONFIDENTIAL

M-5902

SCID No. 30034/16

An appeal having been taken to this Court by the from the order of the Supreme Court, New York County (Juan Merchan, J.), entered on or about April 5, 2017, and said appeal having been perfected,

And the New York Civil Liberties Union having moved for leave to file a brief amicus curiae in connection with the aforesaid appeal,

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

It is ordered that the motion is granted, and movant is directed to file nine copies of the proposed brief amicus curiae included with the motion papers within seven days of the date of entry hereof.

ENTERED:



DEPUTY 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 21, 2017.

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

-----X
Natalie Krodel,
Petitioner-Respondent,

-against-

M-5608
Index No. 152176/14

Amalgamated Dwellings, Inc.,
Respondent-Appellant,

Abraham Bragin, et al.,
Respondents.

-----X

Respondent-appellant having moved for a further enlargement of time to perfect the appeal from an order of the Supreme Court, New York County, entered on or about September 25, 2015,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the May 2018 Term.

ENTERED:



DEPUTY 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 21, 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-6045
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 plaintiffs-appellants having moved for leave to file a supplemental record on appeal to include defendants' December 2014 motion papers underlying the summary judgment decision,

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 plaintiffs-appellants leave to file a supplemental record containing said papers within 20 days of the date of entry hereof. Sua sponte, the appeal is adjourned to the March 2018 Term.

ENTERED:



DEPUTY 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 21, 2017.

PRESENT: Hon. Rosalyn H. Richter, Justice Presiding,
Angela M. Mazzarelli
Marcy L. Kahn Justices.
Peter H. Moulton,

-----X
Tsuyoshi Yamada,
Plaintiff-Respondent,

-against-

Golden Horse Realty, Inc.,
Defendant-Appellant.

M-4746
Index No. 151507/15

-----X
Defendant-appellant having moved for leave to appeal to this Court from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about October 18, 2016, and to stay enforcement of said judgment including the pending Sheriff's sale of a certain building, 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:



DEPUTY 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 21, 2017.

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

-----X

The People of the State of New York,
Respondent,

-against-

M-5472

Ind. No. 1723/13

Trent Patterson,
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 November 9, 2015, and for related relief,

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

It is ordered that the motion is denied.

ENTERED:



DEPUTY 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 21, 2017.

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

-----X
Benjamin Dixon,
Plaintiff-Appellant,

-against-

105 West 75th Street LLC, et al.,
Defendants-Respondents.

M-5492
Index No. 159846/14

-----X
Plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from a judgment of the Supreme Court, New York County, entered on or about September 12, 2016,

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

It is ordered that the motion is denied and the appeal is dismissed, without prejudice to further proceedings in Supreme Court, in accordance with this Court's order entered on March 30, 2017 (Appeal Nos. 2763/2764).

ENTERED:



DEPUTY 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 21, 2017.

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

-----X
Manuel P. Asensio,

Petitioner-Appellant,

-against-

Judge Adetokunbo Fasanya,
Respondent-Respondent.

-----X

M-5134

M-5136

Index No. 155833/17

Petitioner-appellant having moved, by separate motions, pursuant to CPLR 5704, for certain relief denied by a Justice of the Supreme Court, New York County, on or about September 20, 2017, and for a stay of all proceedings in connection with certain matters before the Family Court, New York County,

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 are denied.

ENTERED:



DEPUTY 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 21, 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,

CONFIDENTIAL

M-5519

-against-

SCI. No. 3113/15

Donnell Bruns,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about February 1, 2016,

As the defendant-appellant, by reason of his voluntary absence, is no longer available to obey the mandate of this Court in the event of an affirmance, the Center for Appellate Litigation moves to withdraw the present perfected appeal,

Now, upon due deliberation having been had thereon,

It is ordered that the appeal is withdrawn.

ENTERED:



DEPUTY 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 21, 2017.

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

-----X
Maria Zayas,
Plaintiff-Appellant,

-against-

M-5745
Index No. 20348/13

Irene Schulman, M.D., et al.,
Defendants-Respondents.
-----X

Defendant-respondent Irene Schulman, M.D. having moved for dismissal of the appeal taken from an order of the Supreme Court, Bronx County, entered on or about December 2, 2016, as untimely,

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:



DEPUTY 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 21, 2017.

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

-----X

In the Matter of

Tariq B.,
and Aisah Nevaeh Sadie B.,

CONFIDENTIAL

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

M-5808
Docket Nos. NN-3240/15
NN-3241/15

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

Danielle W.,
Respondent,

Hakim B.,
Respondent-Appellant.

