

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 December 14, 2017.

PRESENT: Hon. Sallie Manzanet-Daniels, Justice Presiding,
Richard T. Andrias
Judith J. Gische
Cynthia S. Kern
Anil C. Singh, Justices.

-----x

Gerald Rosengarten,
Plaintiff-Respondent,

-against-

M-5993
Index No. 651147/14

Richard Born, Sean MacPherson, Eric
Goode, Ira Drukier and Sire Hotel
Company, LLC,
Defendants-Appellants.

-----x

Ruandro, LLC,
Plaintiff-Respondent,

-against-

Index No. 651148/14

Richard Born, Sean MacPherson, Eric
Goode, Ira Drukier and Sire Hotel
Company, LLC,
Defendants-Appellants.

-----x

Gerald Rosengarten, derivatively on
behalf of Three on Third, LLC,
Plaintiff-Appellant,

-against-

Richard Born, Sean MacPherson, Eric
Goode, Ira Drukier and Sire Hotel
Company, LLC, and Woodcutters Realty
Corp.,
Defendants-Appellants,

Index No. 651149/14

-and-

Three on Third, LLC,
Nominal 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 May 25, 2017,

And an order of this Court entered on November 16, 2017 (M-4958) having denied defendants-appellants motion for a stay of the damages inquest pending hearing and determination of the aforesaid appeal,

And defendants-appellants having moved for reargument and/or renewal of the aforesaid order of this Court, entered on November 16, 2017 (M-4958),

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

It is ordered that so much of the motion seeking renewal is granted, and upon renewal, the stay of the inquest on damages 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 December 14, 2017.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Judith J. Gische
Cynthia S. Kern
Anil C. Singh, Justices.

-----x

In the Matter of the Application of
Ana E. Aponte,
Petitioner-Appellant,

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

M-4937
Index No. 101745/16

-against-

New York City Housing Authority,
Respondent-Respondent.

-----x

Respondent having moved for dismissal of the appeal taken from the judgment of the Supreme Court, New York County, entered on or about May 19, 2017,

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 the appeal is dismissed.

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 December 14, 2017.

PRESENT: Hon. Judith J. Gische, Justice Presiding,
Barbara R. Kapnick
Jeffrey K. Oing
Peter H. Moulton, Justices.

-----X
Alicia Montanez, et al.,
Plaintiffs-Appellants,

-against-

M-5709
Index No. 350121/12

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

Defendants-respondents having moved for dismissal of the appeal taken from an order of the Supreme Court, Bronx County, entered on or about December 9, 2016, for failure to timely perfect,

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 the appeal is dismissed.

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 December 14, 2017.

Present - Hon. Judith J. Gische, Justice Presiding,
Barbara R. Kapnick
Jeffrey K. Oing
Peter H. Moulton, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

Jorge Mercado,

Defendant-Appellant.

-----X

CONFIDENTIAL

M-5503

Ind. No. 4448/06

An order of this Court having been entered on March 28, 2017 (M-1086), substituting Rosemary Herbert, Esq., predecessor to Christina Swarns, Esq., Office of the Appellate Defender, as counsel to prosecute the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about July 21, 2008; and a motion having been made to relieve such counsel, and for related relief,

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

It is ordered that the motion is 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 December 14, 2017.

Present - Hon. Judith J. Gische, Justice Presiding,
Barbara R. Kapnick
Jeffrey K. Oing
Peter H. Moulton, Justices.

-----X
Maurice Hyde, as Administrator of the
Estate of William Boise, Deceased,
Plaintiff-Respondent,

-against-

M-5611
Index No. 152489/16

Phyllis Weitzman, a/k/a Phyllis Okolie,
individually and as a general partner of
Bow Faith Co. LLC; Bow Faith Co. LLC, a
New York limited liability company,
TIAA-CREFF, as a necessary party and
stakeholder,
Defendants,

Cyril Okolie, also known as Cy Okolie
individually,
Defendant-Appellant.

-----X

Defendant-appellant Cyril Ololie 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 19, 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 enlarging the time to perfect the appeal to the April 2018 Term.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 14, 2017.

