

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 6, 2016.

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

-----X
Yovanka Bylander, as Administratrix of
the Estate of Christophe Arroyo, and
Yovanka Bylander, Individually,
Plaintiff-Appellant,

-against-

M-3734
Index No. 800031/12

Anthony Jahn, M.D., and Head & Neck
Surgical Group, LLC,
Defendants-Respondents.

-----X

Appeals having been taken to this Court by plaintiff from orders of the Supreme Court, New York County, entered on or about May 18, 2015 and October 16, 2015, respectively,

And, an order of this Court having been entered on April 26, 2016 (M-915) consolidating the aforesaid appeals, and enlarging the time to perfect the consolidated appeals to the October 2016 Term of this Court,

And, plaintiff-appellant having moved to further enlarge the time to perfect the aforesaid consolidated appeals,

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

Ordered that the motion is granted to the extent of enlarging the time to perfect the consolidated appeals 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 6, 2016.

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

-----X
Jorge Amaya,
Plaintiff-Respondent,

-against-

Neighborhood Partnership Housing
Development Fund Company, Inc.
and JC Realty Development Corp.,
Defendants-Respondents-Appellants,

Mecca Contracting, Inc.,
Defendant-Respondent-Appellant.

-----X
Mecca Contracting Inc.,
Third-Party Plaintiff-Respondent-
Appellant,

-against-

Salcora Construction Corp.,
Third-Party Defendant-Appellant-
Respondent.

-----X
Salcora Construction Corp.,
Second Third-Party Plaintiff-
Appellant-Respondent,

-against-

Odys General Construction,
Second Third-Party Defendant.

-----X

M-3790

M-3876

M-3987

Index No. 112140/10

Third-Party

Index No. 590192/11

Second

Third-Party

Index No. 590554/12

Appeals and a cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about June 13, 2014,

And, appellant Salcora having moved for an enlargement of time to perfect their appeal (M-3790),

And, appellants Neighborhood Partners Housing Development Fund Company, Inc. and JC Realty Development Corp., having moved for an enlargement of time to perfect their appeal (M-3876),

And, cross appellant, Mecca Contracting Inc., having cross-moved to enlarge the time to perfect their cross appeal (M-3987),

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

It is ordered that the motions and the cross motion are granted to the extent of enlarging the time to perfect the three appeals to the March 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 6, 2016.

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

-----X
Thembeni Buthelezi, as the Executrix
for the Estate of Nicholas Johnson,
and Thembeni Buthelezi, Individually,

Plaintiffs-Appellants,

-against-

M-4102
Index No. 22196/05

The Jewish Home and Hospital for
Aged,

Respondent-Respondent.

-----X

Plaintiffs-appellants having moved for an enlargement
of time to perfect the appeal taken from the order of the Supreme
Court, Bronx County, entered on or about November 23, 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 March 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 6, 2016.

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

-----X
Bristol Management Company, et al.,
Plaintiffs-Appellants,

-against-

M-4028
Index No. 109191/10

The Travelers Indemnity Company of
America, et al.,
Defendants-Respondents.

-----X

Plaintiffs-appellants having moved for an enlargement of time to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about April 13, 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 April 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 6, 2016.

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

Justice Presiding,

Justices.

-----X
Kaga Investments S.A. and
Ciel Maritime S.A., etc., et al.,

Plaintiffs-Appellants,

-against-

Stuart Simonsen, et al.,

M-4081
Index No. 650560/12

Defendants-Respondents.
-----X

Plaintiffs-appellants 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 19, 2013,

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

It is ordered that the motion is granted to the extent of
enlarging the time to perfect the appeal to the April 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 6, 2016.

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

-----x

Jordanne Nesbeth, et al.,
Plaintiffs-Appellants,

-against-

M-4108

M-4190

Index No. 115266/10

St. Luke's Hospital, et al.,
Defendants-Respondents.

-----x

An order of this Court having been entered on August 11, 2016 (M-2950/M-2972) having consolidated the appeals taken from the orders of Supreme Court, New York County, entered on or about September 30, 2015 and November 18, 2015, respectively, and the order and judgment (one paper) of said Court entered on or about December 15, 2015,

And, plaintiffs-appellants having moved for an enlargement of time to perfect the aforesaid consolidated appeals (M-4108),

And, defendants-respondents having cross moved to dismiss the aforesaid consolidated appeals (M-4190),

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 and the time to perfect the consolidated appeals is enlarged to the April 2017 Term (M-4108). The cross-motion to dismiss the aforesaid consolidated appeals is denied (M-4190).

