

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 January 5, 2016.

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

-----X
Giorgio Armani Corp.,
Plaintiff-Respondent,

-against-

M-5281
Index No. 651022/15

SL Realty Corp., SL Green Operating
Partnership, L.P., Madison/65 Owner
LLC, 752 Development Fee LLC, 752
Madison Owner 2 LLC, and 752 Madison
Owner 3 LLC,
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about August 6, 2015,

And, defendants-appellants, in connection with the aforesaid appeal, having moved for an order in the nature of a preliminary appellate injunction pursuant to CPLR 5518, to modify certain terms of a temporary restraining, pending hearing and determination of the appeal taken therefrom,

Now, upon reading and filing the papers with respect to the motion, including the motion by attorneys for defendants-appellants dated November 25, 2015, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn.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 January 5, 2016.

PRESENT: Hon. Peter Tom,
David B. Saxe
Rosalyn H. Richter
Judith J. Gische,

Justice Presiding,

Justices.

-----X
Yasmin Davila, Individually,
Gilbert Davila, Individually,
Anjelina Davila, an infant under
the age of 14 by her parents and
Natural Guardians Yasmin Davila and
Gilbert Davila, and Phillip Davila,
an infant under the age of 14 by his
parents and Natural Guardians
Yasmin Davila and Gilbert Davila,
Plaintiffs-Appellants,

M-5139
Index No. 350738/08

-against-

Sleepy's, LLC,
Defendants-Respondent.

-----X
(And a third-party action)
-----X

Plaintiffs-appellants having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, Bronx County, entered on or about December 18, 2014,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the May 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 January 5, 2016.

PRESENT - Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Richard T. Andrias
Judith J. Gische, Justices.

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

Respondent,

-against-

M-5329
Ind. No. 2888/12

Alex Jean,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about March 27, 2014, 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 defendant's submission of a detailed notarized affidavit, in compliance with CPLR 1101(a), setting forth the terms of defendant's retainer agreement with trial counsel, the amount and sources of funds for trial counsel's fee and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

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 January 5, 2016.

PRESENT - Hon. Peter Tom,
John W. Sweeny, Jr.
Richard T. Andrias
Judith J. Gische,

Justice Presiding,

Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-5347
Ind. No. 3702/13

Romeo Marishaw,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about October 2, 2015, 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 defendant's submission of a detailed notarized affidavit, in compliance with CPLR 1101(a), setting forth the terms of defendant's retainer agreement with trial counsel, the amount and sources of funds for trial counsel's fee and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

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 January 5, 2016.

PRESENT : Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
Sara Myers, Steve Goldenberg, Eric A.
Seiff, Howard Grossman, M.D., Samuel C.
Klagsbrun, M.D., Timothy E. Quill, M.D.,
Judith K. Schwarz, Ph.D., Charles A.
Thornton, M.D., and End of Life Choices
New York,
Plaintiffs-Appellants,

-against-

M-6055
Index No. 151162/15

Eric Schneiderman, etc.,
Defendant-Respondent,

Janet DiFiore, etc., et al.,
Defendants.

-----X

An appeal having been taken from the order of the Supreme
Court, New York County, entered on or about October 19, 2015
(mot. seq. no. 002),

And plaintiffs-appellants having moved for a calendar
preference to have the appeal heard for the February 2016 Term,

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 granting a calendar preference for the first week of
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 January 5, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
Rosalyn H. Richter
Judith J. Gische, Justices.

-----X
Timothy Hogue and Marianne Hogue,
Plaintiffs-Appellants,

-against-

M-5696
Index No. 152217/15

Kenilworth Apartments, Inc., Stephen
Presser, Diane Archer, Brian Kramer,
and Denise Grigal,
Defendants-Respondents.
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about May 7, 2015, and said appeal having been perfected,

And defendants-respondents Stephen Presser, Diane Archer, Brian Kramer and Denise Grigal, having moved for dismissal of so much of the aforesaid appeal taken as against them,

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 from the aforesaid order, only insofar as a preliminary injunction was denied against said defendants. The appeal against defendant-respondent Kenilworth Apartments shall remain on the calendar for 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 January 5, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,
David B. Saxe
Rosalyn H. Richter
Judith J. Gische, Justices.

-----X
In the Matter of the Application of
Keith Harrison,
Petitioner,

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

M-4740
Index No. 400557/14

-against-

Independence Care System and Office
of Administration Hearings,
Respondent.