PRESENT: Hon. Judith J. Gische, Justice Presiding,
Barbara R. Kapnick
Jeffrey K. Oing
Peter H. Moulton, Justices.

-----X
Robert K. T.,
Plaintiff-Respondent,

-against-

Jennifer T.,
Defendant-Appellant.
-----X

CONFIDENTIAL

M-5697

Index No. 350672/04

Defendant-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 6, 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 enlarging the time to perfect the appeal to the April 2018 Term.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 14, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Peter Tom
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick, Justices.

-----X

The People of the State of New York,
Respondent,

CONFIDENTIAL

M-5624

-against-

Ind. Nos. 14007/90

14774/90

Antonio Rodriguez,
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 (Roger Hayes, J.), entered on or about October 19, 2017, 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 Hayes as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Christina Swarns, 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.

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 December 14, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Peter Tom
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick, Justices.

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

Respondent,

-against-

M-5780

Ind. No. 3432/14

Wayne Stewart,

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 March 13, 2017, 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.

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 December 14, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Peter Tom
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick, Justices.

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

Respondent,

-against-

M-5782
Ind. Nos. 2288/15
4763/15
4914/15
1145/15

Ibrahim Doumbouya,

Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from four judgments of the Supreme Court, New York County, all rendered on or about March 3, 2017, 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.

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 December 14, 2017.

PRESENT: Hon. Rolando T. Acosta,
Peter Tom
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick,

Presiding Justice,
Justices.

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

-against-

Willie Harris,
Defendant-Appellant.
-----X

M-5927
DC #25
Ind. No. 4069/07

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about July 21, 2008,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 26, 2017, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time in which to perfect the appeal is enlarged to the March 2018 Term and counsel is directed to so perfect.

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 December 14, 2017.

PRESENT: Hon. Rolando T. Acosta,
Peter Tom
David Friedman
John W. Sweeny, Jr.,

Presiding Justice,
Justices.

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

-against-

Gabriel Fernandez,
Defendant-Appellant.
-----X

M-5830
DC #14
Ind. No. 1580/10

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, Bronx County, rendered on or about March 14, 2013,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 26, 2017, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time in which to perfect the appeal is enlarged to the March 2018 Term and counsel is directed to so perfect.

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 December 14, 2017.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Peter Tom
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick, Justices.

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

-against-

CONFIDENTIAL
M-5938
DC #32
Ind. No. 5363/09

James Montgomery,
Defendant-Appellant.
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about September 23, 2010,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 26, 2017, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time in which to perfect the appeal is enlarged to the March 2018 Term and counsel is directed to so perfect.

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 December 14, 2017.

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

-----X

The People of the State of New York,
Respondent,

M-5943
DC #37
Ind. No. 1055/09

-against-

Jose Ortiz,
Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, Bronx County, rendered on or about August 2, 2011,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 26, 2017, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time in which to perfect the appeal is enlarged to the March 2018 Term and counsel is directed to so perfect.

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 December 14, 2017.

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

-----X

The People of the State of New York,
Respondent,

-against-

M-5945
DC #38
Ind. No. 3365/02

Javier Ortiz,
Defendant-Appellant.

-----X

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

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 26, 2017, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time in which to perfect the appeal is enlarged to the March 2018 Term and counsel is directed to so perfect.

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 December 14, 2017.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Peter Tom
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-5948
DC #41
Ind. No. 3642/11

Ricaury Pena,
Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about July 10, 2013,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 26, 2017, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time in which to perfect the appeal is enlarged to the March 2018 Term and counsel is directed to so perfect.

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 December 14, 2017.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Peter Tom
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick, Justices.

-----X

The People of the State of New York,
Respondent,

M-5949
DC #42
Ind. No. 6298/92

-against-

Leonel Pinilla,
Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about November 30, 2011,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 26, 2017, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time in which to perfect the appeal is enlarged to the March 2018 Term and counsel is directed to so perfect.

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 December 14, 2017.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Peter Tom
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick, Justices.

