

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 25, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Rosalyn H. Richter,
Sallie Manzanet-Daniels, Justices.

-----X

Tutor Perini Building Corp.,
Plaintiff-Respondent,

-against-

M-494
Index No. 156211/18

The Port Authority of New York and
New Jersey,
Defendant,

STV Incorporated,
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 5, 2019,

Now, upon reading and filing the correspondence from counsel for defendant-appellant dated January 13, 2020, and due deliberation having been had thereon,

It is ordered that the appeal is deemed withdrawn in accordance with the aforesaid correspondence.

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 February 25, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X

Triton Structural Concrete, Inc.,
Plaintiff-Appellant-Respondent,

-against-

M-542

Index No. 654407/15

The City of New York, by and through the
New York City Department of Design and
Construction,
Defendant-Respondent-Appellant.

-----X

An appeal and cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about September 19, 2018, and said appeals having been perfected,

Now, upon reading and filing the stipulation of the parties hereto, dated August 29, 2019, and due deliberation having been had thereon,

It is ordered that the appeal and cross appeal are deemed withdrawn in accordance with the aforesaid stipulation.

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 February 25, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
Sorrell Velez, as Administrator of the
Estate of Juan Velez,
Plaintiff-Respondent-Appellant,

M-586
Index No. 22599/14E

-against-

Kandarpo Roy and Bolla Taxi Inc.,
Defendants-Appellants-Respondents.

-----X

An appeal and cross appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about June 5, 2019,

Now, upon reading and filing the stipulation of the parties hereto, dated January 23, 2020, and due deliberation having been had thereon,

It is ordered that the cross appeal is withdrawn in accordance with the aforesaid stipulation.

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 February 25, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Rosalyn H. Richter,
Sallie Manzanet-Daniels, Justices.

-----X
Shahram Kohan and Pan AM Properties, LLC,
Plaintiffs-Respondents,

-against-

M-588

Index No. 104259/11

Behzad Nehmadi, also known as Ben Nehmadi,
Bita Nehmadi and Bravo Realty Corp.,
Defendants-Appellants,

Simon Management Corp., Republic Asset
Management LLC.
Defendants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about June 21, 2019,

Now, upon reading and filing the correspondence from counsel for defendants-appellants dated January 23, 2020, and due deliberation having been had thereon,

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

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 February 25, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
Kingsland Holdings Limited, in its
capacity as Independent Third Party,
Plaintiff-Respondent,

-against-

M-595X
Index No. 653095/19

BRW Aviation LLC and
BRW Aviation Holding LLC,
Defendants-Appellants.

-----X
BRW Aviation Holding LLC,
Counterclaim Plaintiff-Appellant,

-against-

Kingsland Holdings Limited,
Counterclaim-Defendant-Respondent,

-and-

United Airlines, Inc.,
Additional Defendant on
Counterclaims.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about August 22, 2019,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 14, 2020, and due deliberation having been had thereon,

(M-595X)

-2-

February 25, 2020

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

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 February 25, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-19
Ind. No. 4074/18

Carolina Villanueva,
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about December 19, 2019, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about December 19, 2019,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and which directed trial counsel to file a notice of appeal on defendant's behalf,

It is ordered that the appeal is permitted 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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.

Janet E. Sabel, Esq., The Legal Aid Society, 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 180 days from the date of receipt of the complete 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 February 25, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,
Respondent,

CONFIDENTIAL

M-338

-against-

Ind. No. 4305/00

Shawn Woodward,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from the order of the Supreme Court, New York County (Farber, J.), entered on or about December 4, 2019, 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,

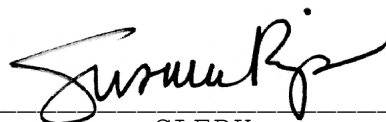
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

The Clerk of the Supreme Court shall expeditiously make 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 Farber 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.

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 180 days from the date of receipt of the complete record.

ENTERED:

A handwritten signature in black ink, appearing to read "Susan R. Jones", is written over 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 25, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-439
Ind. No. 3088/18

Gary Rogers,
Defendant-Appellant.

-----X

Defendant-appellant 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 September 11, 2019, 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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.

Janet E. Sabel, Esq., The Legal Aid Society, 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 180 days from the date of receipt of the complete 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 February 25, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-8266
Ind. No. 1003/18

Troy Harrell,
Defendant-Appellant.