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 6, 2016.

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

-----X

Hope Founders,
Petitioner-Landlord-Respondent,

M-3767

-against-

Index No. 73393/14

Gweneth Williams,
Respondent-Tenant-Appellant.

-----X

An order of Supreme Court, Appellate Term, First Department, having been entered on June 1, 2016, denying respondent-tenant's motion to reargue and/or for leave to appeal to this Court from an order of said Appellate Term, entered on or about May 5, 2016, which affirmed the order of Civil Court, New York County, dated February 5, 2015, denying respondent-tenant's motion to vacate an order of eviction,

And respondent-tenant having moved for an order of this Court to stay eviction,

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 6, 2016.

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

-----X
M133D LLC,

Petitioner,

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

-against-

M-3510
Index No. 101046/16

Department of Housing Preservation
and Development of the City of
New York,

Respondent.

-----X

Petitioner having moved, pursuant to CPLR 5704(a), for certain relief denied by a Justice of the Supreme Court, New York County, on or about 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, without prejudice to further proceedings seeking review or vacatur in Supreme 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 6, 2016.

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

-----x
Violeta M. Gamino,

Plaintiff-Respondent,

-against-

M-4010
Index No. 302232/11

DDSR Properties, Inc.,

Defendant-Appellant.
-----x

Consolidated appeals having been taken to this Court from orders of the Supreme Court, Bronx County, entered on or about September 28, 2015 and April 13, 2016, respectively, and said consolidated appeals having been perfected,

And defendant-appellant having moved for a stay of trial herein pending hearing and determination of the consolidated appeals,

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

It is ordered that the motion is 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 6, 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
Kramer Levin Naftalis & Frankel LLP,
et al.,
Petitioners-Respondents,

	M-3489
For a Permanent Stay of Arbitration	Index No. 653381/16
Pursuant to Article 75 of the CPLR,	

-against-

Michael C. Cornell, et al.,
Respondents-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 15, 2016,

And, respondents-appellants having moved for a stay of the order vacating a prior temporary order sealing the record, pending hearing and determination of the aforesaid appeal, and to seal the record on appeal,

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

It is ordered that the motion is 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 6, 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,
ex rel. James Roth on behalf of
Eli Luski,
Petitioner-Appellant,

-against-

M-3679
Index No. 101153/16

Joseph Ponte, etc.,
Respondent-Respondent.
-----X

Petitioner-appellant having moved for bail reduction
pending hearing and determination of the appeal from the order of
the Supreme Court, New York County, entered on or about July 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 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 6, 2016.

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

-----X

In the Matter of

Antonio Ellington B.,

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

M-3823

Docket No. B-14711/12

- - - - -
Coalition For Hispanic Family
Services,
Petitioner-Respondent,

Maritza J.,
Petitioner-Appellant.

- - - - -
Shirim Nothenberg, Esq.,
Lawyers for Children,
Attorney for the Child.

-----X

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

Docket No. V-29190-13/13A

- - - - -
Maritza J.,
Petitioner-Appellant,

-against-

Ramona J., Antonio B. Sr., and
The Administration for Children's
Services, Coalition for Hispanic
Families,
Respondents-Respondents.

- - - - -
Shirim Nothenberg, Esq.,
Lawyers for Children,
Attorney for the Child.

-----X

Appeals having been taken from orders of the Family Court, New York County, entered on or about July 21, 2015 and July 23, 2015,

And, orders of this Court having both been entered on December 22, 2015 (M-5094 and M-5095) granting poor person relief and assigning counsel for the respective appeals,

And, petitioner-appellant, Maritza J., having moved to stay the adoption proceedings pending hearing and determination of the appeal, and to amend the case caption and the December 22, 2015 order of assignment to delete Docket No. AS-40469/14, and under Docket Nos. V-29190-13/13A and B-14711-12 to substitute Shirim Nothenberg, Esq., as attorney for the child, and to consolidate all appeals,

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

Ordered that the motion, to the extent it seeks a stay, is denied. The caption is amended to reflect the correct attorney for the child, the appeals are consolidated, and Docket No. AS 40469/14 is deleted.

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 6, 2016.

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

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

Amanda C.,
Petitioner-Respondent,

M-4039
Docket No. V-17155-13/14C

-against-

Jonathan Z.,
Respondent-Appellant.

