

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 September 17, 2020.

Present - Hon. David Friedman, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Jeffrey K. Oing, Justices.

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

-against-

Cheichk Fall,
Defendant-Appellant.

M-285

M-8517

Ind. Nos. 4476/16
2267/16

-----X

Defendant-appellant having moved for leave to file a late notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about May 18, 2019, under Indictment Nos. 4476/16 and 2267/16, for leave to prosecute the appeal as a poor person, for assignment of 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 deeming the Notice of Appeal as timely filed and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 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.

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 September 17, 2020.

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

-----X
Nicholas Wilder,
Plaintiff-Appellant,

-against-

M-962
Index No. 100841/18

Fresenius Medical Care Holdings, Inc.
doing business as Fresenius Medicare
Care North America, et al.,
Defendants-Respondents.

-----X

An appeal having been taken to this Court from orders of the Supreme Court, New York County, entered on or about January 10, 2020 and on or about August 16, 2019,

And plaintiff-appellant having moved for an order: (i) staying the underlying proceeding in this matter, and (ii) enjoining defendants from terminating his medical treatment pending the hearing and determination of the appeal,

And an interim stay having been granted by an order of a Justice of this Court dated February 7, 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 for a stay is denied. The interim stay granted by an order of a Justice of this Court, dated February 7, 2020, shall continue for a period of sixty days from the date of this order to allow plaintiff-appellant to find alternative providers for his medical condition, and is thereafter vacated.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 17, 2020.

Present - Hon. David Friedman, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Lizbeth González, Justices.

-----X

In Rem Tax Foreclosure Action No.52
Borough of Bronx,
Section 9, 10, 11, 12, 14, 15 and 16,
Tax Classes 1 and 2,
Plaintiff-Respondent,

-against-

M-1057
Index No. 40000/15

1966 University Avenue, HDFC,
Defendant-Appellant.

-----X

Defendant-appellant having moved for an extension of time in which to perfect the appeal taken to this Court from an order of the Supreme Court, Bronx County, entered on or about July 9, 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 in which to perfect the appeal to the February 2021 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 September 17, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Dianne T. Renwick
Troy K. Webber
Lizbeth González, Justices.

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

-against-

M-1072
Ind. No. 4884/15

Michael Wisdom,
Defendant-Appellant.

-----x

Defendant-appellant having moved for an extension of time in which to perfect the appeal taken to this Court from the judgment of the Supreme Court, New York County, rendered on or about November 2, 2017,

Now, upon reading and filing the papers with respect to the motion, and the Stipulation of the Parties hereto, dated February 19, 2020, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of extending the time in which to perfect the appeal to the February 2021 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 September 17, 2020.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Troy K. Webber
Angela M. Mazzarelli
Cynthia S. Kern
Peter H. Moulton, Justices.

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

- - - - -
Carlos L.,
Petitioner-Respondent,

CONFIDENTIAL

M-1544

Docket Nos. V-18851-52/17
V-18851-52-17/18A

-against-

Eva P.,
Respondent-Appellant.

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

- - - - -
Eva P.,
Petitioner-Appellant,

Docket No. V-16821-22/17

-against-

Carlos L.,
Respondent-Respondent.

-----X
An appeal having been taken from an order of the Family Court, Bronx County, entered on or about July 8, 2019, and said appeal having been perfected,

And counsel for the subject children having moved for leave to file a supplemental brief,

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

Ordered that the motion is granted to the extent of adjourning the perfected appeal to the December 2020 Term, and

(M-1544)

-2-

September 17, 2020

granting the Children leave to file an original and five copies of their supplemental brief on or before October 9, 2020 for said Term. Sua sponte, petitioner father is granted leave to file a reply brief on or before November 9, 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 September 17, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

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

-against-

M-1926
Ind. No. 3291/07

Anthony Mack,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on February 9, 2012 (Appeal No. 6761), unanimously affirming a judgment of the Supreme Court, New York County (Renee A. White, J.), rendered on February 22, 2008, as amended on April 2, 2008,

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 the 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 September 17, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X
Mark LaRocca, as Administrator for the
Estate of Richard M. LaRocca,
Plaintiff-Respondent,

-against-

M-2082
Index No. 190404/18

A.O. Smith Water Products Co.,
et al.,
Defendants,

-and-

Belden Wire & Cable Company, LLC,
Defendant-Appellant.

-----X
An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about November 26, 2019,

Now, upon reading and filing the correspondence from counsel for defendant-appellant dated June 16, 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 September 17, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X
Dorrine Keith,
Plaintiff-Respondent,

-against-

New York City Housing Authority,
Defendant-Appellant

M-2083
Index No. 153880/16

-and-

The City of New York,
Defendant.

-----X

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about June 1, 2020,

Now, upon reading and filing the correspondence from counsel for defendant-appellant dated June 19, 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 September 17, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X

Naom Izhakiy, et al.,
Plaintiffs,

-against-

Peri Avitan, et al.,
Defendants.

