

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

Jacquelin M.,
Petitioner-Appellant,

-against-

Joseph M.,
Respondent-Respondent.

Janet Neustaetter, Esq., The Children's
Law Center,
Attorney for the Children.

-----x

CONFIDENTIAL

M-4660

Docket Nos. V-613-14/10

V-618-19/10

IDV No. 203/10

An appeal having been taken to this Court from the order of the Family Court, Bronx County, entered on or about May 20, 2015, and said appeal having been perfected,

And The Children's Law Center (by Janet Neustaetter, Esq.,) court attorney for the subject children, having moved for an order adjourning the perfected appeal to the January 2017 Term and for further adjournments should the full record not be filed prior to a date to be set by this Court,

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

It is ordered that the motion is granted to the extent of adjourning the perfected appeal to the March 2017 Term. Petitioner-appellant is directed to file the full record in accordance with this Court's order dated July 21, 2016, by January 3, 2017 for said March 2017 Term, with leave to seek further adjournments, 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 11, 2016.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

-----x
Prince Fashions, Inc.,

Plaintiff-Appellant,

-against-

M-4411
Index No. 651255/16

60G 542 Broadway Owner, LLC,

Defendant-Respondent.
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about July 1, 2016,

And plaintiff-appellant having moved, pursuant to CPLR 5518, for an order staying and restraining defendant-respondent from taking any further steps to evict plaintiff-appellant from the subject retail space, pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is granted to the extent of granting a stay of eviction on condition plaintiff-appellant pays the rent required by the lease, and upon further condition the appeal is perfected 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 11, 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,
Plaintiff,

-against-

M-4025
Ind. No. 1400/15

Hector Ramirez and Ann Cuevas,
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about May 31, 2016,

And defendants having moved to stay proceedings, pending hearing and determination of the aforesaid appeal,

Now, upon reading and filing the stipulation of the parties hereto, dated August 19, 2016, and due deliberation having been had thereon,

It is ordered that the motion is deemed 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 11, 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-3100
Ind. Nos. 2237/09
1369/10

Michael Bonano, pro se, also known as
Michael Banano,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about March 31, 2011,

And defendant-appellant, pro se, having moved for an enlargement of time to perfect the aforesaid appeal, pending receipt of the record of the proceeding below and other pertinent documents, for use in preparing his pro se brief,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the February 2017 Term. The Clerk of this Court is directed to forward copies of the missing minutes of the aforesaid proceedings and copies of any other minutes or documents set forth in detail in the moving papers, if available, to the defendant at his place of incarceration for use on appeal. The appeal will not be heard unless and until all material furnished to appellant has been returned.

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 11, 2016.

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

Justice Presiding,

Justices.

-----X

Ambac Assurance Corporation and The
Segregated Account of Ambac Assurance
Corporation,

Plaintiffs-Appellants-Respondents,

-against-

Countrywide Home Loans, Inc.,
Countrywide Securities Corp., and
Countrywide Financial Corp.,
Defendants-Respondents-Appellants,

-and-

Bank of America Corp.,
Defendant.

- - - - -
The Association of Financial Guaranty
Insurers (AFGI),
Amicus Curiae.

-----X

An appeal and cross appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about October 27, 2015, and said appeal and cross appeal having been perfected,

And the Association of Financial Guaranty Insurers (AFGI) 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 to the extent of directing movant to file nine copies of the brief amicus curiae with this Court immediately.

ENTER:


CLERK

SEALED

M-4500

Index No. 651612/10

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 11, 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-3930
Ind. No. 162/15

Joseph Graham,
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 April 1, 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.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10006, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 11, 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-4036
Ind. No. 2424/14

Devonte Serrano,
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 January 28, 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.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10006, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 11, 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-4040
Ind. No. 1151/13

Matthew Budzik, also known as
Raed Innab,
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 11, 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-4164
Ind. No. 312/13

Kyle Harleston,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of **resentence** of the Supreme Court, New York County, rendered on or about August 3, 2016, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, 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 **resentence**. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10006, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 11, 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-3880
Ind. No. 4063/14

Glenford Bennett,
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 November 24, 2015, for leave to prosecute the appeal as a poor person, 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 only to the extent of deeming the moving papers a timely filed notice of appeal.