Susan M. Cordaro, Esq.,
The Children's Law Center,
Attorney for the Child.
-----X

An appeal having been taken from the order of the Family Court, Bronx County, entered on or about August 15, 2015,

Now, upon reading and filing the stipulation of the parties hereto, dated August 5, 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 6, 2016.

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

Justice Presiding,

Justices.

-----X
Aspen Specialty Insurance Company,
Plaintiff-Respondent,

-against-

M-4300X
Index No. 160353/14

Ironshore Indemnity Incorporated,
Defendant-Appellant,

-and-

Transel Elevator, Inc.,
Defendant.

-----X

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

Now, after pre-argument conference and upon reading and
filing the stipulation of the parties hereto, "so ordered"
August 25, 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 6, 2016.

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

-----X
114 West 26th Street Associates, L.P.,
et al.,

Plaintiffs-Respondents,

-against-

M-4311X
Index No. 160200/14

Smoll Corporation, et al.,

Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about November 13, 2015,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 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 6, 2016.

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

-----X

Daniel Betancourt,

Plaintiff-Respondent-Appellant,

-against-

M-4312X

Index No. 157630/12

Memco LLC, et al.,

Defendants-Appellants-Respondents.

- - - - -

[And a third-party action]

-----X

An appeal having been taken by defendants-appellants-respondents from the order of the Supreme Court, New York County, entered on or about December 9, 2015,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 31, 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 6, 2016.

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

-----X
Mark Hotel LLC,

Plaintiff-Appellant-Respondent,

-against-

M-4316X
Index No. 101193/11

JMJ Fashions, Inc., et al.,

Defendants-Respondents-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about March 8, 2016,

And, a separate appeal having been taken from an amended judgment of said Court entered on or about May 6, 2016,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 23, 2016, and due deliberation having been had thereon,

It is ordered that the appeals 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 October 6, 2016.

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

Justice Presiding,

Justices.

-----X
Tower Insurance Company of New York,

Plaintiff-Appellant,

-against-

Shaptom Realty Corp., etc., et al.,

Defendants-Respondents.
-----X

M-4317

Index No. 115759/10

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about November 26, 2014, and said appeal having been perfected,

Now, upon reading and filing the papers herein, including the stipulation of the parties hereto, dated August 23, 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 6, 2016.

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

-----X

Metropolitan Group Property & Casualty
Insurance Company,
Plaintiff-Respondent,

-against-

M-4109

Index No. 151619/12

Edwin Gonzalez, et al.,
Defendants,

Michael Carnes, et al.,
Defendants,

Active Care Medical Supply Corporation,
Defendant-Appellant,

Five Boro Psychological and Master
Social Work Services, PLLC,
Defendant-Respondent.

-----X

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

And, plaintiff-respondent having moved for an enlargement of
time to file a respondent's brief,

Now, upon reading and filing the papers with respect to the
motion, and a stipulation of the parties filed August 22, 2016, and
due deliberation having been had thereon, it is

Ordered that the motion is withdrawn and the appeal is adjourned
to the December 2016 Term, both 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 6, 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,

Appellant,

-against-

M-2693
Ind. No. 4234/09

Kenith Agard,

Defendant-Respondent.

-----X

Defendant-respondent having moved for leave to respond, as a poor person, to the People's appeal from an order of **resentence** of the Supreme Court, New York County, entered on or about August 31, 2015, and for assignment of counsel,

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

It is ordered that the motion is granted to the extent of (1) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for the People and 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, 28th Floor, New York, New York 10006, Telephone No. 212-577-2523, as counsel for purposes of responding to the appeal.

It is further ordered that the appeal is adjourned to the March 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 6, 2016.

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

-----x

Nicholas Romanoff, suing, pursuant to BCL § 626, in his capacity as a shareholder of New Roads Realty Corp. in the right of New Roads Realty Corp. as the sole shareholder of GHC NY Corp. suing in the right of GHC NY Corp.,

Plaintiff-Appellant,

-against-

M-4364

M-4470

Index No. 151160/14

Gerald Romanoff, as Executor of the Estate of Gerald Romanoff, Deceased, Sheryl Romanoff, Michael A. Zimmerman, 55 Gans Judgment LLC as successor-in-interest to Union Center National Bank, 55 Gans Lender LLC as successor-in-interest to Capital One, National Association (as successor by merger to North Fork Bank), Griffon Gansevoort Holdings LLC, GHC NY Corp., The Sheryl Romanoff Irrevocable Grantor Trust by Robert Romanoff and Frank Platt as Trustees, and New Roads Realty Corp.,

Defendants-Respondents,

John and Jane Does "1" through "10", and ABC Corps. "1" through "10", being the fictitious names of individuals and entities whose real names and identities are presently unknown to plaintiff,

Defendants.