- - - - -

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

-----X

Respondent-appellant having moved for a further enlargement of time to perfect the appeal from an order of the Family Court, Bronx County, entered on or about June 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 May 2018 Term.

ENTERED:


DEPUTY 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 21, 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-5688
Ind. No. 3078/15

Michael Bell,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, Bronx County, rendered on or about April 5, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated November 1, 2017, and due deliberation having been had thereon,

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

ENTERED:



DEPUTY 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 21, 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-

Otis Reese, also known as, John Little,
Defendant-Appellant.

M-6044
Ind. No. 1127/12

-----X
An appeal having been taken from a judgment of the Supreme Court, Bronx County, rendered on or about August 9, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated 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:



DEPUTY 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 21, 2017.

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

-----X

ACE Securities Corp. Home Equity
Loan Trust, Series 2006-HE4, by
HSBC Bank USA, National Association,
in its capacity as Trustee,

SEALED
M-5730
Index No. 653394/12

Plaintiff- Respondent,

-against-

DB Structured Products, Inc.,

Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 14, 2016, as modified by the order, same Court and Justice, entered on or about October 27, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated October 26, 2017, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the December 2017 Term, is withdrawn in accordance with the aforesaid stipulation.

ENTERED:



DEPUTY 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 21, 2017.

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

-----X
Judith Wilkinson,
Plaintiff-Respondent,

-against-

M-5917
Index No. 306043/11

Deboe Construction Corp.,
Defendant-Appellant,

Valley Tree & Landscape Service,
Inc., et al.,
Defendants-Respondents.

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

-against-

Third-Party
Index No. 83881/13

Valley Tree & Landscape Service,
Inc., et al.,
Third-Party Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about July 18, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated November 15, 2017, and due deliberation having been had thereon,

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

ENTERED:



DEPUTY 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 21, 2017.

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

-----X
Judith Wilkinson,
Plaintiff-Respondent,

-against-

M-5917
Index No. 306043/11

Deboe Construction Corp.,
Defendant-Appellant,

Valley Tree & Landscape Service,
Inc., et al.,
Defendants-Respondents.

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

-against-

Third-Party
Index No. 83881/13

Valley Tree & Landscape Service,
Inc., et al.,
Third-Party Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about July 18, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated November 15, 2017, and due deliberation having been had thereon,

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

ENTERED:

DEPUTY 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 21, 2017.

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

-----X

Rafat Eweda,

Plaintiff-Respondent,

-against-

M-6024X

Index No. 151331/12

970 Madison Avenue LLC, et al.,

Defendants-Appellants.

-----X

Separate appeals having been taken by defendants-appellants from an order of the Supreme Court, New York County, entered on or about April 21, 2017,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" November 16, 2017, and due deliberation having been had thereon,

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

ENTERED:



DEPUTY 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 21, 2017.

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

-----X

Joanna R.,

Plaintiff-Appellant,

-against-

John R.,

Defendant-Respondent.

-----X

CONFIDENTIAL

M-6025X

Index No. 303131/12

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about December 1, 2016,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" November 6, 2017, and due deliberation having been had thereon,

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

ENTERED:



DEPUTY 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 21, 2017.

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

-----X

St. Marks Assets, Inc.,
Plaintiff-Respondent-Appellant,

-against-

M-6026X
Index No. 653682/16

Elliot Sohayegh,
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 February 8, 2017,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" November 17, 2017, and due deliberation having been had thereon,

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

ENTERED:



DEPUTY 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 21, 2017.

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

-----X
Eljaz Markasevic, on behalf of
himself and others similarly situated,
Plaintiff-Respondent,

-against-

M-6027X
Index No. 650710/16

241 East 76 Tenants Corp..
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 17, 2017,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" November 16, 2017, and due deliberation having been had thereon,

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

ENTERED:



DEPUTY 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 21, 2017.

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

-----X
J. Mendel, Inc.,
Plaintiff-Appellant,

-against-

M-6028X
Index No. 656515/16

Yves Salomon, et al.,
Defendants-Respondents.
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 11, 2017,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" November 21, 2017, and due deliberation having been had thereon,

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

ENTERED:



DEPUTY 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 21, 2017.

