

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 4, 2016.

PRESENT - Hon. Karla Moskowitz, Justice Presiding,
Paul G. Feinman
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-3646
Ind. No. 426/15

Brandon Hamann,

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 January 28, 2016, 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.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 4, 2016.

Present - Hon. Karla Moskowitz, Justice Presiding,
Paul G. Feinman
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer, Justices.

-----x
141 Avenue A Associates LLC,

Petitioner-Respondent,

-against-

M-4120
Index No. 570716/15

Jay Klein,

Respondent-Appellant.
-----x

An order of this Court having been entered on March 29, 2016 (M-796), granting respondent 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 October 29, 2015,

And petitioner having moved for dismissal of the aforesaid appeal for failure to prosecute, 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 only to the extent of dismissing the appeal unless it is perfected on or before November 7, 2016 for the January 2017 Term, 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 October 4, 2016.

PRESENT - Hon. Karla Moskowitz, Justice Presiding,
Paul G. Feinman
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer, Justices,

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

-against-

M-3431
Ind. No. 2306/14

Brian Brito,
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about February 22, 2016,

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

It is ordered that the motion is granted to the extent of 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 October 4, 2016.

PRESENT: Hon. Karla Moskowitz, Justice Presiding,
Paul G. Feinman
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer, Justices.

-----X
In the Matter of a Proceeding under
Article (4)(5-B) of the Family Court Act

Kashfi S.,
Petitioner,

-against-

M-3864
Docket No. F-02039-04/16A

Paul M. Y.,
Respondent.

-----X

Respondent father having moved for leave to appeal to this Court from the interim order by a Family Court Support Magistrate, entered on July 5, 2016,

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

It is ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 4, 2016.

Present: Hon. Karla Moskowitz, Justice Presiding,
Paul G. Feinman
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer, Justices.

-----X
Veton Celaj,
Plaintiff-Respondent,

-against-

M-4003
Index No. 309652/11

Henry Cornell,
Defendant,

SMI Construction Management, Inc.,
Defendant-Appellant.
-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about April 13, 2016, and said appeal having been perfected,

And, defendant-appellant having moved for an order staying trial 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.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 4, 2016.

Present: Hon. Karla Moskowitz, Justice Presiding,
Paul G. Feinman
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer, Justices.

-----X
In the Matter of the Application of
OTR Media Group and OTR 330 Bruckner,
LLC,

Petitioners-Appellants,

M-3543

M-3866

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

Index No. 260130/14

-against-

Board of Standards and Appeals of the
City of New York, et al.,

Respondents-Respondents.
-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about November 16, 2015,

And, petitioners-appellants having moved to stay respondents from taking any action to compel removal of the outdoor advertising sign in dispute pending determination of the motion for leave to appeal to the Court of Appeals (M-3543),

And, respondents-respondents having cross-moved to vacate the order of a Justice of this Court dated July 19, 2016, granting an interim stay (M-3866),

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 petitioners-appellants' motion is granted
(M-3543). Respondents-respondents cross motion is denied
(M-3866).

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 4, 2016.

PRESENT - Hon. Karla Moskowitz, Justice Presiding,
Paul G. Feinman
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer, Justices.

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

-against-

M-3811
Ind. No. 3464/09

Santos Santiago,
Defendant-Respondent.

-----X

Defendant-respondent having moved for leave to respond, as a poor person, to the People's appeal from a resentencing order of the Supreme Court, Bronx County, entered on or about May 17, 2016, 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 8 copies thereof are filed with this Court, and (2) assigning, pursuant to Section 722 of the County Law, Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, New York, NY 10005, Telephone No. (212)577-2523, as counsel for purposes of responding to the appeal.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 4, 2016.

Present - Hon. Karla Moskowitz, Justice Presiding,
Paul G. Feinman
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer, Justices.