-----x

Consolidated appeals having been taken to this Court from orders of the Supreme Court, New York County, entered on or about September 29, 2014, February 5, 2015 and October 22, 2015, respectively,

And, plaintiff-appellant having moved for an enlargement of time to perfect the consolidated appeals, and to enlarge the record on appeal to include notice of entry for the short form order, mot. seq. no. 006 dated August 30, 2016 (M-4364),

And, 55 Gans Judgment LLC, etc., et al. (The Gans Defendants) having cross-moved for dismissal of the aforesaid consolidated appeals or for alternative relief, including an order that plaintiff perfect the consolidated appeals upon a full printed record (M-4470),

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the consolidated appeals to the January 2017 Term, with no further enlargements to be granted. Plaintiff-appellant is permitted to enlarge the record on appeal, as indicated above (M-4364),

It is further ordered that the cross motion is granted to the extent of dismissing the appeals unless perfected for said January 2017 Term, and the cross motion is otherwise denied (M-4470).

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 6, 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-4344
Ind. No. 3876/13

Gregory Diaz,
Defendant-Appellant.

-----X

An order of this Court having been entered on August 11, 2015 (M-2083), inter alia, assigning Richard M. Greenberg, Esq., The Office of the Appellate Defender, as counsel to prosecute defendant's appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about January 30, 2015,

Now, upon the Court's own motion,

It is ordered that the designation of assigned counsel Richard M. Greenberg, Esq., as counsel to prosecute defendant's appeal is stricken and, pursuant to Section 722 of the County Law, Stanley Neustadter, Esq., Cardozo School of Law, 55 Fifth Avenue, Room 1110, New York, New York 10003, Telephone No. 212-790-0410, is substituted as counsel to prosecute the appeal. The poor person relief previously granted is continued, and the 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 6, 2016.

PRESENT - Hon: Peter Tom, Justice Presiding,
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische
Troy K. Webber, Justices.

-----X
Rachel Tantaro,

Plaintiff-Appellant,

-against-

M-4294
Index No. 152701/13

Common Ground Community Housing
Development Fund, Inc., et al.,

Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 27, 2015, and said appeal having been perfected for the November 2016 Term,

And, defendant-respondent, Common Ground Community Housing Development Fund, Inc., having moved for an order taking judicial notice of the record filed with this Court on the appeal titled, *Cruz Suarez v Axelrod Fingerhut & Dennis, et al.*, Appeal No. 839,

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 declaring that the Court takes judicial notice of its file copy of the record at issue.

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 6, 2016.

PRESENT - Hon. Peter Tom, Justice Presiding,
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische
Troy K. Webber, Justices.

-----X

Kiongo Maina,
Plaintiff-Respondent,

-against-

M-4531
Index No. 652525/11

Rapid Funding NYC, LLC, Signature Bank,
Defendants-Appellants,

N.Y.C. Taxi & Limousine Commission,
Defendant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about August 12, 2015,

And, plaintiff-respondent having moved for leave to file a supplemental record on appeal to include Exhibits C - E to the Russell Affirmation, and for other relief,

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

It is ordered that the motion is granted to the extent of permitting plaintiff to file a supplemental record consisting of Exhibits C & D of the motion papers, without prejudice to defendants raising objections to the expanded record directly in their reply brief on appeal. The appeal is adjourned to the December 2016 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 6, 2016.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
Dianne T. Renwick
Karla Moskowitz
Judith J. Gische
Ellen Gesmer, Justices.

-----X

Tyrone Marshall,
Plaintiff-Appellant,

-against-

Family Dollar, M-3855
Defendant-Respondent. Index. No. 250589/15

-----X

Plaintiff-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County, entered on or about February 25, 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.

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 6, 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 the Liquidation of
Midland Insurance Company,

Claim of PPG Industries, Inc.,
Claimant-Appellant,

M-4457
Index No. 41294/86

-against-

The Superintendent of Financial
Services of the State of New York as
Liquidator of Midland Insurance Company,
Respondent-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about June 5, 2015, and said appeal having been perfected,

And respondent-respondent having moved for leave to file a sur-reply in response to Part II of PPG Industries, Inc.'s reply brief, or in the alternative, to strike Part II of said 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 denied and the perfected appeal will be maintained on the November 2016 Term calendar.

