

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 March 17, 2016.

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

-----X  
Ari Mintz,  
Plaintiff-Appellant-Respondent,

-against-

Susan Illman,,  
Defendant-Respondent-Appellant.  
-----X

**CONFIDENTIAL**

M-957

Index No. 301549/10

An appeal having been taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about July 7, 2014, and an appeal and cross appeal having been taken from the order and judgment (one paper) of the same Court and Justice entered on or about November 13, 2014,

Now, upon reading and filing the stipulation of the parties hereto, dated February 24, 2016, and due deliberation having been had thereon,

It is ordered that the appeals and cross appeal are withdrawn in accordance with the aforesaid stipulation.

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 March 17, 2016.

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

-----X  
Andrea Lutsky,

Plaintiff-Appellant,

-against-

Jobman 478-480 LLC, et al.,

Defendants-Respondents.  
-----X

M-950  
Index No. 151489/14

Appeals having been taken from an order of the Supreme Court, New York County, entered on or about September 5, 2014, and from a judgment of the same Court and Justice, entered on or about October 9, 2014,

Now, upon reading and filing the stipulation of the parties hereto, dated February 25, 2016, and due deliberation having been had thereon,

It is ordered that the appeals, previously perfected, are withdrawn in accordance with the aforesaid stipulation.

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 March 17, 2016.

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

-----X  
In the Matter of the Application of  
Barrie Aguirre, as Executrix of the  
Estate of Florence Weinbaum,  
Petitioner-Respondent,

For an Order Pursuant to Article 78  
the Civil Practice Law and Rules

M-985  
Index No. 101135/13

-against-

260 Apartments Corp.,  
Respondent-Appellant.

-----X  
An appeal having been taken from an order of the Supreme Court, New York County, entered on or about September 15, 2014,

Now, upon reading and filing the stipulation of the parties hereto, dated February 26, 2015, and due deliberation having been had thereon,

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

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 March 17, 2016.

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

-----X  
Alliance Network, LLC, Alliance  
Network Holdings, LLC and Network  
World Market Center, LLC,  
Plaintiffs-Appellants,

M-1000  
Index No. 653731/12

-against-

Sidley Austin LLP, et al.,  
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 21, 2014, and from a judgment of said Court entered on or about September 3, 2014,

Now, upon reading and filing the stipulation of the parties hereto, dated February 22, 2015, and due deliberation having been had thereon,

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

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 March 17, 2016.

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

-----X

In the Matter of

Ahzahriah U.,  
Angelicah U., and  
Baby Girl U., also known as  
Baby Girl A.,

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,

Reggie U.,  
Respondent-Appellant,

Ayesha A., also known as Ayesha U.,  
Respondent-Respondent.

Liza Camellerie, Esq.,  
Attorney for the Children.

M-390  
Docket Nos.  
NN-50171-4/13  
NN-50222-3/13  
NN-41365/14

-----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 December 18, 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, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, NY 11791, Telephone No. 516-921-8800, 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 March 17, 2016.

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

-----X  
In the Matter of

Kayshawn W.,

A Person Alleged to Be a Juvenile  
Delinquent,

M-6303  
Docket No. D-41383/15

Respondent-Appellant.  
-----X

Respondent-appellant having moved for leave to prosecute the appeal from an order of the Family Court, New York County, entered on or about October 20, 2015, as a poor person, 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 Section 35 of the Judiciary Law and Section 1120 of the Family Court Act, Richard L. Herzfeld, Esq., 112 Madison Avenue, 8<sup>th</sup> Floor, New York, NY 10016, Telephone No. 212-818-9019, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the State 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) directing appellant 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

---

<sup>1</sup>Service of appellant's brief upon respondent 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 March 17, 2016.

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

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

Catherine A. L.,  
Petitioner-Respondent,

M-269  
Docket No. V-37668-14/14A  
V-21467/12

-against-

Terrence M.,  
Respondent-Appellant.

