

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 18, 2016.

Present - Hon. David Friedman,  
Richard T. Andrias  
Rosalyn H. Richter  
Judith J. Gische  
Marcy L. Kahn,

Justice Presiding,  
  
  
  
Justices.

-----x  
Jorge Escalante,  
Plaintiff-Respondent,

-against-

M-4015  
M-4088  
Index No. 306311/10

Whitestar Consulting & Contracting, Inc.,  
Defendant-Appellant,

112-1400 Trade Properties, LLC, et al.,  
Defendants.

- - - - -  
112-1400 Trade Properties LLC, et al.,  
Third-Party Plaintiffs-Respondents,

-against-

Index No. 84134/12

Whitestar Consulting & Contracting, Inc.,  
Third-Party Defendant-Appellant.  
-----x

Defendants/third-party plaintiffs-respondents having moved for dismissal of the appeal from the order of the Supreme Court, Bronx County, entered on or about October 14, 2015 (M-4015),

And defendant/third-party defendant-appellant having cross-moved for an enlargement of time to perfect the appeal (M-4088),

Now, upon reading and filing the papers with respect to the motion and cross motion, and the correspondence from McGaw, Alventosa & Zalac (Joseph Horowitz, of counsel), counsel for defendants/third-party plaintiffs-respondents dated September 2, 2016, and due deliberation having been had thereon,

It is ordered that the motion to dismiss is deemed withdrawn in accordance with the correspondence (M-4015). The cross motion is granted to the extent of enlarging the time to perfect the appeal to the February 2017 Term (M-4088).

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 18, 2016.

PRESENT - Hon. David Friedman, Justice Presiding,  
Richard T. Andrias  
Karla Moskowitz  
Barbara R. Kapnick  
Troy K. Webber, Justices.

-----X  
Erik Alexander,  
Plaintiff-Respondent,

-against-

M-3363  
Index No. 304255/09

Hany Alexander,  
Defendant-Appellant.  
-----X

Defendant-appellant having moved for reargument of the decision and order of this Court entered on April 19, 2016 (Appeal No. 866),

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 18, 2016.

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

-----X  
In the Matter of the Application of

Lisa Broad,  
Petitioner-Respondent,

For a Judgment Pursuant to Article 75  
of the Civil Practice Law and Rules

M-4295  
Index No. 101304/14

-against-

New York City Board/Department of  
Education,  
Respondent-Appellant.

-----X  
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 23, 2015,

And respondent-appellant having moved for an enlargement of time to perfect 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 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 18, 2016.

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

-----X  
Mark Robert Gordon,  
Plaintiff-Appellant,

-against-

M-4298  
Index No. 157456/13

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

Plaintiff-appellant having moved for leave to prosecute, as  
a poor person, the consolidated appeals taken from the orders of  
the Supreme Court, New York County, entered on or about July 31,  
2014 and May 21, 2015, respectively, for an enlargement of time  
to perfect same 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  
enlarging the time to perfect the consolidated appeals to the  
February 2017 Term, with no further enlargements to be granted,  
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 18, 2016.

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

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

Respondent,

-against-

M-3984  
Ind. No. 7376/94

Javier Santos,

Defendant-Appellant.

-----x

Defendant-appellant having moved for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about October 25, 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 18, 2016.

PRESENT: Hon. David Friedman, Justice Presiding,  
David B. Saxe  
Karla Moskowitz  
Judith J. Gische  
Marcy L. Kahn, Justices.

-----X  
Edith Lieber,  
Plaintiff-Appellant,

-against-

M-4446  
Index No. 110917/10

New York City Transit Authority  
and Metropolitan Transit Authority,  
Defendants-Respondents.  
-----X

Plaintiff-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 February 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 February 2017 Term.

ENTER:

  
CLERK

PRESENT - Hon. John W. Sweeny, Jr., Justice Presiding,  
Rolando T. Acosta  
Paul G. Feinman  
Marcy L. Kahn, Justices.

-----X

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 18, 2016.

PRESENT - Hon. John W. Sweeny, Jr., Justice Presiding,  
Rolando T. Acosta  
Paul G. Feinman  
Barbara R. Kapnick  
Marcy L. Kahn, Justices.