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

-----X
Mary Elizabeth Bartholomew,
Plaintiff-Respondent,

-against-

Ninth Avenue Realty LLC and
Lenny's IX LLC,
Defendants-Appellants.
-----X

M-6029X
Index No. 162798/14

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 17, 2017,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" November 15, 2017, and due deliberation having been had thereon,

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

ENTERED:



DEPUTY 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 21, 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-6031

Ind. Nos. 2016/16
119/16

Frank Francisco,
Defendant-Appellant.

-----X

An appeal having been taken to this Court from the judgment of the Supreme Court, New York County, rendered on or about July 20, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated 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:



DEPUTY 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 21, 2017.

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

-----X
Thomas J. Cannella,
Plaintiff-Respondent,

-against-

Restoration Realty Development Corp.,
Defendant-Appellant.
-----X

M-6049
Index No. 153697/12

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 25, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated November 16, 2017, and due deliberation having been had thereon,

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

ENTERED:



DEPUTY 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 21, 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.

CONFIDENTIAL

M-5729

Nadine T.,
Petitioner-Respondent,

Docket Nos. V-25668-05/15C
V-09259-14/16D

Dejurnette Laverne N.,
Petitioner-Respondent,

-against-

Lastenia T.,
Respondent-Appellant.

-----X

Eric Cloud, Esq., court attorney for petitioner-respondent Nadine T., having moved for leave to respond, as a poor person, to the appeal from the order of the Family Court, Bronx County, entered on or about April 14, 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, Neal D. Futerfas, Esq., 50 Main Street, Suite #1000, White Plains, NY 10606, Telephone No. 914-552-6076, 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 respondents-appellants and 8 copies thereof are filed with this Court.

ENTERED:

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

DEPUTY 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 21, 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-5810
Ind. No. 4675/15

Born Poledore,
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 28, 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.

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 "Eric Schuck", written in a cursive style.

DEPUTY 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 21, 2017.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Peter Tom
Troy K. Webber
Ellen Gesmer
Anil C. Singh, Justices.

-----X

Gilbert Lau,
Plaintiff-Appellant,

-against-

M-5363
Index No. 101558/16

Human Resources Administrations, etc.,
et al.,
Defendants-Respondents.

-----X

Plaintiff-appellant, pro se, having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Supreme Court, New York County, entered on or about September 1, 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 denied.

ENTERED:



DEPUTY 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 21, 2017.

PRESENT: NHon. Peter Tom, Justice Presiding,
Sallie Manzanet-Daniels
Angela M. Mazzarelli
Jeffrey K. Oing
Anil C. Singh, Justices.

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

- - - - -
Michelle R.,
Petitioner-Respondent,

CONFIDENTIAL
M-4952
Docket No. V-47841/15

-against-

Kenneth A.,
Respondent-Appellant.
- - - - -

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

-----X

Respondent-appellant having moved to withdraw his appeal taken from an order of the Family Court, New York County, entered on or about March 2, 2017, and to relieve his Court appointed appellate 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 deeming the appeal withdrawn and relieving Steven N. Feinman, Esq., as his Court appointed counsel.

ENTERED:



DEPUTY 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 21, 2017.

PRESENT: Hon. Peter Tom, Justice Presiding,
Dianne T. Renwick
Judith J. Gische
Jeffrey K. Oing
Anil C. Singh, Justices.

-----X
Hector Polanco,
Plaintiff-Respondent-Appellant,

-against-

M-5649
Index No. 303568/11

Bronx 360 Realty LLC, et al.,
Defendants-Respondents,

Uplift Elevator Corp.,
Defendant-Appellant-Respondent.
-----X

Defendant-appellant-respondent having moved for a further enlargement of time to perfect the appeal and cross appeal from an order of the Supreme Court, Bronx County, entered on or about November 27, 2015,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal and cross appeal to the June 2018 Term.

ENTERED:



DEPUTY CLERK

CORRECTED ORDER - January 8, 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 21, 2017.

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

-----X

REEC West 11th Street LLC,
Plaintiff-Appellant,

-against-

246 West 11th St. Realty Corp., et al.,
Defendants-Respondents.

M-5903
M-6131
Index No. 651014/17

-----X

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about November 3, 2017,

And defendants-respondents having moved for dismissal of the appeals from the orders entered on or about April 11, 2017 and June 14, 2017 (M-5908),

And plaintiff-appellant having moved for a stay of enforcement of the November 3, 2017 order dismissing the complaint, pending hearing and determination of the aforesaid consolidated appeal, and for other relief (M-6131),

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

It is ordered that the motion and cross motion are denied, on condition that the consolidated appeal, presently noticed for the March 2018 Term, not be adjourned therefrom.