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

Respondent,

-against-

Raymond Mayrant,

M-4069
Ind. No. 305/13
Case No. 3951C/13

Defendant-Appellant.
-----x

An order of this Court having been entered on August 11, 2016 (M-3168), granting defendant leave to prosecute the appeal from the judgment of resentence of the Supreme Court, Bronx County, rendered on or about February 11, 2016, as a poor person, and assigning counsel therefor,

And defendant-appellant having moved, through assigned counsel, for an order deeming a previously filed notice of appeal from a judgment of the Supreme Court, Bronx County, rendered on or about January 5, 2016 to be timely filed, and to amend the order entered on or about August 11, 2016 (M-3168) to include said judgment, and for other relief,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from counsel for defendant-appellant dated August 17, 2016, 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 October 4, 2016.

PRESENT: Hon. Karla Moskowitz, Justice Presiding,
Paul G. Feinman
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer, Justices.

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

-against-

M-3570
Index No. 6029/11

Joshua Muhammad,
Defendant-Appellant.
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about November 26, 2012,

And an order of this Court entered January 31, 2013 (M-5820) granting defendant leave to prosecute the appeal as a poor person, and assigning Richard M. Greenberg, Esq., Office of the Appellate Defender, as appellate counsel, and related relief,

And defendant having moved for an order relieving assigned counsel,

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

It is ordered that the motion is denied, as academic.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 4, 2016.

Present: Hon. Karla Moskowitz, Justice Presiding,
Paul G. Feinman
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer, Justices.

-----X
Ying Choy Chong,
Plaintiff-Respondent,

-against-

M-4002

Index No. 110836/11

457 West 22nd Street Tenants Corp.,
Defendant-Respondent,

Bulson Management LLC,
Defendant-Appellant.

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

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about December 11, 2015, and said appeal having been perfected,

And, defendant-appellant having moved for an order staying the trial 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.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 4, 2016.

Present - Hon. Karla Moskowitz, Justice Presiding,
Paul G. Feinman
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer, Justices.

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

Respondent,

-against-

M-3062
Ind. No. 4299/11

Allen Proctor,

Defendant-Appellant.
-----x

An order of this Court having been entered on May 10, 2016 (M-935), assigning Marianne Karas, Esq., as counsel to prosecute defendant's appeal from the judgment of the Supreme Court, New York County, rendered on or about April 27, 2012; and a motion having been made to relieve such counsel, 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 October 4, 2016.

Present - Hon. Karla Moskowitz, Justice Presiding,
Paul G. Feinman
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer, Justices.

-----x
Sammy El Jamal, Individually and as
Managing Member of Amsterdam 181
Realty LLC,
Plaintiff-Appellant,

-against-

M-3273
M-3586
Index No. 652792/14

James A. Weil, Individually and as
Member of Amsterdam 181 Realty, LLC,
et al.,
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 February 26, 2015, for failure to timely prosecute (M-3273),

And plaintiff-appellant having cross-moved for an enlargement of time to perfect the appeal (M-3586),

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 defendants motion is granted and the appeal is dismissed (M-3273). The cross motion is denied (M-3586).

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 4, 2016.

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

-----X
Sylvia Cubero,
Plaintiff-Respondent,

-against-

The City of New York,
Defendant,

M-4030X
Index No. 401502/10

-and-

New York City Transit Authority,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about December 14, 2015,

Now, after pre-argument conference, and upon reading and filing the stipulation of the parties hereto, "so ordered" August 10, 2016, and due deliberation having been had thereon,

It is ordered that the appeal 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 October 4, 2016.

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

-----X
Carmen Phitts,
Plaintiff-Respondent,

-against-

M-4032X
Index No. 305047/09

New York City Transit Authority,
et al.,
Defendants-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about October 13, 2015,

Now, after pre-argument conference, and upon reading and filing the stipulation of the parties hereto, "so ordered" August 10, 2016, and due deliberation having been had thereon,

It is ordered that the appeal 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 October 4, 2016.

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

-----X
Sammie Payne, Jr., as Administrator
of the Estate of Jessie Payne,

Plaintiff-Appellant,

-against-

M-4174X
Index No. 311134/11

Jewish Home & Hospital Bronx Division,

Defendant-Respondent.
-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, entered on or about October 7, 2015,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" August 15, 2016, and due deliberation having been had thereon,

It is ordered that the appeal 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 October 4, 2016.

