

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 28, 2017.

Present - Hon. Barbara R. Kapnick, Justice Presiding,
Marcy L. Kahn
Ellen Gesmer
Cynthia S. Kern, Justices.

-----x

Board of Directors of Windsor Owners Corp.,

Plaintiff-Respondent,

-against-

M-6050

M-6051

Index No. 155985/14

Elaine Platt,

Defendant-Appellant.

-----x

Appeals having been taken to this Court from orders of the Supreme Court, New York County, entered on or about January 6, 2016 and June 9, 2017, and defendant having perfected a portion of the appeal from the order entered on or about June 9, 2017,

And an order of this Court having been entered on September 12, 2017 (M-3352/M-3502), inter alia, enlarging the time to perfect the appeal from the order entered on or about January 6, 2016 to the January 2018 Term, consolidating the aforesaid appeals, and denying plaintiff-respondent's cross motion for dismissal of the aforesaid appeals,

And defendant-appellant having moved for leave to compel the Clerk's office to accept for filing the defendant's brief and appendix from the orders entered on or about January 6, 2016 and June 9, 2017 (M-6050),

And plaintiff-respondent having cross-moved for dismissal of the appeal from the order entered January 6, 2016 or, in the alternative, to deem defendant's perfected appeal to be superceded by the appeals she wants perfected for the January 2018 Term, or to extend plaintiff's time to respond to the perfected appeal,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the consolidated appeals from the order entered on or about June 6, 2016, and all aspects of the order entered on or about June 7, 2017, to the April 2018 Term, and the motion is otherwise denied, and it is further,

Ordered that the cross motion is granted to the extent of striking defendant's perfected appeal from a separate portion of the 2017 order, without prejudice to defendant perfecting the previously consolidated appeals from the June 6, 2016 order and the entire June 7, 2017 order on or before January 29, 2018 for the April 2018 Term. Said brief shall incorporate arguments made in the previously filed brief pertaining to the appeal from the order entered on or about June 7, 2017, any additional arguments pertaining to said order, and any arguments from the appeal from the order entered on or about June 6, 2016, and upon a joint appendix in compliance with 22 NYCRR § 600.10(c). It is further ordered that defendant's appeal from the order entered on or about June 6, 2016 is dismissed unless the consolidated appeals are perfected for said April 2018 Term.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 28, 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-6092
Ind. No. 3951/15

Wilton Perez-Osorio,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, Kings County, rendered on or about September 8, 2016,

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



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 28, 2017.

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

-----X
Michael Seleman,
Plaintiff-Respondent,

-against-

M-5891
Index No. 101072/11

Barnes & Noble, Inc.,
Defendant-Appellant.
-----X

An appeal having been taken from orders of the Supreme Court, New York County, entered on or about March 29, 2016 and August 16, 2016, respectively,

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, previously perfected, 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 28, 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,

CONFIDENTIAL

M-5770

-against-

Ind. No. 99026/16

Tira Law,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County (Alvarado, J.), entered on or about October 10, 2017, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice Alvarado as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Seymour W. James, Jr., Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 28, 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,

CONFIDENTIAL

M-5771

-against-

Ind. No. 99046/16

Cosme Rivera,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from the order of the Supreme Court, Bronx County (Alvarado, J.), entered on or about October 3, 2017, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice Alvarado as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Seymour W. James, Jr. Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 28, 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,

CONFIDENTIAL

M-5772

-against-

Ind. No. 30008/17

Ismael Genao,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (Conviser, J.), entered on or about August 22, 2017, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice Conviser as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Seymour W. James, Jr., Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 28, 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-5516
Ind. No. 2923/08

Mark Jurgins,
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 March 2, 2016, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, of the plea or trial, 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, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 28, 2017.

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

-----X
Oliver Johnson,

Plaintiff-Appellant,

-against-

M-5897
Index No. 301361/12

675 Coster Street Housing
Development Fund, et al.,

Defendants-Respondents.
-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, Bronx County, entered on or about June 24, 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, 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 28, 2017.

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

-----X
Quanisha Smith and Anthony Colavecchio,
etc., et al.,
Petitioners-Respondents,

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

-against-

Robert Doar, as Commissioner of the
New York City Human Resources
Administration,
Respondent-Appellant,

M-5895
Index No. 400903/10

-and-

Samuel Roberts, as Commissioner
of the New York State Office of
Temporary and Disability Assistance,
Respondent-Appellant.

