

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 January 2, 2020.

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

-----X

Danny Tenaglia and D Tour Inc.,  
Plaintiffs-Appellants,

-against-

M-7823  
Index No. 650608/16

Kevin McHugh,  
Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 24, 2018,

And, plaintiffs-appellants having moved to stay the underlying action pending the determination of the appeal, and for other relief,

Now, upon reading and filing the correspondence from counsel for plaintiffs-appellants, dated December 12, 2019, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn in accordance with the aforesaid correspondence.

ENTERED:

  
\_\_\_\_\_  
CLERK

Present - Hon. Rolando T. Acosta,  
David Friedman  
Dianne T. Renwick  
Roselyn H. Richter  
Sallie Manzanet-Daniels,

Presiding Justice,  
  
Justices.

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

-----  
Frances M. L.,  
Petitioner-Respondent,

-against-

Luis F. O. C.,  
Respondent-Appellant,

Michelle D. and Administration for  
Children's Services-Bronx,  
Respondents-Respondents.

-----  
Janet E. Sabel, Esq., Attorney  
for the Children.

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

-----  
Luis F. O. C.,  
Petitioner-Appellant,

-against-

Frances M. L., Michelle D., Deceased,  
Administration for Children's  
Services-Bronx,  
Respondents-Respondents.

**CONFIDENTIAL**

M-8296

Docket Nos. V-8710/18  
V-8715/18

Docket Nos. V-9224-18  
V-9225-18

Janet E. Sabel, Esq., Attorney  
for the Children.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from two orders of the Family Court, Bronx County, both entered on or about October 15, 2019, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and the certification of Melinda Oliver, Esq., dated November 12, 2019, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Steven P. Forbes, Esq., 155-03 Jamaica Avenue, Jamaica, New York 11432, Telephone No. 718-791-8444, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Section 1250.9 of the Practice Rules of the Appellate Division, **within 60 days** of the filing of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTERED: January 2, 2020

  
CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 2, 2020.

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

-----X

Gary Labarbera,  
Plaintiff-Appellant,

-against-

M-8318  
Index No. 154364/18

The Center for Union Facts,  
Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about August 12, 2019,

Now, upon reading and filing the correspondence from counsel for plaintiff-appellant, dated November 20, 2019, 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 January 2, 2020.

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

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

**CONFIDENTIAL**

M-8418

Stephan A.,  
Petitioner-Appellant,

Docket Nos. V-10427-17/18A  
V-12201-17/18A

-against-

Amber V.J.,  
Respondent-Respondent.

-----X  
An appeal having been taken from an order of the Family Court, Bronx County, entered on or about April 2, 2019,

And petitioner-appellant having moved to withdraw the appeal,

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

It is ordered that the motion is granted and the appeal is withdrawn.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 2, 2020.

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

-----X

Kathleen Kovach,  
Plaintiff-Appellant,

-against-

**M-8448**

Index No. 153092/19

Rivercross Tenants' Corp.,  
Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 7, 2019,

And plaintiff-appellant having moved to stay termination of plaintiff-appellant's proprietary lease pending hearing and determination of the aforementioned appeal,

Now, upon reading and filing the stipulation of the parties hereto, dated November 26, 2019, and due deliberation having been had thereon,

It is ordered that the motion 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 January 2, 2020.

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

-----X  
In Re: New York City Asbestos Litigation  
-----X

John F. Fay,  
Plaintiff-Respondent,

-against-

Aerco International, et al.,  
Defendants,

M-8484  
Index No. 190378/17

-and-

Aurora Pump Company,  
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about May 24, 2019,

Now, upon reading and filing the stipulation of the parties hereto, dated December 2, 2019, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected, 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 January 2, 2020.

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

-----X  
In Re: New York City Asbestos Litigation  
-----X

Joan Giangrande, Individually, and  
Nichole Barnet, as Administrator of  
the Estate of Michael Giangrande,  
Plaintiffs-Respondents,

-against-

Aerco International, et al.,  
Defendants,

M-8486  
Index No. 190183/17

-and-

Aurora Pump Company,  
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about May 24, 2019,

Now, upon reading and filing the stipulation of the parties hereto, dated December 2, 2019, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected, 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 January 2, 2020.

