

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 10, 2015.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr., Justices.

-----X
Sylvia Brill,
Plaintiff-Respondent,

-against-

M-5446
Index No. 116716/09

The City of New York and New York City
Police Department,
Defendants-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about November 21, 2014,

Now, upon reading and filing the stipulation of the parties hereto, dated October 26, 2015, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected, is withdrawn in accordance with the aforesaid stipulation.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 10, 2015.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr., Justices.

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

-against-

M-4370
Ind. No. 3393/80

Kevin Boone,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (Juan Merchan, J.), entered on or about August 30, 2015, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice Merch as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Seymour W. James, Jr., Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 10, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr., Justices.

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

-against-

M-4392
Ind. No. 2843/75

Enrique Diaz,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County (Bruce, J.) entered on or about March 18, 2015, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice Bruce as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Robert S. Dean, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 10, 2015.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr., Justices.

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

- - - - -
Carmen L.,
Petitioner-Appellant,

M-4352
Docket No. O-52224/13

-against-

Rafael R.,
Respondent-Respondent.

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

-----X
Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about August 10, 2015, 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 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, Paul Matthews, Esq., 305 Broadway, Suite 801, New York, NY 10007, Telephone No. (718) 261-1955 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;¹ **within 30 days (FCS 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 Rule 600.11 of the Rules of this Court, **within 60 days** of the receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:



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 December 10, 2015.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr., Justices.

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

Oscar S.,
Petitioner-Respondent,

-against-

M-4112
Docket Nos. V-28160-3/12
V-34972-5/12

Joyesha J.,
Respondent-Appellant.

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

-----X
Respondent-appellant mother having moved for leave to prosecute, as a poor person, the appeal from two orders of the Family Court, New York County, both entered on or about August 10, 2015, 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 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, George E. Reed, Jr., Esq., 222 Mamaroneck Ave., White Plains, NY 10605, Telephone No. (914) 946-5000, 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;¹ **within 30 days (FCS 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 Rule 600.11 of the Rules of this Court, **within 60 days** of the receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:



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 December 10, 2015.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr., Justices.

-----X
In the Matter of

Jelinea K. T., and
Daleena Q. T.,

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

- - - - -
Administration for Children's Services,
Petitioners-Respondents,

M-4725
Docket No. NN-11234/13
NN-11235/13

Wanda W.,
Respondent-Appellant,

Derek T.,
Respondent-Appellant.

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

-----X

Respondent-appellant Wanda W. having moved for leave to prosecute, as a poor person, the appeal from the orders of the Family Court, New York County, entered on or about August 15, 2015 and August 20, 2015, 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 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, Andrew J. Baer, Esq., 299 Broadway, Suite 1415, New York, NY 10007, Telephone No. 212-233-0318, 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) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.** (See M-4727, decided simultaneously herewith.)

ENTER:


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 December 10, 2015.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
David Friedman
Judith J. Gische
Barbara R. Kapnick, Justices.

-----X
In the Matter of

Jelinea K. T., and
Daleena Q. T.,

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

- - - - -
Administration for Children's Services,
Petitioners-Respondents,

M-4727
Docket No. NN-11234/13
NN-11235/13

Wanda W.,
Respondent-Appellant,

Derek T.,
Respondent-Appellant.

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

-----X

Respondent-appellant Derek T. having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about September 2, 2015, 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 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, Daniel R. Katz, Esq., 339 West 88th Street, Apt. #3, New York, NY 10024, Telephone No. 917-886-5620, 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) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.** (See M-4725, decided simultaneously herewith.)

ENTER:


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 December 10, 2015.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
John W. Sweeny, Jr.
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

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

-against-

M-4466
Ind. No. 4318/12

Anthony Jenkins,
Defendant-Appellant.
-----X

An order of this Court having been entered on August 25, 2015 (M-3295) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about July 2, 2015, and assigning Seymour W. James, Jr., Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

It is ordered that the motion is granted to the extent of striking the designation of assigned counsel Seymour W. James, Jr., Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Suite 1601, New York NY 10007, Telephone No. (212) 402-4142, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 10, 2015.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
David Friedman
Barbara R. Kapnick, Justices.