-----X

An Article 78 proceeding having been transferred to this
Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New
York County, entered on or about August 29, 2014, to review a
determination of respondent,

And petitioner, pro se, having moved for stay of all
proceedings, pending hearing and determination of the aforesaid
proceeding, for leave to prosecute, as a poor person, the aforesaid
proceeding 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 so much of the motion seeking a stay of
proceedings is granted to the extent of enlarging the time to perfect
same to on or before February 1, 2016 for the April 2016 Term. Leave
to prosecute the proceeding as a poor person and related relief is
denied, without prejudice to renewal, upon a detailed affidavit
stating all sources of income and their amounts.

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 January 5, 2016.

PRESENT - Hon: Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

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

-against-

M-5737
Ind. No. 3606/09

Cesar Zuniga,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about October 13, 2010,

And respondent People having moved for an order holding the appeal in abeyance and remanding this matter to the Supreme Court, New York County, for a reconstruction hearing, and 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 adjourning the appeal to the May 2016 Term of this Court, and remanding the matter to the Supreme Court, New York County, for the requested reconstruction hearing as set forth in the moving papers.

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 January 5, 2016.

PRESENT - Hon. Peter Tom,
Richard T. Andrias
Karla Moskowitz
Barbara R. Kapnick,

Justice Presiding,

Justices.

-----X
John Wiley & Sons, Inc., et al.,
Plaintiffs-Appellants,

-against-

M-5755
Index No. 650375/13

Pierre Grossman,
Defendant-Respondent.
-----X

Defendant-respondent Pierre Grossman 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 October 22, 2015 (Appeal No. 15939N),

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 January 5, 2016.

PRESENT - Hon. Peter Tom, Justice Presiding,
Rolando T. Acosta
Richard T. Andrias
Karla Moskowitz, Justices.

-----X
Daniel P. Walsh,
Plaintiff-Appellant,

-against-

M-5164
Index No. 110484/11

Blaggards III Restaurant Corp.,
Defendant-Respondent.

-----X

Defendant-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 September 15, 2015
(Appeal No. 15567),

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 January 5, 2016.

PRESENT - Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Richard T. Andrias
Karla Moskowitz
Judith J. Gische, Justices.

-----X
Dylan P., an Infant Under the Age of
Fourteen, by his Mother and Natural
Guardian, Raisa L., et al.,
Plaintiffs-Appellants,

-against-

M-5594
Index No. 7412/07

Webster Place Associates, L.P.,
Defendant-Respondent.
-----X

Defendant-respondent having moved for reargument or in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on October 20, 2015 (Appeal No. 15099),

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 for reargument is denied. The motion to the extent it 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 the Supreme Court, as reversed 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 January 5, 2016.

PRESENT - Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr., Justices.

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

Respondent,

-against-

Vincent Chambers,

M-4691
M-4982
Ind. No. 2481/00

Defendant-Appellant.
-----X

A decision and order of this Court having been entered on May 13, 2003 (Appeal No. 1128), unanimously affirming a judgment of the Supreme Court, Bronx County (David Statdtmauer, J.), rendered on September 17, 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 (M-4691),

And respondent People having cross-moved for an order dismissing defendant-appellant's application (M-4982),

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-4691). It is further ordered that the cross motion by respondent People is denied as academic (M-4982).

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 January 5, 2016.

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

-----X

In the Matter of a Family Offense
Proceeding Under Article 4 of the
Family Court Act.

Aissatou D.,
Petitioner-Appellant,

M-4700A
Docket No. O-12787/11

-against-

Mamadou D.,
Respondent-Respondent.

-----X

Court attorney for the subject child 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
February 10, 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, Leslie L. Lowenstein, Esq., 567
Sunset Drive, Woodmere, NY 11598, Telephone No. 516-994-6831, as
counsel for purposes of responding to the appeal; (2) permitting
movant to respond to the appeal upon a reproduced respondent's
brief, on condition that one copy of such brief be served upon
the attorney for petitioner-appellant and 8 copies thereof are
filed with this Court. The order of this Court entered on
October 13, 2015, is recalled and vacated.

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 January 5, 2016.

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

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

Respondent,

-against-

Willie Bellinger, also known as
Ill Will,

Defendant-Appellant.

M-6212
Ind. Nos. 2373/14
3275/14
1479/14

-----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 July 31, 2015, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

Steven Feldman, Esq., 626 EAB Plaza, West Tower, 6th Floor, Uniondale, NY 11556, Telephone No. 516-522-2828, 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.