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

-----X

Nancy J. Shea, Individually and as  
Personal Representative of the  
Estate of John H. Shea, Jr.,  
Plaintiffs-Respondents,

-against-

A.W. Chesterton Company, et al.,  
Defendants,

M-8487  
Index No. 190039/18

-and-

Aurora Pump Company,  
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about May 23, 2019,

Now, upon reading and filing the stipulation of the parties hereto, dated November 27, 2019, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected, 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 January 2, 2020.

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

-----X

Trump Park Avenue LLC,  
Plaintiff-Appellant-Respondent,

-against-

M-8502  
Index No. 650799/18

Faisal Bin Abdul Majeed Al Saud,  
also known as Faisal Bin Abdul  
Majeed Bin Abdul Aziz Al-Saud,  
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 August 29, 2019,

Now, upon reading and filing the correspondence from counsel for defendant-respondent-appellant, dated November 18, 2019, and due deliberation having been had thereon,

It is ordered that the cross 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 January 2, 2020.

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

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

Lucie Greenhut,  
An Person in Need of a Guardian,  
  
Holocaust Survivor Program formerly  
known as Nazi Victims Services of  
Selfhelp Community Services, Inc.,  
Appellant,

**M-8509**  
Index No. 2757/15

-----X

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

Now, upon reading and filing the correspondence from counsel for appellant dated November 7, 2019, 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 January 2, 2020.

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

-----X

Leomaris A. Guzman,  
Plaintiff-Appellant,

-against-

M-8512  
Index No. 161037/15

The City of New York and Carlo Lizza  
& Sons Paving, Inc.,  
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about September 3, 2019,

Now, upon reading and filing the correspondence from counsel for plaintiff-appellant dated November 21, 2019, 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 January 2, 2020.

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

-----X

Susan Krembs,  
Plaintiff-Appellant,

-against-

M-8513  
Index No. 805375/12

NYU Langone Medical Center, et al.,  
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about May 15, 2019,

Now, upon reading and filing the correspondence from counsel for plaintiff-appellant, dated November 26, 2019, 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 January 2, 2020.

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

-----X  
Lower Manhattan Inner City Real  
Estate Associates, LLC,  
Plaintiff-Appellant,

-against-

M-8516  
Index No. 651141/18

56 Leonard LLC, et al.,  
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 12, 2019,

Now, upon reading and filing the correspondence from counsel for plaintiff-appellant, dated November 27, 2019, 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 January 2, 2020.

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

-----X

ARK61 DOE,  
Plaintiff-Respondent,

-against-

M-8518  
Index No. 950053/19

Society of Jesus also known as Jesuit  
Fathers and Brothers, etc.,  
Defendant-Appellant,

Archdiocese of New York, Fordham  
Preparatory School,  
Defendants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about November 8, 2019,

Now, upon reading and filing the correspondence from counsel for defendant-appellant dated November 20, 2019, 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 January 2, 2020.

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

-----X

ARK55 Doe,  
Plaintiff-Respondent,

-against-

M-8519  
Index No. 950049/19

Society of Jesus also known as Jesuit  
Fathers and Brothers, etc.,  
Defendant-Appellant,

Archdiocese of New York, and Fordham  
Preparatory School,  
Defendants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about November 8, 2019,

Now, upon reading and filing the correspondence from counsel for defendant-appellant dated November 20, 2019, 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 January 2, 2020.

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

-----X

ARK88 Doe,  
Plaintiff-Respondent,

-against-

M-8520  
Index No. 950065/19

Society of Jesus also known as Jesuit  
Fathers and Brothers, etc.,  
Defendant-Appellant,

Archdiocese of New York, Fordham  
Preparatory School,  
Defendants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about November 8, 2019,

Now, upon reading and filing the correspondence from counsel for defendant-appellant dated November 20, 2019, 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 January 2, 2020.

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

-----X  
Michael O'Hara and Glorimar O'Hara,  
Plaintiffs-Respondents,

-against-

M-8522  
Index No. 100984/12

The New School, Durst Organization,  
Inc., Tishman Construction Group, and  
Urban Foundation/Engineering, LLC,  
Defendants-Appellants,

Skidmore Owings & Merrill, LLP,  
et al.,  
Defendants.

-----X  
The New School, Durst Organization,  
Inc., Tishman Construction Corporation  
of New York,  
Defendants/Third-Party Plaintiffs,

Third-Party  
Index No. 590373/12

-against-

The City of New York, et al.,  
Third-party Defendants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about May 10, 2019,

Now, upon reading and filing the correspondence from counsel for defendants-appellants, dated November 25, 2019, and due deliberation having been had thereon,

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

ENTERED:

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

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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 January 2, 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-8080**

Ind. No. 164/19

Heriberto Perez,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about April 9, 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.