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 6, 2016.

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

-----X
Diana Worthman,
Plaintiff-Appellant,

-against-

M-4473
Index No. 109419/06

The City of New York,
Defendant-Respondent.
-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, New York County, entered on or about August 4, 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 6, 2016.

Present:	Hon. David Friedman,	Justice Presiding,
	John W. Sweeny, Jr.	
	Diane T. Renwick	
	Richard T. Andrias	
	David B. Saxe,	Justices.

-----X

Antonio Polanco,

Plaintiff-Appellant-Respondent,

-against-

M-2934

M-3043

Index No. 305599/13

West 152nd Associates, L.P.,
and Beach Lane Management,

Defendants-Respondents-Appellants.

-----X

Appeals having been taken by plaintiff from orders of the Supreme Court, New York County, entered on or about December 3, 2015 and April 15, 2016; and a cross appeal having been taken by defendants from the order of said Supreme Court, entered on or about April 15, 2016,

And, plaintiff having moved for dismissal of defendants' cross appeal (M-2934),

And, defendants having cross-moved for an enlargement of time to perfect their cross appeal, and for the dismissal of plaintiff's appeals taken from orders entered on December 3, 2015 and April 15, 2016 (M-3043),

Now, upon reading and filing the papers with respect to the motion and cross motion, and the stipulation of the parties dated August 25, 2016, and due deliberation having been had thereon, it is

Ordered that plaintiff's motion to dismiss defendants' cross appeal is withdrawn (M-2934). Plaintiff's appeals taken from orders entered on or about December 3, 2015 and on or about April 15, 2016 are withdrawn, in accordance with the aforesaid stipulation. Defendants' cross motion to dismiss plaintiff's appeals is withdrawn as moot in light of plaintiff having withdrawn said appeals. Defendants' notice of cross appeal remains extant and said parties are now designated as the direct appellants. Defendants-appellants agree to waive seeking reimbursement of the \$975.00 no-show fee. Plaintiff-respondent agrees to provide within thirty (30) days: (a) an authorization for plaintiff's Section 8 Inspection records with plaintiff's personal information to be redacted from any records for 2 years prior to the date of loss through the present; (b) an authorization for pharmacy records from the pharmacy located on 149th Street and Broadway; (c) an authorization for radiology records from the facility on 31st Street and 1st Avenue; and (d) an affidavit (in compliance with CPLR 210[b]) that plaintiff has not undergone any physical therapy since the subject accident.

The time for defendant-appellant to perfect their appeal is enlarged to the March 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 6, 2016.

PRESENT - Hon. David Friedman, Justice Presiding,
Richard T. Andrias
David B. Saxe
Marcy L. Kahn, Justices.

-----X

Orly Genger,
Plaintiff-Respondent-Appellant,

-against-

M-4638
Index No. 100697/08

Sagi Genger,
Defendant-Appellant-Respondent.

- - - - -
Urban Justice Center Mental Health
Project and NAMI-NYC Metro,
Amicus Curiae.

-----X

An appeal and cross appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about February 10, 2016,

And, the Urban Justice Center Mental Health Project and NAMI-NYC Metro having moved for leave to file a brief amicus curiae in connection with 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 and movants are directed to immediately file 9 copies of their amicus curiae brief 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 6, 2016.

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

-----X
In the Matter of the Application for
the Appointment of a Guardian of the
Person and Property of Diane S.

- - - - -

CONFIDENTIAL

Frank S.,
Petitioner-Respondent,

-against-

M-3451
Index No. 500059/11

Diane S.,
Respondent-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about April 26, 2016,

And, respondent-appellant having moved for leave to supplement the record on appeal; for permission to proceed pro se in a related New Jersey case; and to direct respondent's New York guardian to take certain actions in said New Jersey case,

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 in its entirety.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 6, 2016.

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

-----X

The People of the State of New York
ex rel. McBride, Titus,
Petitioner,

M-3239

-against-

Ind. No. 1811/14

Warden,
Respondent.

