

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 15, 2015.

Present - Hon. Luis A. Gonzalez,                      Presiding Justice,  
                 Peter Tom  
                 Angela M. Mazzarelli  
                 David Friedman  
                 John W. Sweeny, Jr.,                      Justices.

-----X  
In the Matter of

The T. Children,

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

- - - - -  
Commissioner of the Administration  
for Children's Services,  
Petitioners-Respondents,

M-3197  
Docket Nos. NN-50165/12  
                 NN-50166/12  
                 NN-50167/12

Latoya T.,  
Respondent,

Tyson T.,  
Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about June 2, 2015, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Steven N. Feinman, Esq., One North Broadway, Suite #412, White Plains, NY 10601, Telephone No. 914-949-8214, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City

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

ENTER:

  
CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 15, 2015.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr., Justices.

-----X

In the Matter of

Tavene H.,  
and Gerard G., Jr.,

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,

**M-4122**  
Docket Nos.  
NN-30141-42/13

William G.,  
Respondent-Appellant,

Daverne H.,  
Respondent-Respondent.

- - - - -

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

-----X

Respondent having moved for leave to respond, as a poor person, to the appeal from the order of the Family Court, New York County, entered on or about November 14, 2014, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Steven N. Feinman, Esq., One North Broadway, Suite 412, White Plains, NY Telephone No. (914) 949-8214, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for respondent-appellant and 8 copies thereof are filed with this Court.

ENTER:

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

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CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 15, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
John W. Sweeny, Jr.  
Dianne T. Renwick  
David B. Saxe  
Paul G. Feinman, Justices.

-----X

Pensmore Investments, LLC,  
Plaintiff-Respondent,

-against-

Action No. 1  
Index No. 650002/14

Gruppo, Levey & Co., et al.,  
Defendants-Respondents,

M-2475

Wendy Levey,  
Intervenor-Appellant.

-----X

Wendy Levey,  
Petitioner-Appellant,

-against-

Action No. 2  
Index No. 151395/15

Pensmore Investments, LLC, et al.,  
Respondents-Respondents.

-----X

Appeals having been taken from an order of the Supreme Court, New York county, entered on or about April 23, 2015 and from an order of the same Court and Justice entered on or about May 20, 2015,

And non-party intervenor-appellant having moved to intervene in the appeal of Action No. 1 as an appellant and amend the caption to reflect her status as such, to consolidate the appeals and supplement the record on appeal to include the transcript of the Supreme Court's ruling on February 3, 2015 and the joint submission to Supreme Court on May 14, 2015, to enjoin, pending hearing and determination of the aforesaid appeals by Pensmore Investments, LLC, from executing a certain money judgment is obtained from respondent Hugh Levy, stay enforcement of the

turnover order and any other efforts by Pensmore to execute upon its judgment by trying to sell or otherwise impair the subject real and personal property 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 on condition the appeals are perfected for the January 2016 Term and pending determination of the appeal allowing intervention by intervenor-appellant on the appeal in Action No. 1 for purposes of determining whether Supreme Court should have granted intervention below, and it is further

Ordered that the appeals are consolidated. Stay of enforcement by Pensmore Investments LLC, or parties acting on its behalf, is granted enjoining all parties including Hugh Levey from removing any of the items identified on Schedules A or B from either home or otherwise in dispute as to ownership, pledging any items for loans, otherwise encumbering any of the items, transferring, or in any manner diminishing their value and allowing intervenor-appellant to supplement the record with the February 3, 2015 ruling and its related motion papers regarding the turnover order and submissions for the May 19, 2015 order.

ENTER:



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CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 15, 2015.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzarelli  
Rolando T. Acosta  
Barbara R. Kapnick, Justices.

-----X

American Casualty Company of Reading,  
PA., et al.,

Plaintiffs-Appellants,

**M-3130**

Index No. 653280/11

-against-

Morris Gelb, et al.,

Defendants-Respondents.

-----X

Plaintiffs-appellants having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on June 4, 2015 (Appeal No. 15335),

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 the extent it seeks reargument is granted and, upon reargument, the decision and order of this Court entered on June 4, 2015 (Appeal No. 15335) is recalled and vacated and a new decision and order substituted therefor. (See Appeal No. 15335, decided simultaneously herewith.) The motion, to the extent it seeks leave to appeal to the Court of Appeals, is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 15, 2015.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Richard T. Andrias  
Karla Moskowitz, Justices.

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

-against-

M-2312  
Ind. No. 5093/04

Sergio Parra,  
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on January 13, 2009 (Appeal No. 5030), unanimously affirming a judgment of the Supreme Court, New York County (Michael Obus, J.), rendered on April 9, 2007,

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

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

It is ordered that said application is denied.