(M-8080)

-2-

January 2, 2020

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 January 2, 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-8442  
Ind. No. 4435/16

Wesley Cooper,  
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 November 19, 2018, 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.

Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, Suite 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 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 January 2, 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-8445  
Ind. No. 4444/16

Wesley Cooper,  
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 November 19, 2018, 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.



Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, Suite 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 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 January 2, 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-8447**  
Ind. No. 39N/15

Alex Crandon,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about May 20, 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 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-8447)

-2-

January 2, 2020

Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, Suite 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 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 January 2, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
Dianne T. Renwick  
Cynthia S. Kern  
Jeffrey K. Oing, Justices.

-----X  
Men Women N.Y. Model Management, Inc.  
and Elite World S.A.,  
Plaintiffs-Appellants,

-against-

**M-8652**  
Index No. 157627/19

Sergio Leccese, Dana Cooper,  
Heather Hughes, James Tinnelly,  
Jennifer Rubinetti Zafaranloo,  
Michael Bruno, Miguel Avalos,  
Defendants-Respondents,

Elite Model Management-New York LLC,  
Eddie Trump, Dejan Markovic, John and  
Jane Doe Nos. 1-10.  
Defendants.

-----X

An appeal having been taken from orders of the Supreme Court, New York County entered on or about November 25, 2019, which, inter alia, vacated all injunctive relief against defendants-respondents,

And plaintiffs-appellants having moved for a stay of enforcement the aforementioned orders pending hearing and determination of the instant 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 reinstating the temporary restraining order issued by the motion court on or about August 6, 2019, pending the hearing and determination of the appeal, and on the condition the appeal is perfected for the April 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 January 2, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,  
Dianne T. Renwick  
Sallie Manzanet-Daniels  
Barbara R. Kapnick  
Lizbeth González, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

M-7980  
Ind. No. 1925/17

Jonathan Cruz,  
Defendant-Appellant.

-----X

An order of this Court having been entered on August 27, 2019 (M-3239) denying defendant leave to prosecute, as a poor person, the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about September 14, 2018, with leave to renew, upon compliance with the specific conditions set forth therein,

And defendant-appellant having renewed his motion for leave to prosecute, as a poor person, the aforesaid appeal upon the original record and typewritten briefs, 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 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.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28<sup>th</sup> 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 January 2, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Jeffrey K. Oing, Justices.

-----x  
In the Matter of a Proceeding for  
Support Under Article 4 of the  
Family Court Act.

-----  
Jeffrey G.,  
Petitioner-Appellant,

**CONFIDENTIAL**

M-8261  
Docket No. F-40485-15/15A

-against-

Stacey S.,  
Respondent-Respondent.

-----x

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, New York County, entered on or about May 30, 2019, and for leave to have the appeal heard 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 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 January 2, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
Sallie Manzanet-Daniels  
Barbara R. Kapnick  
Jeffrey K. Oing, Justices.

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

-against-

Diogenes Estevez, also known as  
Jeffrey Estevez,  
Defendant-Appellant.

**M-8143**

Ind. Nos. 2801/16  
1143/17  
984/18

-----X

An order of this Court having been entered on October 29, 2019 (M-7203), inter alia, granting defendant's motion for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about September 26, 2018, under Indictment No. 2801/16, and assigning counsel therefor,

And defendant-appellant having moved for an order amending the notice of appeal and the aforementioned order to include the appeals taken from judgments of the same court, rendered on or about September 26, 2018, under Indictment Nos. 1143/17 and 984/18,

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

It is ordered that said motion is granted to the extent of amending defendant's notice of appeal and the aforementioned order to include Indictment Nos. 1143/17 and 984/18, and extending the poor person relief previously granted to cover same. The time within which appellant shall perfect the appeals is hereby enlarged until the May 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 January 2, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,  
Sallie Manzanet-Daniels  
Barbara R. Kapnick  
Jeffrey K. Oing, Justices.

-----X  
In the Matter of Vadim Babyrev, a Patient  
at Kirby Forensic Psychiatric Center,  
Petitioner-Appellant,

For a Writ of Habeas Corpus Pursuant **M-8335**  
to Article 70 of the Civil Practice Law Index No. 530280/08  
and Rules,

-against-

Commissioner of Mental Health, et al.,  
Respondent-Respondent.