-----X

The above-named petitioner having moved, pro se, for certain relief denied by a Justice of the Supreme Court, New York County, on February 23, 2014 and on September 23, 2014, and for poor person relief, and the assignment of counsel,

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

It is ordered that petitioner's motion is deemed to be one for an application for a writ of habeas corpus, and as such is remanded to Supreme Court, New York County, 100 Centre Street, New York, NY 10013 to be heard before a Justice of said Court, forthwith, and

It is further ordered that service by mail of a copy of this writ of habeas corpus, petition and supporting papers, by the Clerk of this Court, contemporaneous with the entry hereof, upon the Warden at R.N.D.C., 11-11 Hazen Street, East Elmhurst, NY 11370; the Attorney General of the State of New York, 120 Broadway, New York, New York 10271; and the District Attorney of New York County, One Hogan Place, New York, NY 10013, be deemed due and sufficient notice.

The motion is otherwise denied.

ENTER:


CLERK

-----X

Petitioner-appellant, Administration for Children's Services, having moved for an enlargement of time to perfect the appeal taken from the order of the Family Court, Bronx County, entered on or about November 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 said 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 6, 2016.

PRESENT - Hon. David B. Saxe, Justice Presiding,
Karla Moskowitz
Paul G. Feinman
Barbara R. Kapnick, Justices.

-----X
Carla D'Andre,

Plaintiff-Respondent,

-against-

M-4089
Index No. 312520/93

Michael D. Shenkman,

Defendant-Appellant.

-----X

Plaintiff-respondent having moved to dismiss defendant's appeal taken from an order of the Supreme Court, New York County, entered on or about April 8, 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 6, 2016.

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

-----x
11 Essex Street Corp.,
Plaintiff-Appellant,

-against-

M-3917
Index No. 600176/04

Tower Insurance Company of New York,
Defendant.

-----x
11 Essex Street Corp.,
Plaintiff-Appellant,

-against-

Index No. 110019/04

7 Essex Street, LLC, c/o Vesta
Development Group, DeSimone Consulting
Engineers, Jeffrey M. Brown Associates,
Inc., et al.,
Defendants,

Berzak Gold, P.C.,
Defendant-Respondent.

-----x
(And other Actions)

Defendant-respondent, Berzak Gold P.C., having moved to dismiss the appeals taken by the respective appellants in all of the above-referenced actions taken from the order of the Supreme Court, New York County, entered on or about October 13, 2015,

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

It is ordered that the motion is denied, without prejudice to addressing the issues directly on appeal.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 6, 2016.

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

-----x

Ronna Lewis, and Arthur Lewis,
Plaintiffs-Appellants,

-against-

M-3844

M-3979

Index No. 109091/10

Consolidated Edison Company of New York,
Inc., The City of New York, Safeway
Construction Enterprises, Inc.,
NICO Asphalt, Inc.,
Defendants-Respondents.

- - - - -
[And a third-party action]

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about February 23, 2016,

And, defendants-respondents Nico Asphalt, Inc. (M-3844) and Safeway Construction Enterprises, Inc. (M-3979) having separately moved for dismissal of the appeal as against them,

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

It is ordered that defendants' motion is granted to the extent of dismissing the appeals as against defendants Nico Asphalt, Inc. (M-3844) and Safeway Construction Enterprises, Inc. (M-3979). The appeal as to defendants-respondents Consolidated Edison Company of New York, Inc. and the City of New York remains extant.

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 6, 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-3720
Ind. Nos. 5125/12
1483/13

Amit Patel,

Defendant-Appellant.

-----X

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

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

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

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

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

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 6, 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-3742
Ind. No. 4352/09

James Smith,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about July 15, 2015, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, 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 October 6, 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-3877
Ind. No. 4588/14

Jonathan Beam,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about March 3, 2016, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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 6, 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-3789
Ind. No. 4765/12

Sean Kennelly,

Defendant-Appellant.
-----x

Defendant-appellant having moved for an extension of time to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about February 25, 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 as 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 6, 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-3852
Ind. No. 725/15
Wesley Rodriguez,
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 March 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 6, 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-3853
Ind. No. 562/15

Jonathan Paulino,

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 February 26, 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 6, 2016.

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

Justice Presiding,

Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-3854
Ind. No. 2523/15

Randel Trotman,
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to file a notice of appeal taken from a judgment of the Supreme Court, New York County, rendered on or about March 23, 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 6, 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-3883
Ind. No. 3556/14

Robert Mcall,

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 April 7, 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 6, 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,

-against-

M-3909
Ind. No. 997/00

Nathan Spry,

Defendant.

-----X

Defendant having moved for an enlargement of time to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about July 12, 2000,

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 6, 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,

SEALED

M-3796

-against-

Index No. 4582/14

Nikim M.,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about November 6, 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 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.

Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Suite 1601, New York, NY 10007, Telephone No. (212) 402-4142, 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 6, 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-3558**
Ind. No. 2477/14

Kenneth Genao,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about May 8, 2015,

And, an order of this Court having been entered on November 5, 2015 (M-4615), granting defendant poor person relief and assigning Seymour W. James, Jr., Esq., The Legal Aid Society, as counsel on the appeal,

And, defendant having moved for an order relieving Seymour W. James, Jr., Esq., The Legal Aid Society, as counsel on the appeal and substituting Patrick Joyce, Esq., as such 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 only to the extent of enlarging the time to perfect the appeal to the February 2017 Term and continuing poor person relief. So much of the motion which seeks substitution of counsel is denied, with leave to renew upon proof of service of the motion papers on Seymour W. James, Jr., Esq., The Legal Aid Society, and of the continuing need for poor person relief.

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 6, 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-3651
Ind. No. 274/12

Michelle Hubert,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about January 14, 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, including the amount and sources of his income and listing his property with its value. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 6, 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-3784
Ind. No. 2123/13

Jason Tomczyk,

Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about March 21, 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, in compliance with CPLR 1101(a), setting forth the terms of defendant's retainer agreement with trial counsel, Benjamin I. Caley, Esq., the amount and sources of funds for trial counsel's fee and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 6, 2016.

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

-----X

Herman Burroughs,

Plaintiff,

-against-

M-3359

Index No. 100385/15

New York City Transit Authority
and Metropolitan Transit Authority,

Defendants.

-----X

Plaintiff having moved for leave to prosecute, as a poor person, an appeal taken from unspecified orders of the Supreme Court, New York County, entered on dates unknown, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that the motion is denied.

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 6, 2016.

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

-----X
Yu Hua Chen,
Plaintiff-Appellant,

-against-

M-3974
Index No. 112630/09

Nancy Mak, 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 July 29, 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 6, 2016.

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

-----X

Randi Larowitz,

Plaintiff-Respondent,

-against-

M-4012

Index No. 308985/11

Steven Lebetkin,

Defendants-Appellants.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal taken from a judgment of the Supreme Court, New York County, entered on or about October 26, 2015,

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

It is ordered that the motion is granted to the extent of 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 6, 2016.

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

-----X
Sigfredo Bermudez, et al.,
Plaintiffs-Appellants,

-against-

M-3525
Index No. 22786/16

Rodrigo Silva Falardo,
Defendant-Respondent.
-----X

Appeals having been taken to this Court from orders of the Supreme Court, Bronx County, entered on or about June 22, 2016 and June 24, 2016, respectively,

And, plaintiffs-appellants having moved for a stay of execution and enforcement of the aforesaid orders, pending hearing and determination of the appeals 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 on condition the appeals are perfected for 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 6, 2016.

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

-----X
Idamae L. C.,
Plaintiff-Respondent,

-against-

Edward A. C.,
Defendant-Appellant.
-----X

CONFIDENTIAL

M-3993

Index No. 5157/13

Defendant-appellant having moved for an enlargement of
time to perfect the appeal taken from a Judgment of Divorce of
the Supreme Court, Bronx County, entered on or about November 2,
2015, and for leave to prosecute the appeal as a poor person, and
related relief,

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

It is ordered that the motion is granted to the extent
of enlarging the time to perfect the appeal to the January 2017
Term. The poor person relief previously granted by order of
this Court on May 12, 2016 (M-1146) is hereby continued.

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 6, 2016.

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

-----X

Vicky Morwitz, et al.,
Plaintiffs-Appellants,

-against-

M-3439
Index No. 600007/10

Mobili De Angelis, et al.,
Defendants,

-and-

Central Plumbing Specialties Co.,
Inc.,
Defendant-Respondent.

-----X

Plaintiffs-appellants having moved for an enlargement of time to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about September 28, 2015, with 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 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 6, 2016.

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

-----X
Richard Molloy and Margaret Molloy,

Plaintiffs-Appellants,

-against-

M-3759
Index No. 154407/13

Long Island Railroad, et al.,

Defendants-Respondents.

-----X

Plaintiffs-appellants having moved for an enlargement of time to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about September 24, 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 6, 2016.

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

-----X

Alan S. Ripka,

Plaintiff-Appellant,

-against-

M-3860

Index No. 157823/14

Seth R. Rotter,

Defendant-Respondent.

-----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 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 6, 2016.