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 January 5, 2016.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

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

Ninoska M.,
Petitioner-Appellant,

-against-

Timothy C.,
Respondent-Respondent.
-----X

M-5343

M-5574

Docket No. V-04648-00/14E

Respondent-respondent having moved for dismissal of the
appeal taken from the order of the Family Court, Bronx County,
entered on or about September 4, 2014 (M-5343),

And petitioner-appellant having renewed her motion for
leave to prosecute the appeal as poor person, and related relief
(M-5574),

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

It is ordered that the motion is granted and the appeal is
dismissed (M-5343). The motion by petitioner-appellant for leave
to prosecute the appeal as a poor person is denied (M-5574).

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 January 5, 2016.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
Karla Moskowitz
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

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

-against-

M-5398
Ind. No. 2120/13

Randall Graves,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about November 12, 2014, 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 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 reproduced copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

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

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

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 January 5, 2016.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Karla Moskowitz
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

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

-against-

M-5304
Ind. No. 1938/10

Jose Mercado,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of **resentence** of the Supreme Court, New York County, rendered on or about March 10, 2015, for leave to have the appeal heard upon 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 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 with this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of **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.

Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4100, 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.

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 January 5, 2016.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
Karla Moskowitz
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

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

-against-

M-5369
Ind. No. 1279/13

Latanya Jones,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time to file a
notice of appeal from the judgment of the Supreme Court, Bronx County,
rendered on or about December 17, 2014, for leave to prosecute the
appeal as a poor person upon 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 granted to the extent of deeming
the moving papers a timely filed notice of appeal, and permitting the
appeal to be heard on the original record, except that a certified
copy of the indictment(s) shall be substituted in place of the
original indictment(s), and upon a reproduced appellant's brief, on
condition that appellant serves one copy of such brief upon the
District Attorney of said county and files 8 copies of such brief,
together with the original record, pursuant to Rule 600.11 of the
Rules of this Court.

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

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

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 January 5, 2016.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
Karla Moskowitz
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

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

Stacey J., M-5371
Petitioner-Respondent, Docket No. F-1023/12

-against-

Jamel W.,
Respondent-Appellant.

-----X
Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, New York County, entered on or about September 3, 2015, 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 files 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 Family 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 or appellant's counsel if any, 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 January 5, 2016.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
Judith J. Gische
Barbara R. Kapnick, Justices.

-----X

Yahya Serhan,
Plaintiff-Appellant,

-against-

M-5919
Index No. 159993/14

Ranjit Sinch,
Defendant-Respondent,

Marina Serhan, et al.,
Defendants.

(And another action)

-----X

Plaintiff-appellant having moved for an enlargement of
time to perfect the appeal from the order of the Supreme Court,
New York County, entered on or about January 22, 2015 (mot. seq.
no. 002),

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

It is ordered that the motion is granted to the extent of
enlarging the time to perfect the appeal to the May 2016 Term.
Sua sponte, the perfected appeal from (Index No. 151551/14) is
adjourned to the May 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 January 5, 2016.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
Judith J. Gische
Barbara R. Kapnick, Justices.

-----X

Mamadou L. Dabo,
Plaintiff-Appellant,

-against-

M-6031

Index No. 308176/12

Beatrice O. Dibblies,
Defendant-Respondent.

-----X

An appeal having been taken from orders of the Supreme Court, New York County, entered on or about July 2, 2015 and September 30, 2015, respectively, and said appeal having been perfected,

And defendant-respondent having moved to dismiss the appeal, or in the alternative to strike the record and brief on appeal and direct plaintiff to file a new brief and record,

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 only to the extent of striking the following pages of the record on appeal: 116-138, 1051-1120, 1137-1144, 1507-1536, 1581-2233. Plaintiff is directed to file a new brief and record on appeal without any reference to or inclusion of the aforementioned pages in the current record on appeal. Sua sponte, the appeal is adjourned to the June 2016 Term. Defendant-respondent is granted leave to file a new respondent's brief, if so advised.

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 January 5, 2016.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Rolando T. Acosta
Barbara R. Kapnick, Justices.

-----X

Nomura Home Equity Loan, Inc.,
Series 2006-FM2, by HSBC Bank USA,
National Association, solely in its
capacity as Trustee,
Plaintiff-Respondent-Appellant,

-against-

Nomura Credit & Capital, Inc.,
Defendant-Appellant-Respondent.