-----X  
Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Supreme Court, New York County, entered on or about November 14, 2018, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for an extension of time to perfect said appeal,

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

It is ordered that said motion is granted to the extent of enlarging the time to perfect the appeal to the May 2020 Term. The branch of the motion seeking poor person relief is denied as unnecessary (see M-6532, decided May 30, 2019). The branch of the motion seeking the assignment of appellate counsel 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 January 2, 2020.

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

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

Respondent,

-against-

**M-7607**  
Ind. No. 3599/17

Joseph Bryant,

Defendant-Appellant.  
-----X

Defendant having moved, pro se, for an enlargement of time in which to file an untimely notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about May 7, 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 deeming the notice of appeal timely filed.

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 January 2, 2020.

Present - Hon. David Friedman, Justice Presiding,  
Rosalyn H. Richter  
Cynthia S. Kern  
Anil C. Singh, Justices.

-----x  
U.S. Bank Trust, N.A., etc.,  
Plaintiff-Respondent,

-against-

M-8300  
Index No. 32439/16E

Ada L. Cuevas,  
Defendant-Appellant,

-and-

Antonio Cuevas, et al.,  
Defendants.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about July 16, 2019,

And defendant-appellant having moved for an order staying execution of a warrant of eviction pending hearing and determination of the aforesaid appeal, and enjoining plaintiff from further exercising or transferring any ownership interest in the subject premises,

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 staying execution of the warrant of eviction pending hearing and determination of the appeal, and on condition the appeal is perfected for the May 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 January 2, 2020.

PRESENT: Hon. David Friedman, Justice Presiding,  
Rosalyn H. Richter  
Cynthia S. Kern  
Anil C. Singh, Justices.

-----X  
TufAmerica, Inc.,  
Plaintiff-Respondent,

-against-

M-8460  
Index No. 651331/19

Universal Music Group, Inc.,  
Defendant-Appellant.  
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 28, 2019,

And defendant-appellant having moved to stay enforcement of that order pending the determination of the aforesaid appeal, said appeal having been perfected,

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 January 2, 2020.

PRESENT: Hon. David Friedman, Justice Presiding,  
Rosalyn H. Richter  
Cynthia S. Kern  
Anil C. Singh, Justices.

-----X  
Philip Shawe,  
Plaintiff-Appellant,

-against-

M-8482  
Index No. 155890/14

Elizabeth Elting,  
Defendant-Respondents.  
-----X

Appeals having been taken from two orders of the Supreme Court, New York County, entered on or about February 7, 2018 and February 16, 2018, and said appeals having been perfected,

And plaintiff-appellant having moved to enlarge the record on appeal to include Exhibit 1 to the Faegenburg Affirmation or, in the alternative, that this Court take judicial notice of the material included in the exhibit,

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

It is ordered that the motion is denied and, sua sponte, plaintiff's reply brief is stricken and the appeal is adjourned to the March 2020 Term. Plaintiff is directed to file a replacement reply brief for the March 2020 Term omitting all references to Exhibit 1 to the Faegenburg Affirmation.

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 January 2, 2020.

PRESENT: Hon. David Friedman, Justice Presiding,  
Rosalyn H. Richter  
Cynthia S. Kern  
Anil C. Singh, Justices.

-----x  
IN RE: NEW YORK CITY ASBESTOS LITIGATION Index No. 40000/88  
-----

This Document Relates To:  
William Gerard Slattery and Joanne Cornell,  
as Executrix of the Estate of Rebecca  
Jean Slattery, Deceased, M-8540  
Plaintiffs-Appellants, Index No. 190090/16

-against-

Colgate-Palmolive Company,  
Defendant-Respondent.

-----x  
This Document Relates To:  
Sharon Ward,  
Plaintiff-Appellant, Index No. 190091/16

-against-

Colgate-Palmolive Company,  
Defendant-Respondent.

-----x  
This Document Relates To:  
Gerald Lindsey, Individually and as  
Administrator of the Estate of Venus L.  
Lindsey,  
Plaintiffs-Appellants, Index No. 190145/16

-against-

Colgate-Palmolive Company,  
Defendant-Respondent.

