

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 February 28, 2017.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David B. Saxe  
Judith J. Gische  
Marcy L. Kahn, Justices.

-----X  
Guidance Enhanced Green Terrain,  
LLC,  
Plaintiff-Appellant,

Bank of America Merrill Lynch  
also known as Merrill Lynch, et al.,  
Defendants,

M-634  
Index No. 652009/14

-against-

Bank of America Credit Products,  
Inc.,  
Defendant-Respondent.

-----X  
Defendant-respondent having moved for reargument of, or leave to appeal to the Court of Appeals from the decision and order of this Court entered on January 5, 2017 (Appeal No. 1510),

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 reargument, is denied.

It is further ordered that 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 reversed the order of 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 February 28, 2017.

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

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

-against-

**M-451**  
Ind. No. 157/12

Christian Perez,  
Defendant-Appellant.

-----X

An order of this Court having been entered on October 13, 2016 (M-4274), assigning Robert S. Dean, Esq., as counsel to prosecute defendant's appeal taken from the judgment of the Supreme Court, New York County, rendered on or about September 25, 2013

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

Ordered that the designation of assigned counsel Robert S. Dean, Esq., as counsel to prosecute defendant's appeal is stricken; and, pursuant to Section 722 of the County Law, Stanley Neustadter, Esq., Cardozo School of Law, 55 Fifth Avenue, Room 1701, New York, NY 10003, Tel. No. 212-790-0368, is substituted as counsel to prosecute the appeal. The poor person relief previously granted is continued, and the time in

(M-451)

-2-

February 28, 2017

which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 2017.

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

-----X

The People of the State of New York,  
Respondent,

-against-

Horace Madison,  
Defendant-Appellant.

M-6654  
Ind. Nos. 665/15  
2046/15  
3487/15

-----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 April 19, 2016, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, 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.

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

ENTER:

A handwritten signature in cursive script, appearing to read "Susan R. Jones", is written above a horizontal line.

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 February 28, 2017.

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

-----X  
Regina A. Nelson,

Plaintiff-Respondent,

-against-

M-179X  
Index No. 300675/14

One Hundred Forty Associates, L.P.,  
et al.,

Defendants-Appellants.  
-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about January 22, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated January 4, 2017, and due deliberation having been had thereon,

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 2017.

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

-----X

TSR Group, LLC,

Plaintiff-Appellant,

-against-

M-318X

Index No. 651356/15

Jeffrey Levitin, Esq., et al.,

Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 13, 2016,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 10, 2017, 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 February 28, 2017.

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

-----X

The People of the State of New York,

Respondent,

-against-

M-320

Ind. No. 4324/13

Jean Vancol,

Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about February 25, 2015,

Now, upon reading and filing the stipulation of the parties hereto, dated December 29, 2016, and due deliberation having been had thereon,

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 2017.

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

-----X

The People of the State of New York,  
Respondent,

**CONFIDENTIAL**

M-5952

-against-

Ind. No. 3123/95

Ronald B.,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County (Alvarado, J.) entered on or about July 6, 2016, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

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

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

counsel, Robert S. Dean, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 2017.

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

-----X

The People of the State of New York,  
Respondent,

**CONFIDENTIAL**

M-5960

-against-

Ind. No. 3011/08

Mario S.,  
Defendant-Appellant.

-----X

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

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

Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 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 Gross as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's

counsel, Seymour W. James, Jr., Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 2017.

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

-----X

The People of the State of New York,  
Respondent,

-against-

M-6653  
Ind. No. 1355/13

Jahaziha Pough,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about March 30, 2015, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, 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.

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

ENTER:

A handwritten signature in cursive script, appearing to read "Susan R. Jones", is written above a horizontal line.

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 February 28, 2017.

Present - Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Barbara R. Kapnick, Justices.

-----x  
Victor Martinez,

Plaintiff-Respondent,

-against-

M-5660  
Index No. 300375/15

New York State Attorney General's Office,

Defendant-Appellant.  
-----x

Plaintiff-respondent having moved for dismissal of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about December 15, 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 deeming the appeal withdrawn.

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 2017.

Present: Hon. David Friedman, Justice Presiding,  
Rolando T. Acosta  
Angela M. Mazzarelli  
Richard T. Andrias  
Karla Moskowitz, Justices.

-----X  
Farouk Al-Salihi,  
Plaintiff-Appellant,

-against-

**M-5678**  
Index No. 100019/15

Upstate NY Comprehensive Clinical  
Competency Center of Albany Medical  
College,  
Defendant-Respondent.

-----X

An appeal having been taken from orders of the Supreme Court, New York County, entered on or about August 30, 2016,

And, plaintiff having moved for leave to file a hand-written appellant's 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. Plaintiff's attention is directed to the Rules of this Court (22 N.Y.C.R.R.600. 1, et seq.), including, but not limited to, Rules 600.5, 600.10 and 600.11.

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 February 28, 2017.

Present: Hon. David Friedman, Justice Presiding,  
Dianne T. Renwick  
Rosalyn H. Richter  
Karla Moskowitz  
Barbara R. Kapnick, Justices.