-----X

The People of the State of New York,
Respondent,

M-5950
DC #43
Ind. No. 1478/14

-against-

Gabriel Polanco,
Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about December 15, 2014,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 26, 2017, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time in which to perfect the appeal is enlarged to the March 2018 Term and counsel is directed to so perfect.

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 December 14, 2017.

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

-----X

The People of the State of New York,
Respondent,

M-5956
DC #44
Ind. No. 3870/09

-against-

Navendra Ramudit,
Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, Bronx County, rendered on or about October 12, 2011,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 26, 2017, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time in which to perfect the appeal is enlarged to the March 2018 Term and counsel is directed to so perfect.

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 December 14, 2017.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Peter Tom
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick, Justices.

-----X

The People of the State of New York,
Respondent,

M-5958

DC #46

-against-

Ind. No. 3285/09

John Rivera,
Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about January 5, 2010,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 26, 2017, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time in which to perfect the appeal is enlarged to the March 2018 Term and counsel is directed to so perfect.

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 December 14, 2017.

PRESENT: Hon. Rolando T. Acosta,
Peter Tom
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick,

Presiding Justice,
Justices.

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

-against-

Gabriel Rivera,
Defendant-Appellant.
-----X

M-5959
DC #47
Ind. No. 6256/09

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about December 12, 2011,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 26, 2017, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time in which to perfect the appeal is enlarged to the March 2018 Term and counsel is directed to so perfect.

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 December 14, 2017.

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

-----X

The People of the State of New York,
Respondent,

M-5966
DC #49
Ind. No. 1409/13

-against-

Marvis Rivers,
Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, Bronx County, rendered on or about May 8, 2014,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 26, 2017, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time in which to perfect the appeal is enlarged to the March 2018 Term and counsel is directed to so perfect.

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 December 14, 2017.

PRESENT: Hon. Rolando T. Acosta,
Peter Tom
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick,

Presiding Justice,

Justices.

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

-against-

William Candelario,
Defendant-Appellant.
-----X

M-5684
DC #6
Ind. No. 3505N/08

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about December 21, 2011,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 26, 2017, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time in which to perfect the appeal is enlarged to the March 2018 Term and counsel is directed to so perfect.

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 December 14, 2017.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Peter Tom
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick, Justices.

-----X

The People of the State of New York,
Respondent,

M-6058
DC #53
Ind. No. 1902/03

-against-

Maxwell Rolon,
Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of **resentence** of the Supreme Court, New York County, rendered on or about August 19, 2011,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 26, 2017, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time in which to perfect the appeal is enlarged to the March 2018 Term and counsel is directed to so perfect.

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 December 14, 2017.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Peter Tom
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick, Justices.

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

-against-

CONFIDENTIAL
M-6063
DC #56
Ind. No. 6507/95

Jose Torres,
Defendant-Appellant.
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about July 11, 2012,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 26, 2017, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time in which to perfect the appeal is enlarged to the March 2018 Term and counsel is directed to so perfect.

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 December 14, 2017.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Peter Tom
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-6169
DC #60
Ind. No. 916/14

Dominic Iannacone,
Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about April 14, 2015,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 26, 2017, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time in which to perfect the appeal is enlarged to the March 2018 Term and counsel is directed to so perfect.

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 December 14, 2017.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Dianne T. Renwick
Sallie Manzanet-Daniels
Angela M. Mazzarelli
Richard T. Andrias, Justices.

-----X
Francis McHugh,
Plaintiff-Appellant,

-against-

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

M-3476
Index No. 155796/12

-----X

Defendants-respondents 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 May 23, 2107 (Appeal No. 4103N),

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.

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 December 14, 2017.

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

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

-against-

M-837
Ind. No. 3821/01

Eddie Tarafa,

Defendant.

-----x

An order of this Court having been entered on June 17, 2008 (M-2165), inter alia, denying defendant's pro se motion for an extension of time to file a notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about December 10, 2004, as time barred pursuant to CPL § 460.30[1],

And defendant having moved for an order, in the nature of a writ of error coram nobis, on the ground that he was allegedly denied effective assistance of counsel by reason of counsel's failure to file a timely notice of appeal on his behalf and, accordingly, for an extension of time to file said notice of appeal from the aforesaid judgment, and for poor person 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 December 14, 2017.