ENTER:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 15, 2015.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
David Friedman  
Barbara R. Kapnick, Justices.

-----X  
Anthony Gordon, et al.,  
Plaintiffs-Appellants,

-against-

**M-3072**

**M-3073**

Index No. 103951/12

476 Broadway Realty Corp.,  
Defendant-Respondent,

Board of Managers of 476 Broadway  
Condominium,  
Defendant.

-----X

Plaintiff-appellant Anthony Gordon having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on June 18, 2015 (Appeal Nos. 15468-69), and for leave to file a supplemental record on appeal [M-3073],

And plaintiff-appellant Martina Gordon having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on June 18, 2015 (Appeal Nos. 15468-69) [M-3072],

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 in their entirety.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 15, 2015.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzarelli  
Rolando T. Acosta  
Barbara R. Kapnick, Justices.

-----X  
In re Isaiah Jenkins, et al.,  
Petitioners,

-against-

M-3004  
Index No. 401039/13

New York City Housing Authority,  
Amsterdam Houses,  
Respondent.

-----X

Petitioner having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on June 14, 2015 (Appeal No. 15340),

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

It is ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 15, 2015.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,  
Dianne T. Renwick  
Sallie Manzanet-Daniels  
Judith J. Gische, Justices.

-----X

Roberto Passos, et al.,  
Plaintiffs-Respondents,

-against-

M-3128  
Index No. 300386/11

MTA Bus Company,  
Defendants-Appellants.

-----X

Plaintiffs-respondents having moved for reargument of the decision and order of this Court entered on June 11, 2015 (Appeal No. 14009-14010),

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

It is ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 15, 2015.

Present - Hon. Peter Tom, Justice Presiding,  
Rolando T. Acosta  
Rosalyn H. Richter  
Barbara R. Kapnick, Justices.

-----x

In Re Eliyahu, an infant.

- - - - -

David B. and Jennifer B.,  
Petitioners-Appellants,

Surrogate's Court

M-4396

File No. 178/10

-against-

Artur N.,  
Respondent-Respondent.

-----x

An appeal having been taken to this Court from the order of the Surrogate's Court, New York County, entered on or about October 14, 2014, and said appeal having been perfected,

And petitioners-appellants having moved for leave to withdraw the aforesaid appeal,

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

It is ordered that the motion is granted to the extent of deeming the perfected appeal withdrawn.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 15, 2015.

Present: Hon. Peter Tom, Justice Presiding,  
David Friedman  
John W. Sweeny, Jr.  
David B. Saxe, Justices.

-----X

Abuwi M. Waheed,  
Plaintiff,

**M-3026**

-against-

Index No. 400111/12

City of New York, et al.,  
Defendants.

-----X

An order of this Court having been entered on October 2, 2014 (M-4210/M-4357) dismissing the purported appeals taken by plaintiff from orders of the Supreme Court, New York County, entered on or about May 8, 2012 and on or about July 25, 2012,

And an order of this Court having been entered on May 7, 2015 (M-1059) denying plaintiff's motion for reconsideration of the aforesaid order of this Court entered on October 2, 2014 (M-4210/M-4357), and for poor person relief,

And plaintiff having renewed his motion for poor person relief, and for reconsideration/reinstatement of the appeals, and to vacate the order of Supreme Court entered on or about May 8, 2012,

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

Ordered that the motion is denied.

ENTER:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 15, 2015.

Present: Hon. Peter Tom, Justice Presiding,  
Rolando T. Acosta  
Richard T. Andrias  
Karla Moskowitz, Justices.

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

-against-

**M-1252**

Ind. No. 2815/04

Todd Branham,  
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on February 19, 2009 (Appeal No. 5286), unanimously affirming the judgment of the Supreme Court, Bronx County (Stadtmauer, J.), rendered on June 8, 2006,

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

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

It is ordered that said application is denied in its entirety.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 15, 2015.

PRESENT - Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
David B. Saxe  
Sallie Manzanet-Daniels  
Barbara R. Kapnick, Justices.

-----X  
Stanislaw Terepka,  
Plaintiff-Appellant-Respondent,

-against-

M-1909  
Index No. 306952/10

The City of New York, et al.,  
Defendants-Respondents-Appellants.

-----X

Defendants-respondents-appellants having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals, from the decision and order of this Court entered on March 31, 2015 (Appeal No. 14661),

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

It is ordered that the motion is denied.

ENTER:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 15, 2015.

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

-----X  
Casa Wales Housing Development Fund  
Corp., et al.,  
Plaintiffs-Appellants,

-against-

M-3302  
Index No. 14277/06

The City of New York,  
Defendant-Respondent.