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

**ANONYMOUS,**

Plaintiff-Appellant,

-against-

**SEALED**

**M-5157**

**M-5608**

**M-6003**

**M-6020**

Martin T. Johnson, Mitchell Y. Cohen, Westchester County  
Mary Lou Chatterton, and Gloria J. Index No. 70064/13  
Anderson, individually,

Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, Westchester County, entered on or about July 8, 2015, and an order of the Appellate Division Second Department, entered on or about April 3, 2016, having transferred the appeal to the Appellate Division First Department,

And, defendant-respondent, Gloria J. Anderson, having moved to dismiss plaintiff's appeal (M-5157),

And, plaintiff-appellant having cross-moved to disqualify defendant, Mary Lou Chatterton as matrimonial counsel in the Rockland County divorce action; and for leave to open a new attorney discipline investigation against defendants Gloria J. Anderson and Mary Lou Chatterton based on alleged new evidence (M-5608),

February 28, 2017

And, defendants Martin T. Johnson and Mitchell Y. Cohen having moved to dismiss plaintiff's appeal for violations of the signature requirements of 22 NYCRR 130.1(a), or, in the alternative, to dismiss said appeal for failure to timely prosecute (M-6003),

And, defendant Mary Lou Chatterton having cross-moved to dismiss plaintiff's appeal, to unseal certain parts of the record, and to impose sanctions upon plaintiff (M-6020),

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

Ordered that the motions and cross motions to dismiss plaintiff's appeal are granted unless the appeal is perfected on or before March 20, 2017 for the June 2017 Term, and are otherwise denied, without prejudice to advancing arguments for relief directly on appeal.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 2017.

PRESENT : Hon. David Friedman, Justice Presiding,  
Dianne T. Renwick  
Rosalyn H. Richter  
Karla Moskowitz  
Barbara R. Kapnick, Justices.

-----X  
Susan Sermoneta,  
Plaintiff-Respondent,

-against-

M-6204  
Index No. 111617/11

New York City Transit Authority,  
Defendant-Appellant.  
-----X

Plaintiff-respondent having moved for a preference in the hearing of the appeal from the judgment of the Supreme Court, New York County, entered on or about July 18, 2016, and related relief,

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

It is ordered that the motion is granted to the extent of directing defendant-appellant to perfect the appeal on or before March 20, 2017 for the June 2017 Term. The motion is 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 February 28, 2017.

PRESENT - Hon. David Friedman, Justice Presiding,  
Dianne T. Renwick  
Rosalyn H. Richter  
Karla Moskowitz  
Barbara R. Kapnick, Justices.

-----X

In the Matter of the Application of

Douglas Weidner,  
Petitioner-Appellant,

For a Judgment Pursuant to Article 78  
of the CPLR,

-against-

M-6058  
Index No. 101280/14

The New York City Department of Buildings,  
et al.,  
Respondents-Respondents.

-----X

Petitioner-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 January 12, 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 September 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 February 28, 2017.

PRESENT - Hon. David Friedman, Justice Presiding,  
Dianne T. Renwick  
Rosalyn H. Richter  
Karla Moskowitz  
Barbara R. Kapnick, Justices.

-----X

In the Matter of

Nicholas M.,

A Person Alleged to be a Juvenile  
Delinquent,

M-6079  
Docket No. D-19052/15

Appellant.

-----X

Appellant having moved for an enlargement of time to perfect the appeal from the order of the Family Court, Bronx County, entered on or about February 22, 2016,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the September 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 February 28, 2017.

PRESENT - Hon. David Friedman, Justice Presiding,  
Dianne T. Renwick  
Rosalyn H. Richter  
Karla Moskowitz  
Barbara R. Kapnick, Justices.

-----X  
In the Matter of the Application of  
Steven Banks, as the Commissioner of  
Social Services of the City of  
New York,  
Petitioner-Respondent,

For the Appointment of a Guardian of the  
Personal Needs and Property Management  
of

M-6090  
Index. No. 500290/15

Piyong Lin,  
Respondent,

A Person Alleged to be Incapacitated

Wilson C. Chan,  
Appellant.

-----X

Appellant having moved for leave to prosecute, as a poor person, the appeal from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about April 12, 2016, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 2017.

PRESENT: Hon. David Friedman, Justice Presiding,  
Dianne T. Renwick  
Rosalyn H. Richter  
Karla Moskowitz  
Barbara R. Kapnick, Justices.

-----X  
Peter M. K.,  
Plaintiff-Appellant,

-against-

Andrea K.,  
Defendant-Respondent.

-----X

**CONFIDENTIAL**  
M-6116  
Index No. 401958/13

Plaintiff-appellant having moved for an enlargement of time to perfect the appeals taken from the orders of the Supreme Court, New York County, entered on or about November 24, 2015 and February 10, 2016, respectively,

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

Sua sponte, the appeals are consolidated and appellant is permitted to prosecute the consolidated appeals upon 10 copies of one record and one set of appellant's points covering the appeals,

It is further ordered that the motion is granted to the extent of enlarging the time to perfect the consolidated appeals to the September 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 February 28, 2017.

PRESENT - Hon. David Friedman, Justice Presiding,  
Dianne T. Renwick  
Rosalyn H. Richter  
Karla Moskowitz  
Barbara R. Kapnick, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

M-5934  
Ind. No. 5031N/14

Raynier Campana,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about October 13, 2015, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew, upon defendant's submission of a detailed notarized affidavit, in compliance with CPLR 1101(a), setting forth the terms of defendant's retainer agreement with trial counsel, Steven Pugliese, Esq., the amount and sources of funds for trial counsel's fee and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 2017.

PRESENT: Hon. David Friedman, Justice Presiding,  
Dianne T. Renwick  
Rosalyn H. Richter  
Karla Moskowitz  
Barbara R. Kapnick, Justices.

-----X  
Ted A. Kirchner, in his capacity as  
Executor for the Estate of Raphael  
Diaz Gutierrez, and Borealis Realty  
Corp.,  
Plaintiffs-Respondents,

-against-

M-6181  
Index No. 107111/05

L. Raul Bernard, etc., et al.,  
Defendants,

Michael Schneider, Sandra Bernard  
Schneider,  
Defendants-Appellants.

-----X

Defendants-appellants having moved for an enlargement of time to perfect the appeals from the orders of the Supreme Court, New York County, entered on or about August 14, 2014 and February 1, 2016, respectively,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeals to the September 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 February 28, 2017.