-----x

Consolidated appeals having been taken to this Court by plaintiffs-appellants from orders of the Supreme Court New York County, entered on or about July 13, 2018 (Index No. 190090/16), July 25, 2018 (Index No. 190091/16) and July 25, 2018 (Index No. 190145/16),

And plaintiffs-appellants having moved for a further extension of time to perfect the consolidated appeals,

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

It is ordered that the motion is granted to the extent of extending the time to perfect the consolidated appeals to the May 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 January 2, 2020.

Present - Hon. David Friedman, Justice Presiding,  
Angela M. Mazzarelli  
Ellen Gesmer  
Jeffrey K. Oing, Justices.

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

-against-

**M-6908**  
Ind. No. 5497/99

Frederick Walker,  
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on April 30, 2002 (Appeal No. 892), unanimously affirming a judgment of the Supreme Court, New York County (William Leibovitz, J.), rendered on December 7, 2000,

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

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

It is ordered that said application is denied.

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 January 2, 2020.

Present - Hon. David Friedman, Justice Presiding,  
Angela M. Mazzarelli  
Cynthia S. Kern  
Jeffrey K. Oing  
Anil C. Singh, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

**M-3727**

Ind. No. 982/10

Lawrence Folks,  
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on November 27, 2018 (Appeal Nos. 7689-7690), unanimously affirming a judgment of the Supreme Court, Bronx County (Judith Lieb, J.), rendered on July 24, 2013, as amended October 24, 2013 and October 28, 2013 and unanimously affirming the order of the same court, entered on August 13, 2015,

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

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

It is ordered that said application is denied.

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 January 2, 2020.

Present - Hon. David Friedman, Justice Presiding,  
Barbara R. Kapnick  
Cynthia S. Kern  
Jeffrey K. Oing, Justices.

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

**CONFIDENTIAL**

M-7848

-against-

Ind. No. 2328/16

Adam Widgins,  
Defendant-Appellant.

-----X

An order of this Court having been entered on April 10, 2018 (M-796) granting defendant leave to prosecute, as a poor person, the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about December 6, 2017, and assigning Christina Swarns, Esq., Office of the Appellate Defender, 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 Christina Swarns, Esq., Office of the Appellate Defender, as assigned counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Janet E. Sabel, Esq., The Legal Aid Society, 199 Water Street, New York, New York 10038, Telephone No. 212-577-3300, as such counsel. The poor person relief 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 receipt of the complete record, whichever is later.

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 January 2, 2020.

Present - Hon. David Friedman, Justice Presiding,  
Troy K. Webber  
Ellen Gesmer  
Jeffrey K. Oing, Justices.

-----X

Neiman Nix and DNA Sports  
Performance Lab, Inc.,  
Plaintiffs-Appellants,

-against-

Major League Baseball, et al.,  
Defendants-Respondents.

-----X

**M-7760**  
**M-7876**  
Index No. 159953/16

Appeals having been taken from a judgment of the Supreme Court, New York County, entered on or about June 22, 2018, and from an order of the same Court entered on or about December 31, 2018,

And an order of this Court having been entered on October 22, 2019 (M-7044) granting defendants-respondents' motion to dismiss said appeals,

And counsel for plaintiffs-appellants having moved for leave to withdraw as counsel (M-7760),

And plaintiff-appellant, Neiman Nix, pro se, having moved, for the imposition of sanctions against defendants-respondents (M-7876),

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

Ordered that plaintiffs-appellants' counsel's motion to withdraw as appellate counsel is granted (M-7760), and is further

Ordered that plaintiff-appellant's motion for the imposition of sanctions is denied (M-7876), and it is further,

Ordered, sua sponte, that the order of this Court entered October 22, 2019 (M-7044) is modified to reinstate the appeals taken by plaintiff Neiman Nix, individually, from the judgment entered June 22, 2018 and from the order entered December 31, 2018. The time to perfect said appeals is enlarged to the May 2020 Term, with no further extensions to be 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 January 2, 2020.

Present - Hon. David Friedman, Justice Presiding,  
Troy K. Webber  
Cynthia S. Kern  
Peter H. Moulton, Justices.

-----X

John Hon, Julie Hon, and John Hon D.O.,  
P.C., doing business as Elmhurst Avenue  
Medical Associates and doing business as  
Flushing Medical Associates,  
Plaintiffs-Respondents,

M-8298  
Index No. 602236/04

-against-

Prince Development Company, LLC, et al.,  
Defendants,

Roug Kang Wang, Stella Wang, Wang  
Real Estate Property LLC,  
Non-Parties-Appellants.