- - - - -

Nomura Home Equity Loan, Inc.,
Series 2007-3, by HSBC Bank USA,
National Association, solely in its
capacity as Trustee,
Plaintiff-Respondent-Appellant,

-against-

Nomura Credit & Capital, Inc.,
Defendant-Appellant-Respondent.

- - - - -

Nomura Asset Acceptance Corporation Mortgage
Pass-Through Certificates, Series 2006-AF 2,
by HSBC Bank USA, National Association, as
Trustee,
Plaintiff-Appellant-Respondent,

-against-

Nomura Credit & Capital, Inc.,
Defendant-Appellant-Respondent.

- - - - -

-----X

M-5784
Index Nos. 653783/12
651124/13
652614/12
650337/13

-----X
Nomura Home Equity Loan, Inc.,
Home Equity Loan Trust, Series 2007-2
by HSBC Bank USA, National Association,
as Trustee,
Plaintiff-Appellant-Respondent,

-against-

Nomura Credit & Capital, Inc.,
Defendant-Appellant-Respondent.
-----X

Defendant-appellant-respondent having moved for leave to
appeal to the Court of Appeals from the decision and order of
this Court entered on October 13, 2015 (Appeal Nos. 15524, 15525,
15526 & 15527),

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

It is ordered that the motion is granted, and this
Court, pursuant to CPLR 5713, certifies that the following
question of law, decisive of the correctness of its
determination, has arisen, which in its opinion ought to be
reviewed by the Court of Appeals:

"Was the order of this Court, which modified,
on the law, the orders of the Supreme Court,
New York County, 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 January 5, 2016.

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

-----X
Sean Segota,
Plaintiff-Appellant,

-against-

M-5159
Index No. 108049/10

Tishman Construction Corporation of
New York, 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 September 15, 2015 (Appeal No. 15421),

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 January 5, 2016.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
David B. Saxe
Karla Moskowitz, Justices.

-----X
Precast Restoration Services, LLC,
Plaintiff-Respondent,

-against-

M-5479
Index No. 104029/10

Global Precast, Inc.,
Defendant-Appellant,

1240 First Avenue, LLC, et al.,
Defendants.

-----X

Plaintiff-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 September 29, 2015 (Appeal No. 15168),

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 January 5, 2016.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
Dianne T. Renwick
Richard T. Andrias
Sallie Manzanet-Daniels, Justices.

-----X
In re Lisa W.,
Petitioner-Respondent,

-against-

M-5614
Docket No. O-41382/12

John M.,
Respondent-Appellant.

-----X

Respondent-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 October 13, 2015
(Appeal No. 15849),

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 January 5, 2016.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Karla Moskowitz
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-5299

Ind. No. 4989/14

Maurice Brunner,

Defendant-Appellant.

-----X

An order of this Court having been entered on September 15, 2015 (M-3728), granting defendant leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about March 3, 2015, and assigning Seymour W. James, Jr., Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

It is ordered that the motion is granted to the extent of striking the designation of assigned counsel Seymour W. James, Jr., Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Leonard J. Levenson, Esq., 225 Broadway, New York, NY 10007, Telephone No. 212-732-0522 as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

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 January 5, 2016.

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

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

-against- M-5038
Ind. Nos. 2338/14
Hector Uribe, 5434/14
Defendant-Appellant. 1791/12
-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about June 26, 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 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 January 5, 2016.

Present - Hon. David Friedman,
John W. Sweeny, Jr.
Richard T. Andrias
Karla Moskowitz,

Justice Presiding,

Justices.

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

-against-

M-4902
Ind. No. 18/10

Angel Concepcion,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of **resentence** of the Supreme Court, Bronx County, entered on or about August 10, 2015, for leave to have the appeal heard upon 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 granted to the extent of permitting the appeal to be heard upon 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 court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of **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.

Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York, 10007, Telephone No. 212-402-4100, 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.

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 January 5, 2016.

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

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

-against- M-5063
Ind. No. 76/15
Kedvin Vasquez,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, Bronx County, rendered on or about June 12, 2015, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

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 January 5, 2016.

Present - Hon. David Friedman,	Justice Presiding,
John W. Sweeny, Jr.	
Richard T. Andrias	
Karla Moskowitz,	Justices.