PRESENT: Hon. David Friedman, Justice Presiding,  
Dianne T. Renwick  
Rosalyn H. Richter  
Karla Moskowitz  
Barbara R. Kapnick, Justices.

-----X  
In the Matter of the Application  
of New York City Transit Authority,  
Petitioner-Appellant,

-against-

M-6154  
Index No. 453014/15

Physical Medicine & Rehab of NY  
PC, as assignee of Valerie Mathis,  
Respondent-Respondent.  
-----X

Petitioner-appellant having moved for an enlargement of time to perfect the appeal from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about December 18, 2015,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the September 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 February 28, 2017.

PRESENT - Hon. David Friedman, Justice Presiding,  
Dianne T. Renwick  
Rosalyn H. Richter  
Karla Moskowitz  
Barbara R. Kapnick, Justices.

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

Respondent,

-against-

M-5924  
Ind. No. 1540/14

Gregorio Hanley,

Defendant-Appellant.  
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about May 19, 2016, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew, upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth the amount and sources of funds to post the \$500,000 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 2017.

Present: Hon. David Friedman, Justice Presiding,  
Rosalyn H. Richter  
Karla Moskowitz  
Barbara R. Kapnick, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

**SEALED**

M-6007

SCI. No. 2039/14

Anonymous,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for an order granting movant anonymity in connection with an appeal from a judgment of the Supreme Court, Bronx County, rendered on or about June 11, 2015, designating the case as *People v Anonymous*, and sealing the record on appeal, (including the minutes of the proceedings and the appellate briefs and orders, the present motion, and all future filings on appeal),

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

It is ordered that the motion is granted to the extent that the record on appeal and brief are sealed. The Clerk is directed to calendar the appeal under *People v Anonymous*.

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 2017.

PRESENT: Hon. David Friedman, Justice Presiding,  
Rosalyn H. Richter  
Karla Moskowitz  
Barbara R. Kapnick, Justices.

-----X  
Kristina Rodriguez, individually and  
on behalf of other persons similarly  
situated,  
Plaintiff-Appellant,

-against-

5W Public Relations, LLC, et al.,  
Defendants-Respondents.

M-6119  
Index No. 156571/14

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 27, 2016,

And plaintiff-appellant having moved for a stay of all proceedings pending hearing and determination of the appeal taken from the aforesaid 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 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 February 28, 2017.

Present - Hon. David Friedman, Justice Presiding,  
Rosalyn H. Richter  
David B. Saxe  
Judith J. Gische, Justices.

-----X

Orly Genger,  
Plaintiff-Respondent,

-against-

Sagi Genger,  
Defendant-Appellant.

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

M-6660  
Index No. 100697/08

-----  
Orly Genger,  
Plaintiff-Respondent,

-against-

Sagi Genger,  
Defendant-Appellant.

-----  
David A. Parnes,  
Non-Party Appellant.

-----X

Defendant-appellant having moved for reargument of the decision and order of this Court, entered on November 29, 2016 (Appeal Nos. 2294-2295N),

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 February 28, 2017.

PRESENT: Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
David B. Saxe  
Barbara R. Kapnick, Justices.

-----X

In the Matter of the Application of  
Broadway Bretton, Inc.,  
Petitioner-Appellant,

For an Order Pursuant to Article 78  
of the Civil Practice Law and Rules

M-648  
Index No. 100222/14

-against-

New York State Division of Housing and  
Community Renewal,  
Respondent-Respondent,

Bretton Hall Tenants Association,  
Respondent-Intervenor-Respondent.

-----X

Respondent-intervenor-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 January 3, 2017 (Appeal No. 2338),

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 February 28, 2017.

PRESENT - Hon. John W. Sweeny, Jr., Justice Presiding,  
Rosalyn H. Richter  
Angela M. Mazzarelli  
Karla Moskowitz  
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

M-6359  
Ind. No. 3508/14

Stephen Wiggins,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about December 15, 2015, for leave to prosecute the appeal as a poor person upon the original record and upon a reproduced appellant's brief, and for assignment of counsel,

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

It is ordered that the motion is granted to the extent of deeming the 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 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, Tel. 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.

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 February 28, 2017.

PRESENT - Hon. John W. Sweeny, Jr., Justice Presiding,  
Rosalyn H. Richter  
Angela M. Mazzarelli  
Karla Moskowitz  
Sallie Manzanet-Daniels, Justices.

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

-against-

M-6148  
Ind. No. 345N/15

Sandy Sanchez,  
Defendant-Appellant.

-----X

Assigned counsel having moved for an order dismissing defendant's appeal from the judgment of the Supreme Court, New York County, rendered on or about April 1, 2015, without prejudice to reinstatement at such time appellant again becomes amenable to the jurisdiction of this Court,

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

It is ordered that the motion is granted to the extent of deeming the appeal withdrawn.

ENTER:



\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 2017.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Rosalyn H. Richter  
Angela M. Mazzarelli  
Karla Moskowitz  
Sallie Manzanet-Daniels, Justices.

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

-----  
Angel N., also known as Angel L. N.,  
Petitioner-Appellant,  
  
-against-

**CONFIDENTIAL**  
M-6206  
Docket Nos. V-24225-07/15  
V-26039-09/15  
V-26040-09/15

Elizabeth A.,  
Respondent-Respondent.

-----X

An appeal having been taken by petitioner-appellant from the order of the Family Court, Bronx County, dated on or about October 28, 2015,

And an order of this Court entered August 4, 2016 (M-2457) granting petitioner-appellant leave to prosecute said appeal as a poor person and assigning Andrew J. Baer, Esq., for purposes of prosecuting the appeal,

And assigned counsel, Andrew J. Baer, Esq., having moved to withdraw as appellant's 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 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 February 28, 2017.