-----X

Respondent-appellant New York City Human Resources Administration having moved for an enlargement of time to perfect the consolidated appeals from orders of the Supreme Court, New York County, entered on or about August 15, 2013 and April 28, 2015,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeals 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 28, 2017.

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

-----X
Russell H. Pollack, et al.,
Plaintiffs-Appellants,

-against-

M-5821
Index No. 152227/15

46 East 82nd Street LLC, et al.,
Defendants-Respondents.
-----X

Plaintiffs-appellants having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about February 29, 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 June 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 28, 2017.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
John W. Sweeny, Jr.
Dianne T. Renwick
Karla Moskowitz
Marcy L. Kahn, Justices.

-----X
Perella Weinberg Partners LLC,
et al.,
Plaintiffs-Respondents,

-against-

Michael A. Kramer, et al.,
Defendants-Appellants,

Ducera Partners LLC,
Defendant.

- - - - -

Michael A. Kramer, et al.,
Counterclaim Plaintiffs-Appellants,

-against-

M-5653
Index No. 653488/15

Perella Weinberg Partners LLC, et al.,
Counterclaim Defendants-Respondents.

- - - - -

Michael A. Kramer, et al.,
Cross Claim Plaintiffs-Appellants,

-against-

Joseph R. Perella, et al.,
Third-Party Cross Claim
Defendants-Respondents.

- - - - -

Perella Weinberg Partners LLC,
et al.,
Plaintiffs,

-against-

Perella Weinberg Group LP,
Plaintiff-Respondent,

-----X

-against-

Michael A. Kramer, et al.,
Defendants-Appellants,

Joshua S. Scherer, et al.,
Defendants.

- - - - -

Michael A. Kramer, et al.,
Counterclaim Plaintiffs-Appellants,

Joshua S. Scherer, et al.,
Counterclaim Plaintiffs,

-against-

Perella Weinberg Partners LLC, et al.,
Counterclaim Defendants,

Perella Weinberg Partners Group,
Counterclaim Defendant-Respondent.

- - - - -

Michael A. Kramer, et al.,
Cross Claim Plaintiffs-Appellants,

Joshua S. Scherer, et al.,
Cross Claim Plaintiffs,

-against-

Joseph R. Perella, et al.,
Third-Party Cross Claim
Defendants-Respondents.

-----X

Appellants having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on August 29, 2017 (Appeal Nos. 3852-53),

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 28, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Dianne T. Renwick
Karla Moskowitz
Ellen Gesmer, Justices.

-----x
In the Matter of the Adoption of
a Child Whose First Name is

Eliyahu,

Nekadam Y.,
Petitioner-Appellant,

CONFIDENTIAL
Surrogate's Court
M-5898
M-6035
File No. 178/10

-against-

David B. and Jennifer B.,
Respondents-Respondents.

Anne Reiniger, Esq.,
Attorney for the Child.
-----x

An appeal having been taken to this Court from the order of the Surrogate's Court, New York County, entered on or about November 29, 2016,

And an order of this Court having been entered on March 30, 2017 (M-641), inter alia, granting respondents-respondents' motion to dismiss the appeal to the extent of dismissing the appeal unless perfected for the September 2017 Term of this Court,

And an order of this Court having been entered on June 15, 2017 (M-2284), inter alia, denying petitioner-appellant's motion for poor person relief and the assignment of appellate counsel,

And an order of this Court having been entered on November 9, 2017 (M-4254), inter alia, denying respondents-respondents' motion to dismiss the aforesaid appeal, with leave to renew, as indicated,

And petitioner-appellant having renewed the request for poor person relief and the assignment of appellate counsel (M-5898),

And respondents-respondents having renewed their request for dismissal of the aforesaid appeal, and for other relief (M-6035),

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

It is ordered that the motion is denied, the cross motion is granted only to the extent of dismissing the appeal, and otherwise denied.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 28, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Judith J. Gische, Justices.

-----x
Keith Wright, as County Leader of the
Manhattan Democratic Party, et al.,
Petitioners,

For an Order and Judgment Pursuant to
Article 78 of the Civil Practice Law
and Rules and Article II Section 8 of
the New York State Constitution,

M-6494
Index No. 160701/17

-against-

New York City Council and Melissa Mark-
Viverito, as Speaker of the New York City
Council and Chair of the Democratic
Conference of the New York City Council,
Respondents.