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

-against-

M-5339
Ind. No. 49/07

Miguel E. Joaquin,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about January 21, 2010, 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, 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 serve one copy of such brief upon the District Attorney of said county and file 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

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

Defendant-appellant's time in which to perfect the appeal is enlarged until 120 days from the date of filing of the record.

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 January 5, 2016.

Present - Hon. David Friedman,	Justice Presiding,
John W. Sweeny, Jr.	
Dianne T. Renwick	
Richard T. Andrias	
Karla Moskowitz,	Justices.

-----X
Myra Van Moore,

Plaintiff-Respondent,

-against-

M-4884
Index No. 151095/12

NY Boiler Repair & Cooling Corp.,

Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about August 19, 2014,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the May 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 January 5, 2016.

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

-----x
Lauren Appel Gottlieb,
Plaintiff-Respondent,

-against-

Michael Gottlieb,
Defendant-Appellant,

Mallow, Konstam, Mazur, Bocketti &
Nisonoff, P.C., et al.,
Non-Party Appellants.

Confidential

M-5259

Index No. 314079/10

-----x

Separate appeals having been taken by the defendant from the order of the Supreme Court, New York County, entered on or about December 23, 2013, and from a judgment of the same Court and Justice, entered on or about May 12, 2014, respectively, and said appeals having been perfected,

And non-party appellants having moved for leave to consolidate their appeal from an order entered on August 26, 2015 with the aforesaid perfected 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 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 January 5, 2016.

PRESENT: Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Richard T. Andrias
Rosalyn H. Richter, Justices.

-----X
Debra T.,

Plaintiff-Respondent,

-against-

Andrew F.,

Defendant-Appellant.
-----X

CONFIDENTIAL

M-5305

Index No. 350006/11

An appeal having been taken from the judgment of divorce of the Supreme Court, New York County, entered on or about September 1, 2015,

And defendant-appellant having moved for an order staying enforcement of the aforesaid judgment pending hearing and determination of the appeal,

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

It is ordered that the motion is granted to the extent of staying only the award of attorney's fees; the motion is otherwise denied, and the interim relief granted by an order of a Justice of this Court, dated October 2, 2015, is hereby vacated.

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 January 5, 2016.

Present - Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Dianne T. Renwick
Richard T. Andrias
Karla Moskowitz, Justices.

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

-against-

M-5116
Ind. No. 1860/11

Freddy White,
Defendant-Appellant.
-----X

An order of this Court having been entered on January 22, 2013 (M-5618), inter alia, granting defendant's 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 October 25, 2012, under Indictment No. 1860/11, and assigning counsel therefor,

And defendant-appellant having moved for an order amending the the aforementioned order to include the judgment of resentence rendered October 20, 2014 under the same indictment number,

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

It is ordered that said motion is granted to the extent of amending defendant's notice of appeal and the aforementioned order to include the judgment of resentence rendered October 20, 2014 under the same indictment number, and extending the poor person relief previously granted to cover same.

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 January 5, 2016.

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

-----X
In re Jonathan Jacobs,
Petitioner-Respondent,

-against-

M-5476
Index No. 401303/13

New York State Division of Human Rights,
Respondent-Petitioner,

Lillie Davis Staton, et al.,
Respondents.
-----X

Petitioner-respondent Jonathan Jacobs 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 September 29, 2015 (Appeal No. 15714),

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 January 5, 2016.

PRESENT - Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Karla Moskowitz
Rosalyn H. Richter
Paul G. Feinman, Justices.

-----X

Joan Banach,
Plaintiff-Petitioner-
Respondent-Appellant,

-against-

M-5550
Index No. 600918/09

The Dedalus Foundation, Inc.,
Defendant-Respondent-
Appellant-Respondent.

Bantle & Levy LLP,
Nonparty-Respondent.

National Employment Lawyers
Association/New York,
Amicus Curiae.
-----X

Defendant The Dedalus Foundation, Inc. having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on October 20, 2015 (Appeal No. 15364N), and for a stay of the aforesaid decision pending review of 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 denied. The interim relief granted by an order of a Justice of this Court dated October 28, 2015, is vacated.

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 January 5, 2016.

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

-----X

Lyn Rollins,
Plaintiff-Respondent,

-against-

M-4041
Index No. 106303/09

Fencers Club, Inc., et al.,
Defendants-Appellants.