-----X

Luissa Chekowsky,
Plaintiff-Appellant,

-against-

M-4040
Index No. 106532/11

Windemere Owners, LLC, et al.,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for reargument of the decision and order of this Court entered on July 21, 2015 (Appeal Nos. 15472-15473),

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

It is ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 10, 2015.

Present: Hon. Peter Tom, Justice Presiding,
Rolando T. Acosta
Karla Moskowitz
Rosalyn H. Richter, Justices.

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

-against-

M-4239
Case No. 20466C/11
Ind. No. 1406/11

Wendell Reyes,
Defendant-Appellant.

-----X

Defendant-appellant, in connection with an appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about April 12, 2013, having moved for leave to file a pro se supplemental 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 directing defendant to serve and file 8 copies of his pro se supplemental brief on or before February 22, 2016 for the May 2016 Term, to which Term the appeal is adjourned. The Clerk of the Court is directed to forward to the Warden at the State correctional facility wherein defendant is incarcerated a transcript of the minutes relating to defendant's appeal, said transcript to be made available to appellant and returned by appellant to this Court when submitting the pro se supplemental brief hereto. The appeal will not be heard unless and until all material furnished to appellant has been returned.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 10, 2015.

PRESENT - Hon. Peter Tom, Justice Presiding,
Rolando T. Acosta
Karla Moskowitz
Rosalyn H. Richter, Justices.

-----X
Roger Douglas Gellenbeck, also known as
R. Douglas Gellenbeck, also known as
Douglas Gellenbeck,
Plaintiff-Respondent-Appellant,

-against-

M-4227
Index No. 154365/14

Michael Whitton,
Defendant-Appellant-Respondent.

-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about March 3, 2015,

And plaintiff-respondent-appellant having moved to dismiss the direct appeal from the aforesaid order, and to enlarge the time to perfect the cross appeal,

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

It is ordered that the motion is granted and the direct appeal is dismissed unless perfected for the April 2016 Term. The time to perfect the cross appeal is enlarged to said April 2016 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 10, 2015.

PRESENT: Hon. Peter Tom, Justice Presiding,
David Friedman
David B. Saxe
Judith J. Gische, Justices.

-----X
Paul Kleinberg, et al.,
Plaintiffs,

-against-

M-5590
Index No. 109371/09

516 West 19th Steet, The J
Construction Company, LLC,
SLCE Architects, LLP, and
The Board of Managers of the
520 West 19th Street Condominium,
Defendants.

-----X
516 West 19th Street, LLC,
First Third-Party Plaintiff,

First Third-Party
Index No. 591008/09

-against-

I.M. Robbins, P.C.,
First Third-Party Defendant.

-----X
The J Construction Company, LLC,
Second Third-Party Plaintiff,

Second Third-Party
Index No. 590362/10

-against-

Interstate Industrial Corp., et al.,
Second Third-Party Defendants,

KNS Building Restoration Corp.,
Second Third-Party Defendant-Appellant.

-----X
RCI Plumbing Corp.,
Third Third-Party Plaintiff,

-against-

Third Third-Party
Index No. 590873/12

P.A.C. Heating Inc., doing business as,
PAC Plumbing Heating & Air,
Third Third-Party Defendant.

-----X

Second third-party defendant-appellant, KNS Building Restoration Corp., having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, New York County, entered on or about January 29, 2015,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the April 2016 Term.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 10, 2015.

PRESENT : Hon. Peter Tom, Justice Presiding,
Rolando T. Acosta
Karla Moskowitz
Rosalyn H. Richter, Justices.

-----X
In re East 51st Street Crane Collapse
Litigation Index No. 769000/08
-----X

Jean Squeri,
Plaintiff,

-against-

M-4078
Index No. 103802/09

East 51st Street Development Company,
LLC, et al.,
Defendants,

-and-

East 51st Street Development Company,
LLC,
Defendant-Third-Party
Plaintiff-Appellant,

-against-

Consolidated Edison Company of New York,
Inc., et al.,
Third-Party Defendants-Respondents.