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

-----X
Bayview Real Estate Consultants, Inc.,
etc.,
Plaintiff-Appellant,

-against-

Amber House Development Fund Corporation, M-3990
et al., Index No. 21710/14E
Defendants,

-and-

Oaklander, Coogan, & Vitto, Architects,
P.C.,
Defendant-Respondent.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about June 4, 2015, and said appeal having been perfected,

Now, upon reading and filing the stipulation of the parties hereto, dated August 3, 2016, and due deliberation having been had thereon,

It is ordered that the appeal 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 October 4, 2016.

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

-----X
Kabary Salem,

Plaintiff-Respondent,

-against-

M-4266
Index No. 305390/12

The Port Authority of New York &
New Jersey, Tishman Construction
Corporation of New York and Tishman
Construction Corporation,

Defendants-Appellants.
-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about April 13, 2016, and said appeal having been perfected,

Now, upon reading and filing the stipulation of the parties hereto, dated August 22, 2016, and due deliberation having been had thereon,

It is ordered that the appeal 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 October 4, 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-3834

Ind. No. 1070/11

Rumaldo De La Cruz,

Defendant-Appellant.

-----x

Defendant-appellant having moved for leave to file a pro se supplemental brief in connection with the appeal from the judgment of the Supreme Court, New York County, entered on or about January 3, 2012, and for other relief,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated August 12, 2016, 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 October 4, 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 Family Offense Proceeding Under Article 8 of the Family Court Act.

- - - - -

Grazyn S.-G.,
Petitioner-Appellant,

M-3591

Docket No. O-44072-13/14B
O-44072/13
O-44072-13/13A

-against-

Evelina G.,
Respondent-Respondent.

-----X

Defendant-respondent having moved for leave to respond, as a poor person, to the appeal from the order of the Family Court, New York County, entered on or about May 20, 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, Andrew J. Baer, Esq., 299 Broadway, Suite #1415, New York, NY 10007, Telephone No. (212) 233-0318, 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.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 4, 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
Visitation Under Article 6 of the
Family Court Act.

- - - - -
Pablo P.,
Petitioner-Respondent,

-against-

M-3636
Docket Nos.
V-256-7-12/14C, D
V-410-11-12/14B, C

Marilyn Medina P.,
Respondent-Appellant.
- - - - -
Michael Scherz, Esq.,
Attorney for the Child.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about June 9, 2016, 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, Neal D. Futerfas, Esq., 50 Main Street, Suite 1000, White Plains, NY 10606, Telephone No. (914) 552-6076, 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;¹ **within 30 days (FCS 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 the receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTERED:



CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 4, 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 Custody/Visitation
Proceeding Under Article 6 of the
Family Court Act.

Salena S.,
Petitioner-Appellant,

M-3638
Docket No. V-22519-09/15K

-against-

Ahmad G.,
Respondent-Respondent.

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

-----X
Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about June 7, 2016, 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, Neal D. Futerfas, Esq., 50 Main Street, Suite 1000, White Plains, NY 10606, Telephone No. (914) 552-6076, 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;¹ **within 30 days (FCS 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 the 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

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 4, 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.

Martha V., **M-3639**
Petitioner-Respondent, Docket Nos. V-51422-09/15C
V-51423-09/15C
-against-

Tony R.,
Respondent-Appellant.

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

-----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 January 5, 2016, 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, Neal D. Futerfas, Esq., 50 Main Street, Suite 1000, White Plains, NY 10606, Telephone No. (914) 552-6076, 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;¹ **within 30 days (FCS 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 the receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTERED:



CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 4, 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

Antonio S.,
Jordan S.,
and Jayden B.,

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

M-3117
Docket No. NN-20046/15
NN-20047/15
NN-20048/15

- - - - -
The Administration for Children's Services,

Petitioner-Respondent,

Antonio S., Sr.,

Respondent-Appellant.

- - - - -
Seymour W. James, Jr., Esq.,
The Legal Aid Society,
Juvenile Rights Division,

Attorney for the Children.

-----X
Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about June 10 2016, 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, Lewis S. Calderon, Esq., 153-01 Jamaica Avenue, Suite 201, Jaimaca, NY 11432 Telephone No. (718) 883-1560, 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;¹ **within 30 days (FCS 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 the 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

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 4, 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 Paternity
Proceeding Under Article 5 of
the Family Court Act.