The motion, to the extent that it seeks poor person relief, is denied, with leave to renew upon defendant's submission of a notarized affidavit, pursuant to CPLR 1101, setting forth the amount of sources of funds to post the \$5,000 cash bail in the Supreme Court, the disposition thereof, 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 11, 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-4166
Ind. No. 5874/14

Yasmine Johnson,
Defendant-Appellant.
-----X

An order of this Court having been entered on April 7, 2016 (M-1191), inter alia, granting defendant's motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about July 8, 2015, under Indictment No. 5874/14, and assigning counsel therefor,

And defendant-appellant having moved for an order amending the notice of appeal and the aforementioned order to include the judgment of resentence of said Court rendered on or about July 31, 2016 under the same indictment number,

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

It is ordered that said motion is granted to the extent of amending defendant's notice of appeal and the aforementioned order to include the judgment of resentence of said Court rendered on or about July 31, 2016, and extending the poor person relief previously granted to cover same.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 11, 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-

Rodolfo Abreu Cristomo,

M-3932
Ind. Nos. 680N/16
2106N/15

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 29, 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 11, 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-4038
Ind. No. 426/16

Ras Harrison,

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 4, 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 11, 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-4051

Ind. No. 4107N/15

Anthony Nelson,

Defendant-Appellant.

-----X
Defendant 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 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 granted to the extent of deeming the notice of appeal timely filed. (See M-4053, decided simultaneously herewith.)

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 11, 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-4053

Ind. No. 4443N/15

Anthony Nelson,

Defendant-Appellant.

-----X
Defendant 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 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 granted to the extent of deeming the notice of appeal timely filed. (See M-4051, decided simultaneously herewith.)

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 11, 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
Royce Corley,
Petitioner-Appellant,

M-4049

Index No. 401112/14

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

-against-

Cyrus V. Vance, Jr., etc., et al.,
Respondents-Responents.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, entered on or about February 8, 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.

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 11, 2016.

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

-----X

Andrew Flores,
Plaintiff-Respondent,

-against-

M-2679
Index No. 15618/07

The New York City Transit Authority,
Defendant-Appellant.

-----X

Defendant-appellant having moved to withdraw their notice of appeal from an order of the Supreme Court, New York County, entered on or about August 7, 2015, and to compel plaintiff to provide certain trial exhibits,

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 withdrawn 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 11, 2016.

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

-----X

Greg Waltman, et al.,
Plaintiffs-Respondents,

M-3501

-against-

Index No. 162168/14

Time Warner Inc. and Nicole Lapin,
Defendants-Appellants.

-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about May 21, 2015 and on or about October 2, 2015, respectively,

And, defendants-appellants having moved to enlarge the time to perfect the aforesaid appeals,

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

It is ordered that, sua sponte, the aforesaid appeals are consolidated, and the time to perfect same is enlarged to the January 2017 Term. Defendants-appellants are permitted to prosecute the consolidated appeals upon 9 copies of one record and of one set of appellants' points covering the appeals.

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 11, 2016.

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

-----x

Benjamin Stein,
Plaintiff-Respondent,

-against-

M-3407
M-3801
Index No. 307421/12

Yemina Warshaver,
Defendant-Appellant.

-----x

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

And defendant-appellant having moved for a stay of enforcement of the aforesaid order, pending hearing and determination of the appeal (M-3407),

And plaintiff-respondent having cross-moved for dismissal of the appeal for failure to preserve certain delineated issues or, in the alternative, for vacatur of the interim stay of this Court, and for other relief (M-3801),

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

It is ordered that the motion for a stay (M-3407) is denied. The interim relief granted an order of a Justice of this Court, dated July 11, 2016, is vacated. The remaining relief sought in by cross motion (M-3801) 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 11, 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-4130
Ind. No. 3148N/11

Tyrone Wortham,
Defendant-Appellant.

-----X

Defendant-appellant having renewed his motion for leave to file a pro se supplemental brief in connection with an appeal from a judgment of the Supreme Court, New York County, rendered on April 18, 2013, for a copy of the trial transcripts and for an enlargement of time in which to file said pro se supplemental brief,

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

It is ordered that the motion is granted to the extent of directing defendant to serve and file 8 copies of his pro se supplemental brief on or before January 3, 2017 for the March 2017 Term, to which Term the appeal is adjourned. The Clerk of the Court is directed to forward to the Warden at the State correctional facility wherein defendant is incarcerated, a transcript of the minutes relating to defendant's appeal, said transcripts to be made available to appellant and returned by appellant to this Court when submitting the pro se supplemental brief hereto, except that such materials are not to include any of the materials made available to defense counsel in sealed folder pursuant to the order of this Court entered May 12, 2016 (M-1269). The appeal will not be heard unless and until all materials furnished to appellant has been returned.

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 11, 2016.

Present - Hon. Karla Moskowitz,
Paul G. Feinman
Judith J. Gische
Troy K. Webber,

Justice Presiding,

Justices.

-----x
Shiou-Der K.,

Plaintiff-Appellant,

-against-

Jeffrey K.,

Defendant-Respondent.
-----x

CONFIDENTIAL

M-3472

Index No. 312104/09

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

And plaintiff-appellant having moved to appoint appellate counsel for Jilian K., the parties' only child,

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 11, 2016.