-----X

Plaintiffs-appellants having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on June 4, 2015 (Appeal No. 15308),

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

It is ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 15, 2015.

Present - Hon. Peter Tom, Justice Presiding,  
Dianne T. Renwick  
Richard T. Andrias  
Karla Moskowitz  
Sallie Manzanet-Daniels, Justices.

-----x

In Re: New York City Asbestos Litigation

-----  
Claudia Smith, as Administratrix for  
the Estate of Ernest G. Smith, and  
Claudia Smith, Individually,  
Plaintiff-Respondent,

-against-

M-4876  
Index No. 190299/13

A.O. Smith Water Products Co.,  
Defendant,

-and-

Cleaver Brooks, Inc.,  
Defendant-Appellant.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about September 25, 2015 (mot. seq. no. 005),

And defendant-appellant 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.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on October 15, 2015.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Rolando T. Acosta  
Diane T. Renwick  
Richard T. Andrias, Justices.

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

-against-

Ramon Perez,  
Defendant-Appellant.

**M-1919**  
**M-2379**  
Ind. No. 2134/86

-----X

The People having renewed their motion to dismiss defendant's appeal taken from a judgment of the Supreme Court, New York County, rendered on or about June 4, 1987 (M-1919),

And defendant having cross-moved for leave to prosecute, as a poor person, the aforesaid appeal, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief (M-2379),

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 People's motion to dismiss defendant's appeal is denied, with leave to renew after defendant has been provided with an opportunity to review the minutes of the trial (M-1919),

Defendant-appellant's cross 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) two transcripts of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record (M-2379).

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 15, 2015.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
Sallie Manzanet-Daniels  
Barbara R. Kapnick, Justices.

-----X

WT Holdings Incorporated,  
Plaintiff-Appellant,

-against-

M-2342

Index No. 600925/09

Argonaut Group, Inc.,  
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on April 16, 2015 (Appeal No. 14832N),

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

It is ordered that the motion is denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 15, 2015.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
Sallie Manzanet-Daniels  
Judith J. Gische, Justices.

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

Respondent,

-against-

Kerwin Johnson,

M-2863  
Ind. Nos. 6066/08  
6172/08

Defendant-Appellant.  
-----X

A decision and order of this Court having been entered on February 8, 2011 (Appeal No. 4222), unanimously affirming a judgment of the Supreme Court, New York County (Bonnie Wittner, J.), rendered on October 20, 2009,

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

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

It is ordered that the motion is denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme  
Court held in and for the First Judicial Department in  
the County of New York on October 15, 2015.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
Dianne T. Renwick  
Richard T. Andrias  
David B. Saxe  
Barbara R. Kapnick, Justices.

-----X  
Castlepoint Insurance Company,  
Plaintiff-Appellant,

-against-

M-2592  
Index No. 154789/12

Sewnarine Jaipersaud, et al.,  
Defendants-Respondents.

-----X

Defendants-respondents having moved for reargument of or, in  
the alternative, leave to appeal to the Court of Appeals from the  
decision and order of this Court entered on April 2, 2015  
(Appeal No. 13739),

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

It is ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 15, 2015.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Richard T. Andrias  
David B. Saxe  
Rosalyn H. Richter, Justices.

-----X  
In re The Port Authority of New York  
and New Jersey,  
Petitioner-Appellant,

-against- M-3343  
Index No. 451628/12  
The Union of Automotive Technicians,  
Respondent-Respondent.  
-----X

Petitioner-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on June 16, 2015 (Appeal No. 15428),

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

It is ordered that the motion is denied.

ENTER:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 15, 2015.

PRESENT - Hon. David Friedman, Justice Presiding,  
David B. Saxe  
Judith J. Gische  
Barbara R. Kapnick, Justices.

-----X  
In the Matter of the Application of  
Milagros Urena,  
Petitioner,

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

M-3348  
Index No. 401916/13

-against-

New York City Housing Authority,  
Respondent.

-----X

An Article 78 proceeding having been transferred to this Court, by order of the Supreme Court, New York County, entered on or about September 22, 2014,

And respondent New York City Housing Authority having moved to dismiss the aforesaid proceeding,

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

It is ordered that the motion is granted to the extent of dismissing the proceeding.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 15, 2015.

Present: Hon. David Friedman, Justice Presiding,  
David B. Saxe  
Judith J. Gische  
Barbara R. Kapnick, Justices.

-----X  
In the Matter of the Application of  
Thayshika Torres,  
Petitioner-Appellant,

**M-3310**

For a Judgment Pursuant to Article 78 Index No. 100244/15  
of the Civil Practice Law and Rules,

-against-

New York City Housing Authority,  
Respondent-Respondent.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Supreme Court, New York County, entered on or about June 26, 2015, 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 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 attorney for respondent and file 8 copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record. The Clerk of the Supreme Court, New York County, is directed to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, with a copy to appellant's counsel, the cost thereof to be charged against the City of New York from funds available therefor.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 15, 2015.