M-2084
Index No. 155270/17

- - - - -

Peri Avitan, et al.,
Third-Party Plaintiffs-Respondents,

-against-

Cain Real Estate LLC,
Third-Party Defendant-Appellant.

-----X

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about February 4, 2020,

Now, upon reading and filing the correspondence from counsel for third-party defendant-appellant dated June 19, 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 September 17, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X
Kushner Realty Acquisition LLC,
Plaintiff-Appellant,

-against-

M-2087
Index No. 652886/19

Paul Stallings, et al.,
Defendants-Respondents,

Fidelity National Title Insurance Co.,
Nominal Defendant.

-----X

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

Now, upon reading and filing the correspondence from counsel for plaintiff-appellant dated June 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 September 17, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X
Shanghai Nonobank Financial Information
Service Company, Ltd.,
Plaintiff-Respondent,

-against-

Yang Jie,
Defendant,

M-2088
Index No. 653834/18

-and-

Yi Lin,
Defendant-Appellant.

-----X

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

Now, upon reading and filing the Notice of Withdrawal from counsel for defendant-appellant dated June 23, 2020, and due deliberation having been had thereon,

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

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 September 17, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X

Anibelca Nunez,
Plaintiff-Respondent,

-against-

Ramon Madera, et al.,
Defendants-Appellants,

M-2100
Index No. 305266/13

-and-

Jasmin Placeres, et al.,
Defendants.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about July 29, 2019,

Now, upon reading and filing the stipulation of the parties hereto, dated January 16, 2020, and due deliberation having been had thereon,

It is ordered that the perfected 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 September 17, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X
John Higgins,
Plaintiff-Respondent-Appellant,

-against-

M-2101
Index No. 152406/16

Legacy Yards Tenant, LLC, et al.,
Defendants-Appellants-Respondents.
-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about May 2, 2019,

Now, upon reading and filing the stipulation of the parties hereto, dated February 24, 2020, and due deliberation having been had thereon,

It is ordered that the perfected appeal and cross appeal are 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 September 17, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

-----X
Maria Campbell,
Plaintiff-Respondent

-against-

M-2116
Index No. 300772/12

St. Barnabas Hospital,
Defendant-Appellant.
-----X

An appeal having been taken to this Court from a judgment of the Supreme Court, Bronx County, entered on or about February 13, 2020,

And defendant-appellant having moved to stay enforcement of the aforesaid judgment pending the hearing and determination of the appeal taken therefrom and the final resolution of any post appeal motions,

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

It is ordered that the motion is granted to the extent that the enforcement of the judgment is stayed, pending the hearing and determination of 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 September 17, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X
In the Matter of the Guardianship of
the Person and Custody of

Katrina S.
Diana S., and
Milagros S.,

Dependent Children Under 18 Years of
Age Pursuant to §384-b of the Social
Services Law of the State of New York.

CONFIDENTIAL

M-2120

Docket Nos. B-30312-16
B-30313-16
B-30348-16

Administration for Children's Services
and Coalition for Hispanic Family
Services,
Petitioners-Respondents,

Federico S.,
Respondent-Appellant.

Kristin Kimmel, Esq., Lawyers for
Children, Attorney for the Children.

-----X
An appeal having been taken from the order of the Family Court, New York County, entered on or about July 27, 2018,

Now, upon reading and filing the stipulation of the parties hereto, dated June 16, 2020, and due deliberation having been had thereon,

It is ordered that the 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 September 17, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X
David Morgan,
Plaintiff-Respondent,

-against-

Ashoke Das, M.D., et al.,
Defendants-Respondents,

M-2184
Index No. 22501/12E

-and-

Estate of David Gitler, M.D., PHD,
Defendant-Appellant.

-----X

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about October 9, 2019,

Now, upon reading and filing the correspondence from counsel for defendant-appellant dated June 30, 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 September 17, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X
Annabella Murphy, as Administrator of
the Estate of Charles Murphy, etc.,
Plaintiff-Respondent,

-against-

M-2186
Index No. 805387/18

Aaron Metrikin, M.D.,
Defendant-Appellant.

-----X

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

Now, upon reading and filing the correspondence from counsel for defendant-appellant dated June 30, 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 September 17, 2020.

PRESENT: Hon. David Friedman, Justice Presiding,
Dianne T. Renwick
Barbara R. Kapnick
Jeffrey K. Oing, Justices.

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

-against-

M-2234
Ind. No. 230/14

Jovanny Paulino,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on May 9, 2019 (Appeal No. 9271), unanimously affirming a judgment of the Supreme Court, New York County (Robert Mandelbaum, J.), rendered on August 5, 2016,

And defendant-appellant having moved in this Court to vacate the aforesaid judgment pursuant to CPL 440.10,

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 dismissed. This Court is not the proper venue for the specific relief requested.