-----X

Allegra Mack, Esq., court attorney for the subject child, having moved on the child's behalf 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 August 18, 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, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, NY 11791, Telephone No. (516) 921-8800, as counsel for for the child 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.

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 March 17, 2016.

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

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

Parrish P., M-270  
Petitioner-Respondent, Docket No. V-11183/13

-against-

Camille G.,  
Respondent-Appellant.

-----X

Petitioner-respondent having moved for leave to respond, as a poor person, to the appeal from the order of the Family Court, Bronx County, entered on or about September 28, 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, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, NY 11791, Telephone No. 516-921-8800, 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. Sua sponte, the appeal is adjourned to the June 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 March 17, 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-

M-698  
Ind. No. 1305/13

Eric Williams,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County (Bruce, J.), entered on or about June 20, 2016, 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 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, with this Court, and it is further ordered that,

The Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL § 460.70) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice Bruce, as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Robert S. Dean, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days.

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 March 17, 2016.

Present - Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
Rosalyn H. Richter  
Barbara R. Kapnick, Justices.

-----X

Carolyn Ghee,  
Plaintiff-Appellant,

-against-

M-170  
Index No. 100143/11

Hudson Transit Lines, Inc. and Theresa Bass,  
Defendants-Respondents,

-and-

Albert Luis, et al.,  
Defendants.

-----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 March 19, 2015 (mot. seq. no. 004),

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 September 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 March 17, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
David B. Saxe, Justices.  
Barbara R. Kapnick,

-----X  
John Bermingham,  
Plaintiff-Appellant,

-against-

M-386  
Index No. 102409/11

Atlantic Concrete Cutting Inc.,  
et al.,  
Defendants-Respondents.  
-----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 April 23, 2014 (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 September 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 March 17, 2016.

Present - Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
Rosalyn H. Richter  
Barbara R. Kapnick, Justices.

-----x  
In the Matter of

Shina R.,

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

M-661  
Docket No. NN-33456/12

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

Jeannette R.,  
Respondent-Appellant.

-----x

Respondent-appellant having moved for an enlargement of time to perfect the appeal from the Order of Fact-finding of the Family Court, Bronx County, entered on or about April 10, 2015,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the September 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 March 17, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
David B. Saxe  
Barbara R. Kapnick, Justices.

-----X  
C & A 483 Broadway, LLC,

Petitioner-Respondent,

-against-

M-498  
Index No. 570548/12

KLMNI, Inc.,

Respondent-Appellant.  
-----X

Respondent-appellant 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 November 30, 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 in the County of New York on March 17, 2016.

Present: Hon. Peter Tom, Justice Presiding,  
Rolando T. Acosta  
Diane T. Renwick  
Karla Moskowitz, Justices.

-----X  
East Fordham DE LLC,  
Plaintiff-Respondent,

-against-

**M-5450**  
Index No. 260551/14

U.S. Bank National Association,  
etc., et al.,  
Defendants-Appellants.  
-----X

Defendants-appellants having moved for a stay of the order of the Supreme Court, Bronx County, entered on or about August 12, 2015, pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is denied and the interim relief granted by an order of a Justice of this Court, entered October 15, 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 March 17, 2016.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Barbara R. Kapnick Justices.

-----X  
Anthony Waring,

Plaintiff-Respondent,

-against-

Sunrise Yonkers SL, LLC,

Defendant-Appellant.  
-----X

M-136  
Index No. 304505/09

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 December 10, 2015 (Appeal No. 16370),

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 March 17, 2016.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

-----x  
Board of Managers of St. James's  
Tower Condominium,  
Plaintiff-Respondent,

-against-

M-155  
M-6477  
Index No. 106826/11

Dorothea Kutler, New York City  
Environmental Control Board, New York  
City Transit Adjudication Bureau, and  
"John Doe #1" through "John Doe #10",  
etc.,  
Defendants-Appellants.