Present: Hon. David Friedman, Justice Presiding,  
David B. Saxe  
Judith J. Gische  
Barbara R. Kapnick, Justices.

-----X

Koya Abe,  
Plaintiff-Appellant,

**M-3421**

-against-

Index No. 105985/10

New York University, et al.,  
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Supreme Court, New York County, entered on or about February 4, 2015, and from another determination of the same Court rendered April 25, 2012, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon plaintiff's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth facts sufficient to establish that plaintiff has no funds or assets with which to prosecute the appeal.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 15, 2015.

PRESENT - Hon. David Friedman, Justice Presiding,  
Rolando T. Acosta  
Richard T. Andrias  
David B. Saxe, Justices.

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

-against-

M-1659  
Ind. No. 1983/00

Devrol Palmer,  
Defendant-Appellant.  
-----X

A decision and order of this Court having been entered on May 27, 2004 (Appeal No. 3765), unanimously affirming a judgment of the Supreme Court, Bronx County (Caesar Cirigliano, J.), rendered on August 8, 2001,

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

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

It is ordered that said application is denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 15, 2015.

Present: Hon. David Friedman, Justice Presiding,  
Diane T. Renwick  
Karla Moskowitz  
Rosalyn H. Richter  
Paul G. Feinman, Justices.

-----X

Andrew Kolchins,  
Plaintiff-Respondent,

**M-1897**

-against-

Index No. 653536/12

Evolution Markets, Inc.,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on April 2, 2015 (Appeal No. 12100),

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 extent it seeks reargument, is denied. So much of the motion which seeks leave to appeal to the Court of Appeals is granted, and this Court, pursuant to CPLR 5713, certifies that the following question of law, decisive of the correctness of its determination, has arisen, which in its opinion ought to be reviewed by the Court of Appeals:

"Was the order of Supreme Court, as modified in part and otherwise affirmed by this Court, properly made?"

This Court further certifies that its determination was made as a matter of law and not in the exercise of discretion.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 15, 2015.

PRESENT - Hon. David Friedman, Justice Presiding,  
David B. Saxe  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

M-2673  
Ind. No. 1348/06

Albert Javier,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for reargument of the decision and order of this Court entered on May 14, 2015 (Appeal No. 15105-15105A),

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

It is ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 15, 2015.

PRESENT - Hon. David Friedman, Justice Presiding,  
Rolando T. Acosta  
Karla Moskowitz  
Rosalyn H. Richter  
Barbara R. Kapnick, Justices.

-----X

In re Liquidation of The Insurance Corporation of New York.

-----  
First Financial Insurance Company,  
Claimant-Appellant,

-against-

Insurance Corporation of New York,  
Defendant-Respondent.

M-2495  
Index No. 401477/09  
Claim No. 1R101191  
File No. I12978

-----X

Claimant-appellant First Financial Insurance Company having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals, from the decision and order of this Court entered on April 7, 2015 (Appeal No. 14740-14741-14742N),

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

It is ordered that the motion is denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 15, 2015.

PRESENT - Hon. David Friedman, Justice Presiding,  
Rolando T. Acosta  
Rosalyn H. Richter  
Judith J. Gische, Justices.

-----X

In re Leonardo Enriquez,  
Petitioner-Appellant,

-against-

M-3103  
Index No. 260045/12

Department of Housing Preservation and  
Development of the City of New York,  
Respondent-Respondent.

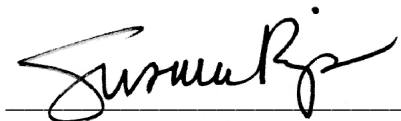
-----X

Respondent-respondent having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on June 2, 2015 (Appeal No. 15051),

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

It is ordered that the motion is denied.

ENTER:

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

CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 15, 2015.

PRESENT - Hon. David Friedman, Justice Presiding,  
Richard T. Andrias  
David B. Saxe  
Rosalyn H. Richter  
Judith J. Gische, Justices.

-----X

Sheila Freed,  
Plaintiff-Respondent,

-against-

M-3204  
Index No. 313336/13

Yochai Kapla,  
Defendant-Appellant.

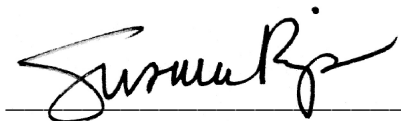
-----X

Defendant-appellant having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on June 25, 2015 (Appeal No. 15538),

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

It is ordered that the motion is denied.