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 September 17, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X
Marc Fisher LLC, et al.,

Plaintiffs-Appellants,

-against-

Milberg Factors, Inc.,

Defendant-Respondent.
-----X

M-2255
Index No. 656276/17

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

Now, upon reading and filing the stipulation of the parties hereto, filed in this Court on July 2, 2020, and due deliberation having been had thereon,

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 September 17, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X
Fifth Ave. Center, LLC,
Plaintiff-Appellant,

-against-

M-2256
Index No. 652724/15

Dryland Properties, LLC,
Defendant-Respondent.

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

-----X
An appeal having been taken to this Court by plaintiff-appellant Fifth Ave. Center, LLC and third-party defendant-appellant Manhattan Medical Development LLC from the order of the Supreme Court, New York County, entered on or about January 3, 2020,

Now, upon reading and filing the correspondence from counsel for appellants dated July 2, 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 September 17, 2020.

PRESENT: Hon. Barbara R. Kapnick, Justice Presiding,
Cynthia S. Kern
Anil C. Singh
Peter H. Moulton
Lizbeth González, Justices.

-----X
Louis Demetro and Nancy Demetro,
Plaintiffs-Appellants-Respondents,

-against-

M-2393
Index No. 16277/06

Dormitory Authority of the State
of New York, Bovis Lend Lease LMB,
Inc., Center Sheet Metal, Inc.,
Defendants-Respondents-Appellants,

The Cannon Corporation, doing
business as Cannon Design,
Defendant-Respondent-Appellant,

Martin Associates, Inc.,
Defendant-Respondent-Appellant

LP. Gans Sales Company, Inc., Blue
Diamond Sheet Metal, Inc. and Metal-Fab,
Inc.,
Defendants.

-----X
AND THIRD PARTY ACTIONS
-----X

Appeals having been taken to this Court from an order of the Supreme Court, Bronx County, entered on or about October 29, 2019,

And plaintiffs-appellants-respondents, having moved for an extension of time to perfect their appeals and the appeals of defendants-respondents-appellants Dormitory Authority of the State of New York, Bovis Lend Lease LMB, Inc., Center Sheet Metal, Inc., the Cannon Corporation doing business as Cannon Design, and Martin Associates, Inc., and fourth third-party defendant-respondent-appellant Analytical & Combustion Systems,

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 appeals to the February 2021 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 September 17, 2020.

PRESENT: Hon. Barbara R. Kapnick, Justice Presiding,
Cynthia S. Kern
Anil C. Singh
Peter H. Moulton
Lizbeth González, Justices.

-----X
Michael Youwanes,
Plaintiff-Respondent,

-against-

M-2405
Index No. 805038/17

Douglas Steinbrech, M.D. and
Gotham Plastic Surgery, PLLC,
Defendants-Appellants.

-----X

An appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about August 6, 2019,

And defendants-appellants having moved to vacate the dismissal of said appeal and, upon reinstatement, for an extension of time in which to perfect 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, the dismissal vacated, the appeal reinstated, and the time to perfect said appeal is extended to the February 2021 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 September 17, 2020.

Present - Hon. Barbara R. Kapnick, Justice Presiding,
Cynthia S. Kern
Anil C. Singh
Peter H. Moulton
Lizbeth González, Justices.

-----X
In re October 31, 2017 Terrorist
Attack/Lower Manhattan Litigation,

Louis Grandelli, As Administrator of the
Estate of Ariel Erlij, deceased, et al.,
Plaintiffs-Respondents,

-against-

M-2417
Index No. 160013/18

The City of New York, Hudson River
Park Trust, et al.,
Defendants-Respondents,

Home Depot U.S.A., Inc.
Defendant,

Leesel Transportation Corp.,
Defendant-Appellant.

-----X

An appeal having been taken to this Court by Leesel Transportation Corp. from an amended order of the Supreme Court, New York County, entered on or about October 7, 2019; and said defendant having moved to vacate the dismissal of the appeal, and upon reinstatement, for an extension of time in which to perfect said 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, the dismissal vacated, the appeal reinstated, and the time to perfect said appeal is extended to the February 2021 Term of this Court; no further extensions are 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 September 17, 2020.

Present - Hon. Barbara R. Kapnick, Justice Presiding,
Cynthia S. Kern
Anil C. Singh
Peter H. Moulton
Lizbeth González, Justices.

-----X
Entech Engineering, P.C.,
Plaintiff-Appellant,

-against-

M-2418

Index No. 653172/15

Dewberry Engineers Inc. and Hartford
Fire Insurance Company,
Defendants-Respondents.

-----X

Three separate appeals having been taken to this Court from the same order of the Supreme Court, New York County, entered on or about October 16, 2019 (Mot. Seq. No. 001, Case No. 2020-00023; Mot. Seq. No. 003, Case No. 2020-00046; and Mot. Seq. No. 004, Case No. 2020-00024),

And plaintiff-appellant having moved to vacate the dismissal of said appeals, and upon reinstatement, for an extension of time in which to perfect 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, the dismissals vacated, the appeals reinstated, and the time to perfect the appeals, which are hereby consolidated, is extended to the February 2021 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 September 17, 2020.