-----X

Defendant-appellant 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 May 20, 2019, 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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.

(M-8266)

-2-

February 25, 2020

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 180 days from the date of receipt of the complete 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 February 25, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-8603
Ind. No. 1979/18

Daryl Davis,
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about July 2, 2019, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about June 12, 2019,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and which directed trial counsel to file a notice of appeal on defendant's behalf,

It is ordered that the appeal is permitted 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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.

Janet E. Sabel, Esq., The Legal Aid Society, 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 180 days from the date of receipt of the complete 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 February 25, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-8604
Ind. No. 2272/17

Stapleton Derris,
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about on July 2, 2019, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment, of the Supreme Court, New York County, rendered on or about June 13, 2019,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and which directed trial counsel to file a notice of appeal on defendant's behalf,

It is ordered that the appeal is permitted 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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.

Janet E. Sabel, Esq., The Legal Aid Society, 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 180 days from the date of receipt of the complete 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 February 25, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-8606
Ind. No. 2589/16

Brahima Djalo,
Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on or about July 17, 2019, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about July 15, 2019,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and which directed trial counsel to file a notice of appeal on defendant's behalf,

It is ordered that the appeal is permitted 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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.

Janet E. Sabel, Esq., The Legal Aid Society, 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 180 days from the date of receipt of the complete 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 February 25, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-8607
Ind. No. 1517/18

Loryn Gardner,
Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on or about July 15, 2019, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about July 15, 2019,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and which directed trial counsel to file a notice of appeal on defendant's behalf,

It is ordered that the appeal is permitted 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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.

Janet E. Sabel, Esq., The Legal Aid Society, 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 180 days from the date of receipt of the complete 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 February 25, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-8608
Ind. No. 131/17

Mahesh Lall,
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about May 10, 2019, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about October 12, 2018,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and which directed trial counsel to file a notice of appeal on defendant's behalf,

It is ordered that the appeal is permitted 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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.

Janet E. Sabel, Esq., The Legal Aid Society, 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 180 days from the date of receipt of the complete 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 February 25, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-8610
Ind. No. 486/18

Andy Rodriguez,
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about May 9, 2019, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about April 18, 2019,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and which directed trial counsel to file a notice of appeal on defendant's behalf,

It is ordered that the appeal is permitted 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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.

Janet E. Sabel, Esq., The Legal Aid Society, 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 180 days from the date of receipt of the complete 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 February 25, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-8612
Ind. No. 2489/18

Geovannie Nieves,
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about May 9, 2019, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about April 17, 2019,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and which directed trial counsel to file a notice of appeal on defendant's behalf,

It is ordered that the appeal is permitted 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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.

Janet E. Sabel, Esq., The Legal Aid Society, 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 180 days from the date of receipt of the complete record.

ENTERED:


CLERK

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

BEFORE: Hon. Troy K. Webber
Justice of the Appellate Division

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

M-0017
Ind. No. 1379/09

-against-

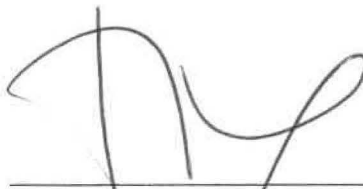
CERTIFICATE
DENYING LEAVE

Miguel Rivera,
Defendant.

-----X

I, Troy K. Webber, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County (Ralph Fabrizio, J.) entered on or about December 4, 2019 is hereby denied.

Dated: February 4, 2020
New York, New York



Hon. Troy K. Webber
Associate Justice

ENTERED: FEB 25 2020

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 25, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-8614
SCI No. 84/19
Ind. No. 2826/17

Jermaine Simmons,
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about July 5, 2019, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about June 14, 2019,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and which directed trial counsel to file a notice of appeal on defendant's behalf,

It is ordered that the appeal is permitted 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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.

Janet E. Sabel, Esq., The Legal Aid Society, 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 180 days from the date of receipt of the complete 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 February 25, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-8615
Ind. Nos. 4322/18
3831/18

Tristan Wilson,
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about July 10, 2019, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about July 10, 2019,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and which directed trial counsel to file a notice of appeal on defendant's behalf,

It is ordered that the appeal is permitted 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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.