PRESENT - Hon: John W. Sweeny, Jr., Justice Presiding,  
Rosalyn H. Richter  
Angela M. Mazzarelli  
Karla Moskowitz  
Sallie Manzanet-Daniels, Justices.

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

-against-

M-6265  
Ind. No. 1660/12

Thomasina Thomas,  
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about August 18, 2016,

And defendant-appellant via assigned counsel, Seymour W. James, Jr., having moved for an order continuing the stay of execution of sentence, granted by an order of a Justice of this Court on August 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 continuing the stay of execution of sentence pending hearing and determination of the appeal, on condition that the appeal is perfected for the September 2017 Term of 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 February 28, 2017.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Rosalyn H. Richter  
Angela M. Mazzarelli  
Karla Moskowitz  
Sallie Manzanet-Daniels, Justices.

-----X  
Mary Owens, Individually, and as  
Parent and Legal Guardian of  
William Joseph Owens, etc.,  
Plaintiffs-Respondents-Appellants,

-against-

M-6269  
Index No. 7502/07

Federation Employment and Guidance  
Service Inc., FECS Bleier Intermediate  
Care Facility,  
Defendants-Appellants-Respondents.  
-----X

Plaintiffs-respondents-appellants having moved for an enlargement of time to perfect the cross-appeal from the order of the Supreme Court, Bronx County, entered on or about January 20, 2016,

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

It is ordered that the motion is granted to the extent of deeming defendants' direct appeal withdrawn in accordance with the so-ordered stipulation of the parties dated December 1, 2016, deeming the defendant's cross appeal the direct appeal, and enlarging the time to perfect the appeal to the September 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 February 28, 2017.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Rosalyn H. Richter  
Angela M. Mazzarelli  
Karla Moskowitz  
Sallie Manzanet-Daniels, Justices.

-----X

Robert R., as beneficiary,  
and as co-Trustee, of the Sheryl  
R. Grantor Retained Annuity  
Trust and The Sheryl R.  
Irrevocable Grantor Trust,  
Plaintiff-Appellant,

-against-

Gerald R. and Michael A. Z.,  
Defendants-Respondents.

-----X

**SEALED**

M-5862

M-6207

Index No. 650152/11

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about August 5, 2016,

And plaintiff-appellant having moved to stay enforcement of the aforesaid order, pending hearing and determination of the appeal taken therefrom (M-5862),

And defendant-respondent Gerald Romanoff having cross-moved to seal plaintiff's December 9, 2016 affidavit on the basis it contains an explicit summary of privileged communications in violation of a certain order entered on August 5, 2016 (M-6207),

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

It is ordered that the motion is granted to the extent of continuing the relief granted by an order of a Justice of this Court on November 14, 2016, and otherwise denied (M-5862). The cross-motion is granted to the extent of sealing the specified affidavit for purposes of the appeal and otherwise denied, without prejudice to defendant seeking relief in Supreme Court (M-6207).

ENTER:

A handwritten signature in black ink, appearing to read "Susan R. Jones", written in a cursive style.

---

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 February 28, 2017.

PRESENT - Hon. John W. Sweeny, Jr., Justice Presiding,  
Angela M. Mazzarelli  
Sallie Manzanet-Daniels  
Paul G. Feinman, Justices.

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

-against-

Jaleel S.,  
Defendant-Appellant.

**SEALED**

M-5827

Ind. Nos. 2745/15  
2746/15

-----X

Defendant-appellant having moved for an enlargement of time to file a notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about June 7, 2016,

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

It is ordered that the motion is granted to the extent of deeming the notice of appeal timely filed.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 2017.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Richard T. Andrias  
Sallie Manzanet-Daniels  
Judith J. Gische  
Troy K. Webber, Justices.

-----x  
Chip Fifth Avenue LLC,  
Plaintiff-Respondent,

-against-

M-213  
M-440  
Index No. 161128/15

Quality King Distributors, Inc.,  
Pro's Choice Beauty Care, Inc.,  
Thomas Butkiewicz and John Libro,  
Defendants-Appellants.

-----x  
Quality King Distributors, Inc.,  
Pro's Choice Beauty Care, Inc.,  
Thomas Butkiewicz,  
Defendants/Third-Party Plaintiffs,

-against-

S3 Digital Corporation and Circle  
Media, Inc.,  
Third-Party Defendants.

-----x

Appeals having been taken from an order of the Supreme Court New York County, entered on or about July 26, 2016, from an order of the same Court and Justice entered on or about October 11, 2016, and from a judgment entered on or about October 17, 2016, respectively,

And plaintiff-respondent having moved to dismiss the aforesaid appeals (M-213),

And defendant-appellant Quality King Distributors, Inc. having cross-moved for consolidation of the aforesaid appeals (M-440),

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 appeals is granted unless said appeals are perfected for the September 2017 Term (M-213). The cross-motion is granted to the extent of permitting appellants to prosecute the appeals upon 9 copies of one record and one set of points covering the appeals and enlarging the time in which to perfect the consolidated appeals to the September 2017 Term (M-440).

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 February 28, 2017.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Richard T. Andrias  
Sallie Manzanet-Daniels  
Judith J. Gische  
Troy K. Webber, Justices.

-----x  
Jfurti, LLC,  
Plaintiff-Appellant,

-against-

M-469  
Index No. 653823/16

First Capital Real Estate Advisors,  
L.P., et al.,  
Defendants-Respondents.

-----x  
Jfurti, LLC,  
Plaintiff-Appellant,

-against-

Index No. 653824/16

First Capital Real Estate Investments,  
LLC, et al.,  
Defendants-Respondents.

-----x  
Jfurti, LLC,  
Plaintiff-Appellant,

-against-

Index No. 653825/16

First Capital Real Estate Investments,  
LLC, et al.,  
Defendants-Respondents.