PRESENT: Hon. Barbara R. Kapnick, Justice Presiding,
Cynthia S. Kern
Anil C. Singh
Peter H. Moulton
Lizbeth González, Justices.

-----X

In the Matter of the Application of
Police Officer Zeeshan Ahmed,
Petitioner-Appellant,

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

-against-

M-2421
Index No.100202/19

James P. O'Neil, as Police Commissioner
of the City of New York, The Police
Department of the City of New York and
The City of New York,
Respondents-Respondents.

-----X

An appeal having been taken to this Court from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about August 27, 2019,

And petitioner-appellant having moved for an extension of time in which to perfect the aforesaid appeal,

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

It is ordered that the motion is granted to the extent of extending the time to perfect the appeal to the February 2021 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 September 17, 2020.

Present - Hon. Barbara R. Kapnick, Justice Presiding,
Cynthia S. Kern
Anil C. Singh
Peter H. Moulton
Lizbeth González, Justices.

-----x

The People of the State of New York,
Respondent,

M-2429

Ind. No. 4903/12

-against-

Christopher Wilson,
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 July 31, 2015,

And defendant-appellant having moved for an extension of time in which to perfect 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 to the extent of extending the time in which to perfect the appeal to the February 2021 Term of this Court.

ENTERED:


CLERK

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

BEFORE: Hon. Manuel J. Mendez
Justice of the Appellate Division

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

M-02694
Ind. No. 3587/2014

-against-

CERTIFICATE
DENYING LEAVE

Damien Fraser,

Defendant.

-----X

I, Manuel J. Mendez, a Justice of the Appellate Division, First Judicial Department, certify that, upon the application of the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 440.10(1)(f), (g) and (h) and 460.15, 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 (Newbauer, J.), entered on or about July 14, 2020 is denied.

Dated: September 10, 2020
New York, New York



Hon. Manuel J. Mendez
Associate Justice

ENTERED: September 17, 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 September 17, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X
Rudd Mechanical Associates, Inc.,
Plaintiff-Appellant,

-against-

M-2889
Index No. 656127/18

ZDG, 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 January 06, 2020,

And plaintiff-appellant having moved to vacate the dismissal of the appeal, pursuant to 22 NYCRR 1250.10(c) and, upon vacatur, for an extension of time to perfect same,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from the attorneys for plaintiff-appellant, dated September 10, 2020, and due deliberation having been had thereon,

It is ordered that the motion 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 September 17, 2020.

PRESENT: Hon. Barbara R. Kapnick, Justice Presiding,
Cynthia S. Kern
Anil C. Singh
Peter H. Moulton
Lizbeth González, Justices.

-----X

Grace Delibero,
Plaintiff-Appellant,

M-2449

M-2450

-against-

Index No. 156196/13

Michael P. Duloc, et al.,
Defendants-Respondents.

-----X

Appeals having been taken to this Court from an order of the Supreme Court, New York County, entered on or about September 27, 2019, and from a subsequent judgment, same Court, entered on or about October 21, 2019,

And plaintiff-appellant having moved, by separate motions, for extensions of time in which to perfect the aforesaid appeals, and for other relief,

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 deemed to include requests to vacate the dismissal of the appeals (see, 22 NYCRR 1250.10[c]) and, as such, are granted, the dismissals vacated, the appeals reinstated, and the time to perfect said appeals is extended to the February 2021 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 September 17, 2020.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Judith J. Gische
Barbara R. Kapnick
Cynthia S. Kern
Peter H. Moulton, Justices.

-----X

Yevgeniya Khatskevich,
Plaintiff-Respondent,

-against-

M-2473
Index No. 151658/14

Adam Victor,
Defendant-Appellant,

Transgas Energy Systems Corp., et al.,
Defendants.

-----X

Plaintiff-respondent having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on June 18, 2020 (Appeal Nos. 11685-11685A),

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 September 17, 2020.

Present - Hon. Barbara R. Kapnick, Justice Presiding,
Cynthia S. Kern
Anil C. Singh
Peter H. Moulton
Lizbeth González, Justices.

-----X

Robert Canzoneri,
Plaintiff-Appellant,

M-2477

Index No. 114128/09

-against-

The City of New York, New York City
Department of Sanitation, A&F Fire
Protection Co., Inc., Tully
Construction Co., Inc. and Dart
Mechanical Corp.,
Defendants-Respondents.

-----X

[And Third-Party Actions]

-----X

An appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about October 31, 2019; and defendant Dart Mechanical Corp. having moved to dismiss said 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 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 September 17, 2020.

PRESENT: Hon. Barbara R. Kapnick, Justice Presiding,
Cynthia S. Kern
Anil C. Singh
Peter H. Moulton
Lizbeth González, Justices.