-----X

Plaintiffs-respondents having moved to dismiss the appeal taken from an order of the Supreme Court, New York County, entered on or about January 23, 2019, or in the alternative, for an extension of time to file a respondents' 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 denied without prejudice to plaintiff raising their substantive arguments on appeal. The appeal is adjourned to the March 2020 Term of this Court, and respondents' time to file their brief is extended to January 29, 2020 for said 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 January 2, 2020.

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

-----X  
In the Matter of

Shilloh Matthew J., also known as  
Shilloh M. J., also known as  
Shilloh J., also known as  
Shailloh J., and  
Khalil Timothy J., also known as  
Khalil T. J., also known as  
Khalil J., and  
Cobey Rymel R., also known as  
Cobey R. R., also known as  
Cobey R., also known as  
Cobey J.,

**CONFIDENTIAL**  
**M-8113**

Children Under 18 Years of Age Docket Nos. B-59/15  
Pursuant to §384(b) and (d) of the Social B-60/15  
Services Law of the State of New York. B-61/15

-----  
Saint Dominic's Family Services, et al.,  
Petitioners-Respondents,

Dwayne R.,  
Respondent-Appellant,

Jamesina M.J.,  
Respondent-Appellant.

-----  
Janet E. Sabel, Esq., The Legal  
Aid Society,  
Attorney for the Children.

-----X

An order of this Court having been entered on June 11, 2019 (M-2278) granting respondent Dwayne R. leave to prosecute, as a poor person, the appeal taken from three orders of the Family Court, Bronx County, entered on or about January 17, 2019, and assigning George Reed, Jr., Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

(M-8113)

-2-

January 2, 2020

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

It is ordered that the motion to relieve George Reed, Jr. as counsel to prosecute the appeal on behalf of respondent-appellant Dwayne R. is granted. Sua Sponte, the appeals taken by respondent-appellant Dwayne R. are dismissed. The perfected appeal by respondent-appellant Jamesina M.J. shall remain extant.

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 January 2, 2020.

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

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

-against-

Joseph Ferrigno,  
Defendant-Appellant.

**M-8397**  
Ind. No. 4821/16

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

-against-

Erin Wicomb,  
Defendant-Appellant.

Ind. No. 4821/16

-----X

Appeals having been taken to this Court from a judgment of the Supreme Court, New York County, rendered on or about March 21, 2019,

And separate orders of a Justice of this Court having been entered on March 28, 2019 granting bail pending appeal and staying the execution of the judgment on condition that the appeals be perfected within 100 days thereof,

And defendants-appellants having moved, on consent of the People, to continue the stays of execution of sentence and bail pending the appeals, and for consolidation of the aforesaid appeals for the purpose of filing a single record and brief, and to calendar the appeals for oral argument on the same date to be heard by the same panel,

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

(M-8397)

-2-

January 2, 2020

It is ordered that the motion is granted to the extent of consolidating the appeals and extending the previously granted stays of execution of sentence and bail upon the original terms and conditions, and upon the further condition appellants perfect their appeals for the May 2020 Term of this Court.

ENTERED:

A handwritten signature in black ink, appearing to read "Susan R. Jones", is written over a horizontal line. The signature is cursive and stylized.

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 January 2, 2020.

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

-----X  
12 East 86th Street LLC,  
Petitioner-Landlord-Appellant,

-against-

Lois Brenner,  
Respondent-Tenant-Respondent.

**M-7900**  
Index No. 570428/18  
L&T No. 58834/16

-----X

Petitioner-Landlord-Appellant having moved for leave to appeal to this Court from the decision and order of the Appellate Term, First Department, entered in the office of the Clerk of the Supreme Court, New York County, on or about May 6, 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

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 January 2, 2020.

Present - Hon. Dianne T. Renwick, Justice Presiding,  
Sallie Manzanet-Daniels  
Jeffrey K. Oing  
Anil C. Singh  
Lizbeth González, Justices.