PRESENT: Hon. Peter Tom, Justice Presiding,
Sallie Manzanet-Daniels
Angela M. Mazzarelli
Jeffrey K. Oing
Anil C. Singh, Justices.

-----X
Daniel Jaquez, Ramon A. Tatis, Su-Ren
Ortiz and Jose A. Santos,
Plaintiffs-Appellants-Respondents,

-and-

Jose Cruz Molina, Ramon Beras and
Nelson Benitez,
Plaintiffs,

M-5639
Index No. 111250/11

-against-

Union Radio Dispatch, Inc.,
Defendant-Respondent-Appellant.

-----X

Appeals and a cross appeal having been taken from orders of the Supreme Court, New York County, entered on or about November 10, 2016, January 10, 2017, and March 2, 2017,

And an order of this Court entered on November 14, 2017 (M-5156) having consolidated the aforesaid appeals and cross appeal and enlarging the time to perfect same to the March 2018 Term,

And defendant-respondent-appellant having moved to dismiss plaintiffs' appeals taken from the aforesaid orders of the Supreme Court, New York County, entered on or about November 10, 2016 and March 2, 2017, and for an enlargement of time to perfect its cross 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 insofar as it seeks dismissal of plaintiffs' appeals is denied. So much of the motion seeking an enlargement of time to perfect its cross appeal is denied as unnecessary, said relief having been granted by the order this Court entered on November 14, 2017 (M-5156).

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 December 14, 2017.

Present - Hon. Peter Tom, Justice Presiding,
Dianne T. Renwick,
Judith J. Gische
Jeffrey K. Oing
Anil C. Singh, Justices.

-----X
Talía Schlaeger now known as Talía
Ann Hall,

Plaintiff-Respondent,

-against-

Philipp Schlaeger,

Defendant-Appellant.
-----X

CONFIDENTIAL

M-5369

Index No. 303751/12

Defendant-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 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 enlarging the time to perfect the appeal to the May 2018 Term.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 14, 2017.

Present - Hon. Peter Tom, Justice Presiding,
Dianne T. Renwick
Judith J. Gische
Jeffrey K. Oing
Anil C. Singh, Justices.

-----x
In the Matter of the Application of
Lyhnn Brown,
Petitioner-Appellant,

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

-against-

M-5679
Index No. 100192/16

The City of New York; New York City
Department of Education; and Carmen
Farina, Chancellor of the New York
City Department of Education,
Respondents-Respondents.
-----x

Petitioner-appellant having moved for an enlargement of time to perfect the appeal taken from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about January 31, 2017,

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 May 2018 Term.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 14, 2017.

PRESENT: Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Sallie Manzanet-Daniels
Richard T. Andrias
Karla Moskowitz, Justices.

-----X
Juan A. Ramirez,
Plaintiff-Respondent,

-against-

M-4941
Index No. 311198/11

The City of New York, et al.,
Defendants-Appellants.
-----X

Plaintiff-respondent having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on June 8, 2017 (Appeal No. 4189),

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 December 14, 2017.

Present - Hon. Peter Tom, Justice Presiding,
Sallie Manzanet-Daniels
Angela M. Mazzarelli
Troy K. Webber, Justices.

-----X

In re New York City Asbestos Litigation

- - - - -

Ann M. South, etc.,
Plaintiff-Respondent,

-against-

M-5176

Index No. 190029/15

Chevron Corporation, etc.,
Defendant-Appellant,

-and-

John Crane Inc.,
Defendant.

-----X

Defendant-appellant having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on August 29, 2017 (Appeal No. 4048),

And having moved for leave to appeal to the Court of Appeals from said decision and order,

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 affirmed 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.

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 December 14, 2017.

Present - Hon. David Friedman, Justice Presiding,
Richard T. Andrias
Karla Moskowitz
Barbara R. Kapnick
Marcy L. Kahn, Justices.