-----x

Respondents having moved to vacate, modify or stay an order of the Supreme Court, New York County, entered on or about December 19, 2017, granting petitioners' motion for a preliminary injunction,

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 staying enforcement of the preliminary injunction pending the hearing and determination of the appeal therefrom, and otherwise denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 28, 2017.

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

-----X
In the Matter of a Paternity Proceeding

Commissioner of Social Services,
On Behalf Of

Julissa Yahaira S-C,
Petitioner-Respondent,

-against-

George N.,
Respondent-Appellant.

CONFIDENTIAL
M-4836
Docket No. P-03672-16

-----X

Respondent having moved for leave to appeal to this Court from the decision and order of the Family Court, New York County, entered on or about August 3, 2017,

And by interim order entered September 14, 2017, a Justice of this Court granted a stay of enforcement of the aforesaid order pending hearing and determination 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 leave to appeal to this Court from the Family Court's order entered on or about August 3, 2017 is granted, and the interim stay granted by a Justice of this Court on September 14, 2017 is continued pending hearing and determination of said 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 28, 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-5291
Docket Nos. V-43284-10/16K
V-43284-10/16J
V-43284-10/16I
V-43284-10/17L
O-16341/17

-----X

Petitioner-appellant, pro se, having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, New York County, entered on or about September 6, 2017 and to consolidate said appeal with petitioner's appeal taken from an order of the same Court and Justice entered on or about June 27, 2017,

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

It is ordered that the motion is denied, without prejudice to petitioner filing a motion attaching a copy of an order, signed by Family Court, denying petitioner's motion to set aside his default, as well as a timely notice of appeal. Sua sponte, petitioner's appeal from the September 6, 2017 order is dismissed.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 28, 2017.

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

-----X
Ly Giap and Hong Pham,
Plaintiffs-Appellants,

-against-

M-5935
Ind. No. 302201/13

Hathi Son Pham, et al.,
Defendants-Respondents.
-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about December 2, 2016, and said appeal having been perfected,

And defendant-respondent Hathi Son Pham having moved for an extension of time in which to file a respondents brief in the aforesaid appeal,

Now, upon reading and filing the papers with respect to the motion including the stipulation of the parties dated November 14, 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 28, 2017.

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

-----x
In the Matter of

Jaylyn Z.,
Destiny O.,
Jaydyan O.,
Maci O.,
and Hevenly O.,

CONFIDENTIAL

M-5813
Docket Nos. NA-20787/14
NA-1570/14
NA-1573/14
NA-1572/14
NA-1571/14

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

Administration for Children's
Services,
Petitioner-Respondent,

Jesus O.,
Respondent-Appellant.

Steven N. Feinman, Esq.,
Attorney for the Children/
Respondents.

-----x

An appeal having been taken to this Court by the subject children from two orders of the Family Court, Bronx County, entered on or about December 5, 2016 and January 27, 2017,

And respondent Jesus O. having taken a separate appeal from the aforesaid orders,

And respondent having moved for an enlargement of time to perfect his 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, on consent, to the extent of enlarging the time to perfect respondent-appellant's 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 28, 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 Arbitration
Claim of

Lorna Martin,
Petitioner-Appellant,

For a Judgment Pursuant to Article 75
of the CPLR, and Education Law 3020-a

-against-

M-5643
Index No. 652851/15

The Department of Education of
the City of New York, et al.,
Respondents-Respondents.

-----X

Petitioner-appellant having moved for an enlargement of time in which to perfect the appeal taken from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about January 5, 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

CORRECTED ORDER – February 14, 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 28, 2017.

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

-----X
The Exeter Law Group LLP,
Plaintiff/Counterclaim Defendant-
Respondent-Appellant,

-and-

M-5766
Index No. 161667/14

Mitchell Wong and Zhejun "Susan" Tan,
Defendants-Respondents,

-and-

Law Office of Z. Tan PLLC,
Counterclaim-Defendant,

-against-

Immortalana Inc., Robin Farias-
Eisner, Salvaregen and Kelly Day,
Defendants/Counterclaim-Plaintiffs-
Appellants-Respondents.