-----X
United States National Association,
etc.,
Plaintiff-Respondent,

-against-

M-2509
Index No. 32349/17E

Mark Abu,
Defendant-Appellant,

New York City Environmental
Control Board, 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 April 16, 2019,

And defendant-appellant having moved to vacate the dismissal of the appeal and, upon reinstatement, for an extension of time in which to perfect said 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, the dismissal vacated, the appeal reinstated, and the time to perfect said appeal is extended to the February 2021 Term of this Court. The stay of enforcement of the April 16, 2019 order, granted by this Court on March 19, 2020 (M-771), is continued on condition the appeal is perfected 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 September 17, 2020.

PRESENT: Hon. Barbara R. Kapnick, Justice Presiding,
Cynthia S. Kern
Anil C. Singh
Peter H. Moulton
Lizbeth González, Justices.

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

-against-

M-2518
Ind. No. 1367/16

Trenton Pointer,
Defendant-Appellant.

-----X

An order of this Court having been entered on April 16, 2019 (M-936) 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 November 1, 2018, and assigning Janet E. Sabel, Esq., The Legal Aid Society, as counsel to prosecute the appeal; and an order of this Court having been entered on September 3, 2019 (M-2627) relieving Janet E. Sabel, Esq. as assigned counsel for defendant, and substituting Steven A. Feldman, Esq., in her place,

And a motion having been made by defendant to relieve Steven A. Feldman, Esq., as assigned 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 Steven A. Feldman, Esq., as assigned counsel to prosecute defendant's appeal, and, pursuant to Section 722 of the County Law, substituting Donald E. Cameron, Esq., 139 Fulton Street, Suite 510, New York, NY 10038, Tel. No. 212-233-3348,, 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 September 17, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X
In the Matter of

Nathan N.,

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

Confidential
M-2520
Docket No. NA-08881/19

Administration For Children's Services,
Petitioner-Respondent,

Damaris V.,
Respondent-Appellant,

Christian R.,
Respondent,

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal taken to this Court from an order of the Family Court, Bronx County, entered on or about June 23, 2020, 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 Lisa M. Licata, Esq., dated July 17, 2020, 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, Randall Carmel, Esq., 410 Jericho Turnpike, Suite 302, Jericho, New York 11753, Telephone No. 603-313-1951, 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 therefor¹ **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) directing appellant 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:


CLERK

¹Service 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 September 17, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X
In the Matter of

Malik T. W. and Idris A. W.,

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

Confidential

M-2521

Docket Nos. NN-03905/18
NN-03906/18

Administration for Children's Services
Petitioner-Respondent,

Diadou W.,
Respondent-Appellant,

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeals taken to this Court from orders of the Family Court, New York County, entered on or about July 18, 2019 and January 10, 2020, 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 Alodie Efamba, Esq., dated June 10, 2020, 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, Larry Bachner, Esq., 39 Broadway,

Suite 1610, New York, New York 10006, Telephone No. 917-674-9516, as counsel for purposes of prosecuting the appeals; (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 therefor¹ **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) directing appellant to perfect the appeals, 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:


CLERK

¹Service 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 September 17, 2020.

PRESENT: Hon. Barbara R. Kapnick, Justice Presiding,
Cynthia S. Kern
Anil C. Singh
Peter H. Moulton
Lizbeth González, Justices.

-----X

In the Matter of
Council of Chelsea Block Associations,
William Borock, President, et al.,
Petitioners-Appellants,

-against-

M-2526

Index No. 156153/19

Polly Trottenberg, as Commissioner
of the City of New York Department
of Transportation,
Respondent-Respondent.

-----X

Respondent-respondent having moved to dismiss the appeal taken to this Court from an order of the Supreme Court, New York County, entered on or about August 7, 2019, 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 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 September 17, 2020.

PRESENT: Hon. Barbara R. Kapnick, Justice Presiding,
Cynthia S. Kern
Anil C. Singh
Peter H. Moulton
Lizbeth González, Justices.

-----X
Trinity NYC LLC,
Petitioner-Respondent,

M-2529

-against-

Index No. 150665/20

Metropolitan Transportation Authority,
et al.,
Respondents-Appellants.

-----X
Metropolitan Transportation
Authority,
Petitioner-Plaintiff-Appellant,

-against-

Anthony T. Rinaldi, LLC, et al.,
Respondents-Defendants-Respondents.

-----X

Appeals having been taken from an order of the Supreme Court, New York County, entered on or about March 26, 2020, and from an order of the same court entered on or about June 12, 2020, which granted preliminary injunctions,

And respondent-appellant/petitioner-plaintiff-appellant Metropolitan Transportation Authority and respondent-appellant New York City Transit Authority having moved for an order, modifying the aforesaid preliminary injunctions orders, by increasing the amount of the undertaking set by those orders to a sum of not less than \$10 million,

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 September 17, 2020.