-----X

Defendants-appellants having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on May 5, 2015 (Appeal No. 12973),

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

It is ordered that the motion is granted, and this Court, pursuant to CPLR 5713, certifies that the following question of law, decisive of the correctness of its determination, has arisen, which in its opinion ought to be reviewed by the Court of Appeals:

"Was the order of the Supreme Court, as 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 January 5, 2016.

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

-----X
Tribeca Lending Corporation,
Plaintiff-Respondent,

-against-

M-5629
Index No. 105275/07

Gregory M. Bartlett, formerly known
as Gregory Hill,
Defendant-Appellant,

NYS Department of Taxation & Finance,
et al.,
Defendants.

-----X

Plaintiff-respondent having moved for clarification of this
Court's orders entered on January 7, 2014 (M-5863/M-5902),
September 18, 2014 (M-789), and July 14, 2015 (M-2303),

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 January 5, 2016.

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

-----X

In the Matter of the Application of
Orlando Hamilton,

Petitioner,

-against-

M-5082

Ind. No. 3500/14

Warden Lemon, Warden of Rikers
Island, GMDC, et al.,
Respondent(s).

-----X

The above-named petitioner having moved for, inter alia, a writ of habeas corpus to be issued from this Court,

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

It is ordered that the motion be and the same hereby is granted only to the extent of transferring the proceeding to and be heard before a Justice of the Supreme Court of the State of New York, Bronx County, 851 Grand Concourse, Bronx, New York 10451, forthwith, and

It is further ordered that service by mail of a copy of this writ of habeas corpus, petition and supporting papers, by the Clerk of this Court, contemporaneous with the entry hereof, upon the Warden at Riker's Island, GMDC, 15-15 Hazen Street, East Elmurst, New York 11370; the Attorney General of the State of New York, 120 Broadway, New York, New York 10271; and the District Attorney of Bronx County, 198 East 161st Street, Bronx, New York 10451, be deemed due and sufficient notice.

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 January 5, 2016.

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

-----X
Mario DeMaria,
Plaintiff-Respondent,

-against-

RB NB 20 Owner, LLC, et al.,
Defendants-Respondents.

M-4398
Index Nos. 106013/11
590391/12
590675/12

Linden Construction Corp., et al.,
Defendants-Appellants,

Tower Interior Corp.,
Defendant.

-----X
RB NB 20 Owner, LLC, et al.,
Third-Party Plaintiffs-
Respondents,

-against-

Linden Construction Corp.,
Third-Party Defendant-
Appellant.

-----X
Linden Construction Corp.,
Second Third-Party
Plaintiff-Appellant,

-against-

Tower Interior Corp.,
Second Third-Party Defendant.

-----X

-----X
RBNB 20 Owner, LLC, et al.,
Third Third-Party
Plaintiffs-Respondents,

-against-

Forest Electric Corp.,
Third Third-Party
Defendant-Appellant.
-----X

Defendant-appellant Linden Construction Corp. having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on June 30, 2015 (Appeal No. 13691-13691A),

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 January 5, 2016.

Present - Hon. David Friedman,	Justice Presiding,
John W. Sweeny, Jr.	
Dianne T. Renwick	
Richard T. Andrias	
Karla Moskowitz,	Justices.

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

Respondent,

-against-

M-5064
Ind. No. 3294N/13

Robert Huey,

Defendant-Appellant.

-----x

Defendant having moved for an enlargement of time to in
which to file a notice of appeal from the judgment of the Supreme
Court, New York County, rendered on or about May 6, 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 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 January 5, 2016.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X

City Trading Fund, et al.,
Plaintiffs-Appellants,

-against-

M-6177
Index No. 651668/14

C. Howard Nye, et al.,
Defendants-Respondents.

-----X

An appeal having been taken from an order and judgment of the Supreme Court, New York County, entered on or about January 22, 2015, and said appeal having been perfected,

And defendants-respondents having moved for leave to supplement the record on 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 only to the extent of permitting defendants-respondents to supplement the record on appeal with "defendants' Joint Paper Regarding the Policy Implications of this Action and its Settlement", dated August 15, 2014, and Exhibits A through H thereto, and 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 January 5, 2016.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Rolando T. Acosta
Richard T. Andrias
Karla Moskowitz, Justices.

-----X

The People of the State of New York,

Appellant,

-against-

M-5445

Ind. No. 1150/14

Tamira Mobley,

Defendant-Respondent.