-----X

An appeal and cross appeal having been taken from an orders of the Supreme Court, New York County, entered on or about December 12, 2016, and said appeal having been perfected,

And plaintiff/counterclaim defendant-respondent-appellant having moved for an enlargement of time to perfect their cross-appeal and for permission to file a supplemental record to include items listed in a stipulation dated October 27, 2017, including certain memoranda submitted in the Trial Court (Items 14-16),

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 cross appeal to the May 2018

CORRECTED ORDER - February 14, 2018

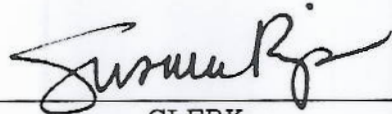
(M-5766)

-2-

December 28, 2017

Term. Plaintiff/counterclaim defendant-respondent-appellant is granted leave to file a supplemental record on appeal to include only Items 1-13 identified in the parties' stipulation dated October 27, 2017. 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 28, 2017.

PRESENT: Hon. David Friedman, Justice Presiding,
Rosalyn H. Richter
Karla Moskowitz
Ellen Gesmer, Justices.

-----X

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

CONFIDENTIAL

M-3074

Josue H.,
Petitioner,

Docket Nos. V-35580-16
V-35581-16

-against-

Ayanna Monique F.,
Respondent.

-----X

Respondent having moved for leave to appeal to this Court from the decision and order of the Family Court, New York County, entered on or about June 1, 2017, and for a stay of said order pending hearing and determination of the appeal taken therefrom,

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

It is ordered that so much of the motion seeking leave to appeal to this Court is granted, and 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 28, 2017.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Barbara R. Kapnick
Cynthia S. Kern
Peter H. Moulton, Justices.

-----x

The People of the State of New York,
Respondent,

-against-

Wilson Galarza,
Defendant-Appellant.

M-4482
Docket Nos. 2017BX010968
2017BX013511
Ind. No. 3337/15

-----x

Appeals having been taken to this Court from judgments of the Supreme Court, Bronx County, rendered May 3, 2017 under Ind. No. 3337/15, and Docket Nos. 2017BX010968 and 2017BX013511,

And an order of the Appellate Term, First Judicial Department having been entered on June 27, 2017, inter alia, granting defendant poor person relief with respect to the appeal under Docket No. 2017BX010968, and assigning Seymour W. James, Jr., Esq., the Legal Aid Society, as counsel to prosecute the appeal,

And an order of this Court having been entered on July 13, 2017 (M-2980), inter alia, granting poor person relief with respect to the judgment rendered on or about May 3, 2017 under Ind. No. 3337/15, and assigning Robert S. Dean, Esq., the Center for Appellate Litigation, as counsel,

And defendant-appellant having moved, through assigned counsel, for leave to appeal as a poor person from the judgment under Docket No. 2017BX013511, for the assignment of Seymour W. James, Jr., Esq., as counsel on that appeal, transferring the appeals under Docket Nos. 2017BX013511 and 2017BX010968 from the Appellate Term, First Department, to this Court, and for continuance of the poor person relief and substitution of counsel with respect to the appeal under Ind. No. 3337/15,

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 appeals from the judgments under Docket Nos. 2017BX013511 and 2017BX010968, rendered May 3, 2017 are transferred from the Appellate Term, First Department, to this Court, and the poor person relief granted by the order of this Court entered July 13, 2017 under Ind. No. 3337/15 (M-2980) is extended to cover the judgments under Docket Nos. 2017BX010968 and 2017BX013511, and Seymour W. James, Jr., Esq., the Legal Aid Society, is assigned as counsel to prosecute all of the appeals.

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 28, 2017.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Angela M. Mazzarelli
Karla Moskowitz
Marcy L. Kahn, Justices.

-----X

Dennis T. Palmeri, Jr.,

Plaintiff-Appellant,

-against-

M-6062

Index No. 650501/13

Wilkie Farr & Gallagher LLP,

Defendant-Respondent.

-----X

Plaintiff-appellant having moved for to amend the decision and order of this Court, entered on July 25, 2017 (Appeal No. 3357),

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

It is ordered that the motion is granted, and the decision and order of this Court entered on July 25, 2017 (Appeal No. 3357) is recalled and vacated and a new decision and order substituted therefor. (See Appeal No. 3357, 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 28, 2017.