ENTERED:



DEPUTY 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 21, 2017.

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

-----x
Maurice Butler,

Plaintiff-Respondent,

-against-

M-6109
Index No. 22930/12E

DTS, Inc., et al.,

Defendants-Appellants.
-----x

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about December 23, 2015,

And defendants-appellants having moved for an enlargement of time to perfect the appeal, and for a stay of an "anticipated inquest" 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 enlarging the time to perfect the appeal to the April 2018 Term, and the scheduling of such inquest, or if already scheduled, the conducting of an inquest, is stayed on condition the appeal is perfected for the April 2018 Term.

ENTERED:



DEPUTY 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 21, 2017.

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

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

Respondent,

-against-

Manuel Uraga,

Defendant-Appellant.

M-5484
Ind. No. 3610/13

-----X

Defendant having renewed his motion for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about April 16, 2014, and for leave to prosecute the appeal as a poor person,

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:



DEPUTY 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 21, 2017.

PRESENT: Hon. David Friedman, Justice Presiding,
Rosalyn H. Richter
Karla Moskowitz
Judith J. Gische
Barbara R. Kapnick, Justices.

-----x
The People of the State of New York
ex rel. Martin LaFalce, on behalf of
Andy Bolta,
Petitioner-Appellant,

-against-

M-5507
Index No. 450867/17

Joseph Ponte, Commissioner, New York
City Department of Corrections,
Respondent-Respondent.

-----x

Petitioner-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 March 29, 2017, which denied and dismissed petitioner-appellant's application for a writ of habeas corpus,

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 and continuing the bail terms set by this Court by order entered May 23, 2017 (M-1738).

ENTERED:



DEPUTY 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 21, 2017.

Present - Hon. David Friedman, Justice Presiding,
Judith J. Gische
Troy K. Webber
Marcy L. Kahn
Anil C. Singh, Justices.

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

Robert Toussie, et al.,
Petitioners-Respondents,

-against-

M-5900
Index No. 650227/16

Coastal Development, LLC, et al.,
Respondents-Appellants.

-----X

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about June 16, 2017, and from the judgment of said Court entered on or about July 17, 2017, and said appeal having been perfected,

And Emery Celli Brinckerhoff & Abady LLP, counsel for Hal Lieberman, Esq., having moved for leave to file a brief amicus curiae in connection with the aforesaid appeal,

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

It is ordered that the motion is granted, and movant is directed to immediately file nine copies of the proposed amicus brief annexed to the motion within seven days of the date of entry hereof.

ENTERED:



DEPUTY 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 21, 2017.

Present - Hon. David Friedman, Justice Presiding,
Judith J. Gische
Troy K. Webber
Marcy L. Kahn
Anil C. Singh, Justices.

-----x

Anthony Pereira, et al.,
Plaintiffs-Respondents,

-against-

JPMorgan Chase Bank, N.A., et al.,
Defendants-Appellants,

M-5990
Index No. 161864/13

All Counties Snow Removal Corp.,
Defendant-Respondent,

-and-

New York Plumbing-Heating-Cooling Corp.,
Defendant.

- - - - -
[And a third-party action]

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about March 29, 2017, and said appeal having been perfected,

And defendants-appellants having moved for a stay of trial pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is denied.

ENTERED:



DEPUTY 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 21, 2017.

Present - Hon. David Friedman, Justice Presiding,
Judith J. Gische
Troy K. Webber
Marcy L. Kahn
Anil C. Singh, Justices.

-----x

Anthony Pereira, et al.,
Plaintiffs-Respondents,

-against-

JPMorgan Chase Bank, N.A., et al.,
Defendants-Appellants,

M-5990
Index No. 161864/13

All Counties Snow Removal Corp.,
Defendant-Respondent,

-and-

New York Plumbing-Heating-Cooling Corp.,
Defendant.

- - - - -
[And a third-party action]

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about March 29, 2017, and said appeal having been perfected,

And defendants-appellants having moved for a stay of trial pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is denied.

ENTERED:

DEPUTY 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 21, 2017.

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

-----X

Anthony Gonzalez, et al.,
Plaintiffs-Respondents,

-against-

M-5185
Index No. 152557/13

Paramount Group, Inc.,
Defendant,

-and-

Allianz Global Investors U.S., LLC,
Defendant-Appellant.