Christina McK.,
Petitioner-Respondent,

-against-

M-3319
Docket No. P-20223/14

Kyle S.,
Respondent-Appellant.

Seymour W. James, Jr., Esq.,
Attorney for the Child.

-----X
Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about June 9, 2016, 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, Neal D. Futerfas, Esq., 50 Main Street, Suite 1000, White Plains, NY 10606, (914) 552-6076 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;¹ **within 30 days (FCS 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 the 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

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 4, 2016.

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

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

-against-

M-3095
Ind. No. 99063/15

Roul Santos,
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 (Efrain Alvarado, J.), entered on or about May 31, 2016, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 4, 2016.

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

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

-against-

M-3232
SCI No. 2471/14

Juan Alvarez-Perez,
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 (Marc Whiten, J.), entered on or about June 15, 2016, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 4, 2016.

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

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

-against-

M-3858
Ind. No. 3661/12

Adam Doctor,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (Gregory Carro, J.), entered on or about July 21, 2016, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 4, 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-3474
Ind. No. 1660/02

Roland Johnson,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (Nunez, J.), entered on or about June 16, 2016, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

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

The Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice Nunez 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 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 October 4, 2016.

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

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

-against-

M-3235
Ind. No. 99055/15

Justin McCalla,
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 (Efrain Alvarado, J.), entered on or about May 20, 2016, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

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

The Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice Alvarado as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, 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 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 October 4, 2016.

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

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

-against-

M-3096
Ind. No. 2907/09

Ruben Sandoval,
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 (Efrain Alvarado, J.), entered on or about May 13, 2016, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 4, 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, M-4183
Ind. Nos. 3349/12
-against- 3628/12
Case No. 66667C/12

Richard Diaz,
Defendant-Appellant.
-----X

An order of this Court having been entered on May 17, 2016 (M-1765) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about September 11, 2015, and assigning Robert S. Dean, 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 Robert S. Dean, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York, 10007, Telephone No. 212-402-4100, 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 October 4, 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 Family Offense
Proceeding Under Article 8 of the
Family Court Act.

Madeline M., M-3323
Petitioner-Appellant, Docket No. O-34556/15

-against-

Laura M.,
Respondent-Respondent.

-----x

An order of this Court having been entered on November 10, 2015 (M-3676), inter alia, granting petitioner-appellant leave to prosecute the appeal from the order of the Family Court, New York County, entered on or about July 22, 2015, as a poor person, and assigning Randall S. Carmel, Esq., as counsel to prosecute the appeal,

And assigned counsel having moved for leave to withdraw the aforesaid appeal, and to vacate the order of this Court entered on November 10, 2015 (M-3676),

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

It is ordered that the motion is granted, the appeal is withdrawn, and Randall S. Carmel, Esq., is relieved as assigned counsel on the appeal.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 4, 2016.

PRESENT - Hon. Peter Tom, Justice Presiding,
David Friedman
Rosalyn H. Richter
Judith J. Gische
Ellen Gesmer, Justices.

-----X
In re Patricia Gill,
Petitioner-Appellant,

-against-

M-3827
Index No. 400856/14

Mercy College, et al.,
Respondents-Respondents.

-----X

Petitioner-appellant 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 February 24, 2015, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for reargument of the order of this Court entered April 5, 2016 (Appeal No. 730) which affirmed the aforesaid judgment,

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, as academic.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 4, 2016.

Present - Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Richard T. Andrias
Troy K. Webber
Ellen Gesmer, Justices.

-----x
PDL BioPharma, Inc.,

Plaintiff-Respondent,

-against-

M-4442

Index No. 653028/15

Samuel J. Wohlstadter, et al.,

Defendants-Appellants.
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about July 29, 2016, and said appeal having been perfected,

And defendants-appellants having moved to enlarge the record on appeal to include certain e-mails,

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 defendants-appellants to file a supplemental record on appeal consisting of the documents annexed to its moving papers as Exhibits 3 through 8 immediately, without prejudice to plaintiff-respondent raising objections to the inclusion of these exhibits in its respondent's brief. Sua sponte, the appeal is adjourned to the January 2017 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 4, 2016.

Present - Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Richard T. Andrias
Troy K. Webber
Ellen Gesmer, Justices.