(M-8615)

-2-

February 25, 2020

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 180 days from the date of receipt of the complete 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 February 25, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-8617
Ind. No. 1723/18

Trenton Stewart,
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about July 3, 2019, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about June 11, 2019,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and which directed trial counsel to file a notice of appeal on defendant's behalf,

It is ordered that the appeal is permitted 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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.

Janet E. Sabel, Esq., The Legal Aid Society, 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 180 days from the date of receipt of the complete 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 February 25, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-8618
Ind. No. 2748/18

Alberto Rodriguez,
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about July 5, 2019, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about June 14, 2019,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and which directed trial counsel to file a notice of appeal on defendant's behalf,

It is ordered that the appeal is permitted 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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.

Janet E. Sabel, Esq., The Legal Aid Society, 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 180 days from the date of receipt of the complete 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 February 25, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-8619
Ind. No. 2463/18

Manuel Perez,
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about July 2, 2019, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about June 12, 2019,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and which directed trial counsel to file a notice of appeal on defendant's behalf,

It is ordered that the appeal is permitted 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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.

Janet E. Sabel, Esq., The Legal Aid Society, 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 180 days from the date of receipt of the complete 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 February 25, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Dianne T. Renwick
Sallie Manzanet-Daniels
Anil C. Singh, Justices.

-----X

In re Eve S.P.,
Petitioner-Appellant,

Confidential

M-8538

-against-

Docket No. F-44629-16/17B

Steven N.S.,
Respondent-Respondent.

-----X

Petitioner-appellant having moved for reargument of the decision and order of this Court, entered on November 12, 2019 (Appeal Nos. 10310-10312),

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 February 25, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Dianne T. Renwick
Sallie Manzanet-Daniels
Anil C. Singh, Justices.

-----X
In re Nicole Merlino,
Petitioner-Appellant,

-against- M-8680
Index No. 101176/17

Teachers' Retirement System of The
City of New York, et al.,
Respondents-Respondents.
-----X

Petitioner-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 November 12 2019 (Appeal No. 10316),

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 February 25, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Dianne T. Renwick
Sallie Manzanet-Daniels
Anil C. Singh, Justices.

-----X
TC Tradeco, LLC,
Plaintiff-Appellant,

-against-

M-8964
Index No. 651631/15

Karmaloop Europe, AG,
Defendant,

Capstone Partners LLC, et al.,
Defendants-Respondents.

-----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 November 12, 2019 (Appeal Nos. 10328-10328A),

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 February 25, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Barbara R. Kapnick
Peter H. Moulton
Lizbeth González, Justices.

-----X

Esman Alberto Abad,
Plaintiff-Appellant,

-against-

M-304
Index No. 26310/15E

Sunita Singh and VB Taxi Corp.,
Defendants-Respondents.

-----X

An appeal having been taken to this Court from an order of the Supreme Court, Bronx County, entered on or about June 26, 2019,

And defendants-respondents having moved to dismiss the aforementioned appeal on the grounds that the Notice of Appeal was not timely filed and served,

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 February 25, 2020.

Present - Hon. David Friedman, Justice Presiding,
Dianne T. Renwick
Jeffrey K. Oing
Anil C. Singh, Justices.

-----X
Kirse R. Estrella,
Plaintiff-Respondent,

-against-

Fujitec America, Inc., M-203
Defendant-Appellant, Index No. 303888/11

-and-

Joseph Neto and Associates, Inc.,
et al.,
Defendants.

-----X

Plaintiff-respondent having moved for reargument of the decision and order of this Court, entered on November 21, 2019 (Appeal No. 10417),

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 in the County of New York on February 25, 2020.

Present: Hon. David Friedman, Justice Presiding,
Rosalyn H. Richter
Troy K. Webber
Anil C. Singh, Justices.

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

August West Development LLC,
Petitioner-Appellant,

To quash Subpoena No. 190010,

-against-

M-243
Index No. 160715/19

New York State Department of
Financial Services, and
Signature Bank,
Respondents-Respondents.

-----X

Petitioner-appellant having moved to stay the order of the Supreme Court, New York County, entered on or about December 17, 2019, pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is denied.

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 February 25, 2020.

Present - Hon. David Friedman, Justice Presiding,
Rosalyn H. Richter
Troy K. Webber
Anil C. Singh, Justices.

-----x

Robyn Gorman,
Plaintiff-Appellant,

-against-

Albert Gorman,
Defendant-Respondent.