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

-----X
Jacqueline Rodriguez, Individually
and as Administratrix of the goods,
chattels, and credits which were of
Ann Marie Pauletta, deceased,
Plaintiff-Appellant,

-against-

M-3871
Index No. 800047/12

Washington Heights Dental Practice,
P.C., Marina Kipnis and Rosette
Imani,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, New York County, entered on or about July 1, 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 6, 2016.

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

-----X
James Matos,
Plaintiff-Respondent,

-against-

M-3924
Index No. 305700/09

Casa Redimix Concrete Corp., et al.,
Defendants,

URS Corporation, Roger & Sons Concrete,
Inc.,
Defendants-Appellants.

-----X

Appeals having been taken from the order of the Supreme
Court, Bronx County, entered on or about October 6, 2015,

And, defendant-appellant URS Corporation having moved
for an enlargement of time to perfect its appeal,

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

It is ordered that the motion is granted to the extent of
enlarging the time to perfect the appeals 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 6, 2016.

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

-----X
Eura Warren, etc.,
Petitioner-Appellant,

-against-

M-3945
Index No. 21784/13E

New York City Health and Hospitals
Corporation,
Respondent-Respondent.

-----X

Petitioner-appellant having moved for an enlargement of
time to perfect the appeal from the order of the Supreme Court,
Bronx County, entered on or about December 30, 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 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 6, 2016.

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

Justice Presiding,

Justices.

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

Respondent,

-against-

Bernard Moultrie, also known as
Little Brother,

M-4020
Ind. Nos. 47/12
2450/12

Defendant-Appellant.
-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about November 15, 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 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 6, 2016.

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

-----X
Peter Arnold, et al.,
Plaintiffs-Respondents,

-against- **M-3726**
Index No. 158541/13

4-6 Bleecker Street LLC, et al.,
Defendants-Appellants.
-----X

Defendants-appellants having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about October 21, 2015, as amended by an order entered on or about November 18, 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, with leave to seek further enlargements if necessary.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 6, 2016.

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

-----X

Avraham Gold and Brian Chenesky,
individually, and on behalf of
all others similarly situated,
Plaintiffs-Appellants,

M-3957

Index No. 653923/12

-against-

New York Life Insurance Company,
et al.,
Defendants-Respondents.

-----X

(And another action)

Plaintiffs having moved for an enlargement of time to perfect their appeal taken from the order of the Supreme Court, Bronx County, entered on or about September 22, 2014 until after this Court decides plaintiffs' perfected appeal taken from the order of the Supreme Court, New York County, entered on or about September 4, 2015 (Cal. No. 1333),

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, with leave to seek additional enlargements if necessary.

ENTERED:



CLERK

STATE OF NEW YORK
APPELLATE DIVISION: FIRST DEPARTMENT

BEFORE: Hon. John W. Sweeny, Jr.
Justice of the Appellate Division

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

-against-

Anthony Morris

Defendant.

M-3404
Ind. No.2098/14

ORDER DENYING ROR OR
BAIL PENDING APPEAL

-----X
An appeal having been taken to this Court by the above-named defendant from the judgment of the Supreme Court, New York County, rendered on May 17, 2016, and defendant having moved, pursuant to CPL 460.50 and 530.50 for an order of recognizance or to be admitted to bail pending hearing and determination of the aforesaid appeal,

Now, upon reading and filing the notice of motion, with proof of due service thereof, and the papers filed in support of said motion, and further papers filed in relation thereto; and due deliberation having been had thereon,

It is ordered that the motion be and the same hereby is denied.

Dated: September 19, 2016
New York, New York


Justice of the Appellate Division

ENTERED: OCT 06 2016

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

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

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

M-2943
Ind. No. 1955/09

-against-

CERTIFICATE
DENYING LEAVE

Edward Parker,

Defendant.
-----X

I, Sallie Manzanet-Daniels, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about April 28, 2016, is hereby denied. In light of the above, defendant's request for poor person relief is denied as moot.


Associate Justice

Dated: September 6, 2016
New York, New York

ENTERED: OCT 06 2016

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

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

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

M-2983
Ind. No. 3184/00

-against-


CERTIFICATE
DENYING LEAVE

Marcos Rodriguez, a/k/a Marcos Rodrriguez,
a/k/a Marcos Rodriquez,

Defendant.

-----X

I, Sallie Manzanet-Daniels, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County, entered on or about April 21, 2016, is hereby denied.


Associate Justice

Dated: September 6, 2016
New York, New York

ENTERED: OCT 06 2016