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

-----X
Franklyn Hernandez,
Plaintiff-Appellant,

-against-

M-4302
Index No. 306251/10

Port Authority of New York and
New Jersey and Bovis Lend Lease
LMB, Inc.,
Defendants-Respondents.
-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about January 8, 2016,

Now, upon reading and filing the stipulation of the parties hereto, "so ordered" August 29, 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 11, 2016.

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

-----X

Jae Hee Chung,
Plaintiff-Appellant,

-against-

Mary Manning Walsh Nursing Home Co., M-4354
Inc., et al., Index No. 150554/15
Defendants,

Roman Catholic Archdiocese of
New York,
Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about August 18, 2015,

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 11, 2016.

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

-----X
Jin Hee Park, as Administratrix
of the Estate of Chan Gil Park,
deceased, Jin Hee Park, Individually,
and Kyoo Hee Park,
Plaintiffs-Appellants,

-against-

M-4358
Index No. 303637/11

MLTR Corp. and Junior R. Gregory,
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about October 23, 2013 and April 9, 2014, respectively,

Now, upon reading and filing the stipulation of the parties hereto, dated August 18, 2016, and due deliberation having been had thereon,

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 11, 2016.

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

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

Respondent,	
-against-	M-4169 Ind. No. 1431/14

Nasean Bonie,

Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about August 11, 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 11, 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-4112
Ind. No. 3456/05

Dewayne Afflick,
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 (Ronald Zweibel, J.), entered on or about June 29, 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 Zweibel 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 11, 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-4113
Ind. No. 130/81

Delano Johns,
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 July 29, 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 11, 2016.

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

-----x

Jay Howell, etc., et al.,
Plaintiffs-Appellants,

-against-

M-4363
M-4585
Index No. 16006/06

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

-----x

Appeals having been taken to this Court from orders of the Supreme Court, Bronx County, entered on or about April 7, 2015 and October 14, 2015, and said appeals having been perfected,

And defendants-respondents having moved for leave to withdraw their respondents' brief, and remanding the matter to Supreme Court for further proceedings (M-4363),

And plaintiffs-appellants having cross-moved for an order taking judicial notice of, or otherwise adopting, certain admissions by the City, and for other relief (M-4585),

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

It is ordered that the motion (M-4363) is granted to the extent of adjourning the appeal to the February 2017 Term. The cross motion (M-4585) to take judicial notice of certain admissions by the City and related relief is denied, without prejudice to the parties seeking further relief in Supreme Court, and with leave for defendants to renew the motion after said proceedings, if so advised.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 11, 2016.

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

-----X
Justine Luongo, Attorney-in-Chief,
Criminal Defense Practice, The Legal
Aid Society,
Petitioner-Respondent,

-against- M-4452
M-4483
Records Access Officer, Civilian Index No. 100250/15
Complaint Review Board,
Respondent-Appellant,

-and-
Officer Daniel Pantaleo,
Respondent-Intervenor-Appellant,

The Reporters Committee for
Freedom of the Press and Twenty
Media Organizations,
Amici Curiae.

- - - - -
Thirty-Four Members of the New York
City Council and other Elected City
Representatives,
Amici Curiae,

Communities United for Police Reform,
et al.,
Amici Curiae.

-----X

Appeals having been taken to this Court by the above-named respondent-appellant and respondent-intervenor appellant from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about July 27, 2015,

And Thirty-Four Members of the New York City Council and other Elected City Representatives (M-4452) and Communities United for Police Reform, et al. (M-4483) having moved, by separate motions, each for leave to file briefs as amici curiae in connection with the aforesaid appeal,

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

It is ordered that the motions are granted to the extent of directing each of the movants to file an original and eight copies of their respective briefs with appendices in the form proposed in their respective 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 11, 2016.

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

-----x
Aaron Richard Golub,

Plaintiff-Appellant,

-against-

M-4107
M-4303
Index No. 652749/16

Shalik, Morris & Company, LLP,

Defendant-Respondent.
-----x

Plaintiff having moved, pursuant to CPLR 5704(a), to modify an order of the Supreme Court, New York County, dated August 11, 2016, which denied plaintiff's order to show cause for a stay of an action in Supreme Court, Nassau County pending the Supreme Court's determination of plaintiff's motion to consolidate the New York County and Nassau County actions (M-4107),

And defendant having cross-moved for, inter alia, sanctions against plaintiff because plaintiff is not a party in the Nassau County action (M-4303),

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 and cross motion are 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 11, 2016.