-----x

CONFIDENTIAL

M-485

Index No. 312525/10

Plaintiff-appellant having moved for a further extension of time to perfect the appeal taken from the judgment of divorce of the Supreme Court, New York County, entered on or about March 11, 2019,

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 extending the time to perfect the appeal to the June 2020 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 February 25, 2020.

Present - Hon. David Friedman, Justice Presiding,
Rosalyn H. Richter
Troy K. Webber
Anil C. Singh, Justices.

-----x
Wilton Gaston,

Plaintiff-Appellant-Respondent,

-against-

M-486
Index No. 154124/14

The Trustees of Columbia University in
the City of New York and National Grid,

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

An appeal and cross appeal having been taken to this Court from the order of the Supreme Court, New York County, rendered on or about April 24, 2019,

And defendants-respondents-appellants having moved for an extension of time to perfect their 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 is granted to the extent of extending the time to perfect the appeal and cross appeal to on or before March 16, 2020 for the June 2020 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 February 25, 2020.

Present - Hon. David Friedman, Justice Presiding,
Rosalyn H. Richter
Troy K. Webber
Anil C. Singh, Justices.

-----x
Nimer Diaz,
Plaintiff-Appellant,

-against-

Raveh Realty, LLC, M-607
Defendant-Respondent, Index No. 26890/15E

-and-

Jerusalem Carting, Inc.,
Defendant.

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

-----x
An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about February 28, 2018, and said appeal having been perfected,

And plaintiff-appellant having moved for a stay of trial pending hearing and 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 is granted.

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 February 25, 2020.

Present - Hon. David Friedman, Justice Presiding,
Judith J. Gische
Troy K. Webber
Ellen Gesmer, Justices.

-----x
Flutur Bida,
Plaintiff-Appellant,

-against-

M-296
Index No. 111370/10

Port Authority of New York and
New Jersey, et al.,
Defendants-Respondents.
-----x

An order of this Court having been entered on October 22, 2019 (M-7089), denying plaintiff-appellant's motion for clarification and/or reargument of the order of this Court, entered on August 6, 2019 (M-2991), which denied plaintiff's motion to reargue the decision and order of this Court, entered on May 28, 2019 (Appeal No. 9420),

And plaintiff-appellant having now moved for clarification and/or reargument of the order of this Court entered on October 22, 2019 (M-7089),

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 February 25, 2020.

PRESENT: Hon. David Friedman, Justice Presiding,
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern, Justices.

-----X
In re The The People of the State of
New York, ex rel. Martin J. LaFalce,
on behalf of Anonymous,
Petitioner,

-against-

SEALED
M-298
Ind. No. 869/19

Hon. Abraham L. Clott, etc.,
Respondent.

Bridget G. Brennan, etc.,
Non-Party Respondent.

-----X
Petitioner having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on January 7, 2020 (Appeal No. 10632, M-8220), 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.

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 February 25, 2020.

PRESENT: Hon. David Friedman, Justice Presiding,
Jeffrey K. Oing
Anil C. Singh
Peter H. Moulton, Justices.

-----X
Malon 433, Inc.,
Plaintiff-Respondent,

-against-

M-9
Index No. 153166/17

Metro Electrical Contractors, Inc.,
Defendant-Appellant,

Mayer Weber,
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 December 3, 2019 (Appeal No. 10464),

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 February 25, 2020.

PRESENT: Hon. David Friedman, Justice Presiding,
Jeffrey K. Oing
Anil C. Singh
Peter H. Moulton, Justices.

-----X
Jean-Pascal Simon,
Plaintiff-Appellant,

-against-

Francinvest, S.A., M-35
Nominal Defendant, M-610
Index No. 162867/14

French American Surgery Center, Inc.,
et al.,
Defendants-Respondents,

George Kessler, et al.,
Defendants.

-----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 December 3, 2019 (Appeal No. 10463) (M-35),

And plaintiff-appellant having separately moved for an order taking judicial notice of, and supplementing the record with, certain documents allegedly pertinent to his motion for reargument (M-610),

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

It is ordered that the motions are 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 February 25, 2020.

Present - Hon. David Friedman, Justice Presiding,
Jeffrey K. Oing
Anil C. Singh
Peter H. Moulton, Justices.