ENTER:

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

CLERK

At a Term of the Appellate Division of the Supreme  
Court held in and for the First Judicial Department in  
the County of New York on October 15, 2015.

Present: Hon. John W. Sweeny, Jr.,                      Justice Presiding,  
             Diane T. Renwick  
             David B. Saxe  
             Judith J. Gische,                      Justices.

-----X  
In re Eliyahu, an infant.

-----  
Nekadam Y.,  
             Plaintiff-Appellant,

Surrogate's Court  
**M-4624**  
File No. 2010-0178

-against-

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

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

-----X

Anne Reiniger, Esq., Court attorney for the subject child, having  
moved on said child's behalf for leave to respond, as a poor person,  
to the appeal from the order of the Surrogate's Court, New York  
County, entered on or about August 20, 2015, to be assigned as child's  
counsel on the appeal, for a free copy of the transcript, and for  
related relief,

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

It is ordered that the motion is granted to the extent of (1)  
assigning, pursuant to Article 18b of the County Law and § 262(a)  
(vii) of the Family Court Act, Anne Reiniger, Esq., 801 Second Avenue,  
10<sup>th</sup> Floor, New York, NY 10017, Telephone No. (646) 627-8875, as  
counsel for purposes of responding to the appeal on behalf of the  
subject child; (2) permitting movant to respond to the appeal upon  
a reproduced respondent's brief, on condition that one copy of such  
brief be served upon the attorney for petitioner-appellant and 8  
copies thereof are filed with this Court.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 15, 2015.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,  
Diane T. Renwick  
Richard T. Andrias  
Judith J. Gische, Justices.

-----X

In re Valynda Garner,  
Petitioner,

**M-4249**

-against-

Index No. 401577/12

New York City Administration for  
Children's Services, et al.,  
Respondents.

-----X

Petitioner having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on August 4, 2015 (Appeal No. 14807),

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

It is ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 15, 2015.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,  
Diane T. Renwick  
Richard T. Andrias  
Judith J. Gische, Justices.

-----X  
Patricia Finn,

Plaintiff-Appellant,

**M-3283**

**M-3958**

-against-

Index No. 687/13

Dkt. 193/14

Frederick Piesco, Jr.,

Defendant-Respondent.

-----X

Plaintiff-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on April 14, 2015 (Appeal No. 14810N), to disqualify defendant-respondent's counsel, and to stay trial proceedings [M-3283],

And defendant-respondent having cross-moved to impose sanctions and/or attorney's fees upon plaintiff-appellant, and to enjoin plaintiff-appellant from disqualifying defendant-respondent's counsel [M-3958],

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 plaintiff-appellant's motion is denied in all respects [M-3283]. Defendant-respondent's cross motion, to the extent it seeks sanctions, is denied. So much of the cross motion which seeks to enjoin plaintiff-appellant from disqualifying defendant-respondent's counsel is granted to the extent of enjoining plaintiff-appellant from moving to disqualify defense counsel without prior approval of this Court [M-3958].

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 15, 2015.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Dianne T. Renwick  
David B. Saxe  
Judith J. Gische, Justices.

-----X  
James Grant,  
Plaintiff-Respondent-Appellant,

-against-

M-4533  
Index No. 112027/09

Solomon R. Guggenheim Museum and  
FJ Sciame Construction Co. Inc.,  
Defendants-Respondents,

-and-

Roehl Transport, Inc.,  
Defendant-Appellant-Respondent.

-----X  
(And Third-Party Actions)

An appeal and cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about September 25, 2014, and said appeal having been perfected,

And defendants-respondents having moved to strike the reply brief filed by defendant-appellant, with leave to re-file a proper reply brief, or in the alternative for leave to file a supplemental brief,

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 striking defendant-appellant's reply brief, with leave to file a reply brief which confines itself to certain facts and arguments presented in defendant-appellant's main brief and omitting any factual or legal arguments with respect to plaintiff's claims against defendants-respondents. Defendant-appellant is directed to file said reply brief on or before November 13, 2015 for the December 2015 Term to which Term the appeal and cross appeal are adjourned.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 15, 2015.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Dianne T. Renwick  
David B. Saxe  
Judith J. Gische, Justices.

-----x  
Jorge S. Camacho, M.D.,  
Plaintiff-Appellant,

-against-

M-4346  
Index No. 159653/13

IO Practiceware, Inc.,  
Defendant-Respondent,  
-----x

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about November 5, 2014, and said appeal having been perfected,

And defendant-respondent having moved for leave to supplement the record on appeal in include a certain transcript dated October 30, 2014 and for costs and fees associated with this 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 to the extent of granting defendant-respondent leave to file said supplemental record containing the transcript dated October 30, 2014 along with its respondent's brief, on or before November 4, 2015, for the December 2015 Term, to which Term the perfected appeal is adjourned, with costs to abide the appeal. The motion is otherwise denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 15, 2015.