-----x

An appeal having been taken to this Court from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about March 10, 2015,

And an order of this Court having been entered on December 22, 2015 (M-3613), inter alia, denying defendant-appellant Dorothea Kutler's motion for a stay of enforcement of the aforesaid order and judgment, without prejudice to posting an undertaking,

And defendant-appellant Dorothea Kutler having moved, by separate motions, for reconsideration of the order of this Court entered December 22, 2015 (M-155), and for an enlargement of time to perfect the appeal (M-6477),

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 (M-6477) is granted to the extent of enlarging the time to perfect the appeal to the September 2016 Term. The motion seeking reconsideration (M-155) 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 March 17, 2016.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Dianne T. Renwick  
Sallie Manzanet-Daniels  
Barbara R. Kapnick, Justices.

-----x

Debra T.,

Plaintiff-Respondent,

-against-

M-327

Index No. 350006/11

Andrew F.,

Defendant-Appellant.

-----x

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

And an order of this Court having been entered on January 5, 2016 (M-5305), granting a stay of award of attorney's fees pending hearing and determination of the aforesaid appeal, and otherwise denying the motion,

And defendant-appellant having moved for reconsideration of the aforesaid order to include a stay of a sanctions award,

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 March 17, 2016.

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

-----X  
Nikki Colon,  
Plaintiff-Appellant,

-against-

M-27  
M-612

Emmanuel A. Mercedes, Boulevard Trucking Corp., Demetrius Harris and Star Cruiser Transportation, Inc.,  
Defendants-Respondents. Index No. 304740/12

-----X

Defendants-respondents Demetrius Harris and Star Cruiser Transportation, Inc. having moved to dismiss the appeal from the order of the Supreme Court, Bronx County, entered on or about October 23, 2014 (M-27),

And defendants-respondents Emmanuel A. Mercedes, Boulevard Trucking Corp. having cross-moved for the same relief (M-612),

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 (M-27) and cross motion (M-612) 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 March 17, 2016.

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

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

-against-

M-631  
Ind. No. 2950/13

Shavaler Johnson,  
Defendant-Appellant.

-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about June 23, 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 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 reproduced 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 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.

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 March 17, 2016.

Present - Hon. David Friedman, Justice Presiding,  
Richard T. Andrias  
David B. Saxe  
Barbara R. Kapnick, Justices.

-----x

Hezi Torati, et al.,

Plaintiffs-Respondents,

-against-

M-621

Index No. 155252/12

Veeda Vahabzadeh,

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 July 11, 2014 (mot. seq. no. 002), and said appeal having been perfected,

And counsel for plaintiffs-respondents having moved for an order relieving them as counsel, and for an extension of time to file a respondents' 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 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 March 17, 2016.

Present - Hon. David Friedman, Justice Presiding,  
Rolando T. Acosta  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----X  
Aracelis On, et al.,  
Plaintiffs-Appellants,

-against-

M-306  
Index No. 307160/11

BKO Express, LLC, et al.,  
Defendants-Respondents.  
-----X

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about March 20, 2015,

And defendants-respondents having moved to stay of the aforesaid appeal on the basis of a judicial stay granted by Pennsylvania court presiding over a proceeding involving the liquidation of a defense carrier or, in the alternative, for an enlargement of time to file a respondents' 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 adjourning the appeal to the September 2016 Term, and staying the time to file a respondents' brief until July 11, 2016, without prejudice to plaintiffs submitting a claim in the Pennsylvania action or to defense counsel seeking a limited lifting of the stay in the Pennsylvania liquidation proceeding for purposes of submitting a response brief and arguing the appeal in the present New York action.

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 March 17, 2016.

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

-----X

Andrea Krakowski,  
Plaintiff-Respondent,

-against-

M-407  
Index No. 350022/13

Harry Krakowski,  
Defendant-Appellant.

-----X

An appeal having been taken from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about January 8, 2016,

And defendant-appellant having moved for a stay of the aforesaid order, pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is granted to the extent of staying the contempt adjudication and otherwise denied. The interim relief granted by an order of a Justice of this Court, dated January 25, 2016, 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 March 17, 2016.