-----x
In the Matter of the Application of M-38
Drug Policy Alliance, M-194
Petitioner-Respondent-Appellant, M-434
M-608
For a Judgment Under Article 78 M-609
of the Civil Practice Law and Rules, Index No. 103827/12

-against-

New York City Tax Commission and New
York City Department of Finance,
Respondents-Appellants-Respondents.
-----x

An appeal and cross appeal having been taken to this Court from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about January 8, 2019, and the appeals having been perfected,

And petitioner-respondent-appellant having moved for this Court to take judicial notice of certain documents annexed to the moving papers as Exhibits B-D, and for leave to file a supplemental record to include same (M-38),

And Nonprofit New York Inc. and Lawyers Alliance for New York having moved for leave to file a brief amici curiae in connection with the aforesaid appeals (M-194),

And New York Civil Liberties Union Foundation having moved for leave to file a brief amicus curiae in connection with the aforesaid appeals (M-434)

And respondents-appellants-respondents having cross-moved for an order granting leave to file a brief in response to Nonprofit New York Inc.'s and Lawyers Alliance for New York's amici curiae brief within thirty (30) days after such brief is filed (M-608),

And respondents-appellants-respondents having cross-moved for an order granting leave to file a brief in response to New York Civil Liberties Union Foundation's amicus curiae brief within thirty (30) days after such brief is filed (M-609),

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 by petitioner-respondent-appellant for this Court to take judicial notice of certain documents annexed to the moving papers as Exhibits B-D, and for leave to file a supplemental record to include same (M-38) is denied. Sua sponte, petitioner is directed, within ten (10) days of the date hereof, to remove from its brief, filed with this Court on December 30, 2019, the full paragraph at page 24 of that brief (see M-8019, entered November 26, 2019), and

It is further ordered that the motions by Nonprofit New York Inc. and Lawyers Alliance for New York (M-194), and by New York Civil Liberties Union Foundation (M-434) are granted, and the copies of the amici curiae briefs submitted to this Court with the moving papers are deemed filed, and

It is further ordered that the cross-motions by respondents-appellants-respondents (M-608 and M-609) to file briefs in response to the amici curiae briefs, are denied, without prejudice to their presenting arguments addressing the amici curiae briefs in their responsive briefing and at oral argument.

Sua sponte, the appeals are adjourned to the May 2020 Term.

ENTERED:

A handwritten signature in black ink, appearing to read "Susan R.", is written over 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 25, 2020.

PRESENT: Hon. David Friedman, Justice Presiding,
Jeffrey K. Oing
Anil C. Singh
Peter H. Moulton, Justices.

-----X
In Re The Center for Discovery, Inc.,

Petitioner-Respondent,

-against-

M-132

Index No. 160157/16

New York City Department of Education,

Respondent-Appellant.
-----X

Respondent-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on December 3, 2019 (Appeal No. 10458),

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 February 25, 2020.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Judith J. Gische
Ellen Gesmer
Peter H. Moulton, Justices.

-----X

In re Yin Shin Leung Charitable
Foundation, et al.,

Petitioners-Appellants,

M-8969

Index No. 654290/13

-against-

Maria Seng, et al.,

Respondents-Respondents.

-----X

Respondents-respondents having moved for reargument of the decision and order of this Court, entered on November 14, 2019 (Appeal No. 10174),

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 February 25, 2020.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Angela M. Mazzarelli
Ellen Gesmer
Cynthia S. Kern, Justices.

-----x
The Bank of New York Mellon, formerly
know as The Bank of New York, etc.,
Plaintiff-Respondent,

-against-

M-191
Index No. 850122/15

Steve Golden, also known as Steven
Golden, et al.,
Defendants,

Geraldine Golden, as Administratrix
of the Estate of Steven Golden,
Non-Party Appellant.

-----x

Non-party appellant having moved for an extension of time to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about March 28, 2018,

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 February 25, 2020.

PRESENT: Hon. Rosalyn H. Richter, Justice Presiding,
Jeffrey K. Oing
Peter H. Moulton
Lizbeth González, Justices.

-----X
Ofek Rachel LTD. and M.M.N. Yad USA LTD,
Plaintiffs-Respondents,

-against-

M-506
Index No. 655213/16

Suki Ben Zion,
Defendant,

-and-

Meital Suky,
Non-Party Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 17, 2020, and non-party appellant, Meital Suky, having moved for a stay of enforcement of the aforesaid order pending the hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is denied.