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

Respondent,

-against-

Fabian Burns,

Defendant-Appellant.  
-----X

**M-8132**

**M-8133**

Ind. Nos. 1492/16  
5091/14

Orders of this Court having been entered on January 4, 2018 (M-6003/Ind. No. 1492/16), and June 29, 2017 (M-1476/ Ind. No. 5091/14), granting defendant leave to prosecute, as a poor person, the appeals taken from judgments of the Supreme Court, New York County, rendered on or about April 10, 2017 (Ind. No. 1492/16) and May 7, 2015 (Ind. No. 5091/14), and assigning Christina Swarns, Esq., Office of the Appellate Defender, as counsel to prosecute the appeals; and separate motions (M-8132/Ind. No. 1492/16 and M-8133/ Ind. No. 5091/14) having been made to relieve such counsel or, in the alternative, to dismiss the appeals without prejudice to reinstatement,

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

It is ordered that the motions are granted to the extent of deeming the appeals withdrawn (M-8132/M-8133).

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 January 2, 2020.

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

-----x  
IKB International S.A. in Liquidation  
and IKB Deutsche Industriebank AG,  
Plaintiffs-Appellants,

-against-

Index No. 653964/12  
Action No. 1

Morgan Stanley, et al.,  
Defendants-Respondents.

-----x  
IKB International S.A. in Liquidation  
and IKB Deutsche Industriebank AG,  
Plaintiffs-Appellants,

-against-

**M-3853**  
Index No. 653122/11  
Action No. 2

Credit Suisse Securities (USA) LLC  
etc., et al.  
Defendants-Respondents.

-----x

Appeals having been taken in Action No. 1 and Action No. 2 from orders of the Supreme Court, New York County, both entered on or about June 21, 2019, and plaintiffs-appellants having moved to consolidate the 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 and movant is directed to prosecute the appeals upon an original and five hard copies of one reproduced full record, and an original and five hard copies of one appellant's brief and, if represented by counsel, one digital copy of the record and brief, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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 January 2, 2020.

Present - Hon. Dianne T. Renwick, Justice Presiding,  
Angela M. Mazzairelli  
Barbara R. Kapnick  
Troy K. Webber, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

M-8385  
Ind. No. 1848/17

Eduardo Bedford,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for an extension of time in which to file a notice of appeal from a judgment of the Supreme Court, Bronx County, rendered on or about May 24, 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 deeming the moving papers a timely filed notice of 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 January 2, 2020.

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

-----X

Otis Mcrae,  
Plaintiff-Respondent,

-against-

M-8530

Index No. 156554/15

EPS Iron Works, Inc.,  
Defendant-Respondent,

-and-

Chelsea Piers L.P. and  
Chelsea Piers Management Inc.,  
Defendants-Appellants,

-and-

John Doe Corporation,  
Defendant.

-----X

EPS Iron Works, Inc.,  
Third-Party Plaintiff-Respondent,

-against-

Sterling Iron Works LLC,  
Third-Party Defendant-Respondent.

-----X

Defendants-appellants 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, New York County, entered on or about March 25, 2019, and said appeal having been perfected,



(M-8530)

-2-

January 2, 2020

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 January 2, 2020.

Present - Hon. Dianne T. Renwick, Justice Presiding,  
Angela M. Mazzarelli  
Troy K. Webber  
Ellen Gesmer, Justices.

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

-against-

Amit Patel,  
Defendant-Appellant.

**M-2691**  
Ind. Nos. 1483/12  
5125/12

-----X

A decision and order of this Court having been entered on April 17, 2018 (Appeal No. 6301), unanimously affirming a judgment of the Supreme Court, New York County (Michael Sonberg, J.), rendered on January 28, 2016,

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

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

It is ordered that said application is denied.

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 January 2, 2020.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Judith J. Gische  
Angela M. Mazzarelli  
Ellen Gesmer, Justices.

-----X  
Silverboys, LLC, Henry Silverman  
and Karen Silverman,  
Plaintiffs-Respondents,

-against-

M-8256  
Index No. 653874/14

Custom F/X, Inc.,  
Defendant-Appellant,

-and-

Yianni Skordas, et al.,  
Defendants.

-----X

Defendant-appellant, Custom F/X, Inc., 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 February 13, 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 May 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 January 2, 2020.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Judith J. Gische  
Ellen Gesmer  
Cynthia S. Kern  
Lizbeth González, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

**M-8145**

Ind. No. 2806/17

Stephon Duncan,  
Defendant-Appellant.

-----X

The People having moved for an order dismissing defendant's appeal taken from a judgment of the Supreme Court, New York County, rendered on or about February 15, 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.

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 January 2, 2020.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Judith J. Gische  
Ellen Gesmer  
Cynthia S. Kern  
Lizbeth González, Justices.