-----X

Defendant-appellant 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 April 24, 2017, and said appeal having been perfected,

And a Justice of this Court, by interim order entered September 28, 2017, having granted an interim stay of trial pending hearing of the within motion,

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

It is ordered that the motion is granted. The Clerk of the Court is directed to maintain the appeal on the December 2017 Term.

ENTERED:



DEPUTY 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 21, 2017.

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

-----X

Anthony Gonzalez, et al.,
Plaintiffs-Respondents,

-against-

M-5185
Index No. 152557/13

Paramount Group, Inc.,
Defendant,

-and-

Allianz Global Investors U.S., LLC,
Defendant-Appellant.

-----X

Defendant-appellant 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 April 24, 2017, and said appeal having been perfected,

And a Justice of this Court, by interim order entered September 28, 2017, having granted an interim stay of trial pending hearing of the within motion,

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

It is ordered that the motion is granted. The Clerk of the Court is directed to maintain the appeal on the December 2017 Term.

ENTERED:

DEPUTY 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 21, 2017.

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

-----X
Security Pacific National Bank,
Plaintiff-Respondent,

CONFIDENTIAL
M-5563
Index No. 22899/92

-against-

Tracie Evens,
Defendant-Appellant,

Arnold Lepelstat, et al.,
Defendants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about May 2, 2017,

And, defendant-appellant, pro se, having moved to withdraw her motion for a stay, pending hearing and determination of the aforesaid appeal, pursuant to CPLR 5519(c),

Now, upon reading and filing the papers with respect to the motion including defendant-appellant's affidavit dated October 13, 2017, and due deliberation having been had thereon, it is

Ordered that the motion is deemed withdrawn.

ENTERED:



DEPUTY CLERK

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

BEFORE: Hon. John W. Sweeny, Jr.
Justice of the Appellate Division

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

-against-

Anthony Barnes

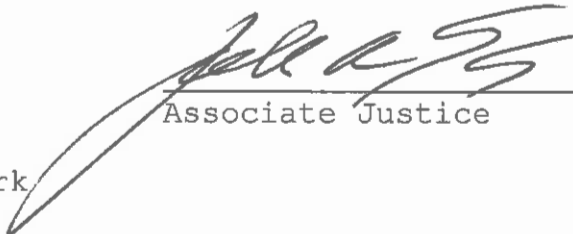
Defendant.

-----X

M-4286
Ind. Nos. 2332/06
CERTIFICATE
DENYING LEAVE

I, John W. Sweeny, Jr., 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, dated on or about June 12, 2017 (Daniel P. Conviser, J.) is hereby denied.

Defendant's motions for poor person relief and assignment of counsel are denied as moot.



Associate Justice

Dated: December 1, 2017
New York, New York

ENTERED: DEC 21 2017

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

BEFORE: Peter H. Moulton
Justice of the Appellate Division

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

M-5656
Ind. No. 3484/16

-against-


CERTIFICATE
DENYING LEAVE

Donell Dinkins,
Defendant.

-----X

I, Peter H. Moulton, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County (Charles H. Solomon, J.) entered on or about September 12, 2017 is hereby denied. Defendant's request for poor person relief is denied as academic.

Dated: November 28, 2017
New York, New York


Hon. Peter H. Moulton
Associate Justice

ENTERED:

DEC 21 2017

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

BEFORE: Hon. Marcy L. Kahn
Justice of the Appellate Division

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

Appellant,

-against-

Doran Allen,

Defendant-Respondent.
-----x

M-4151
Ind. No. 2948/08

CERTIFICATE
GRANTING LEAVE TO
APPEAL TO THE COURT
OF APPEALS

I, Marcy L. Kahn, a Justice of the Appellate Division, Supreme Court, First Department, do hereby certify that in the record and proceedings herein* questions of law are involved which ought to be reviewed by the Court of Appeals and pursuant to CPL 460.20, it is

ORDERED that permission hereby is granted to the above-named appellant to appeal to the Court of Appeals.



Justice of the Appellate Division

Dated: December 21, 2017
New York, New York

ENTERED: **DEC 21 2017**

*Description of Order:

Supreme Court, Bronx County, entered on January 10, 2014.
App. Div., First Dept., Appeal Nos. 3780-3781, Revd on July 6,
2017.

Notice: Within 10 days from the issuance of this certificate, a preliminary appeal statement must be filed with the Clerk of the Court of Appeals pursuant to Rule 500.9 of the Court of Appeals Rules.