Present - Hon. Barbara R. Kapnick, Justice Presiding,
Cynthia S. Kern
Anil C. Singh
Peter H. Moulton
Lizbeth González, Justices.

-----X
Milton Goya,
Plaintiff-Respondent,

-against-

Longwood Housing Development Fund Company,
Inc., A.A.D. Construction Corp., and
Melcara Corp.,
Defendants-Respondents-Appellants.

M-2534
Index Nos. 23359/14E
43017/16E
43120/16E
43142/16E
43252/16E
43282/16E

-----X
Longwood Housing Development Fund Company, Inc.,
Third-Party Plaintiff-Respondent-Appellants,

-against-

Triboro Maintenance Corporation and
Aim Construction of NY Inc.,
Third-Party Defendants-Respondents-Appellants.

-----X
Triboro Maintenance Corporation,
Second Third-Party Plaintiff-Respondent-
Appellant,

-against-

Clark & Wilkins Industries, Inc.
Second Third-Party Defendant-
Respondent-Appellant.

-----X
Longwood Housing Development Fund
Company, Inc.,
Third Third-Party Plaintiff-Appellant,

-against-

Clark & Wilkins Industries, Inc.,
Third Third-Party Defendant-Respondent-
Appellants

-----X

-----X
 Clark & Wilkins Industries, Inc.,
 Fourth Third-Party Plaintiff-Respondent-
 Appellant,

-against-

Cross Contracting, Inc. and Cross
 Contracting Corp .,
 Fourth Third-Party Defendants-Appellants.

-----X
 Longwood Housing Development Fund
 Company , Inc. ,
 Fifth Third-Party Plaintiff-Respondent-
 Appellant,

-against-

Cross Contracting, Inc. and Cross
 Contracting Corp.,
 Fifth Third-Party Defendants-Appellants.

-----X

Appeals having been taken to this Court by fourth and fifth third-party defendants Cross Contracting, Inc. and Cross Contracting Corp. from orders of the Supreme Court, Bronx County, entered on or about June 5, 2019 and June 6, 2019, and a judgment of the same court, entered on or about July 3, 2019 (Case Nos. 2019-22658, 2019-22659, 2019-05531), and said appeals having been perfected,

And an appeal having been taken to this Court by defendant A.A.D. Construction Corp. from an order of the same court entered June 5, 2019 (Case No. 2019-22660), and the appeal having been perfected,

And an appeal having been taken to this court by third-party defendant AIM Construction of NY, Inc. from an order of the same court entered June 5, 2019 (Case No. 2019-05532), and the appeal having been perfected,

And appeals having been taken by fourth and fifth third-party defendants Cross Contracting, Inc. and Cross Contracting Corp., defendant A.A.D. Construction Corp., defendant Melcara Corp., third-party defendant/second third plaintiff, Triboro Maintenance Corp. and defendant/third third party plaintiff Longwood Housing Development Fund Company, Inc. from an order of

the same court entered on or about June 5, 2019 (Case Nos. 2019-22657), and said appeals having been perfected,

And an appeal having been taken by second and third-party/defendant/fourth third party plaintiff Clark & Wilkins Industries, Inc., from an order of the same court, entered on or about June 5, 2019 (Case No. 2020-00297), and the appeal having been perfected,

And fourth and fifth party defendant-appellant, Cross Contracting, Inc. having moved for an order consolidating the aforesaid appeals for the purposes of oral argument and decision,

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 Clerk is directed to calendar the aforesaid appeals to be heard together on the same date of the December 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 September 17, 2020.

Present - Hon. Barbara R. Kapnick, Justice Presiding,
Cynthia S. Kern
Anil C. Singh
Peter H. Moulton
Lizbeth González, Justices.

-----X

Susan Vente,
Plaintiff-Appellant,

M-2537

M-2604

-against-

Index No. 151644/19

The City of New York,
Defendant-Respondent.

-----X

An appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about January 22, 2020, and said appeal having been perfected,

And defendant-respondent having moved to dismiss the aforesaid appeal or, in event this Court declines to dismiss the appeal, for an adjournment of the appeal to allow defendant-respondent to submit a respondent's brief addressing the merits (M-2537),

And plaintiff-appellant having cross-moved to deem the notice of appeal an application for leave to appeal (M-2604),

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

It is ordered that defendant-respondent's motion is denied to the extent it seeks to dismiss the appeal, without prejudice to addressing the issue directly on appeal; the motion is granted to the extent the appeal is adjourned to the December 2020 Term of this Court (M-2537), and

(M-2537 & M-2604)

-2-

September 17, 2020

It is further ordered that the cross motion is denied without prejudice to plaintiff-appellant addressing the issue directly on appeal (M-2604).

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 September 17, 2020.

PRESENT: Hon. Barbara R. Kapnick, Justice Presiding,
Cynthia S. Kern
Anil C. Singh
Peter H. Moulton
Lizbeth González, Justices.