[And other actions]
-----X

Defendant-third-party plaintiff-appellant East 51st Street Development Company, LLC having moved for consolidation of appeals taken from the order of the Supreme Court, New York County, entered on or about November 13, 2014 (mot. seq. no. 010),

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 consolidating the appeals. The parties are directed to perfect the consolidated appeals on a joint record on or before February 1, 2016 for the April 2016 Term. The Clerk of the Court is directed to calendar the consolidated appeals for hearing together on the same day for the April 2016 Term.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 10, 2015.

Present: Hon. Peter Tom, Justice Presiding,
Rolando T. Acosta
Karla Moskowitz
Rosalyn H. Richter, Justices.

-----X
VNB New York Corp.,

Plaintiff-Respondent,

-against-

M-4232

Index No. 381994/10

Pisces Properties, Inc., Elizabeth
Raghoo, et al.,

Defendants-Appellants.
-----X

Appeals having been taken from two orders of the Supreme Court, New York County, entered on or about January 15, 2014, and from a judgment of said Court and Justice entered entered on or about June 4, 2015, respectively,

And plaintiff-respondent having moved, inter alia, for dismissal of certain of 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 to the extent it seeks dismissal of certain appeals, is denied, without prejudice to raising the arguments made in support of dismissal on appeal. Sua sponte, the appeals are consolidated and defendants the directed to perfect same for said April 2016 Term. Defendants-appellants are permitted to prosecute the consolidated appeals upon 9 copies of one record and of one set of appellants' points covering the appeals.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 10, 2015.

PRESENT - Hon. Peter Tom, Justice Presiding,
Dianne T. Renwick
Karla Moskowitz
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

-----X

In re Van Wagner Communications,
LLC,

Petitioner-Appellant,

-against-

M-4788

Index No. 100418/13

Board of Standards and Appeals of
the City of New York,

Respondent-Respondent.

-----X

Petitioner-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on June 23, 2015 (Appeal No. 15502),

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

It is ordered that the motion is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 10, 2015.

PRESENT - Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr., Justices.

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

-against-

Louis Rodriguez,
Defendant-Appellant.

M-4391
Ind. Nos. 5994/09
4288/09

-----X

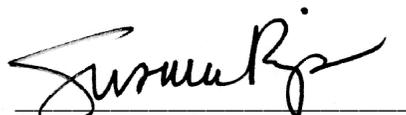
A decision and order of this Court having been entered on June 5, 2014 (Appeal No. 12662-12662A), unanimously modifying a judgment of the Supreme Court, New York County (Richard Carruthers, J.), rendered on July 14, 2011,

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.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 10, 2015

Present: Hon. Peter Tom, Justice Presiding,
Rolando T. Acosta
Karla Moskowitz
Rosalyn H. Richter, Justices.

-----X

The People of the State of New York
ex rel. Moussa Doucoure,

Petitioner,

M-4242

Ind. No. 3662/14

-against-

Warden of Rikers Island, et al.,

Respondents.

-----X

The above-named petitioner having moved for, inter alia, a writ of habeas corpus to be issued from 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 application for the writ is hereby granted only to the extent of transferring the matter to the Ex Parte Office of the Supreme Court at 60 Centre Street, New York, New York 10007 and service by mail upon the respective parties.

The motion is otherwise denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 10, 2015.

PRESENT - Hon. Peter Tom, Justice Presiding,
David Friedman
Richard T. Andrias
Judith J. Gische
Barbara R. Kapnick, Justices.

-----X
Heritage Partners, LLC, et al.,
Plaintiffs-Appellants,

-against-

M-5346
Index No. 159713/13

Stroock & Stroock & Lavan LLP,
Defendant-Respondent.
-----X

A decision and order of this Court having been entered on November 5, 2015 (Appeal No. 16072), unanimously affirming an order of the Supreme Court, New York County, entered May 9, 2014 (Shirley Werner Kornreich, J.)

And plaintiff-appellant having moved to "correct" a misstatement plaintiff's counsel made at oral argument before 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 denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 10, 2015.

Present: Hon. Peter Tom, Justice Presiding,
Rolando T. Acosta
Karla Moskowitz
Rosalyn H. Richter, Justices.