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

-----X
In Re: 91st Street Crane Collapse Index No. 771000/10
Litigation

- - - - -
Maria Leo, Administratrix of the Estate of M-3238
Her Son, Donald Christopher Leo, **Action No. 1**
Plaintiff-Respondent, Index No. 117294/08

-against-

James F. Lomma, J.F. Lomma Inc., and
New York Crane & Equipment Corp.,
Defendants.

-----X
New York Crane & Equipment Corp., James F.
Lomma, J.F., Lomma Inc., and T.E.S. Inc.,
initially sued as TES Inc.,
Third-Party Plaintiffs-Appellants,

-against-

Sorbara Construction Corp.,
Third-Party Defendant.

-----X
New York Crane & Equipment Corp., James F.
Lomma, J.F., Lomma Inc., and T.E.S. Inc.,
initially sued as TES Inc.,
Second Third-Party Plaintiffs-Appellants,

-against-

Brady Repair Co., Testwell, Inc.,
Second Third-Party Defendants.

-----X

-----X
In Re: 91st Street Crane Collapse
Litigation

- - - - -
Xhevahire Sinanaj and Selvi Sinanovic, as
Co-Administrators of the Estate of Ramadan
Kurtaj, Deceased & Selvi Sinanovic,
Individually,
Plaintiffs-Respondents,

-against-

Action No. 2

Index No. 117469/08

James F. Lomma, New York Crane &
Equipment Corp., J.F. Lomma Inc.,
Defendants-Appellants.

-----X
James F. Lomma, J.F. Lomma Inc., New
York Crane & Equipment Corp.,
Third-Party Plaintiffs-Appellants,

-against-

Sorbara Construction Corp., and Brady
Marine Repair Co.,
Third-Party Defendants,

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

Appeals having been taken in Action No. 1 by third-party/second third-party plaintiffs New York Crane & Equipment Corp. and in Action No. 2 by defendants third-party plaintiffs, from judgments of the Supreme Court, New York County, entered on or about January 5, 2016,

And plaintiff Maria Leo having moved to file a certain affidavit under seal in this Court and for an order amending the judgment entered in the trial Court on January 5, 2016 by striking a certain portion if said 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 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 11, 2016.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische
Troy K. Webber, Justices.

-----x
Norddeutsche Landesbank Girozentrale
and Hannover Funding Company, LLC,
Plaintiffs-Respondents-Appellants,

-against-

M-4723
Index No. 651695/15

Lynn Tilton, Patriarch Partners, LLC,
Patriarch Partners XIV, LLC, and
Patriarch Partners XV, LLC,

Defendants-Appellants-Respondents.
-----x

An appeal and cross appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about March 17, 2016, and said appeal having been perfected,

And defendants-appellants having moved for leave to file a supplemental 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

STATE OF NEW YORK
APPELLATE DIVISION: FIRST DEPARTMENT

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

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

-against-

M-3460
Ind. No. 00136/2015

Danial Nelson

Defendant.

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 June 10, 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 26, 2016
New York, New York



Dianne T. Renwick
Justice of Appellate Division

ENTERED: OCT 11 2015

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

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

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

M-4126
Ind. No. 2443/90

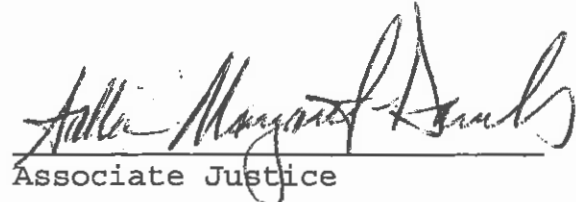
-against-

CERTIFICATE
DENYING LEAVE

Thomas Cross,

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 August 2, 2016, is hereby denied. In light of the above, defendant's request for poor person relief is denied as moot.


Associate Justice

Dated: September 26, 2016
New York, New York

ENTERED: OCT 11 2015

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 11, 2016.

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

-----X
Bruce T. Davis,
Plaintiff-Appellant,

M-4171
-against- Index No. 305811/15

Pamala Davis,
Defendant-Respondent.

-----X

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

And, plaintiff-appellant having moved to stay all aspects of a second order (same court and justice) entered on August 5, 2016; for leave to appeal from the August 5, 2016 order; for an enlargement of time to perfect the appeal taken from the October 13, 2015 order, and for such other relief as this Court deems just and proper,

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

Ordered that the request for a stay of all aspects of the August 5, 2016 order is denied. Leave to appeal from that portion of the August 5, 2016 order, which declined to review whether the 2005 post-nuptial agreement does not serve as a bar to defendant's request for pendente lite maintenance, is granted. Sua sponte, the appeals are consolidated, and the time to perfect the appeals is enlarged to the February 2017 Term. Plaintiff-appellant is directed to prosecute the consolidated appeals upon 8 copies of one record and of one set of appellant's points.

ENTER:


CLERK