-----X

In re Yahaira Rivera,  
Petitioner-Appellant,

-against-

M-3898  
Index No. 402582/12

Elizabeth R. Berlin, etc.,  
Respondent-Respondent,

Robert Doar, etc., et al.,  
Respondents.

-----X

Petitioner-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on July 5, 2016 (Appeal No. 1669N),

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 18, 2016.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,  
Sallie Manzanet-Daniels  
Paul G. Feinman  
Barbara R. Kapnick  
Troy K. Webber, Justices.

-----x  
Children's Magical Garden, Inc.,  
Plaintiff-Respondent/Respondent,

-against-

M-4338  
Index No. 152094/14

Norfolk Street Development, LLC, et al.,  
Defendants-Appellants,

157, LLC,  
Defendant-Appellant.  
-----x

Appeals having been taken to this Court by Norfolk Street Development, LLC, et al. from orders of the Supreme Court, New York County, entered on or about November 23, 2015 and July 5, 2016, respectively,

And defendant-appellant 157, LLC having taken an appeal from the order of said Court entered on or about November 23, 2015,

And the respective appellants having jointly moved for consolidation of 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 the motion is granted to the extent of permitting appellants to prosecute the consolidated appeals upon 9 copies of one record and one set of appellants' points covering the consolidated appeals. The attention of the parties is directed to 22 NYCRR § 600.11. The time to perfect the consolidated appeals is enlarged 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 18, 2016.

Present - Hon. John W. Sweeny, Jr.,                      Justice Presiding,  
                 Sallie Manzanet-Daniels  
                 Paul G. Feinman  
                 Barbara R. Kapnick  
                 Troy K. Webber,                      Justices.

-----x  
Rafael Vargas, Jr., as Administrator  
of the Estate of Gladys Vargas,  
deceased,  
Plaintiff-Respondent,

-against-

M-4306  
Index No. 20660/10

St. Barnabas Hospital,  
Defendant-Appellant,

Hebrew Hospital Home, Inc.,  
Defendant.

-----x  
Defendant-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 November 5, 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 18, 2016.

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

-----X

Altin Bundo, et al.,  
Plaintiffs-Appellants,

-against-

M-3483  
Index No. 104843/11

10-12 Cooper Square, Inc., et al.,  
Defendants-Respondents,

Alpha Stone Corp.,  
Defendant.

-----X

Defendants-respondents Cooper Square Contractors, LLC and To Better Days, LLC having moved for reargument/ reconsideration of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on June 16, 2016 (Appeal No. 1496),

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. (See M-3940, decided simultaneously herewith.)

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 18, 2016.

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

-----X

Altin Bundo, et al.,  
Plaintiffs-Appellants,

-against-

M-3940  
Index No. 104843/11

10-12 Cooper Square, Inc., et al.,  
Defendants-Respondents,

Alpha Stone Corp.,  
Defendant.

-----X

Defendants-respondents 10-12 Cooper Square, Inc. and Atlantic Development Group, LLC having moved for reargument/clarification of or, in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on June 16, 2016 (Appeal No. 1496), 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. (See M-3483, decided simultaneously herewith.)

ENTER:

  
CLERK

ORDER CORRECTED - October 21, 2016

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 18, 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-4374  
Ind. No. 3350N/13

Larick Micheaux,  
Defendant-Appellant.

-----X

An appeal having been taken to this Court from the judgment of the Supreme Court, New York County, rendered on or about May 14, 2015, and said appeal having been perfected,

And, defendant-appellant having moved for adjournment of the perfected appeal, to withdraw the previously filed appellate brief and to file a corrected appellate 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 withdrawing the previously filed appellate brief dated May 31, 2016, and to deem the brief offered on July 11, 2016 properly filed. The perfected appeal is adjourned 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 18, 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-4091**  
Ind. No. 1746/14

Fabricio Dos Santos,  
Defendant-Appellant.