-----X

Defendant-respondent having moved for leave to respond, as a poor person, to the People's appeal from an order of the Supreme Court, New York County, entered on or about April 7, 2015, 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 9 copies thereof are filed with this Court, and (2) assigning, pursuant to Section 722 of the County Law, Steve Feldman, Esq., 626 EAB Plaza, West Tower, 6th Floor, Uniondale, NY 11556, Telephone No. 516-522-2828, as counsel for purposes of responding to the appeal.

It is further ordered that the appeal is adjourned to the April 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 January 5, 2016.

Present - Hon. Rolando T. Acosta, Justice Presiding,
David B. Saxe
Rosalyn H. Richter
Judith J. Gische
Barbara R. Kapnick, Justices.

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

Respondent,

-against-

M-4870
Ind. No. 5749/09

Tina Barbosa,

Defendant-Appellant.
-----x

An appeal having been taken to this Court from the judgment of the Supreme Court, New York County, rendered on or about July 25, 2012,

And assigned counsel for defendant having to be relieved as assigned counsel or, in the alternative, for dismissal of the aforesaid appeal, without prejudice,

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

It is ordered that the motion is granted to the extent of deeming the appeal withdrawn. 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 January 5, 2016.

Present - Hon. Rolando T. Acosta, Justice Presiding,
David B. Saxe
Rosalyn H. Richter
Judith J. Gische
Barbara R. Kapnick, Justices.

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

Respondent,

-against-

M-5125
Ind. No. 2604N/13

Adan Diaz,

Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about July 17, 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 deeming the moving papers a timely filed notice of 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 January 5, 2016.

Present - Hon. Rolando T. Acosta, Justice Presiding,
David B. Saxe
Judith J. Gische
Barbara R. Kapnick, Justices.

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

-against-

M-5146
Ind. No. 1305/13

Eric Williams,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, Bronx County, rendered on or about August 6, 2015, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10006, 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.

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 January 5, 2016.

Present - Hon. Rolando T. Acosta, Justice Presiding,
David B. Saxe
Rosalyn H. Richter
Judith J. Gische
Barbara R. Kapnick, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-5148
Ind. No. 3272/13

Guido A. Piondeleon,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, Bronx County, rendered on or about June 18, 2014, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10006, 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.

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 January 5, 2016.

Present - Hon. Rolando T. Acosta, Justice Presiding,
David B. Saxe
Rosalyn H. Richter
Judith J. Gische
Barbara R. Kapnick, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-5048
Ind. No. 971N/13

Hector Castro,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about July 17, 2015, 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 defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth facts sufficient to establish that defendant has no funds or assets with which to prosecute the appeal, including the amount and sources of his income and listing his property with its value, setting forth the terms of defendant's retainer agreement with trial counsel, Rubinstein & Corozzo, LLP., the amount and sources of funds for trial counsel's fee and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

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 January 5, 2016.

Present - Hon. Rolando T. Acosta, Justice Presiding,
David B. Saxe
Rosalyn H. Richter
Judith J. Gische
Barbara R. Kapnick, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-5049
Ind. No. 1855/14

Paul Grossman,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about March 4, 2015, 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 defendant's submission of a detailed notarized affidavit, in compliance with CPLR 1101(a), setting forth the terms of defendant's retainer agreement with trial counsel, Jeff Henle, Esq., the amount and sources of funds for trial counsel's fee and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

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 January 5, 2016.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
David B. Saxe
Rosalyn H. Richter
Judith J. Gische
Barbara R. Kapnick, Justices.

-----X

Mark Robert Gordon,
Plaintiff-Appellant,

-against-

M-4987

Index No. 157456/13

Rol Realty Company, et al.,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an order enlarging the time to perfect the appeals from orders the Supreme Court, New York County, entered on or about July 31, 2014 and May 21, 2015, respectively,

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, which are, sua sponte, consolidated, to the June 2016 Term. Appellants are permitted to prosecute the appeals upon ten copies of one record and one copy of appellants' points covering the aforesaid appeals.

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 January 5, 2016.

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

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

-against- M-5601
Ind. No. 1440/01
Bernardo Martinaj,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on November 20, 2008 (Appeal No. 4291), unanimously affirming a judgment of the Supreme Court, New York County (Bonnie G. Wittner, J.), rendered on May 23, 2002,

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 January 5, 2016.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Richard T. Andrias
David B. Saxe
Karla Moskowitz, Justices.

-----X
Transasia Commodities Investment
Limited,
Plaintiff-Respondent,

-against-

M-5901
Index No. 654414/13

NewLead JMEG, LLC, New Lead Holdings
Limited, Michael Zolotas and Jan
Berkowitz,
Defendants-Appellants.