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

Respondent,

-against-

M-5622
Ind. No. 6284/08

Alo Ablakatov,

Defendant-Appellant.
-----X

Assigned counsel for defendant having moved for an order withdrawing defendant's appeal taken from a judgment of the Supreme Court, New York County, rendered on or about December 9, 2009,,

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 the appeal is deemed withdrawn.

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 December 14, 2017.

Present - Hon. David Friedman, Justice Presiding,
Judith J. Gische
Troy K. Webber
Marcy L. Kahn
Anil C. Singh, Justices.

-----x

James Rohan, et al.,
Plaintiffs-Respondents,

-against-

M-5907

Index No. 154522/12

Turner Construction Company, et al.,
Defendants-Appellants.

-----x

Separate appeals having been taken to this Court from the order of the Supreme Court, New York County, entered on or about April 18, 2017, and said appeals having been perfected,

And defendants-appellants having jointly moved for a calendar preference in hearing 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 calendaring the appeals for hearing together for the first two week of the January 2018 Term.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 14, 2017.

PRESENT: Hon. David Friedman, Justice Presiding,
Judith J. Gische
Barbara R. Kapnick
Marcy L. Kahn
Peter H. Moulton, Justices.

-----X
In the Matter of a Support Proceeding

Joseph M.,
Plaintiff-Respondent,

CONFIDENTIAL
M-5561
Index No. 3360/11

-against-

Jacquelin M.,
Defendant-Appellant.

-----X

An order of this Court having been entered on September 28, 2017 (M-4551), denying defendant's motion for leave to prosecute, as a poor person, the appeals taken from an order, and from an order and judgment, of the Supreme Court, Bronx County, both entered on or about July 21, 2017,

And the same order (M-4551) having vacated an interim stay of the July 21, 2017 order previously entered by a Justice of this Court,

And defendant-appellant, pro se, having moved for leave to appeal to the Court of Appeals from this Court's order entered September 28, 2017 (M-4551), and for reargument of so much of said order as to poor person 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 December 14, 2017.

PRESENT: Hon. David Friedman, Justice Presiding,
Rosalyn H. Richter
Barbara R. Kapnick
Marcy L. Kahn, Justices.

-----X
Cronos Group Limited,
Plaintiff-Respondent,

-against-

M-5495
Index No. 650187/16

XComIP, LLC, et al.,
Defendants-Appellants.
-----X

Plaintiff-respondent 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 September 19, 2017 (Appeal No. 3186),

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.

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 December 14, 2017.

PRESENT: Hon. David Friedman, Justice Presiding,
Judith J. Gische
Barbara R. Kapnick
Marcy L. Kahn
Ellen Gesmer, Justices.

-----X
Heather Thomson Schindler, et al.,
Plaintiffs-Respondents,

-against-

M-4861
Index No. 653161/15

Eric Rothfeld, et al.,
Defendants-Appellants,

Times Three Clothier, LLC,
Nominal Defendant.

- - - - -

[And Another Action]

-----X

Defendants-appellants/third-party plaintiffs 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 August 15, 2017 (Appeal No. 4222),

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 December 14, 2017.

Present - Hon. David Friedman,
Judith J. Gische
Troy K. Webber
Marcy L. Kahn
Anil C. Singh,

Justice Presiding,

Justices.

-----x

Wells Fargo Bank, N.A., etc.,
Plaintiff-Respondent,

-against-

M-4572

Index No. 380564/09

Lorena Gomez,
Defendant-Appellant,

-and-

Capital One Bank, N.A., etc., et al.,
Defendants.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about May 2, 2017,

And defendant-appellant having moved for a stay of the auction and foreclosure sale pending hearing and determination of the aforesaid appeal, 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, and the interim relief granted by a Justice of this Court, dated August 25, 2017, is vacated.

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 December 14, 2017.

PRESENT: Hon. David Friedman, Justice Presiding,
Judith J. Gische
Barbara R. Kapnick
Marcy L. Kahn
Peter H. Moulton, Justices.