-----X

Gary Gartenberg,
Plaintiff-Respondent-Appellant,

-against-

M-2540
Index No. 154159/17

Driton LLC, doing business as Ninos
Ristorante Italiano,
Defendant-Appellant-Respondent,

Supreme Company I LLC and Arbesa
Rest. Corp.,
Defendants-Respondents.

-----X

An appeal and cross appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about October 7, 2019, and said appeals having been perfected,

And defendant-appellant-respondent having moved for an order staying the underlying proceedings in this matter pending the hearing and determination of the aforesaid appeals,

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

It is ordered that the motion is 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 September 17, 2020.

PRESENT: Hon. Barbara R. Kapnick, Justice Presiding,
Cynthia S. Kern
Anil C. Singh
Peter H. Moulton
Lizbeth González, Justices.

-----X
The Committee for Environmentally
Sound Development and the Municipal
Art Society of New York,
Petitioners-Plaintiffs-Respondents,

-against-

M-2544
Index No. 157273/19

Amsterdam Avenue Redevelopment Associates
LLC, New York City Board of Standards and
Appeals and New York City Department of
Buildings,
Respondents-Defendants-Appellants.
-----X

Appeals having been taken to this Court from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about February 27, 2020, and said appeals having been perfected,

And the New York Building Congress, Inc. having moved for leave to file a brief amicus curiae in connection with the aforesaid appeal,

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

It is ordered that the motion is granted to the extent of directing the New York Building Congress, Inc. to serve and file the original and requisite number of copies of the amicus curiae brief submitted with the moving papers as provided in 22 NYCRR 1250.9.

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 September 17, 2020.

Present - Hon. Barbara R. Kapnick, Justice Presiding,
Cynthia S. Kern
Anil C. Singh
Peter H. Moulton
Lizbeth González, Justices.

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

-against-

M-2559

Ind. No. 3736/17

Victor Ledezma,
Defendant-Appellant.

-----X

Defendant having moved for an extension of time in which to perfect the appeal taken to this Court from the judgment of the Supreme Court, New York County, rendered on or about October 31, 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 February 2021 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 September 17, 2020.

PRESENT: Hon. Barbara R. Kapnick, Justice Presiding,
Cynthia S. Kern
Anil C. Singh
Peter H. Moulton
Lizbeth González, Justices.

-----X

In the Matter of the Application of
Lauren Burstyn Gordon, Nancy Burstyn
Nederlander and Renee Burstyn Kaufman,
Petitioners-Respondents,

CONFIDENTIAL

M-2564

For the Appointment of Guardian of the
Person and Property of

Index No. 500013/19

Sharon Burstyn Green,

An Alleged Incapacitated Person Pursuant
to Mental Hygiene Law Article 81.

- - - - -

Peter Green,
Cross-Petitioner-Appellant.

-----X

Appeals having been taken to this Court from orders of the Supreme Court, New York County, entered: on or about May 13, 2019; on or about July 30, 2019; and on or about October 18, 2019; and from an order and judgment (one paper), same Court, entered on or about November 25, 2019, and said appeals having been perfected,

And cross-petitioner-appellant having moved for an order granting a preference in the hearing and determination of his appeals, and a directive that oral argument be scheduled and heard during the September 2020 Term of this Court,

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

It is ordered that the motion is granted to the extent of directing the Clerk of this Court to calendar the said appeals for the October 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 September 17, 2020

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X
Fordham Grand LLC and Charles Chera,
Plaintiffs-Respondents,

-against-

M-2570
Index No. 24810/16E

Plumbing NYC, Inc., etc., et al.,
Defendants-Respondents,

VIP Fire Sprinkler, Inc.,
Defendant-Appellant.
-----X

An appeal having been taken to this Court from an order of the Supreme Court, Bronx County, entered on or about December 10, 2019,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" August 5, 2020, and due deliberation having been had thereon,

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 September 17, 2020.

Present - Hon. Barbara R. Kapnick, Justice Presiding,
Cynthia S. Kern
Anil C. Singh
Peter H. Moulton
Lizbeth González, Justices.

-----X
Chrismy Sagaille,
Plaintiff-Respondent,

-against-

M-2592

Index No. 154010/18

Christina Carrega,
Defendant-Appellant,

New York Daily News Company and
Daily News, L.P.,
Defendants.

-----X

An appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about September 9, 2019, said appeal having been perfected,

And The National Women's Law Center and 39 other organizations having moved for leave to file a brief amici curiae in connection with the aforesaid appeal,

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

It is ordered that the motion is granted and the movants are directed to serve and file copies of the brief amici curiae, submitted as Exhibit A with the moving papers, in compliance with 22 NYCRR 1250.9.

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 September 17, 2020.

Present - Hon. Barbara R. Kapnick, Justice Presiding,
Anil C. Singh
Peter H. Moulton
Lizbeth González, Justices.