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 February 25, 2020.

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

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

-against-

M-8149
Ind. No. 2154/18

Johnny De Los Santos-Martin,
Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about October 18, 2018, 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), and 22 NYCRR 1250.4(d) (1) and (4), setting forth, inter alia, his indigency, the amount and sources of funds utilized to pay trial counsel's fee (Lauriano Guzman, Esq.,) and to post bail in the Supreme Court, the disposition of those funds, and an explanation as to why similar funds are not available to prosecute the within appeal.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 25, 2020.

PRESENT: Hon. Judith J. Gische, Justice Presiding,
Troy K. Webber
Cynthia S. Kern
Peter H. Moulton, Justices.

-----X
Bosco Credit V Trust Series 2012-1,
Plaintiff-Respondent,

-against-

Derek Johnson, also known as Derek Q. Johnson, et al.,
Defendants-Appellants, M-176
Index No. 850218/15

Richard D. Parsons, care of Bank of New York Mellon, et al.,
Defendants.

-----X

Defendants-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 November 26, 2019 (Appeal Nos. 10346, 10346A-10346D),

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 February 25, 2020.

Present - Hon. Judith J. Gische, Justice Presiding,
Troy K. Webber
Jeffrey K. Oing
Anil C. Singh, Justices.

-----X
Lam Pearl Street Hotel LLC,
Plaintiff-Appellant,

-against-

M-73

Index No. 657487/17

Golden Pearl Construction LLC, CNY
Group LLC, Kenneth M. Colao and
Steven Colao,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an extension of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about November 9, 2018,

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 extending the time to perfect the appeal to the June 2020 Term of this Court.

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 February 25, 2020.

Present - Hon. Judith J. Gische, Justice Presiding,
Troy K. Webber
Jeffrey K. Oing
Anil C. Singh, Justices.

-----X

First Franklin Financial Corporation,
Plaintiff-Respondent,

-against-

M-175
Index No. 381431/18

Nereid 2020 Corp.,
Non-Party-Appellant,

-and-

Arnold Merchant, et al.,
Defendants.

-----X

An appeal having been taken to this Court from an order of the Supreme Court, Bronx County, entered on or about June 14, 2019, which denied nonparty appellant's motion to set aside a non-judicial sale of the subject property,

And plaintiff-respondent having moved for an order (1) dismissing the aforesaid appeal pursuant to CPLR 5511; and (2) imposing costs and sanctions pursuant to 22 NYCRR § 130-1.1(c),

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 plaintiff-respondent raising the issues directly in the appeal.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 25, 2020.

PRESENT: Hon. Judith J. Gische, Justice Presiding,
Troy K. Webber
Jeffrey K. Oing
Anil C. Singh, Justices.

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

-against-

M-456
Ind. No. 870/18

Octaviano Muniz-Cayetano,
Defendant-Appellant.

-----X

An appeal having been taken to this Court from a judgment of the Supreme Court, New York County, rendered on or about March 27, 2019,

And an order of a Justice of this Court having been entered on April 25, 2019 (M-2151), inter alia, granting a stay of execution of sentence and continuing defendant's bail fixed in the sum of \$20,000 insurance company bond or \$10,000 cash, pending the hearing and determination of the appeal, on condition that the appeal be perfected within 120 days thereof, which stay was continued by order of this Court entered on September 24, 2019 (M-6843),

And defendant have moved for an order extending the stay of execution of sentence and continuing the current bail conditions,

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 and bail previously set by an order of a Justice of this Court, entered on April 25, 2019 (M-2151), upon the original terms and conditions, and upon the further condition that the appeal is perfected for the September 2020 Term of this Court.

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 February 25, 2020.

Present - Hon. Judith J. Gische, Justice Presiding,
Troy K. Webber
Jeffrey K. Oing
Anil C. Singh, Justices.

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

-against-

M-8193
Ind. No. 9336/99

Jarrett Smith,
Defendant-Appellant.
-----X

Defendant having moved, pro se, for leave to prosecute as a poor person an appeal taken from a judgment of the Supreme Court, New York County, rendered on or about April 1, 2001, and for assignment of counsel 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 as moot, a decision and order from this Court having been entered on March 18, 2003, unanimously affirming the aforesaid judgment of the Supreme Court, New York County, rendered on or about April 1, 2001.