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

-against- **M-4241**
Ind. No. 7180/96

Antonio Mallet,
Defendant-Appellant.

-----X

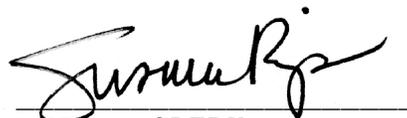
An order of a Justice of this Court having been entered on August 11, 2015, granting defendant leave to appeal to this Court from the order of Supreme Court, Bronx County, entered on or about April 2, 2015 which denied defendant's application pursuant to CPL 440.10 seeking to vacate the judgment of said Supreme Court, Bronx County, rendered on or about September 23, 1999,

And defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County, entered on or about April 2, 2015 which denied the aforesaid 440 relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth his indigency and source(s) of the funds used to retain counsel Ronald Kuby, Esq., and an explanation why similar funds are not available for the costs of the 440 appeal.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 10, 2015.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Dianne T. Renwick
Sallie Manzanet-Daniels, Justices.

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

-against-

M-4200
Ind. No. 4012N/15

Esteban Cruz,
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about June 11, 2015,

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 10, 2015.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Barbara R. Kapnick, Justices.

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

-against-

M-5637
Ind. No. 4324/13

Jean Vancol,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about February 25, 2015, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Seymour W. James, Jr., Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 10, 2015.

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

-----X
Maria Luisa Rossi-Hawkins,
Plaintiff-Appellant,

-against-

20468 East 90 Corp.,
Defendant-Respondent.

M-5155
Index No. 651323/14

-----X
Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, New York County, entered on or about December 17, 2014,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the April 2016 Term.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 10, 2015.

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

-----X
American Stevedoring, Inc.,
Plaintiff-Respondent,

-against-

M-5194
Index No. 651472/12

Red Hook Container Terminal, LLC,
Defendant-Appellant,

Seneca Insurance Company, Inc., et al.,
Defendants.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, New York County, entered on or about January 15, 2015,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the April 2016 Term.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 10, 2015.

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

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

Coleen C. G.,
Petitioner-Respondent,

-against-

M-5555
Docket Nos. V-9688/13
V-17969/13
File No. 199782

Luis M.,
Respondent-Appellant.

Shirim Nothenberg, Esq.,
Lawyers for Children,
Lawyer for the Child.
-----X

An appeal having been taken from an order of the Family Court, New York County, entered on or about January 12, 2015,

And respondent-appellant having moved for leave to enlarge the record on appeal to include certain documents and transcripts,

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

It is ordered that the motion is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 10, 2015.

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

-----X
Arnold Rosenshein,
Plaintiff-Respondent,

-against-

M-5040
Index No. 654132/13

E. Stephen Benson,
Defendant-Appellant.
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about September 2, 2015,

Defendant-appellant, pro se, having moved for a stay of the aforesaid order, 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 granted on condition that the appeal is perfected for the April 2016 Term.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 10, 2015.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Diane T. Renwick
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-4197

Ind. No. 5681/13

Anthony Estevez,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about January 20, 2015,

And defendant-appellant having moved for continuation of the stay of execution of sentence pending hearing and determination of the appeal,

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

Ordered that the motion is granted to the extent of continuing the stay of execution of sentence granted January 20, 2015, pending hearing and determination of the appeal, upon the same terms and conditions, and on condition the appeal is perfected for the March 2016 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 10, 2015.

PRESENT: Hon. Angela M. Mazzairelli, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Barbara R. Kapnick, Justices.

-----X

In the Matter of the Application of

25-28 50 St. Corp.,
Petitioner,

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

M-5471
Index No. 101873/15

-against-

New York State Liquor Authority,
Respondent.

-----X

An Article 78 proceeding having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about October 28, 2015, to review a determination of respondent,

And petitioner having moved for a stay of a certain administrative order, pending hearing and determination of the aforesaid proceeding,

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

It is ordered that the motion is denied, and the interim relief granted by an order of a Justice of this Court on October 28, 2015, is vacated.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 10, 2015.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Karla Moskowitz
Rosalyn H. Richter, Justices.