-----X

Miriam Hyman,
Plaintiff-Respondent,

-against-

M-5491
Index No. 154435/15

400 West 152nd Street Housing
Development Fund Corporation,
Defendant-Appellant.

-----X

Defendant-appellant having moved for a stay of enforcement of a judgment, pending hearing and determination of the appeal, taken from the order of the Supreme Court, New York County, entered on or about August 7, 2017,

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 defendant obtaining an undertaking for purposes of an automatic stay.

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 December 14, 2017.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Angela M. Mazzairelli
Richard T. Andrias
Karla Moskowitz
Judith J. Gische, Justices.

-----X
George Beraka, M.D.,
Plaintiff-Respondent,

-against-

M-2686
Index No. 570784/16

Danielle Biton and Crystal Biton,
Defendants-Appellants.

-----X

Defendant-appellant Danielle Biton, pro se, having moved for leave to appeal to this Court from the decision and order of the Appellate Term, First Department, entered in the office of the Clerk of the Supreme Court, New York County, on or about April 10, 2017, 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.

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 December 14, 2017.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Angela M. Mazzarelli
Marcy L. Kahn
Peter H. Moulton, Justices.

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

-against-

M-5509
Ind. No. 5584/11

Elliot Sweeney,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about September 25, 2012, and said appeal having been perfected,

And assigned counsel for defendant-appellant having moved to withdraw the perfected 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 appeal is deemed withdrawn.

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 December 14, 2017.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Angela M. Mazzarelli
Marcy L. Kahn
Peter H. Moulton, Justices.

-----X
Wojciech Jarzabek,
Plaintiff,

-against-

M-5437
Index No. 151035/12

Schafer Mews Housing Development Fund
Corporation, et al.,
Defendants.

-----X
(And other third-party actions)
-----X

An appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about July 21, 2017,

And Second Third-Party Defendant Rocky's Construction Inc. having moved to dismiss the aforesaid appeal,

Now, upon reading and filing the papers with respect to the motion, including the correspondence from Kristy M. D'Ambrosio, Esq., counsel for second third-party defendant Rocky's Construction Inc., dated November 1, 2017, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn.

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 December 14, 2017.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Angela M. Mazzarelli
Marcy L. Kahn
Peter H. Moulton, Justices.

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

Manuel P. A.,
Petitioner,

CONFIDENTIAL

M-5039

Docket No. V-43839-13/13A

-against-

Emilie B.,
Respondent.

-----x
Petitioner having moved for leave to appeal to this Court from an interim order of the Family Court, New York County, entered on or about June 30, 2017, and for a stay of all proceedings pending hearing and determination of a pro se Article 78 proceeding petitioner has filed against a certain Family Court Judge,

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.

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 December 14, 2017.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Angela M. Mazzarelli
Marcy L. Kahn
Peter H. Moulton, Justices.

-----X
Victoria R.,

Petitioner-Respondent,

-against-

Andrew S.,
Respondent-Appellant.

-----X

CONFIDENTIAL

M-5460

Docket No. P-06931-17

Respondent-appellant having moved for a stay of enforcement of all proceedings pending hearing and determination of the appeal taken from the order of the Family Court, New York County, entered on or about October 5, 2017,

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 December 14, 2017.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Richard T. Andrias
Karla Moskowitz
Ellen Gesmer, Justices.

-----X

All Craft Fabricators, Inc., et al.,
Plaintiffs-Appellants,

-against-

M-5613

Index No. 156897/13

ATC Associates, Inc., et al.,
Defendants,

International Paper Company, et al.,
Defendants-Respondents.

-----X

Defendant-respondent International Paper Company 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 September 26, 2017 (Appeal No. 4424),

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.

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 December 14, 2017.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Richard T. Andrias
Cynthia S. Kern
Jeffrey K. Oing, Justices.

-----X
200 East 90th Street Owners Corp.,
Plaintiff-Respondent,

-against-

M-5362
Index No. 570152/17

Matthew Weber and Kim Morrissey,
Defendants-Appellants.

-----X

Defendants-appellants having moved for leave to appeal to this Court from the decision and order of the Appellate Term, First Department, entered in the office of the Clerk of the Supreme Court, New York County, on or about July 5, 2017,

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 December 14, 2017.