-----x
B and H Florida Notes LLC,
Plaintiff-Respondent,

-against-

Alexander Ashkenazi,
Defendant-Respondent,

M-4443
Index No. 850263/13

Amit Louzon,
Defendant-Appellant,

-and-

"John Doe No. 1" to "Jane Doe No. 10",
etc.,
Defendants.

-----x

Consolidated appeals having been taken from two orders of the Supreme Court, New York County, both entered on or about June 10, 2015, and the appeal taken from the order, same Court and Justice, entered on or about July 31, 2015, and said consolidated appeals having been perfected,

And plaintiff-respondent having moved for leave to strike the appeal upon the grounds that the appellant lacks standing or, in the alternative, to enlarge the record on appeal to address said issue, 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, to the extent it seeks to strike the appeal, is denied, without prejudice to addressing the issue directly on appeal. The motion, to the extent it seeks to enlarge the record on appeal, is granted so as to permit plaintiff-respondent leave to file a supplemental record on appeal with a copy of Exhibit B. attached to the affirmation of Marc E. Scollar, Esq. immediately. The appeal is adjourned to the January 2017 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 4, 2016.

Present - Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Richard T. Andrias
Troy K. Webber
Ellen Gesmer, Justices.

-----x
Tonya Muro Phillips,

Plaintiff-Respondent,

-against-

M-4334

Index No. 307883/12

Roger Phillips,

Defendant-Appellant.
-----x

An appeal having been taken from the orders of the Supreme Court, New York County, entered on or about April 15, 2015, June 19, 2015, June 29,, 2015, November 10, 2015 and February 5, 2016, respectively, and said appeal having been perfected,

And plaintiff-respondent having moved for adjournment of the aforesaid appeal,

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

It is ordered that the motion is granted to the extent of adjourning the appeal to the January 2017 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 4, 2016.

Present: Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Richard T. Andrias
Troy K. Webber
Ellen Gesmer, Justices.

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

Respondent,

-against-

SEALED

M-4413

Ind. No. 6519/09

Anonymous,

Defendant-Appellant.
-----X

Defendant-appellant having moved for an order granting movant anonymity in connection with an appeal from a judgment of the Supreme Court, New York County, rendered on or about January 3, 2011, designating the case as *People v Anonymous*, and sealing the record on appeal, including the minutes of the proceedings and the appellate briefs and motions, granting anonymity of the records in the above-entitled appeal, and other 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 that the record on appeal and brief are sealed. The Clerk is directed to calendar the appeal under *People v Anonymous*.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 4, 2016.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Rolando T. Acosta
Karla Moskowitz
Ellen Gesmer, Justices.

-----x
In the Matter of

Landyn M.,

A Dependent Child Under 18 Years of Age Pursuant to §384-b of the Social Services Law.

- - - - -
Jewish Child Care Association of New York,
Petitioner-Respondent,

CONFIDENTIAL
M-4485
Docket No. B-13627/12

Laquanna W.,
Respondent-Appellant.

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

-----x

An appeal having been taken from an order of the Family Court, Bronx County, entered on or about August 31, 2015, and said appeal having been perfected,

And petitioner-respondent agency having moved to enlarge the record on appeal and to include certain documents appended to petitioner's motion,

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

It is ordered that the motion is granted to the extent of directing petitioner-respondent agency to file a supplemental record containing the documents set forth as Exhibit A through E of the moving papers immediately.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 4, 2016.

Present: Hon. David Friedman, Justice Presiding,
Richard T. Andrias
Rosalyn H. Richter
Judith J. Gische
Marcy L. Kahn, Justices.

-----X

X. Fan,
Plaintiff-Appellant,

M-3686
M-4342

-against-

Index No. 158780/12

Andrew E. Sabin,
Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about September 22, 2015,

And, plaintiff-appellant having moved for an enlargement of time to perfect the aforesaid appeal (M-3686),

And, defendant-respondent having cross-moved for the dismissal of said appeal (M-4342),

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

It is ordered that plaintiff's motion is granted to the extent of enlarging the time to perfect the appeal to the February 2017 Term (M-3686). Defendant's cross motion to dismiss plaintiff's appeal is granted unless plaintiff perfects the appeal on or before December 5, 2016 for said February 2017 Term (M-4342).