-----x

Appeals having been taken from an order of the Supreme Court New York County, entered on or about November 9, 2016, (Index No. 653823/16), from an order of the same Court and Justice, entered on or about November 9, 2016 (Index No. 653824/16), and from an order of the same Court and Justice, entered on or about November 9, 2016 (Index No. 653825/16), respectively,

And plaintiff-appellant having 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 appellant to prosecute the appeals upon 9 copies of one record and one set of appellant's points covering the appeals.

ENTER:

A handwritten signature in black ink, appearing to read "Susan R. Jones". The signature is written in a cursive style with a large initial "S".

---

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 February 28, 2017.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Richard T. Andrias  
Sallie Manzanet-Daniels  
Judith J. Gische  
Troy K. Webber, Justices.

-----X

In the Matter of

Diivonni G.,  
Charisma D.,  
Dionne G., and  
Giselle G.,

**CONFIDENTIAL**

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

M-6356  
Docket Nos. NN-55797/09  
NN-07902/12  
NN-02537/08  
NN-02538/08

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

-against-

David G., and Vanessa G.,  
Respondents.

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

-----X

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

And an order by a Justice of this Court entered on December 16, 2016, having granted an interim stay to the extent that the children not be separated unless and until Family Court conducts a hearing on the necessity for separation and makes a finding that such is in the best interest of the children,

And counsel for the child Dionne G. having moved for an order directing that the children not be removed from their foster parent without further order of this Court, and directing the Administration for Children's Services to provide necessary support services for the foster parent as previously ordered by Family Court,

And, the Administration for Children's Services having failed to appear on the full bench motion, or interpose any opposition,

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 continuing the interim relief granted by an order of a Justice of this Court dated December 16, 2016, on condition the appeal is perfected for the June 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 February 28, 2017.

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

-----X  
Odamil Cabrera,  
Plaintiff-Appellant,

-against-

**M-291**

Index No. 24224/15

Yakov Abaev, et al.,  
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about January 6, 2017,

And, plaintiff having moved to stay the aforesaid order pending determination of the appeal,

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

It is ordered that the motion for a stay is granted, as well as a stay of trial, on condition that plaintiff perfects the appeal for the June 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 February 28, 2017.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Richard T. Andrias  
Sallie Manzanet-Daniels  
Judith J. Gische  
Troy K. Webber, Justices.

-----x

Ella Reid, et al.,  
Plaintiffs-Respondents,

-against-

Real Estate International, Ltd. and M-81  
Ronald Losner, M-484  
Defendants-Appellants, Index No. 7844/07

-and-

Frank Giordano,  
Defendant.

-----x

[And another action] Index No. 381176/07

-----x

Appeals having been taken to this Court by defendants, Real Estate International, Ltd. and Ronald Losner, from an order of the Supreme Court, Bronx County, entered on or about September 9, 2015, and from the amended order of said Court, entered on or about November 18, 2015, respectively, and said appeals having been consolidated by an order of this Court, entered on September 22, 2016 (M-3328), and having been perfected,

And, defendants-appellants having moved to stay enforcement of the aforesaid orders pending hearing and determination of the consolidated appeals (M-81),

And, plaintiffs-respondents having cross-moved for an undertaking in the amount of \$380,000 and for an award of fees and costs to the executor in the amount of \$16,783.50 should said stay be granted (M-484),

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

It is ordered that the motion is denied, without prejudice to defendants filing an undertaking in the amount of \$380,000 for an automatic stay (M-81). The cross-motion is denied (M-484).

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 February 28, 2017.

PRESENT - Hon. Rolando T. Acosta, Justice Presiding,  
Dianne T. Renwick  
David B. Saxe  
Paul G. Feinman  
Marcy L. Kahn, Justices.

-----X

Victor Saavedra,  
Plaintiff-Appellant,

-against-

M-6605  
Index No. 154454/14

89 Park Avenue LLC, et al.,  
Defendants-Respondents.

-----X

Defendants-respondents having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on October 25, 2016 (Appeal No. 2033),

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 February 28, 2017.

PRESENT - Hon: Rolando T. Acosta, Justice Presiding,  
Rosalyn H. Richter  
David B. Saxe  
Judith J. Gische, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

**M-5045A**

Ind. No. 2817/09  
Case No. 48801C/09

Elvin Carbonell,  
Defendant-Appellant.

-----X

Appeals having been taken from the judgment of the Supreme Court, Bronx County, rendered on or about June 4, 2013 and from a judgment of said Court rendered on or about January 31, 2013, and from judgments of **resentence**, rendered on June 4, 2013 and on or about May 1, 2014, respectively,

And an order of this Court entered April 21, 2015 (M-4643) deeming the moving papers a timely filed notice of appeal from the judgment of **resentence** rendered on or about May 1, 2014, and granting poor person relief and the assignment of counsel on the aforesaid appeals from the judgments of **resentence** rendered on or about June 4, 2013 and May 1, 2014, respectively; so much of the motion which sought an extension of time to file a notice of appeal from the judgment rendered on or about January 31, 2013 was denied as time barred pursuant to CPL 460.30,

And defendant-appellant having moved for an order amending the aforesaid order of this Court to reflect that a notice of appeal was timely filed from the June 4, 2013 judgments and that counsel is assigned to appeal from those judgments; deeming the June 18, 2013 notice of appeal to include an appeal from the January 31, 2013 judgment and amending the April 21, 2015 order of assignment (M-4643) to include an appeal from that January 31, 2013 judgment, and related relief,

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

It is ordered that the motion is granted. The poor person relief granted by M-4643 (April 21, 2015) is extended to cover the appeal from the judgment entered January 31, 2013.

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.

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 February 28, 2017.