-----x
The Board of Managers of the Park
Avenue Court Condominium, etc.,
Plaintiff-Respondent,

-against-

M-5552
Index No. 100060/13

Olga Sandler,
Defendant-Appellant,

Citibank, N.A., et al.,
Defendants.

-----x

Appeals having been taken to this Court from the orders of the Supreme Court, New York County, both entered on or about September 16, 2015,

And defendant-appellant having moved for a stay of all proceedings pending hearing and determination of 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 denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 10, 2015.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Karla Moskowitz
Rosalyn H. Richter, Justices.

-----x
Moshe Mortner,

Plaintiff-Respondent,

-against-

M-5263
Index No. 155247/14

David Baksht,

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 15, 2015,

And defendant-appellant having moved to vacate a preliminary injunction issued by the Supreme Court on July 10, 2014, or for alternative relief,

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

It is ordered that the motion is denied, and the interim relief granted by the order of a Justice of this Court dated October 9, 2015, is vacated.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 10, 2015.

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

-----X
In the Matter of

Nathaysha O., Docket Nos. NN-24841/15
Nemesis O., NN-24842/15
Juraynaliet Edith O., NN-24843/15
and Jamylezse O., NN-24844/15

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

M-4797

The Commissioner of New York City Administration of Children's Services, Petitioner-Appellant,

Jennifer C. And Manuel O., Respondents.

Jesse Diamond, Esq.,
The Legal Aid Society,
Attorney for the Children.

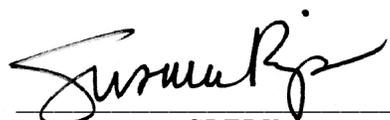
-----X
An appeal having been taken from an order of the Family Court, Bronx County, entered on or about September 22, 2015,

And petitioner-appellant have moved for a stay of that part of the order modifying the full stay-away order of protection against the father and related relief, pending hearing and determination of 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 denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 10, 2015.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Dianne T. Renwick
Sallie Manzanet-Daniels, Justices.

-----X
Accounting by Lyndsay Howard-Zita,
Ercil Howard-Wroth and Melvin J.
Zalel, as Executors of the Estate of
Nathan S. Howard, Deceased,
Petitioners-Appellants,

-against-

M-3806
File No. 1660A-05

Gerard Penneroux,
Objectant-Respondent.

-----X

Petitioners-appellants having moved for an enlargement of time to perfect the appeal from the order of the Surrogate's Court, New York County, entered on or about December 29, 2011,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the April 2016 Term, with further enlargements to be granted only upon moving papers presenting information about what steps petitioners have taken, if any, to address the failure to obtain substitution of a representative for objectant-respondent Penneroux.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 10, 2015.

Present: Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Diane T. Renwick
Karla Moskowitz, Justices.

-----X
Ivana Polini,
Plaintiff-Respondent,

-against-

M-4240
Index No. 107572/11

Schindler Elevator Corporation,
Defendant-Appellant,

Palace 43 LLC,
Defendant.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about July 29, 2014,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the March 2016 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 10, 2015.

Present - Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
David B. Saxe
Karla Moskowitz, Justices.

-----x
Edward Pepiptone,
Plaintiff-Appellant,

-against-

M-5595
Index No. 109977/10

Consolidated Edison Company of New York, Verizon New York, Inc.,
Defendants,

Time Warner Entertainment,
Defendant-Respondent.
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about July 8, 2014, and said appeal having been perfected,

And defendant-respondent Time Warner Entertainment having moved for adjournment of 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 adjourning the perfected appeal to the February 2016 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 10, 2015.

PRESENT: Hon. David Friedman, Justice Presiding,
Dianne T. Renwick
David B. Saxe
Barbara R. Kapnick, Justices.

-----X
Carmen Rodriguez, as Administratrix
of the Estate of Johanna Rivera,
Deceased, and Carmen Rodriguez,
Individually,
Plaintiff-Appellant,

-against-

Bronx Lebanon Hospital Center, et al.,
Defendants-Respondents.