Present: Hon. David Friedman, Justice Presiding,  
Richard T. Andrias  
David B. Saxe  
Barbara R. Kapnick, Justices.

-----X  
Eastern Concrete Materials, Inc./  
NYC Concrete Materials,  
Plaintiff-Respondent,

-against-

**M-643**  
Index No. 303005/12

Derosa Sports Construction, Inc.  
Defendant-Appellant,

Thomas Derosa, et al.,  
Defendants.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about November 12, 2015, and said appeal having been perfected,

And defendant-appellant having moved to enlarge the record on appeal and to extend the time to file a reply 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 adjourning the appeal to the May 2016 Term; motion 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 March 17, 2016.

PRESENT - Hon. David Friedman, Justice Presiding,  
Rolando T. Acosta  
Dianne T. Renwick  
Roselyn H. Richter, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-463

Ind. No. 199/11

Renato Seabra,

Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, New York County, rendered on or about December 21, 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 granted to the extent of enlarging the time to perfect the appeal to the September 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 March 17, 2016.

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

-----X

The People of the State of New York,  
Respondent,

-against-

**M-142**  
Ind. Nos. 1831/10  
87/11

Shanequa Mascall,  
Defendant-Appellant.

-----X

An appeal having been taken from separate judgments of the Supreme Court, Bronx County, both rendered on or about June 28, 2013,

And defendant-appellant having moved for an enlargement of time to perfect the appeal,

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

Ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the October 2016 Term. (See M-135, decided simultaneously herewith.)

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 March 17, 2016.

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

-----X

The People of the State of New York,  
Respondent,

-against-

**M-135**  
Ind. No. 1585/12

Shanequa Mascall,  
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about March 4, 2013,

And defendant-appellant having moved for an enlargement of time to perfect the appeal,

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

Ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the October 2016 Term. (See M-142, decided simultaneously herewith.)

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 March 17, 2016.

PRESENT: Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
David B. Saxe  
Karla Moskowitz, Justices.

-----X  
Five Town Nissan, LLC,  
Plaintiff-Appellant,

-against-

M-633  
Index No. 651164/13

Universal Underwriters Insurance  
Company,  
Defendant-Respondent,

Tower National Insurance Company,  
et al.,  
Defendants.

-----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 January 5, 2016 (Appeal No. 16535),

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 March 17, 2016.

PRESENT - Hon. David Friedman, Justice Presiding,  
Dianne T. Renwick  
Judith J. Gische  
Barbara R. Kapnick, Justices.

-----X

Medallion Financial Corp., et al.,  
Plaintiffs-Respondents,

-against-

M-6338  
Index No. 653095/12

Victor Weingarten, 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 October 29, 2015 (Appeal No. 16015-16015A),

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 March 17, 2016.

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

-----X  
In the Matter of the Application of  
Brookford LLC,  
Petitioner-Appellant,

For a Judgment Pursuant to Article 78 **M-1009**  
of the Civil Practice Law and Rules, Index No. 100065/15

-against-

New York State Division of Housing  
and Community Renewal and Margaret  
Schuette Friedman,  
Respondents-Respondents.  
-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, entered on or about September 29, 2015, and said appeal having been perfected,

And petitioner-appellant having moved for a calendar preference for the first week of the April 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 to the extent of granting petitioner a calendar preference for the first two weeks of the April 2016 Term. The Clerk is directed to calendar said appeal to be heard on March 30 or 31, or April 5, 6 or 7, of said 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 March 17, 2016.

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

-----X

In re Liska NY, Inc., et al.,

Petitioners-Appellants,

-against-

M-243

Index No. 101484/13

The City Council of the City of  
New York, et al.,

Respondents-Respondents.

-----X

Petitioners-appellants having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on December 8, 2015 (Appeal No. 16326),

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 March 17, 2016.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Judith J. Gische, Justices.