-----X

Defendant having moved for enlargements of time in which to file notices of appeal from a judgment of the Supreme Court, New York County, rendered on or about November 19, 2014, and from a judgment of **resentence** of said Supreme Court, rendered on or about February 3, 2016, and for leave to prosecute said appeals as a poor person on the original record(s) and upon a reproduced appellant's brief(s), 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, to the extent it seeks an enlargement of time in which to file a notice of appeal from the judgment of said Supreme Court, New York County, rendered on or about November 19, 2014, is denied as time-barred pursuant to CPL460.30, and

It is further ordered that so much of the motion which seeks an enlargement of time in which to file a notice of appeal from the judgment of **resentence** of said Supreme Court, rendered on or about February 3, 2016, is granted to the extent of deeming the moving papers a timely filed notice of appeal and permitting the appeal to be heard on the original record, except

that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that defendant serves one copy of such brief upon the District Attorney of New York 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 defendant's counsel, without charge, the transcripts to be returned to this Court when defendant's brief is filed.

Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, NY 10007, Telephone No. (212) 402-4100, is assigned as counsel for defendant for purposes of prosecuting the appeal. The time within which defendant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

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 18, 2016.

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

-----X  
Ginarte O'Dwyer, Gonzalez, Gallardo &  
Winograd, LLP,  
Plaintiff-Appellant-Respondent,

-against-

M-4518X  
Index No. 158422/12

The Law Offices of Rex E. Zachofsky,  
PLLC and Rex E. Zachofsky, Individually,  
Defendants-Appellants-Respondents.  
-----X

Appeals having been taken from an order of the Supreme Court, New York County, entered on or about January 29, 2015,

Now, upon reading and filing the stipulation of the parties hereto, "so ordered" September 6, 2015, 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 18, 2016.

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

-----X  
David S. Butt,  
Plaintiff-Respondent,

-against-

M-4506  
Index No. 150891/13

R.H. Joseph Fine Jewelry LLC, et al.,  
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about August 4, 2015,

Now, upon reading and filing the stipulation of the parties hereto, "so ordered" August 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 18, 2016.

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

-----X

Darnell Williams,  
Plaintiff-Appellant,

-against-

The City of New York and Aguila, Inc.,  
Defendants-Respondents,

M-4528  
Index No. 108546/11

New York City Department of Housing  
Preservation & Development, et al.,  
Defendants.

-----X

Appeals having been taken from an order of the Supreme Court, New York County, entered on or about October 8, 2014,

Now, upon reading and filing the stipulation of the parties hereto, dated September 1, 2016, and due deliberation having been had thereon,

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 18, 2016.

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

-----X

Frank Marajo and Donna Marajo,  
Plaintiffs-Appellants,

-against-

L&M 2180, LLC,  
Defendant-Respondent-Appellant,

M-4451  
Index No. 158486/12

Rose Associates, Inc.,  
Defendant,

-and-

Plaza Construction Corp.,  
Defendant-Respondent-Appellant.

-----X

(And a third-party action)

-----X

Appeals having been taken from an order of the Supreme Court, New York County, entered on or about October 7, 2015,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, dated September 6, 2016, and due deliberation having been had thereon,

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 18, 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,  
by Eric T. Schneiderman, Attorney  
General of the State of New York,  
Plaintiff-Respondent,

-against-

M-4540  
Index No. 453054/15

Draftkings, Inc.,  
Defendant-Appellant.  
-----X

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

Now, upon reading and filing the stipulation of the parties hereto, dated September 2, 2016, and due deliberation having been had thereon,

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme  
Court held in and for the First Judicial Department in  
the County of New York on October 18, 2016.

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

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

-----  
Salena S.,  
Petitioner-Appellant,  
  
-against-

**M-4385**  
Docket No. V-22519-09/15K

Ahmad G.,  
Respondent-Respondent.

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

-----X  
Respondent-respondent having moved for leave to respond,  
as a poor person, to the appeal taken from the order of the Family  
Court, Bronx County, entered on or about June 7, 2016, and for  
assignment of counsel, a free copy of the transcript, and for related  
relief,

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

It is ordered that the motion is granted to the extent of  
(1) assigning, pursuant to Article 18b of the County Law and §1120  
of the Family Court Act, Leslie S. Lowenstein, Esq., 567 Sunset Drive,  
Woodmere, NY 11598, Telephone No. (516) 374-1962, as counsel for  
purposes of responding to the appeal; (2) permitting movant to respond  
to the appeal upon a reproduced respondent's brief, on condition that  
one copy of such brief be served upon the attorney for petitioner-  
appellant and 8 copies thereof are filed with this Court.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 18, 2016.