Present - Hon. Rolando T. Acosta, Justice Presiding,  
Angela M. Mazzarelli  
Richard T. Andrias  
Paul G. Feinman  
Troy K. Webber, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

M-5794  
Ind. No. 2263/15

Isidro Orellana,  
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, Bronx County, rendered on or about July 11, 2016, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of deeming the 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 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.

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 February 28, 2017.

Present: Hon. Rolando T. Acosta, Justice Presiding,  
Dianne T. Renwick  
Karla Moskowitz  
Paul G. Feinman  
Ellen Gesmer, Justices.

-----X  
In the Matter of a Family Offense  
Proceeding Under Article 8 of the  
Family Court Act.

- - - - -  
David B.,  
Petitioner-Respondent,

**CONFIDENTIAL**  
**M-177**  
Docket No. O-43873/14

-against-

Nekadam Y.,  
Respondent-Appellant.

- - - - -  
Anne Reiniger, Esq.,  
Attorney for the Child.

-----X

An appeal having been taken by petitioner, birth mother Nekadam Y., from an Order of Protection of the Family Court, New York County, entered on or about November 15, 2016,

And, petitioner, adoptive father David B., having moved to dismiss respondent's appeal and for an order enjoining respondent from bringing further frivolous actions in this proceeding and imposing sanctions upon her,

(M-177)

-2-

February 28, 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 in its entirety.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 2017.

Present: Hon. Rolando T. Acosta, Justice Presiding,  
Dianne T. Renwick  
Karla Moskowitz  
Paul G. Feinman  
Ellen Gesmer, Justices.

-----X

In the Matter of a Family Offense Proceeding Under Article 8 of the Family Court Act.

**CONFIDENTIAL**

**M-216**

-----  
David B.,  
Petitioner-Respondent,

Docket No. O-43873/14

-against-

Nekadam Y.,  
Respondent-Appellant.

-----  
Anne Reiniger, Esq.,  
Attorney for the Child.

-----X

Colleen Samuels, Esq., Family Court Attorney for the child, having moved to be relieved as such counsel, and for this Court to assign new counsel for purposes of responding on said child's behalf to the appeal taken by respondent-appellant birth mother from an Order of Protection of the Family Court, New York County, entered on or about November 15, 2016, 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 relieving Colleen Samuels, Esq., and substituting, pursuant to Section 722 of the County Law, Anne Reiniger, Esq., 801 Second Avenue, 10<sup>th</sup> Fl., New York, NY 10017, Telephone No. (646) 627-8875, as counsel for purposes of responding to the appeal on the

(M-216)

-2-

February 28, 2017

child's behalf; 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 respondent-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 February 28, 2017.

Present: Hon. Rolando T. Acosta, Justice Presiding,  
Dianne T. Renwick  
Karla Moskowitz  
Paul G. Feinman  
Ellen Gesmer, Justices.

-----X  
In the Matter of a Family Offense  
Proceeding Under Article 8 of the  
Family Court Act.

-----  
David B.,  
Petitioner-Respondent,

-against-

Nekadam Y.,  
Respondent-Appellant.

-----  
Anne Reiniger, Esq.,  
Attorney for the Child.

**CONFIDENTIAL**

**M-209**

Docket No. O-43873/14

-----X  
Respondent-appellant birth mother having moved for leave to prosecute, as a poor person, the appeal taken from an Order of Protection of the Family Court, New York County, entered on or about November 15, 2016, and for assignment of counsel, a free copy of the transcript, and related relief,

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

Ordered that the motion is denied, with leave to renew upon submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth the terms of the retainer agreement with Family Court counsel, the amount and sources of monies for

(M-209)

-2-

February 28, 2017

counsel's fee and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by respondent.

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 February 28, 2017.

Present: Hon. Rolando T. Acosta, Justice Presiding,  
Dianne T. Renwick  
Karla Moskowitz  
Paul G. Feinman  
Ellen Gesmer, Justices.

-----X  
In the Matter of the Adoption of  
a Child Whose First Name is

Eliyahu,  
-----  
Nekadam Y.,  
Petitioner-Appellant,

**CONFIDENTIAL**  
Surrogate's Court  
**M-214**  
File No. 2010-0178

-against-

David B. and Jennifer B.,  
Respondents-Respondents.  
-----  
Anne Reiniger, Esq.,  
Attorney for the Child.

-----X

An appeal having been taken from an order of the Surrogate's Court, New York County, entered on or about November 29, 2016,

And, Anne Reinger, Esq., having moved for an order assigning her as counsel for the subject child for purposes of responding to the aforesaid appeal on said child's behalf,

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 assigning Anne Reiniger, Esq., 801 Second Avenue, 10<sup>th</sup> Fl., New York, NY 10017, Telephone No. (646) 627-8875, as counsel for purposes of responding to petitioner's appeal on the child's behalf; 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 respondent-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 February 28, 2017.

Present: Hon. Rolando T. Acosta, Justice Presiding,  
Dianne T. Renwick  
Karla Moskowitz  
Paul G. Feinman  
Ellen Gesmer, Justices.

-----X  
In the Matter of the Adoption of  
a Child Whose First Name is

Eliyahu,  
-----  
Nekadam Y.,  
Petitioner-Appellant,

**CONFIDENTIAL**  
Surrogate's Court  
**M-208**  
File No. 2010-0178

-against-

David B. and Jennifer B.,  
Respondents-Respondents.  
-----

Anne Reiniger, Esq.,  
Attorney for the Child.  
-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal taken from the order of the Surrogate's Court, New York County, entered on or about November 29, 2016, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that the motion is denied, with leave to renew upon submission of a detailed notarized affidavit in compliance with CPLR 1101(a), setting forth the terms of

(M-208)

-2-

February 28, 2017

petitioner's retainer agreement with trial counsel, the amount and sources of funds for trial counsel's fee and an explanation as to why similar funds are not available to prosecute this appeal.