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 February 25, 2020.

Present - Hon. Barbara R. Kapnick, Justice Presiding,
Angela M. Mazzaelli
Anil C. Singh
Peter H. Moulton, Justices.

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

-against-

Theodore Simpson,
Defendant-Appellant.

M-2839
M-6081
Ind. Nos. 8180/95
1998/94

-----X

A decision and order of this Court having been entered on June 6, 2000 (Appeal No. 1358), unanimously affirming a judgment of the Supreme Court, Bronx County (Robert Straus, J.), rendered on March 2, 1998, under Indictment No. 8180/95,

And a decision and order of this Court having been entered on June 12, 1999 (Appeal No. 1518), unanimously affirming a judgment of the Supreme Court, Bronx County (Lawrence Tonetti, J.), rendered May 20, 1996, under the Indictment No. 1998/94,

And defendant-appellant have moved by separate motions, in the nature of a writ of error coram nobis, for a review of his claims of ineffective assistance of appellate counsel, and for related relief under Indictment Nos. 8180/95 (M-2839) and 1998/94 (M-6081),

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

It is ordered that said applications are denied.

ENTERED:



CLERK

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

BEFORE: Hon. Cynthia S. Kern
Associate Justice of the Appellate Division

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

ORDER
M - 742
Ind. No. 212/2019
Case No. 2020-01200

-against-

Brighton Montgomery,

Defendant.

-----X

An application having been made by defendant, pursuant to CPL 245.70(6), for expedited review of a ruling of a Justice of the Supreme Court, New York County (Clott, J.), as set forth in an order dated February 5, 2020, which granted the People's motion for a protective order; and a ruling of the same Court and Justice, as set forth in an order dated February 6, 2020, which granted a further protective order relating to the subject matter of the order dated February 5, 2020;

Now, upon reading and filing the papers with respect to the application; it is

Ordered that the application is denied, and it is further

Ordered that the papers submitted in connection with the application are deemed to be filed under seal and shall continue to be sealed.

Dated: February 20, 2020
New York, New York

Hon. Cynthia S. Kern
Associate Justice

ENTERED:

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

BEFORE: **Hon. Angela M. Mazzarelli,**
Justice of the Appellate Division

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

M-8111
Ind. No. 8099/88

-against-

CERTIFICATE
DENYING LEAVE

Angel Diaz,

Defendant.
-----X

I, Angela M. Mazzarelli, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County (Margaret L. Clancy, J.), entered on or about September 30, 2019, is hereby denied.


Justice

Dated: February 3, 2020
New York, New York

ENTERED
FEB 25 2020

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

BEFORE: Hon. DAVID FRIEDMAN
Justice of the Appellate Division

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

M-8444
Ind. No. 3163/94

-against-

CERTIFICATE
DENYING LEAVE

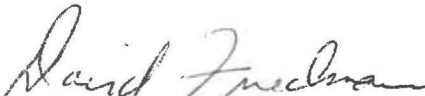
Mark Garraway,
Defendant.

-----X

I, DAVID FRIEDMAN, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, section 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the Order of the Supreme Court, Bronx County, entered on or about October 11, 2019, is hereby denied.

Dated: New York, New York
February 5, 2020

ENTERED
FEB 25 2020



DAVID FRIEDMAN
Justice of the Appellate Division

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 25, 2020.

PRESENT: Hon. David Friedman, Justice Presiding,
Barbara R. Kapnick
Jeffrey K. Oing
Lizbeth González, Justices.

-----X
Thomas W. Valle and Katherine Kovary-
Valley,
Plaintiffs-Respondents,

-against-

Port Authority of New York and New
Jersey and Turner Construction Corp.,
Defendants-Appellants-Respondents,

-and-

M-881
Index No. 23262/13E

City Lumber, Inc.,
Defendant-Respondent-Appellant.

-----X
Port Authority of New York and New
Jersey and Turner Construction Corp.,
Third-Party Plaintiffs-
Appellants-Respondents,

-against-

City Lumber, Inc.,
Third-Party Defendant-
Respondent-Appellant.

-----X

Defendants/third-party plaintiffs-appellants-respondents having moved for an order staying the trial in the above-entitled action pending hearing and determination of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about September 25, 2019,

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