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 4, 2016.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Troy K. Webber
Marcy L. Kahn, Justices.

-----X
Sheryl R. Menkes,
Plaintiff-Appellant,

-against-

M-3427
Index No. 111435/10

Richard Delikat, et al.,
Respondents-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 October 16, 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 February 2017 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 4, 2016.

Present: Hon. Rolando T. Acosta, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Troy K. Webber
Marcy L. Kahn, Justices.

-----X
US Bank National Association, etc.,
Plaintiff-Respondent,

-against-

M-3310

Index No. 380972/13

Daron Simon, also known as Daron F.
Simon,
Defendant-Appellant,

New York City Parking Violations
Bureau, et al.,
Defendants.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal taken from the judgment of the Supreme Court, Bronx County, entered on or about July 27, 2015,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the February 2017 Term.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 4, 2016.

Present: Hon. Rolando T. Acosta, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Troy K. Webber
Marcy L. Kahn, Justices.

-----X
Liberty Insurance Underwriters Inc.,
Plaintiff-Respondent,

-against-

M-2988
M-3486
Index No. 650675/12E

OUB Houses Housing Co., Inc. and
South Bronx Community Management Co.
Housing Development Fund Corporation,
Defendants-Appellants,

Outdoor Installations, LLC, etc.,
et al.,
Defendants.

-----X

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

And, plaintiff-respondent having moved to dismiss the appeal (M-2988),

And, defendants-appellants having cross-moved to enlarge the time to perfect the appeal (M-3486),

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

Ordered that the motion is granted to the extent of dismissing the appeal unless defendants-appellants perfect same on or before January 30, 2017 for the April 2017 Term (M-2988). The cross motion is granted to the extent indicated (M-2486).

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 4, 2016.

Present: Hon. Rolando T. Acosta, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Troy K. Webber
Marcy L. Kahn, Justices.

-----X
Julia Sepulveda,

Plaintiff-Appellant,

M-3042

M-3484

-against-

M-3161

Index No. 300756/11

Joel A. Delarosa, Adriana Bridgers-
Balogun and Joann West Hicks,

Defendants-Respondents.
-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about June 26, 2015,

And, defendant, Adriana Bridgers-Balogun, having moved to dismiss plaintiff's appeal for failure to timely perfect (M-3042),

And, defendant, Joel A. Delarosa, having cross-moved for the same relief (M-3161),

And, defendant, Joann West Hicks, having cross-moved for the same relief (3484),

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

Ordered that the motion and cross motions are granted and the appeal is dismissed.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 4, 2016.

PRESENT: Hon. Karla Moskowitz, Justice Presiding,
Paul G. Feinman
Judith J. Gische
Ellen Gesmer, Justices.

-----X

In re David A. Parnes,
Non-Party Movant-Appellant,

Orly Genger in her individual capacity and
on behalf of the Orly Genger 1993 Trust
(both in its individual capacity and on
behalf of D & K Limited Partnership),
Plaintiff-Respondent,

CONFIDENTIAL

M-3733
Index No. 109749/09

-against-

Dalia Genger, Sagi Genger, Leah Fang,
D&K GP LLC, and TPR Investment Associates,
Inc.,
Defendants.

-----X

Non-party movant-appellant having moved for a stay of enforcement of certain subpoenas, pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about July 22, 2016, and said appeal having been perfected,

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

It is ordered that the motion is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 4, 2016.

Present - Hon. Karla Moskowitz, Justice Presiding,
Paul G. Feinman
Judith J. Gische
Barbara R. Kapnick, Justices.

-----x
In the Matter of

Rachel S.-D., and
Genesis N.-D.,

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

M-3681
Docket Nos. NA-4215-6/11

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

Sandy D., Luis N.,
Respondents-Respondents.