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

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

- - - - -  
Diane K.,  
Petitioner-Respondent,  
  
-against-

**M-4335**  
Docket No. V-13660/13

Yasmin Q.,  
Respondent-Appellant,

Administration for Children's  
Services,  
Respondent.

- - - - -  
Rosemarie Rodman, Esq.,  
Attorney for the Child.

-----X  
  
Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about , and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of  
(1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Leslie S. Lowenstein, Esq., 567 Sunset Drive, Woodmere, NY 11598, Telephone No. (516) 374-1962 as counsel for purposes of prosecuting the appeal; (2) directing

the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor;<sup>1</sup> **within 30 days (FCS 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of the receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTERED:

  
CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 18, 2016.

PRESENT - Hon. Peter Tom, Justice Presiding,  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta  
Richard T. Andrias, Justices.

-----X

James Grant,  
Plaintiff-Respondent-Appellant,

-against-

Solomon R. Guggenheim Museum, et al.,  
Defendants-Respondents,

Roehl Transport, Inc.,  
Defendant-Appellant-Respondent.

-----

(And third-party actions)

-----X

M-3305

Index Nos. 112027/09  
591030/09  
590178/10  
590948/10  
590372/11

Defendants-respondents-appellants Solomon R. Guggenheim Museum, et al., having moved for reargument of the decision and order of this Court entered on May 24, 2016 (Appeal No. 130-131),

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 18, 2016.

PRESENT - Hon. Peter Tom, Justice Presiding,  
David Friedman  
Rolando T. Acosta  
Richard T. Andrias, Justices.

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

-against-

M-3058  
Ind. No. 2999/05

Deon Waterman,  
Defendant-Respondent.

-----X

A decision and order of this Court having been entered on November 18, 2008 (Appeal No. 4591), unanimously affirming a judgment of the Supreme Court, New York County (William Wetzel, J.), rendered on July 31, 2006,

And defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate counsel, and for related relief,

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

It is ordered that said application is denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme  
Court held in and for the First Judicial Department  
in the County of New York on October 18, 2016.

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

-----X  
Jason Tsui,  
Plaintiff-Respondent,

-against-

M-4259  
Index No. 151614/13E

Francois Coislou, Sargent Operating  
Corp., MD A. Rashid and Beata Transit  
Inc.,  
Defendants-Appellants.

-----X

Defendants-appellants Francois Coislou and Sargent Operating  
Corp. 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 October 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 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 18, 2016.

PRESENT - Hon. Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Rosalyn H. Richter  
Ellen Gesmer, Justices.

-----X

In re Daniel Cameron, M.D.,  
Petitioner-Appellant,

-against-

M-3406  
Index No. 103182/12

Nirav Shah, etc., et al.,  
Respondents-Respondents,

"John Doe" 1-10, et al.,  
Respondents.

-----X

Petitioner-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on June 7, 2016 (Appeal No. 1375),

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 18, 2016.

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

-----X  
Clephane B. Burgess and Lavern Burgess,  
Plaintiffs-Appellants,

-against-

M-4291  
Index No. 308376/12

Aivgnon Taxi, LLC, et al.,  
Defendants-Respondents.

-----X

Plaintiffs-appellants having moved for an enlargement of time to perfect the appeal taken from a judgment of the Supreme Court, Bronx County, entered on or about October 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 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 18, 2016.

Present - Hon. Peter Tom,	Justice Presiding,
Rolando T. Acosta	
Rosalyn H. Richter	
Barbara R. Kapnick,	Justices.

-----X  
Dormitory Authority of the State of  
New York , et al.,  
Plaintiffs-Appellants-Respondents,

-against-

Samson Construction Co., etc., et al.,  
Defendants,

M-1743  
Index No. 403436/06

Perkins Eastman Architects, P.C.,  
Defendant-Respondent-Appellant.

- - - - -  
[And other actions]

-----X

Defendant-respondent-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on March 3, 2016 (Appeal No. 15856),

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 reargument, is denied. The motion, to the extent it seeks leave to appeal to the Court of Appeals, is granted and this Court, pursuant to CPLR 5713, certifies that the following question of law, decisive of the correctness of its determination, has arisen, which in its opinion ought to be reviewed by the Court of Appeals:

"Was the order of this Court, which modified the order of the Supreme Court, properly made?"