Present: Hon. Karla Moskowitz, Justice Presiding,  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Paul G. Feinman, Justices.

-----X  
Amy Golub Hayes,  
Plaintiff-Respondent,

-against-

**M-3696**

**M-3917**

Index No. 101437/10

Greenberg & Reicher, LLP, et al.,  
Defendants,

Edward C. Greenberg,  
Defendant-Appellant.

-----X  
Edward C. Greenberg, Esq.,  
Third-Party Plaintiff-Appellant,

Third-Party  
Index No. 590207/11

-against-

Cohen Tauber Spievack & Wagner P.C.,  
Third-Party Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about September 11, 2014,

And third-party defendant-respondent having moved for dismissal of defendant/third-party plaintiff-appellant's appeal (M-3696),

And plaintiff-respondent having moved for the same relief (M-3917),

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 granted and the appeal is dismissed.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 15, 2015.

Present: Hon. Karla Moskowitz, Justice Presiding,  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Paul G. Feinman, Justices.

-----X  
Gerard V. Sunnen, M.D.,

Petitioner-Appellant,

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

-against-

**M-3857**  
Index No. 102194/12

New York State Department of Health,

Respondent-Respondent.

-----X

Respondent-respondent having moved for dismissal of the appeal taken from an order of the Supreme Court, New York County, entered on or about June 25, 2014,

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

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

ENTER:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 15, 2015.

Present: Hon. Karla Moskowitz, Justice Presiding,  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Paul G. Feinman, Justices.

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

- - - - -  
DeAnna C., Docket Nos. V-31895/13  
Petitioner-Appellant, V-31896/13

-against-

Jessica C. and Nicholas Martin O.,  
Respondents-Respondents.

-----X

An appeal having been taken from an order of the Family Court, New York County, entered on or about April 2, 2014,

And subject children having moved to dismiss petitioner's appeal or, in the alternative, to hold said appeal in abeyance pending completion of a certain fact-finding hearing in Family Court under Docket Nos. NA-41088-89/15,

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 to the extent of dismissing the appeal, and is otherwise denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 15, 2015.

Present: Hon. Karla Moskowitz, Justice Presiding,  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Paul G. Feinman, Justices.

-----X

Donette Kingston,  
Plaintiff-Appellant,

**M-3260**

-against-

Index No. 400311/14

New York City Police Department,  
Respondent-Respondent.

-----X

Plaintiff-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Supreme Court, New York County, entered on or about August 6, 2014, 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 the motion, and due deliberation having been had thereon,

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

ENTER:



CLERK

At a Term of the Appellate Division of the  
Supreme Court held in and for the First Judicial  
Department in the County of New York on October 15, 2015.

PRESENT - Hon. Karla Moskowitz, Justice Presiding,  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Paul G. Feinman, Justices.

-----X

In the Matter of a Family Offense  
Proceeding

Mahmuda U.,  
Petitioner-Appellant,

-against-

M-4181  
Docket No. O-33339-14/14B

Mohammad S. I.,  
Respondent-Respondent.

-----X

Respondent-respondent having moved for leave to respond, as  
a poor person, to the appeal from an order of the Family Court,  
New York County, entered on or about September 3, 2014, and for  
assignment of counsel,

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

It is ordered that the motion is granted to the extent of  
(1) 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 the People and 10 copies thereof are  
filed with this Court; and (2) assigning, pursuant to Section  
722 of the County Law, Tennille M. Tatum-Evans, Esq., 260  
Convent Avenue, Suite #34, New York, NY 10031, Telephone No.  
(347)645-6660, as counsel for purposes of responding to the  
appeal. Sua sponte, the appeal is adjourned to the February 2016  
Term.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 15, 2015.

PRESENT - Hon. Karla Moskowitz, Justice Presiding,  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Paul G. Feinman, Justices.

-----X  
Meriam Aflalo,  
Plaintiff-Appellant,

-against-

M-3865  
Index No. 311467/11

Leopeter Alvarez, et al.,  
Defendants-Respondents.  
-----X

Plaintiff having moved for an enlargement of time to file a notice of appeal from the order of the Supreme Court, Bronx County, entered on or about April 7, 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 deeming the notice of appeal dated May 7, 2015 timely filed.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme  
Court held in and for the First Judicial Department  
in the County of New York on October 15, 2015.

Present: Hon. Karla Moskowitz,  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Paul G. Feinman,

Justice Presiding,  
  
Justices.