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

-----x

An appeal having been taken to this Court from the order of the Family Court, Bronx County, entered on or about July 15, 2016, and said appeal having been perfected,

And counsel for the subject children having moved for (1) vacatur of the portion of an oral order of the Family Court dated June 15, 2016 which directed a therapeutic visit between the child Genesis and the respondent mother; (2) for vacatur of the written decision and order of the Family Court issued on July 15, 2016 that directed a therapeutic visit between both children and the mother; and (3) to stay all portions of the aforesaid Family Court orders directing therapeutic visits between the children and respondent mother Sandy D., 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 deemed one for a stay, and the orders dated June 15, 2016 and July 15, 2016 are stayed pending hearing and determination of the appeal.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 4, 2016.

PRESENT - Hon. Karla Moskowitz, Justice Presiding,
Paul G. Feinman
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

Tulsie Singh,

Defendant-Appellant.

CONFIDENTIAL

M-3983

Ind. No. 1224/12

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about September 25, 2015,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the January 2017 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 4, 2016.

PRESENT: Hon. Karla Moskowitz, Justice Presiding,
Paul G. Feinman
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer, Justices.

-----X
Goldstein Group Holding, Inc., etc.,
Plaintiff-Appellant,

-against-

M-3986
Index No. 850125/15

310 East 4th Street Housing Development
Fund Corporation,
Defendant-Respondent,

Howard Brandstein,
Defendant-Intervenor-Respondent,

New York City Department of Taxation
and Finance, 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, both entered on or about October 16, 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 January 2017 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 4, 2016.

Present - Hon. Karla Moskowitz, Justice Presiding,
Paul G. Feinman
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer, Justices.

-----x

Rolando Arroyo, et al.,
Plaintiffs,

-against-

United Hoisting & Scaffolding Corp.,
Inc., sued herein as United Hoisting
Company, Inc.,
Defendant-Respondent,

M-3943
Index No. 20408/15E

Atlantic Detailing & Erection Corp.,
Defendant-Appellant,

-and-

Tutor Perini Corporation, et al.,
Defendants.

- - - - -
[And other actions]

-----x

Defendant-respondent having moved for dismissal of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about April 28, 2016,

Now, upon reading and filing the papers with respect to the motion, and the correspondence dated August 12, 2016, from counsel for defendant-respondent, Marshall Dennehey Warner Coleman & Goggin (Steven H. Kaplan, of counsel), 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 October 4, 2016.

Present - Hon. Karla Moskowitz, Justice Presiding,
Paul G. Feinman
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer, Justices.

-----x
Lionel Samuels,
Plaintiff-Respondent,

-against-

Madison Square Garden, LP, et al., M-3597
Defendants-Appellants, Index No. 305747/12

-and-

Vornado Two Penn Property, LLC,
Defendant.

- - - - -
Turner Construction Company, et al.,
Third-Party Plaintiffs,

-against-

LVI Environmental Services, Inc.,
Third-Party Defendant.

-----x

Defendants-appellants third-party plaintiffs having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about June 10, 2015,

Now, upon reading and filing the papers with respect to the motion, and the correspondence dated August 8, 2016 from London Fischer LLP (Arthur Thomas Tergesen, of counsel), 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 October 4, 2016.

PRESENT - Hon. Karla Moskowitz, Justice Presiding,
Paul G. Feinman
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer, Justices.

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

-against-

M-3799
Ind. No. 4261/14

Oliver Davis,
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 May 4, 2016, 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.

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 October 4, 2016.

Present - Hon. Karla Moskowitz, Justice Presiding,
Paul G. Feinman
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer, Justices.

-----X
In the Matter of the Application of
Justina Cruz,
Petitioner,

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

M-4072
Index No. 251290/15

-against-

Vicki Been, as Commissioner of the
Department of Housing Preservation
and Development, MLK, LP,
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, Bronx County,
entered on or about February 16, 2016,

And respondent MLK, LP having moved for dismissal of the
aforesaid proceeding,

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
that the proceeding will be dismissed unless perfected on or
before December 5, 2016 for the February 2017 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 4, 2016.

Present: Hon. Karla Moskowitz, Justice Presiding,
Paul G. Feinman
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer, Justices.

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

-against-

M-3463
Ind. No. 4030N/15

Darren Guerrero,
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 8, 2015, and for leave to prosecute the appeal as a poor person on the original record and upon a reproduced appellant's brief, and for assignment of counsel,

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

It is ordered that the motion is granted to the extent of deeming the notice of appeal 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 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) two transcripts of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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