-----X  
Sung Hwan Co., Ltd.  
Plaintiff-Appellant,

-against-

Rite Aid Corporation,  
Defendant-Respondent.

M-805  
Index No. 112444/01

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from a judgment of the Supreme Court, New York County, entered on or about March 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 granted to the extent of enlarging the time to perfect the appeal to the September 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 March 17, 2016.

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

-----X

In re the 60 East 12<sup>th</sup> Street Tenants'  
Association, et al.,  
Petitioners-Respondents,

-against-

New York State Division of Housing  
and Community Renewal,  
Respondent,

12 Broadway Realty LLC,  
Respondent-Appellant.

M-592  
Index Nos. 101393/13  
101384/13

-----  
In re 12 Broadway Realty LLC,  
Petitioner-Appellant,

-against-

New York State Division of Housing  
and Community Renewal,  
Respondent,

The 60 East 12<sup>th</sup> Street Tenants'  
Association, et al.,  
Intervenors-Respondents-Respondents.

-----X

Petitioners-respondents having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on December 29, 2015 (Appeal No. 15624-15625),

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 modified  
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 March 17, 2016.

Present: Hon. Rolando T. Acosta, Justice Presiding,  
Richard T. Andrias  
Karla Moskowitz  
Barbara R. Kapnick, Justices.

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

Respondent,

-against-

Johnny Lynch,

Defendant-Appellant.  
-----X

**CONFIDENTIAL**

**M-494**

Ind. No. 4771/09

An appeal having been taken from a judgment of the Supreme Court, Bronx County, rendered on or about September 12, 2013,

And defendant-appellant having moved for leave to enlarge the record on appeal to include the minutes from defendant's various court appearances occurring between the time of plea and sentencing, which are set forth in detail in the moving papers, for use in addressing the merits of defendant's plea withdrawal motion, the purported breach of the plea, and the terms of the parties' cooperation agreement, and for an enlargement of time to perfect the appeal until 120 days following the receipt of said minutes,

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

Ordered that the motion is granted to the extent of directing the Clerk of Supreme Court, Bronx County, to have transcribed all outstanding minutes of the aforesaid proceedings, for inclusion in the record on appeal, with a copy to be made available to defendant's counsel, without charge, within 30 days from the date of service upon the Clerk and the individual court

reporter(s) within 10 days from the date of entry hereof. If the minutes are unavailable or do not exist, the Clerk of said Court is directed to provide a statement to that effect. Time to perfect the aforesaid appeal is enlarged to 120 days following the receipt of the aforesaid minutes.

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 March 17, 2016.

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

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

-against-

M-4690  
Ind. No. 6433/05

Paul Cortez,  
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on June 2, 2011 (Appeal No. 3919), unanimously affirming a judgment of the Supreme Court, New York County (Carol Berkman, J.), rendered on March 23, 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 March 17, 2016.

Present - Hon. Dianne T. Renwick, Justice Presiding,  
Richard T. Andrias  
David B. Saxe  
Rosalyn H. Richter, Justices.

-----x  
In the Matter of the Final Account of  
Mark S. Goldstein,  
Appellant,

As Sole Guardian of the Property and  
Co-Guardian of the Person of

Celia Ascher,

M-108  
Index No. 91812/13

A Former Incapacitated Person.

-----  
William D. Zabel, Esq., Preliminary  
Executor of the Estate of Celia Ascher,  
Respondent.

-----x  
Appeals having been taken to this Court from orders of the Supreme Court, Bronx County, both entered on or about March 23, 2015,

And appellant 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 due deliberation having been had thereon,

It is ordered that, sua sponte, the appeals are consolidated, and appellant is permitted to prosecute the consolidated appeals upon 9 copies of one record and one set of appellant's points covering the appeals. The attention of the parties is directed to 22 NYCRR § 600.11. The time to perfect the consolidated appeals is enlarged to the September 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 March 17, 2016.

Present - Hon. Dianne T. Renwick, Justice Presiding,  
Richard T. Andrias  
David B. Saxe  
Rosalyn H. Richter, Justices.