-----X

Appeals having been taken from an order of the Supreme Court, New York County, entered on or about November 13, 2014, and said appeals having been perfected,

And defendants-appellants having moved to restore their appeals which have been stayed from the Court's argument calendar based upon a Notice of Suggestion of Bankruptcy, filed October 12, 2015, to this Court's calendar,

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 renewal, upon further proceedings.

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 January 5, 2016.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Richard T. Andrias
David B. Saxe
Karla Moskowitz, Justices.

-----X

Reussi 125 Partners LLC,
Plaintiff-Respondent,

-against-

Gethsemane Revival Holiness Center,
Defendant-Appellant.

-----X

M-5585

M-5939

Index No. 110164/10

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about September 28, 2015,

And defendant-appellant having moved for a stay of all proceedings, pending hearing and determination of the appeal taken therefrom (M-5585),

And plaintiff-respondent having cross-moved to dismiss the aforesaid appeal, and for related relief (M-5939),

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 for a stay is denied (M-5585). The cross motion is denied in its entirety (M-5939). The interim relief granted by an order of a Justice of this Court, dated November 4, 2015, is hereby vacated.

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 January 5, 2016.

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

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

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

M-5742
Index No. 102194/12

New York State Department of Health,
Respondent.
-----X

Petitioner having moved for reargument or reconsideration of the order of this Court entered on October 15, 2015 (M-3857),

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

✓

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

BEFORE: Hon. Peter Tom
Justice of the Appellate Division

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

Respondent,

M-5907
Ind. No. 1301/86


-against-

Francisco Rosario,

CERTIFICATE
DENYING LEAVE

Defendant.
-----X

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



Hon. Peter Tom
Associate Justice

Dated: December 18, 2015
New York, New York

ENTERED JAN 05 2016

✓

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

-----X

People of the State of New York,

Respondent,

-against-

Santo Rosa,

Defendant-Appellant.

M-6007

ORDER DENYING BAIL
AFTER APPEAL TAKEN

Indictment No. 1638/13

An Appeal having been taken to this Court by the above-named defendant-appellant from the judgment of the Supreme Court, New York County, rendered on July 22, 2015, and defendant-appellant having moved, pursuant to CPL §§460.50 and 530.50, to be admitted to bail pending the hearing and determination of the aforesaid appeal,

NOW, upon reading and filing the notice of motion, with proof of due service thereof, and the papers submitted in support of the motion and in opposition or in relation thereto; and after hearing defendant, pro se, for the motion, it is

ORDERED that said motion be and the same hereby is denied.



Hon. Angela M. Mazzarelli, Justice

Dated: December 14, 2015

ENTERED

JAN 05 2016

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

BEFORE: Hon. Rosalyn H. Richter
Justice of the Appellate Division

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

M-5558
Ind. No. 1855/14

-against-

CERTIFICATE
GRANTING LEAVE

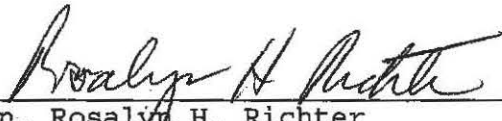
Paul Grossman,
Defendant-Appellant.
-----X

I, Rosalyn H. Richter, a Justice of the Appellate Division, First Judicial Department, do hereby certify that in the proceedings herein questions of law or fact are involved which ought to be reviewed by the Appellate Division, First Judicial Department, and, pursuant to Section 460.15 of the Criminal Procedure Law, permission is hereby granted to the above-named defendant to appeal to the Appellate Division, First Judicial Department, from the order of the Supreme Court, New York County, dated October 1, 2015.¹

Dated: December 17, 2015
New York, New York

ENTERED

JAN 05 2016


Hon. Rosalyn H. Richter
Associate Justice

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

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

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

BEFORE: Hon. Judith J. Gische
Justice of the Appellate Division

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

M-4812
Ind. No. 7073/01

-against-

CERTIFICATE
DENYING LEAVE

Francisco Hernandez,
Defendant.

-----X

I, Judith J. Gische, 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 dated August 13, 2015 and
entered September 3, 2015 of the Supreme Court, New York County
(Bonnie G. Wittner, J), is hereby denied.



Associate Justice

Dated: December 17, 2015
New York, New York

ENTERED: **JAN 05 2016**