Present - Hon. Rosalyn H. Richter, Justice Presiding,
Judith J. Gische
Barbara R. Kapnick
Marcy L. Kahn
Cynthia S. Kern, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

Axel Barahona,
Defendant-Appellant.

-----X

CONFIDENTIAL

M-4686

Ind. No. 185/17

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about August 22, 2017,

And 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 July 10, 2017, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, for consolidation of the aforesaid appeals, 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 moving papers a timely filed notice of appeal from the July 10, 2017 judgment, and permitting that 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.

Seymour W. James, Jr., Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, 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. To the extent the motion seeks consolidation of the appeals, the Clerk is directed to calendar both appeals (if separately perfected for the same Term) for hearing together on the same day, and the motion is otherwise 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 December 14, 2017.

PRESENT: Hon. Rosalyn H. Richter, Justice Presiding,
Angela M. Mazzarelli
Marcy L. Kahn
Peter H. Moulton, Justices.

-----X

The State of New York ex rel.,
Caroline Glickler, Esq., on behalf
of Jamal Blackshear,
Petitioner-Appellant,

-against-

M-5149

Index No. 452543/17

Cynthia Brann, Commissioner, New
York City Department of Corrections,
Respondent-Respondent.

-----X

Petitioner-appellant having moved for bail pending appeal, or to be released on his own recognizance, and for leave to prosecute, as a poor person, the appeal from an order of the Supreme Court, New York County, rendered on or about September 14, 2017, 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 said 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 serve one copy of such brief upon the attorney for respondent and file 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record.

Seymour W. James, Jr., Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. Counsel is directed to perfect the appeal on or before January 29, 2018 for the April 2018 Term. The motion, to the extent it seeks a preference or for bail modification pending the appeal, 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 December 14, 2017.

PRESENT: Hon. Rosalyn H. Richter, Justice Presiding,
Troy K. Webber
Jeffrey K. Oing
Anil C. Singh, Justices.

-----X
Alexandra K.,

Plaintiff-Appellant,

-against-

Paul K.,
Defendant-Respondent.

-----X

CONFIDENTIAL

M-5445

Index No. 305550/14

Appeals having been taken from (4) orders of the Supreme Court, New York County, entered on or about December 30, 2015, March 23, 2017 and April 5, 2017 (2 orders) and said appeals, having been consolidated by an order of this Court, entered on June 22, 2017 (M-2482),

And plaintiff-appellant having moved for consolidation of an appeal taken from an order of the Supreme Court, New York County, entered on or about October 12, 2017 with the previously 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 to consolidate the aforesaid appeals is granted to the extent of permitting appellant to prosecute the consolidated appeals upon 8 copies of one record and one set of appellant's points covering the consolidated appeals. The time to perfect the consolidated appeals is, sua sponte, enlarged to the April 2018 Term.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 14, 2017.

Present - Hon. Rosalyn H. Richter, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Jeffrey K. Oing
Anil C. Singh, Justices.

-----X
Hudson Insurance Company, Inc.,

Plaintiff-Appellant,

-against-

The City of New York,

Defendant-Respondent.
-----X

M-5599
Index No. 653524/15

Plaintiff 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 19, 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 enlarging the time to perfect the appeal to the May 2018 Term.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 14, 2017.

PRESENT: Hon. Rosalyn H. Richter, Justice Presiding,
Karla Moskowitz
Ellen Gesmer
Anil C. Singh, Justices.

-----X

Harvey Keitel,
Plaintiff-Appellant,

-against-

M-5551
Index No. 652220/15

E*TRADE Financial Corporation,
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on September 26, 2017 (Appeal Nos. 4504-4505),

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.

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 December 14, 2017.

Present - Hon. Sallie Manzanet-Daniels, Justice Presiding,
Angela M. Mazzarelli
Barbara R. Kapnick
Troy K. Webber, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

Felix Rodriguez, also known as Jose
Brio, also known as Jose Brito, also
known as Briu Jiminez,
Defendant-Appellant.