-----X  
Stephanie Alcantara,

Claimant-Appellant,

-against-

M-374  
Claim No. 119075

The State of New York, et al.,

Respondents-Respondents.  
-----X

Claimant-appellant having moved for leave to prosecute, as a poor person, an appeal from the order of the Court of Claims of the State of New York, entered on or about March 18, 2014, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, for an enlargement of time to perfect the appeal, 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 the motion is granted to the extent of enlarging the time to perfect the appeal to the September 2016 Term, with no further enlargements to be granted, and 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 March 17, 2016.

Present - Hon. Dianne T. Renwick, Justice Presiding,  
Richard T. Andrias  
David B. Saxe  
Rosalyn H. Richter, Justices.

-----X

Linear Contracting, Inc.,

Plaintiff-Respondent,

-against-

M-358

Index No. 153097/12

Mt. Hawley Insurance Company,

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 July 15, 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 September 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 March 17, 2016.

Present - Hon. Dianne T. Renwick, Justice Presiding,  
Richard T. Andrias  
David B. Saxe  
Rosalyn H. Richter, Justices.

-----X  
John Koeppel,

Plaintiff-Appellant,

-against-

Volkswagen Group of America, Inc.,  
et al.,

M-127  
Index No. 650889/13

Defendants-Respondents.  
-----X

Defendants-respondents having moved for dismissal of the appeal from the order of the Supreme Court, New York County, entered on or about October 26, 2015, for failure to timely file a 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 unless the appeal is perfected for the September 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 March 17, 2016.

Present - Hon. Dianne T. Renwick, Justice Presiding,  
Richard T. Andrias  
David B. Saxe  
Rosalyn H. Richter, Justices.

-----x  
The Ideal Supply Co., Inc.,  
Plaintiff-Respondent,

-against-

M-147  
Index No. 652809/13

Interstate Fire Protection, Inc.,  
et al.,  
Defendants,

-and-

Peter M. Mirz,  
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 December 31, 2015,

And defendant-appellant having moved for a stay of the order pending hearing and determination of the appeal taken therefrom, 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.

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 March 17, 2016.

Present - Hon. Dianne T. Renwick, Justice Presiding,  
Richard T. Andrias  
David B. Saxe  
Rosalyn H. Richter, Justices.

-----x  
Nayci Contracting Associates, LLC.,  
et al.,

Petitioners,

**M-424**

Index No. 106851/10

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

-against-

New York City Department of Consumer  
Affairs, et al.,

Respondents.  
-----x

An Article 78 proceeding to review a determination of respondents, having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about May 10, 2011,

And petitioners having moved for a further enlargement of time to perfect the 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 denied, with leave to renew upon submission of an affirmation from petitioners' counsel which addresses the status of petitioner Nayci Contracting Associates, LLC.'s bankruptcy petition.

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 March 17, 2016.

Present - Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
Karla Moskowitz  
Rosalyn H. Richter, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-140

Ind. No. 3726/12

Angel Delgado,

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, Bronx County, rendered on or about March 31, 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 March 17, 2016.

Present - Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
Rosalyn H. Richter  
Barbara R. Kapnick, Justices.

-----X  
In the Matter of the Application of  
Julio Arce,  
Petitioner,

For an Order Pursuant to Article 78 M-272  
of the Civil Practice Law and Rules, Index No. 251183/15

-against-

Superintendent Colvin,  
Respondent.

-----X

Respondent, pro se, having moved for, inter alia, a preliminary injunction to be issued by this Court, enjoining the change of venue to Albany County,

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. Dianne T. Renwick  
Presiding Justice of the Appellate Division

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

M- 6313  
Ind. No. 3024/2003

-against-

CERTIFICATE  
DENYING LEAVE

Edgar Ortega,  
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 October 14, 2015 is hereby denied.



Justice

Dated: February 22, 2016  
New York, New York

ENTERED: MAR 17 2016