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 February 28, 2017.

Present: Hon. Rolando T. Acosta, Justice Presiding,  
Angela M. Mazzairelli  
Sallie Manzanet-Daniels  
Troy K. Webber  
Ellen Gesmer, Justices.

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

-against-

**M-6028**

Ind. No. 3394/15

Michael Bell,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal taken from the judgment of the Supreme Court, New York County, rendered on or about February 24, 2016, and for leave to prosecute the appeal as a poor person on the original record and upon a reproduced appellant's brief, and for assignment of counsel,

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

It is ordered that the motion is granted to the extent of deeming the 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 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 transcript to appellant's counsel, without charge, the transcript to be returned to this Court when appellant's brief is filed.

Rosemary Herbert, 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-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 February 28, 2017.

Present - Hon. Rolando T. Acosta, Justice Presiding,  
Angela M. Mazzarelli  
Sallie Manzanet-Daniels  
Troy K. Webber  
Ellen Gesmer, Justices.

-----x  
In Re: New York Diet Drug Litigation

- - - - -  
Clara Appel-Hole, et al.,  
Plaintiffs,

-against-

Wyeth-Ayerst Laboratories, etc., et al.,  
Defendants.

- - - - -  
John M. McDonnell as Chapter 7 Trustee  
for the Bankruptcy Estate of Cynthia  
Altini, et al.,  
Intervenor-Plaintiffs,

M-5977  
Index No. 160946/14

-against-

Paul J. Napoli, et al.,  
Intervenor-Defendants.

- - - - -  
Paul J. Napoli, et al.,  
Third-Party Plaintiffs-Respondents,

-against-

Parker Waichman, LLP, formerly known as  
Parker Waichman Alonso LLP, et al.,  
Third-Party Defendants-Appellants.

-----x  
Third-party defendants-appellants having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about February 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 September 2017 Term. (See M-5978 and M-5979, 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 February 28, 2017.

Present - Hon. Rolando T. Acosta, Justice Presiding,  
Angela M. Mazzarelli  
Sallie Manzanet-Daniels  
Troy K. Webber  
Ellen Gesmer, Justices.

-----x  
In Re: New York Diet Drug Litigation

- - - - -  
Clara Appel-Hole, et al.,  
Plaintiffs,

-against-

Wyeth-Ayerst Laboratories, etc., et al.,  
Defendants.

- - - - -  
Ella Abramova, et al.,  
Intervenor-Plaintiffs,

M-5978  
Index No. 105122/09

-against-

Paul J. Napoli, et al.,  
Intervenor-Defendants.

- - - - -  
Paul J. Napoli, et al.,  
Third-Party Plaintiffs-Respondents,

-against-

Parker Waichman, LLP, formerly known as  
Parker Waichman Alonso LLP, et al.,  
Third-Party Defendants-Appellants.

-----x

Third-party defendants-appellants having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about February 16, 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 September 2017 Term. (See M-5977 and M-5979, 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 February 28, 2017.

Present - Hon. Rolando T. Acosta, Justice Presiding,  
Angela M. Mazzarelli  
Sallie Manzanet-Daniels  
Troy K. Webber  
Ellen Gesmer, Justices.

-----x  
In Re: New York Diet Drug Litigation

- - - - -  
Clara Appel-Hole, et al.,  
Plaintiffs,

-against-

Wyeth-Ayerst Laboratories, etc., et al.,  
Defendants.

- - - - -  
Sherrie Antrum-Perry, et al.,  
Intervenor-Plaintiffs,

M-5979  
Index No. 653434/14

-against-

Paul J. Napoli, et al.,  
Intervenor-Defendants.

- - - - -  
Paul J. Napoli, et al.,  
Third-Party Plaintiffs-Respondents,

-against-

Parker Waichman, LLP, formerly known as  
Parker Waichman Alonso LLP, et al.,  
Third-Party Defendants-Appellants.

-----x

Third-party defendants-appellants having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about February 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 September 2017 Term. (See M-5977 and M-5978, 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 February 28, 2017.

Present: Hon. Rolando T. Acosta, Justice Presiding,  
Angela M. Mazzairelli  
Sallie Manzanet-Daniels  
Troy K. Webber  
Ellen Gesmer, Justices.

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

-against-

**M-6060**

Ind. Nos. 2237/09  
1369/10

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

-----X

An order of this Court having been entered on July 7, 2011 (M-2224), granting defendant poor person relief and assigning Robert S. Dean, Esq., Center for Appellate Litigation, as counsel to prosecute the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about March 31, 2011,

And, an order of this Court having been entered on July 23, 2013 (M-2585A), relieving assigned counsel Robert S. Dean, Esq., Center for Appellate Litigation, and allowing defendant to proceed pro se on the appeal and continuing the previously granted poor person relief,

And, an order of this Court having been entered on October 11, 2016 (M-3100), granting defendant leave to file a pro se brief in connection with his aforesaid appeal,

And, defendant having moved for an extension of time in which to file his pro se brief, or for the Court to assign new appellate counsel,

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

It is ordered that the motion is granted to the extent of enlarging defendant's time to perfect his pro se appeal and file his pro se brief to on or before March 20, 2017 for the June 2017 Term of this Court. Defendant is advised that his appeal will not be heard until all minutes and documents previously forwarded to defendant at his place of incarceration are returned to the Clerk's Office of this Court, and the motion is 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 February 28, 2017.

Present: Hon. Rolando T. Acosta, Justice Presiding,  
Angela M. Mazzairelli  
Sallie Manzanet-Daniels  
Troy K. Webber  
Ellen Gesmer, Justices.

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

-against-

Drury Duval,  
Defendant-Appellant.