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

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

- - - - -
Theodora W.,
Petitioner-Appellant,

CONFIDENTIAL

M-5534
Docket No. F-52932-15/15A

-against-

Georje Velichkov G.,
Defendant-Respondent.

-----x

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal taken from an order of dismissal of the Family Court, New York County, entered on or about April 22, 2016, and for other relief,

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

It is ordered that the motion is denied and, sua sponte, the appeal is dismissed.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 28, 2017.

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

-----X
Z- M- an Infant by her Mother and Natural Guardian Carmen Morales, M- M- an Infant by Her Mother and Natural Guardian Carmen Morales and Carmen Morales, Individually, Plaintiffs-Respondents,

M-5436
Index No. 20394/13E

-against-

New York City Health and Hospitals Corporation (Jacobi Medical Center),
Defendant-Appellant.

-----X
Plaintiffs-respondents having moved to dismiss the appeal taken by defendant-appellant from the order of the Supreme Court, Bronx County, entered on or about August 8, 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 to dismiss the appeal is granted unless the appeal is perfected on or before March 19, 2018 for the June 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 28, 2017.

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

-----X
David Moyal, 1 800 Postcards Inc.,
One 2 One On Varrick LLC and Next
Printing and Design, Inc., M-5675
Plaintiffs-Appellants, M-5528
Index No. 650824/17
-against-

Tripot Capital Partners, LLC, et al.,
Defendants-Respondents.
-----X

Appeals having been taken to this Court from orders of the Supreme Court, New York County, entered on or about October 30, 2017 and on or about October 23, 2017,

And plaintiffs-appellants having moved, inter alia, for an appellate injunction restraining defendants or any of their members, parents or subsidiaries from distributing or otherwise alienating the net sale proceeds from the sale of a certain property, and other relief (M-5675),

And plaintiffs having moved separately, pursuant to CPLR 5704(a) for a review of certain interim relief, including restraining orders to the net proceedings of any future sales of certain property, which was denied by the Supreme Court, on or about October 23, 2017 (M-5528),

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 consolidated and, upon consolidation, denied (M-5675/M-5528).

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 28, 2017.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Marcy L. Kahn
Cynthia S. Kern, Justices.

-----x
Charles Conklin,

Plaintiff-Respondent,

-against-

500-512 Seventh Avenue, LLC,

Defendant-Appellant.
-----x

M-6216
Index No. 159014/14

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

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

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

It is ordered that the motion is granted.

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 28, 2017.

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

-----X
Jeffrey C. Scott,
Plaintiff-Respondent,

-against-

M-5779
Index No. 22882/14E

Karla Posas and Logan Bus Company,
Inc.,
Defendants-Appellants.

-----X

Defendant-appellant Logan Bus Company having moved for a stay of all proceedings pending hearing and determination of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about October 2, 2017,

Now, upon reading and filing the papers with respect to the motion, including the correspondence from Donald G. Derrico, Esq., counsel for Logan Bus Company, Inc., dated November 9, 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 28, 2017.

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

-----X
In the Matter of

Yadari G.,
and Zyaire S.,

CONFIDENTIAL

M-5723

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

Docket Nos. NN-41266/14
NN-41265/14

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

Kathy L.,
Respondent-Appellant.

- - - - -
Michael Mormon, Esq.,
Lawyers for Children,
Attorney for the Children.

-----X

Counsel for respondent-appellant having moved to withdraw the appeal taken from an Order of Disposition of the Family Court, New York County, entered on or about September 7, 2016, and to be relieved as 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 aforesaid appeal withdrawn, and relieving Andrew J. Baer, Esq., as appellate counsel to respondent-appellant.

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 28, 2017.

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

-----x
Joseph Johnson,
Petitioner-Appellant,

-against-

M-5756
Index No. 100342/15

Westin New York at Times Square,
et al.,
Respondents-Respondents.

-----x

An appeal having been taken to this Court from the judgment of the Supreme Court, New York County, entered on or about September 28, 2015, and said appeal having been perfected,

And petitioner-appellant having moved for leave to dismiss his appeal, without prejudice and for leave to prosecute said 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 granted to the extent of deeming petitioner's appeal from the aforesaid judgment entered on September 28, 2015 withdrawn, and otherwise denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 28, 2017.