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

-against-

Shane L. Hyatt,  
Defendant.

**M-4146**  
Ind. No. 6043/03

-----X

Defendant having moved for an enlargement of time to file a  
notice of appeal from the judgment of the Supreme Court, New York  
County, rendered on or about September 27, 2004, and for leave to  
prosecute the appeal as a poor person on the original record and  
upon a reproduced appellant's brief, and for assignment of counsel,

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

It is ordered that the motion is denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 15, 2015.

Present: Hon. Karla Moskowitz, Justice Presiding,  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Paul G. Feinman, Justices.

-----X  
Danna Novak,

Plaintiff-Appellant,

-against-

**M-3695**

Index No. 100979/11

St. Luke's Roosevelt Hospital Center,  
Inc., et al.,

Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time to file and perfect an appeal from an order of the Supreme Court, New York County, entered on or about January 17, 2012,

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

It is ordered that the motion is denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 15, 2015.

Present: Hon. Karla Moskowitz, Justice Presiding,  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Paul G. Feinman, Justices.

-----X  
M.S., by her parents, Nicole and Daniel  
and Nicholas S.,  
Plaintiffs-Respondents-Appellants,

-against-

**M-3972**

**M-3841**

Index No. 21252/05

Ashlesha Dayal, M.D.,  
Defendant-Appellant-Respondent,

Susan J. Gross, M.D., et al.,  
Defendants.

-----X

An appeal and cross appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about August 6, 2014, and the direct appeal having been perfected,

And plaintiffs-respondents-appellants having moved for an enlargement of time to perfect their cross appeal (3972),

And defendant-appellant-respondent having cross-moved for the dismissal of plaintiffs' cross appeal (M-3841),

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 plaintiffs' motion is granted to the extent of enlarging the time to perfect the cross appeal to the January 2016 Term (M-3972). Defendant's cross motion is denied, with leave to address the issue on the appeal (M-3841).

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 15, 2015.

Present: Hon. Karla Moskowitz, Justice Presiding,  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Paul G. Feinman, Justices.

-----X

Nayereh Afsari,  
Plaintiff-Appellant,

-against-

**M-3905**

Index No. 101390/12

JP Morgan Chase Bank,  
N.A., successor by merger to Chase  
Home Finance, LLC,  
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, New York County, entered on or about March 24, 2014,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the January 2016 Term, with no further enlargements to be granted.

ENTER:

  
CLERK



At a Term of the Appellate Division of the Supreme  
Court held in and for the First Judicial Department  
in the County of New York on October 15, 2015.

PRESENT: Hon. Karla Moskowitz, Justice Presiding,  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Paul G. Feinman, Justices.

-----X  
Bruce Schwartz,  
Plaintiff-Respondent,

-against-

M-4046  
Index No. 100524/08

Boom Batta, Inc., et al.,  
Defendants,

Robert Watman and Tim Ouellette,  
Defendants-Appellants.

-----X

Appeals having been taken from the orders of the Supreme  
Court, New York County, entered on or about October 30, 2014,  
November 12, 2014, and two so ordered transcripts entered on or  
about November 18, 2014, respectively,

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

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 appeals to the June 2016 Term,  
with leave to seek further enlargement, if necessary.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 15, 2015.

PRESENT - Hon. Karla Moskowitz, Justice Presiding,  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Paul G. Feinman, Justices.

-----X

Ronny Buni, Esq., et al.,  
Plaintiffs-Appellants,

-against-

M-3203  
Index No. 570054/14

Vivian Kleinerma and Gerald Kleinerma,  
Defendants-Respondents.

-----X

Defendants-respondents having moved for leave to appeal to this Court from the decision and order of the Appellate Term, entered in the office of the Clerk of the Supreme Court, New York County on or about January 7, 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 denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 15, 2015.

Present: Hon. Karla Moskowitz, Justice Presiding,  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Paul G. Feinman, Justices.

-----X

Nicole Barrett, Carmel Barrett and  
Edgar Barrett,  
Plaintiffs-Appellants,

**M-4068**  
Index No. 250264/15

-against-

RP Assets Inc., and Loushon Frazier,  
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about August 3, 2015,

And plaintiffs having moved to stay a Civil Court summary proceeding pending hearing and determination of the appeal, 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 denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 15, 2015.

Present: Hon. Karla Moskowitz, Justice Presiding,  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Paul G. Feinman, Justices.