-----x

Michael Schwartzbard,
Plaintiff-Appellant,

-against-

M-2622
Index No. 161674/13

Marshall S. Cogan,
Defendant-Respondent.

-----x

An 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 April 26, 2017, and said appeal having been perfected,

And plaintiff-appellant having moved for a calendar preference in the hearing of this appeal for the October 2020 Term of this Court,

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

It is ordered that the motion is granted to the extent of directing the Clerk of this Court to calendar the within appeal for the December 2020 Term, to which Term the appeal is adjourned.

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 September 17, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X
Encore Equity Holdings LLC,

Plaintiff-Respondent,

-against-

JCIL Corp.,

Defendant-Appellant.
-----X

M-2626
M-2628
Index No. 25118/16E

Appeals having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about January 31, 2019 (M-2626, Case No. 2019-20892), and from the order, same Court, entered on or about September 16, 2019 (M-2628, Case No. 2019-4149),

Now, after pre-argument conference and upon reading and filing the stipulations of the parties hereto, both of which were "So Ordered" July 7, 2020, and due deliberation having been had thereon,

It is ordered that the appeals are deemed withdrawn in accordance with the aforesaid stipulations.

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 September 17, 2020.

PRESENT: Hon. Sallie Manzanet-Daniels, Justice Presiding,
Angela M. Mazzarelli
Ellen Gesmer
Peter H. Moulton, Justices.

-----X

In re Rosetta Cochran,
Petitioner,

-against-

M-2669
Index No. 101116/17

Shola Olatoye, etc., et al.,
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 May 7, 2020 (Appeal No. 11460),

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 September 17, 2020.

PRESENT: Hon. Barbara R. Kapnick, Justice Presiding,
Cynthia S. Kern
Anil C. Singh
Peter H. Moulton
Lizbeth González, Justices.

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Residential Board of Millennium Point,
a condominium located at 10 West Street,
New York, New York, Richard Paige, Sol
Reischer and Evangelia Petrakis, as
members of the Residential Board, and
Joseph Spinelli, as a Unit Owner of the
Millennium Point Condominium,
Plaintiffs-Respondents-Appellants,

-against-

M-2735
Index No. 651238/18

Condominium Board of Millennium Point,
Diego Rico, Jane Davison, Amy Press,
MPE Hotel 1 (Downtown New York) LLC,
MPE Hotel 1 Tenant (Downtown New York)
LLC, Commercial Board of Millennium Point,
Defendants-Appellants-Respondents,

Westbrook Partners, LLC., The Leading
Hotels of the World, Ltd. and
Highgate Hotels, L.P.
Defendants.

-and-

The Hugh L. Carey Battery Park
City Authority,
Nominal Defendant.

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MPE Hotel 1 (Downtown New York) LLC,
MPE Hotel 1 Tenant (Downtown New York)
LLC,
Counterclaim Plaintiffs-Appellants,

-against-

Residential Board of Millennium Point,
Richard Paige, Sol Reischer, Evangelia
Petrakis and Joseph Spinelli,
Counterclaim Defendants-Respondents.
-----x

A perfected appeal and cross appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about July 23, 2018 (Case No. 2018-01401), and a related appeal having been taken by defendants/counterclaim plaintiffs-appellants MPE Hotel 1 (Downtown New York) LLC, MPE Hotel 1 Tenant (Downtown New York) LLC, from an order of the same court, entered on or about July 20, 2020 (Case No. 2020-03598),

And plaintiff/counterclaim defendants having moved to consolidate for oral argument the perfected appeal and cross appeal taken from the order entered on or about July 23, 2018 with the unperfected appeal taken from the order entered on or about July 20, 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. The perfected appeal and cross appeal taken from the order entered on or about July 23, 2018 (Case No. 2018-01401) are adjourned to the February 2021 Term. Defendants/counterclaim plaintiffs are directed to perfect their appeal from the order entered on July 20, 2020 (Case No. 2020-03598), upon a supplemental record, on or before December 7, 2020 for said February 2021 Term. The Clerk is directed to calendar the appeals for oral argument on the same day of said February 2021 Term.

ENTERED:



CLERK

Supreme Court of the State of New York
Appellate Division, First Judicial Department

PRESENT: Hon. Barbara R. Kapnick,
 Cynthia S. Kern
 Angela M. Mazzarelli
 Peter H. Moulton
 Lizbeth González,

Justice Presiding,

Justices.

Rudd Mechanical Associates, Inc.,
Plaintiff-Appellant,

Motion No. 2430
Index No. 656127/18
Case No. 2020-01467

-against-

ZDG, LLC, et al.,
Defendants-Respondents.

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 09, 2020,

And plaintiff-appellant having moved for a stay of all proceedings 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 and the interim relief granted by a Justice of this Court, dated July 20, 2020, is hereby vacated.

ENTERED: September 17, 2020



Susanna Molina Rojas
Clerk of the Court