This Court further certifies that its determination was made as a matter of law and not in the exercise of discretion.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 18, 2016.

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

-----x  
In the Matter of the Application of  
Shannon Williams,  
Petitioner,

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

M-4296  
Index No. 101471/13

-against-

New York State Unified Court System,  
Office of Court Administration,  
Respondent.

-----x  
An Article 78 proceeding to review a determination of respondent having been transferred to this Court by order of the Supreme Court, New York County, entered on or about May 9, 2014,

And petitioner having moved for an enlargement of time to perfect the proceeding,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the proceeding 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 18, 2016.

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

-----X  
Landau, P.C.,  
Plaintiff-Appellant,

-against-

M-4356  
Index No. 601131/07

Oliveri & Schwartz, P.C.,  
Defendant-Respondent.

-----X

Plaintiff-appellant 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 May 22, 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 18, 2016.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Rolando T. Acosta  
David B. Saxe  
Sallie Manzanet-Daniels  
Ellen Gesmer, Justices.

-----X  
Tower Food Service, Inc.,  
Plaintiff-Appellant,

-against-

M-4438  
Index No. 652174/14

New York City Health and Hospitals  
Corporation, acting on Bellevue Hospital  
Center,  
Defendants-Respondents.

-----X

Plaintiff-appellant 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 December 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, with further enlargements to be granted, 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 18, 2016.

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

-----X

In the Matter of the Application of  
Michael Kunz, M.D., Director of  
Clinical Services of Kirby Forensic  
Psychiatric Center,  
Petitioner-Respondent,

**CONFIDENTIAL**

-against-

**M-4357**

Index No. 530352/16

Shahadoth C.,  
Respondent-Appellant,

For an Order Authorizing Involuntary  
Treatment at Kirby Forensic Psychiatric  
Center.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about June 15, 2016,

And, respondent-appellant having moved to stay the Supreme Court order granting petitioner-respondent's motion for authorization to administer psychotropic medication to respondent-appellant over his objection for a period of six months,

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 respondent perfects for the February 2017 Term, without prejudice to a hearing pursuant to Rivers v Katz, 67 NY 2d 485 (1986) being conducted.

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 18, 2016.

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

-----x  
Michael Harrington,

Plaintiff-Appellant,

-against-

M-4340  
Index No. 152560/15

The City of New York, 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 November 12, 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 18, 2016.

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

-----X

The People of the State of New York,  
Respondent,

-against-

M-4153  
SCI No. 2746/13

Faikel El Fellah,  
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 December 23, 2015, and the judgment of resentence of said Court rendered on or about March 2, 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 moving papers a timely filed the notice of appeal and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence, and the judgment 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, 28<sup>th</sup> 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 18, 2016.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Dianne T. Renwick  
David B. Saxe  
Karla Moskowitz, Justices.

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

-against- M-2959  
Ind. No. 720/02  
Ming Jian Huang,  
  
Defendant-Appellant.  
-----x

A decision and order of this Court having been entered on May 5, 2016 (Appeal No. 16082), unanimously affirming a judgment of resentence of the Supreme Court, New York County (Edward J. McLaughlin, J.), rendered on August 21, 2012,

And defendant-appellant having moved for a 60 day extension of time to submit a motion for reargument and/or reconsideration of the aforesaid decision and order,

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 18, 2016.

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

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

-against- M-3026  
Ind. Nos. 5549/10  
Rashitbek Adikov, 5158/11  
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on March 29, 2016 (Appeal No. 629), unanimously affirming a judgment of the Supreme Court, New York County (Daniel P. FitzGerald, J.), rendered on February 8, 2013,

And defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate counsel, and for related relief,

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

It is ordered that said application is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 18, 2016.

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

-----x  
Gregory Shultz, et al.,

Plaintiffs-Respondents,

-against-

M-4073  
Index No. 106632/09

Cambridge Development, L.L.C., et al.,

Defendants-Appellants.

-----x

Defendants-appellants having moved for a stay of the order of the Supreme Court, New York County, entered on or about June 29, 2016, pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is denied.

ENTER:

  
CLERK