M-5388
Ind. Nos. 8592/89
5678N/04
SCI No. 45N/02

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about February 22, 2017, 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.

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 December 14, 2017.

Present - Hon. Sallie Manzanet-Daniels Justice Presiding,
Angela M. Mazzarelli
Barbara R. Kapnick
Troy K. Webber, Justices.

-----X
Ayub Ahmed,
Plaintiff-Respondent,

-against-

M-5607
Index No. 103377/10

Macy's Inc.,
Defendant-Appellant,

-and-

Thyssenkrupp Elevator Corporation,
Defendant-Respondent.

-----X
Defendant-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 August 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 enlarging the time to perfect the appeal to the April 2018 Term.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 14, 2017.

Present - Hon. Sallie Manzanet-Daniels, Justice Presiding,
Angela M. Mazzarelli
Barbara R. Kapnick
Troy K. Webber, Justices.

-----X

In the Matter of

Demi Jacqueline G., and
William G.,

Children Under the Age of Eighteen
Years, Alleged to be the Children
of

CONFIDENTIAL

M-5618

Docket Nos. P-16355-57/15

F-16357/15

Ebony W.,
Petitioner-Respondent,

William G.,
Respondent-Appellant.

- - - - -

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

-----X

Respondent-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Family Court, New York County, entered on or about July 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 enlarging the time to perfect the appeal to the April 2018 Term.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 14, 2017.

PRESENT: Hon. Sallie Manzanet-Daniels, Justice Presiding,
Angela M. Mazzarelli
Barbara R. Kapnick
Troy K. Webber, Justices.

-----X

Mora J. Moore and Jamie Williams,
Plaintiffs-Appellants,

M-5628

M-5759

-against-

Index No. 300062/13

Trinity Baptist Church,
Defendant-Respondent.

-----X

Defendant-respondent having moved to dismiss the appeal taken from an order of the Supreme Court, Bronx County, entered on or about May 31, 2016, for failure to timely perfect (M-5628),

And plaintiffs-appellants having cross-moved to restore the aforesaid appeal to this Court's calendar and for an enlargement of time to perfect same (M-5769),

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 to dismiss the appeal is granted unless said appeal is perfected for the April 2018 Term (M-5628). The cross-motion is granted to the extent of enlarging the time to perfect the appeal to the April 2018 Term (M-5759).

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 December 14, 2017.

Present - Hon. Sallie Manzanet-Daniels, Justice Presiding,
Angela M. Mazzarelli
Barbara R. Kapnick
Troy K. Webber, Justices.

-----X
Lita Parker,

Plaintiff-Respondent,

-against-

M-5748
Index No. 300564/08

Paul T. Parker,

Defendant-Appellant.
-----X

An order of this Court having been entered on September 5, 2017 (M-4025), inter alia, consolidating the appeals taken from an order of the Supreme Court, New York County, entered on or about September 23, 2016, and from a judgment, same court and Justice, entered on or about November 15, 2016,

And defendant-appellant having moved for an enlargement of time to perfect 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 to the extent of enlarging the time to perfect the consolidated appeals to the April 2018 Term.

ENTERED:


CLERK

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

BEFORE: Hon. Rosalyn H. Richter
Associate Justice of the Appellate Division

-----X

Peter Castellotti,
Plaintiff,

-against-

M-5915
Index No. 158162/2012

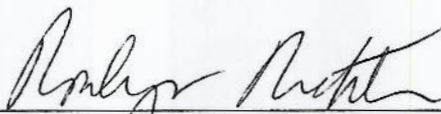
Lisa Free, et al.,
Defendants.

-----X

Plaintiff Peter Castellotti, having moved for leave to appeal pursuant to CPLR 5701(c) from that portion of the Supreme Court's May 23, 2017 order (Rakower, J.), which sua sponte limited plaintiff's damage claims for Promissory Estoppel and Unjust Enrichment claims,

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.



Hon. Rosalyn H. Richter
Associate Justice

Dated: November 28, 2017
New York, New York

Entered: **DEC 14 2017**