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

Respondent,

-against-

**M-8214**  
SCI. No. 1578/13

Michael Adams,

Defendant-Appellant.  
-----X

Defendant having moved for an extension of time in which to file a notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about September 23, 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 deeming the moving papers a timely filed notice of 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 January 2, 2020.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Judith J. Gische  
Ellen Gesmer  
Cynthia S. Kern  
Lizbeth González, Justices.

-----x  
Amedeo Angiolillo, a citizen of Italy;  
Renato Angiolillo, Jr., a citizen of  
Italy; Luigi Angiolillo, a citizen of  
Italy; Olga Angiolillo, a citizen of  
Italy; and Patrizia Angiolillo, a citizen  
of Italy,  
Plaintiffs-Respondents,

-against-

**M-8394**  
Index No. 650871/15

Christie's Inc. a New York Corp.;  
Investel Finance, LTD., a British Virgin  
Islands Company; ISHAIA Trading Corp., a  
New York Corp.; Ishaia Gol, an individual;  
David Gold, an individual,  
Defendants-Appellants,

Diamfield, LTD., a BVI Company; Herve  
Fontaine, an individual; Pelham Holdings,  
LLC, a New York LLC; Guy Bennett, an  
individual,  
Defendants.

-----x  
Appeals having been taken to this Court from two orders of the Supreme Court, New York County, entered on or about April 26, 2019 and October 17, 2019, the appeal from the April 26, 2019 order having been perfected,

And plaintiffs-respondents having moved for an order directing defendants-appellants to perfect the appeal taken from the order entered October 17, 2019 for the May 2020 Term, to calendar both appeals for a joint hearing within the May 2020 Term, for a calendar preference for the May 2020 Term, and permitting plaintiffs-respondents to file a single brief in response to both 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 directing defendants-appellants to perfect the appeal taken from the order entered October 17, 2019 for the May 2020 Term, to which Term the appeal from the order entered April 26, 2019 has been adjourned. A calendar preference for both appeals is granted for the May 2020 Term and plaintiffs-respondents are permitted to file a single brief in opposition to the direct appeals.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 2, 2020.

PRESENT: Hon. Rosalyn H. Richter, Justice Presiding,  
Judith J. Gische  
Ellen Gesmer  
Cynthia S. Kern  
Lizbeth González, Justices.

-----X

Michael Broderick and Ilene Broderick,  
Plaintiffs-Respondents,

-against-

M-8461  
Index No. 302512/12

Edgewater Park Owners Cooperative, Inc.,  
Defendant-Appellant,

Edgewater Park Athletic Assoc., Inc.,  
Edgewater Park Volunteer Hose Co. No. 1,  
Inc., and Edgewater Athletic Association  
Corp.,  
Defendants.

-----X

Defendant-appellant, Edgewater Park Owners Cooperative, Inc., having moved for a stay of the trial pending hearing and determination of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about July 16, 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.

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 January 2, 2020.

PRESENT: Hon. Sallie Manzanet-Daniels, Justice Presiding,  
Ellen Gesmer  
Jeffrey K. Oing  
Peter H. Moulton  
Lizbeth González, Justices.

-----X

Maria Alexis Azria,  
Plaintiff-Appellant,

-against-

Rene-Pierre Azria,  
Defendant-Respondent.

-----X

**Confidential**

**M-8377**

Index No. 350021/17

Plaintiff-appellant having moved for a stay of all proceedings in Supreme Court, and to restore an injunction enjoining the law firm of Dobrish Michaels Gross LLP from having any discussions concerning the instant case with defendant-respondent or with attorneys at the law firm of Donohoe Talbert LLP, pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about November 15, 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 staying all proceedings in the Supreme Court pending determination of the aforesaid appeal on the condition the appeal is perfected for the April 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 January 2, 2020.

PRESENT: Hon. Sallie Manzanet-Daniels, Justice Presiding,  
Ellen Gesmer  
Jeffrey K. Oing  
Peter H. Moulton  
Lizbeth González, Justices.

-----X

Ashiya Dudhia,  
Plaintiff-Appellant,

-against-

Niraj Agarwal,  
Defendant-Respondent.

-----X

**Confidential**

**M-8466**

Index No. 305847/17

Plaintiff-appellant having moved for a stay of all proceedings in Supreme Court pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about November 14, 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 on the condition the appeal is perfected for the April 2020 Term.

ENTERED:

  
\_\_\_\_\_  
CLERK