**M-6035**  
Ind. No. 2166/12  
Case No. 37870C/12

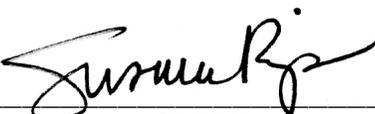
-----X

Defendant having moved for an enlargement of time to file a notice of appeal taken from a judgment of the Supreme Court, Bronx County, rendered 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 deeming the moving papers a timely filed notice of appeal.

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 2017.

Present: Hon. Rolando T. Acosta, Justice Presiding,  
Angela M. Mazzairelli  
Sallie Manzanet-Daniels  
Troy K. Webber  
Ellen Gesmer, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

**M-6125**

Ind. No. 4512/13

Pernell Leibert,  
Defendant-Appellant.

-----X

An order of this Court having been entered on April 7, 2016 (M-1193) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about November 2, 2015, and assigning Seymour W. James, Jr., Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

It is ordered that the motion is granted to the extent of striking the designation of assigned counsel Seymour W. James, Jr., Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Rosemary Herbert, Esq., Office of the Appellate Defender, 11 Park Place, Suite 1601, New York NY 10007, Telephone No. (212) 402-4142, as such counsel. The poor person relief

(M-6125)

-2-

February 28, 2017

previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 2017.

Present: Hon. Rolando T. Acosta, Justice Presiding,  
Angela M. Mazzarelli  
Sallie Manzanet-Daniels  
Troy K. Webber  
Ellen Gesmer, Justices.

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

-against-

**M-6113**  
Ind. No. 842/16

Richard Porter,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time to file a notice of appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about October 14, 2016,

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

It is ordered that the motion is granted to the extent of deeming the moving papers a timely filed notice of appeal.

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 2017.

Present: Hon. Rolando T. Acosta, Justice Presiding,  
Angela M. Mazzairelli  
Sallie Manzanet-Daniels  
Troy K. Webber  
Ellen Gesmer, Justices.

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

-against-

**M-5961**

Ind. No. 3011/14

Anthony Rosado,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time to file a notice of appeal taken from the judgment of the Supreme Court, New York County, rendered on or about February 24, 2016,

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

It is ordered that the motion is granted to the extent of deeming the moving papers a timely filed notice of appeal.

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 2017.

Present: Hon. Rolando T. Acosta, Justice Presiding,  
Angela M. Mazzairelli  
Sallie Manzanet-Daniels  
Troy K. Webber  
Ellen Gesmer, Justices.

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

-against-

**M-6059**  
Ind. No. 3678/13

Frank Goldstein, also known as Frank Genco,  
Defendant-Appellant.

-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about December 17, 2015, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710

and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Rosemary Herbert, Esq., Office of the Appellate Defender, 11 Park Place, Suite 1601, New York, NY 10007, Telephone No. (212) 402-4142, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 2017.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,  
Angela M. Mazzarelli  
Karla Moskowitz  
Barbara R. Kapnick  
Troy K. Webber, Justices.

-----X

Banjanan Inc.,  
Plaintiff-Respondent,

-against-

M-447

M-630

Index No. 154945/14

25 Park At 1296 Third Avenue LLC  
and Alison Brettschneider,  
Defendants-Appellants.

-----X

Defendants-appellants having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about April 13, 2016 (M-447),

And plaintiff-respondent having cross-moved to dismiss the aforesaid appeal for failure to timely prosecute (M-630),

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the September 2017 Term (M-447). The cross-motion is denied (M-630).

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 February 28, 2017.

Present: Hon. Dianne T. Renwick, Justice Presiding,  
Angela M. Mazzarelli  
Karla Moskowitz  
Barbara R. Kapnick  
Troy K. Webber, Justices.

-----X  
Marie Jose Clermont,  
Plaintiff-Respondent,

-against-

**M-51**

Index No. 805240/15

Sahar Abdelrehim, et al.,  
Defendants,

Chuong Le, M.D.,  
Defendant-Appellant,

-and-

Intra-Op Monitoring Services, LLC,  
Defendant-Respondent.  
-----X

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

And, plaintiff having moved to dismiss defendant Dr. Le's appeal, to impose costs and sanctions, and to enlarge the record on appeal or, in the alternative, to adjourn 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 plaintiff's motion to dismiss the appeal, to impose costs and sanctions, and to enlarge the record on appeal is denied.

So much of the motion which seeks an adjournment of the perfected appeal is granted and said appeal is adjourned to the June 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 February 28, 2017.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,  
David B. Saxe  
Judith J. Gische  
Troy K. Webber, Justices.

-----X  
Stephane Cosman Connery, et al.,  
Plaintiffs-Respondents,

-against-

Burton S. Sultan,  
Defendant-Appellant.

M-258  
M-187  
M-302

Index No. 401336/05

-----X

Defendant-appellant having moved for reargument/renewal or 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 December 6, 2016 (Appeal No. 2381) [M-258],

And, plaintiffs-respondents having moved to renew their motion for costs and attorneys fees against defendant-appellant [M-187],

And, defendant-appellant having cross-moved for costs, attorney fees and sanctions [M-302],

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

It is ordered that the motions and cross motion are denied [M-258/M-187/M-302].

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 February 28, 2017.

Present: Hon. Rosalyn H. Richter, Justice Presiding,  
David B. Saxe  
Paul G. Feinman  
Barbara R. Kapnick, Justices.

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

-against-

**M-6248**

Ind. No. 2261/09

John Raye,  
Defendant-Appellant.

-----X  
(And another action)

A decision and order of this Court having been entered on November 18, 2014 (Appeal No. 13096), affirming the judgment of the Supreme Court, New York County, rendered on or about July 7, 2011,

And, defendant John Raye having moved for reargument, denominated "renewal" of his 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 denied.

ENTER:

  
CLERK