Present - Hon. Sallie Manzanet-Daniels, Justice Presiding,
Angela M. Mazzarelli
Karla Moskowitz
Marcy L. Kahn
Cynthia S. Kern, Justices.

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

Respondent,
-against-

M-4875
Ind. No. 5122N/15

Jorge Soriano, also known as Jorge Soriano Dajer,

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 November 22, 2016, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 28, 2017.

Present - Hon. Sallie Manzanet-Daniels, Justice Presiding,
Angela M. Mazzarelli
Karla Moskowitz
Marcy L. Kahn
Cynthia S. Kern, Justices.

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

Respondent,
-against-

M-4876
Ind. No. 2997/14

Jorge Soriano, also known as Jorge Soriano Dajer,

Defendant-Appellant.
-----X

Defendant having renewed the motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about November 17, 2016, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 28, 2017.

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

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

-against-

M-5364
Ind. No. 1409/15

Rogelio Rodriguez,
Defendant-Appellant.

-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about April 28, 2016, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 28, 2017.

PRESENT: Hon. Sallie Manzanet-Daniels, Justice Presiding,
Angela M. Mazzarelli
Karla Moskowitz
Marcy L. Kahn
Cynthia S. Kern, Justices.

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

CONFIDENTIAL

M-4725

M-4987

Allison J.,
Petitioner-Appellant,

Docket Nos. V-13811-06/16B
V-46091/16

-against-

Ian P.,
Respondent-Respondent.

-----X
Petitioner-appellant mother 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 August 16, 2017, and for assignment of counsel, a free copy of the transcript, and related relief (M-4725),

And respondent father having cross-moved for certain sanctions and attorneys' fees incurred in responding to this motion (M-4987)

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 both denied (M-4725/M-4987).

ENTERED:



CLERK

CORRECTED ORDER – December 29, 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 28, 2017.

Present - Hon. Sallie Manzanet-Daniels, Justice Presiding,
Angela M. Mazzarelli
Karla Moskowitz
Marcy L. Kahn
Cynthia S. Kern, Justices.

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

Respondent,

-against-

Luis Pena, also known as **Manuel
Pena**,

M-4881

Ind. Nos. 767/14
354/15
361/15

Defendant-Appellant.
-----X

Defendant having moved for leave to file a late notice of appeal and for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about November 21, 2016, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of deeming the moving papers a timely filed notice of appeal, 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.

CORRECTED ORDER – December 29, 2017

(M-4881)

-2-

December 28, 2017

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 28, 2017.

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

-----X
Sualithy Rosario,
Plaintiff-Appellant,

-against-

M-5648
Index No. 24102/16E

Dauda F. Bility, et al.,
Defendants-Respondents.
-----X

Appeals having been taken from an order of the Supreme Court, Bronx County, entered on or about May 19, 2017 and from an order of the same Court and Justice entered on or about September 25, 2017,

And plaintiff-appellant having moved for an order lifting a stay imposed by the Supreme Court, Queens County entered on July 31, 2017 in a related case; an order deeming plaintiff's notices of appeal from the aforesaid orders timely filed and served and to consolidated the aforesaid appeals,

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

It is ordered that the motion is denied, without prejudice to further proceedings in the Bronx County Supreme Court in accordance with orders pertaining to the liquidation of the Fiduciary Insurance Company of America.

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 28, 2017.

PRESENT: Hon. Sallie Manzanet-Daniels, Justice Presiding,
Richard T. Andrias
Judith J. Gische
Cynthia S. Kern
Anil C. Singh, Justices.

-----X
Raeann L.-S.,
Plaintiff-Respondent,

-against-

Christophe V.,
Respondent-Appellant.

-----X

CONFIDENTIAL

M-4870

Docket Nos. V-34946-16

V-41608-16

Respondent having moved for leave to appeal to this Court from an order of the Family Court, New York County, entered on or about September 7, 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 28, 2017.

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

-----X

In the Matter of a Custody/Visitation and Family Offense Proceeding Under Article 6 and Article 8 of the Family Court Act.