-----X

In the Matter of the Application of  
Michael P. Thomas,  
Petitioner-Respondent,

Letitia James, Public Advocate for the  
City of New York, and Class Size Matters,  
Petitioners-Intervenors,

**M-3225**

**M-3826**

Index No. 100538/14

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

-against-

New York City Department of Education  
and Carmen Farina, Chancellor of the  
New York City Department of Education,  
Respondents-Appellants.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, entered on or about April 23, 2015,

And petitioner-respondent and petitioner-intervenor having moved for a declaration that an automatic stay does not apply but if one does apply, for vacatur of same (M-3225),

And respondents-appellants having cross-moved for a declaration that the Supreme Court judgment is subject to an automatic stay or, in the alternative, for a discretionary stay (M-3826),

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 (M-3225). The cross motion is granted to the extent of declaring that an automatic stay (CPLR 5519 [a][1]) is in effect (M-3826).

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 15, 2015.

Present: Hon. Karla Moskowitz, Justice Presiding,  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Paul G. Feinman, Justices.

-----X

The People of the State of New York  
ex rel. Curry Lee Walker,  
Petitioner,

**M-3915**

Ind. Nos. 6325/09  
5390/13  
1706/14

-against-

Warden Lemon, Warden of Rikers Island,  
Respondent.

-----X

The above-named petitioner having moved for, inter alia, a writ of habeas corpus to be issued from this Court, for poor person relief and the assignment of counsel,

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

It is ordered that the application for the writ is hereby denied and dismissed. So much of the motion which seeks poor person relief and assignment of counsel if denied, as academic.

ENTER:

  
CLERK

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

BEFORE: Hon. Dianne T. Renwick  
Justice of the Appellate Division

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

M-4188  
Ind. No. 1365/2012

-against-

CERTIFICATE  
DENYING LEAVE

Eusebio Reynoso,  
Defendant.

-----X  
I, Dianne T. Renwick, a Justice of the Appellate Division,  
First Judicial Department, do hereby certify that, upon  
application timely made by the above-named defendant for a  
certificate pursuant to Criminal Procedure Law, sections 450.15  
and 460.15, and upon the record and proceedings herein, there is  
no question of law or fact presented which ought to be reviewed  
by the Appellate Division, First Judicial Department, and  
permission to appeal from the order of the Supreme Court, New  
York County, entered on or about May 27, 2015 is hereby denied.

  
Associate Justice

Dated: October 7, 2015  
New York, New York

ENTERED: **OCT 15 2015**

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

BEFORE: Hon. David B. Saxe  
Justice of the Appellate Division

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

-against-

Carlos Valentin,  
Defendant-Respondent.  
-----X

M-2392  
Ind No. 823/09

ORDER GRANTING LEAVE

I, David B. Saxe, Justice of the Appellate Division, Supreme Court, First Department, do hereby certify that in the record and proceedings herein<sup>1</sup> 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 be, and it hereby is granted to the above-named appellant to appeal to the Court of Appeals.

Dated: New York, New York  
September 29, 2015

**ENTERED**

OCT 15 2015

  
Justice of the Appellate Division

Notice: Within 10 days from the issuance of this certificate, a jurisdictional statement must be filed with the Clerk of the Court of Appeals pursuant to Rule 500.2 of the Court of Appeals rules.

<sup>1</sup>Description of Order:

9/28/2011

Sup. Ct. Bronx Co.

Rev'd. 5/7/2015  
App. Div. 1st Dept.



STATE OF NEW YORK  
APPELLATE DIVISION : FIRST DEPARTMENT

BEFORE: Hon. David B. Saxe  
Justice of the Appellate Division

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

M-2239  
NY Co. Ind No.  
14998/91

-against-

CERTIFICATE  
DENYING LEAVE

Benjamin Williams,

Defendant.  
-----X

I, David B. Saxe, 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 section 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about May 20, 2015 is hereby denied.

Dated: *October 7, 2015*  
New York, New York

**ENTERED**

OCT 15 2015

*David B. Saxe*  
Justice of the Appellate Division

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

BEFORE: Hon. David B. Saxe  
Justice of the Appellate Division

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

M-2730  
NY Co.  
Ind. No. 1642/06

-against-

Horace Hampton,

Defendant.

-----X  
The above-named defendant having moved for an extension of time to file a certificate pursuant to Criminal Procedure Law sections 440.10 and 460.30 for leave to appeal the order of Supreme Court, New York County, entered on or about April 2, 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 denied.

  
Justice of the Appellate Division

Dated: *October 7, 2015*, 2015  
New York, New York

ENTERED: **OCT 15 2015**

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

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

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

M-3082  
Ind. No. 501/03


-against-

CERTIFICATE  
DENYING LEAVE

Dean Lopez,

Defendant.  
-----X

I, Sallie Manzanet-Daniels, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about May 19, 2015, is hereby denied.

  
Associate Justice

Dated: September 21, 2015  
New York, New York

ENTERED: OCT 15 2015