CONFIDENTIAL

M-5340

Docket Nos. V-7942-17/17A
V-7947-17/17A
V-7955-17/17A
V-7957-17/17A
O-7920-17/17A
O-7920-17/17B
O-7931-17/17A
O-7931-17/17B
O-7931-17/17C
O-7931-17/17D

- - - - -

Erica M. R.,
Petitioner-Respondent,

-against-

Donald R. R., Jr.,
Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeals from five orders of the Family Court, New York County, entered on or about August 30, 2017, August 31, 2017 and September 7, 2017, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is denied and, sua sponte, the appeals are dismissed.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 28, 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 the Application of
James Pettus,
Petitioner,

M-5629
Index No. 127/17

-against-

Hon. Joseph E. Capella,
Respondent.

-----X

Petitioner, pro se, having moved for poor person relief to prosecute a proposed Article 78 challenge to a decision and order of a Justice of the Supreme Court, Bronx County, entered on or about October 19, 2017, and for leave to have the proceeding 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:


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 28, 2017.

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

-----X
MFB Realty LLC, individually and
derivatively on behalf of T. Park
Central, LLC, and Joseph Lipari,
as Executor of the Estate of Jay
Furman, individually,
Plaintiffs-Appellants,

M-5744
Index No. 653549/14

-against-

Ian Bruce Eichner, et al.,
Defendants-Respondents.

-----X
Plaintiffs-appellants having moved for an enlargement of time to perfect the appeals taken from an order of the Supreme Court, New York County, entered on or about June 29, 2016, from the ensuing judgment, entered on or about August 19, 2016, and from an order of the same Court and Justice entered on or about September 8, 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 in which to perfect the appeals, which are, sua sponte, consolidated, to the April 2018 Term. Appellants are permitted to prosecute the appeals upon 9 copies of one record and one copy of appellants' points covering the aforesaid appeals.

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 28, 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 the Application of
Armen Meyer,
Petitioner-Respondent,

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

-against-

M-5823
Index No. 100343/15

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

-----X

Respondent-appellant having moved for an enlargement of time in which to perfect the appeal taken from a judgment of the Supreme Court, New York County, entered on or about January 25, 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 28, 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

Annabelle J.,

A Child Under the Age of Eighteen
Years Alleged to be Neglected by

CONFIDENTIAL

M-5857

Mardaline D.,
Respondent.

Docket Nos. NN-50200/12
V-42395/15

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

Stacey B.,
Foster Parent-Appellant.

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

-----X
Foster parent-appellant having moved for an enlargement of time to prosecute the appeal taken from an order of the Family Court, New York County, entered on or about June 9, 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 28, 2017.

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

-----X
Universe Antiques Inc., and
Rafael Collection, Ltd.,
Plaintiffs-Appellants-Respondents,

-against-

M-5864
Index No. 601008/10

Joan M. Gralla,
Defendant-Respondent-Appellant.
-----X

An appeal and cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about February 11, 2016,

And plaintiff-appellant-respondent Universe Antiques Inc. having moved for an enlargement of time to perfect its appeal,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal and cross appeal to the 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 28, 2017.

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

-----X

Gerald Blitzer,
Plaintiff-Appellant,

CONFIDENTIAL

M-5650

M-5349

-against-

Index No. 310402/10

Elizabeth Kirk,
Defendant-Respondent.

-----X

An appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about September 14, 2017,

And plaintiff-appellant having moved, by separate motions, to stay the aforesaid order pending hearing and determination of the appeal taken therefrom (M-5650/M-5349),

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 consolidated and the stay is granted on condition the appeal is perfected for the June 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 28, 2017.

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

-----X
Jacal Hacking,
Plaintiff-Respondent-Appellant,

-against-

M-5461
Index No. 154248/12

American Transit Insurance Company,
Defendant-Appellant-Respondent,

-and-

Baker, McEvoy, Morrisey & Moskovits,
Defendant-Respondent.

-----X

Appeals having been taken from an order of the Supreme Court, New York County, entered on or about January 24, 2017,

And defendant-appellant-respondent having moved for an enlargement of time to perfect its respective 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 appeals to the April 2018 Term. The Clerk of the Court is directed to calendar to the appeals to be heard together in 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 28, 2017.

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

-----X
Christopher Comfort,
Plaintiff-Appellant-Respondent,

-against-

118 2nd Ave NY LLC, et al.,
Defendants-Respondents,

Crawford Realty Co., LLC., et al.,
Defendants-Respondents-Appellants.
-----X

M-5826
Index No. 160948/16

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

And plaintiff-appellant having moved to stay the aforesaid order and for dismissal of said action, pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is denied.

ENTERED:



CLERK