M-5030
M-5162
Index No. 21433/06

-----X

Plaintiff-appellant having moved for a stay of a pre-trial hearing pending hearing and determination of the appeal taken from the order of the Supreme Court, Bronx County, directing the hearing, which order was entered on or about June 1, 2015 (M-5030),

And defendants-respondents having cross-moved for an order dismissing the aforesaid appeal (M-5162),

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

It is ordered that the motion is denied, and the interim relief granted by an order of a Justice of this Court dated October 7, 2015, is hereby vacated (M-5030). The cross motion is granted and the appeal is dismissed (M-5162).

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 10, 2015.

PRESENT - Hon. David Friedman, Justice Presiding,
Dianne T. Renwick
Karla Moskowitz
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
Thomas J. O'Brien, Jr.,
Plaintiff-Respondent-Appellant,

-against-

M-5071
Index No. 114853/10

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

Silverstein Properties, Inc., et al.,
Defendants.

-----X

Defendants-appellants-respondents having moved for reargument or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on September 8, 2015 (Appeal No. 13616),

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 reargument is denied. The part of the motion seeking leave to appeal to the Court of Appeals is granted, and this Court, pursuant to CPLR 5713, certifies that the following question of law, decisive of the correctness of its determination, has arisen, which in its opinion ought to be reviewed by the Court of Appeals:

"Was the order of the Supreme Court, as modified by this Court, properly made?"

This Court further certifies that its determination was made as a matter of law and not in the exercise of discretion.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 10, 2015.

PRESENT - Hon: David Friedman, Justice Presiding,
Dianne T. Renwick
David B. Saxe
Barbara R. Kapnick, Justices.

-----X
Bank of America, N.A., etc.,
Plaintiff-Respondent,

-against-

M-5401
Index No. 35173/13

Aletha Angel,
Defendant-Appellant.

-----X

Appeals having been taken from the orders of the Supreme Court, Bronx County, entered on or about November 24, 2014 and December 15, 2014, respectively,

And defendant having moved for an enlargement of time to perfect the appeals from said orders,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about December 15, 2014 to the April 2016 Term. Sua sponte, the appeal from the order of said Court entered on or about November 24, 2014 is dismissed.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 10, 2015.

PRESENT - Hon. John W. Sweeny, Jr., Justice Presiding,
Rolando T. Acosta
Richard T. Andrias
Karla Moskowitz, Justices.

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

-against-

M-5407
Ind. No. 3412N/13

Radhames Paulino,
Defendant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about October 28, 2013,

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. (CPL 460.30 subd. 1.)

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 10, 2015.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Rolando T. Acosta
Richard T. Andrias
Karla Moskowitz, Justices.

-----x
Michael Kadosh, etc., et al.,
Plaintiff-Respondent,

-against-

N-5536
Index No. 651834/10

David Kadosh, et al.,
Defendants-Appellants.

- - - - -

David Kadosh, etc.,
Third-Party Plaintiff-Appellant,

-against-

M.E.K. Enterprises, Ltd.,
Third-Party Defendant-Respondent.

-----x

An appeal having been taken to this Court by defendants/
third-party plaintiff-appellants from the order of the Supreme
Court, New York County, entered on or about February 26, 2015,

And defendants/third-party plaintiff-appellant having moved
for an enlargement of time 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
enlarging the time to perfect the appeal to the June 2016 Term,
with leave to seek further enlargements, if necessary.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on December 10, 2015.

Present: Hon. Rolando T. Acosta, Justice Presiding,
Diane T. Renwick
Richard T. Andrias
Karla Moskowitz, Justices.

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

-against-

M-4323
Ind. Nos. 3158/14
3462/14

Davon Black,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about April 14, 2015, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 10, 2015.

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

-----X

In the Matter of the Application of
Alieu Drammeh,
Petitioner,

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

M-5280
Index No. 401437/13

-against-

City of New York Housing Preservation
and Development,
Respondent.

-----X

An Article 78 proceeding having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about January 20, 2015, to review a determination of respondent,

And petitioner having moved for leave to prosecute the proceeding as a poor person, upon the original record and reproduced petitioner's brief, and for an enlargement of time to perfect same,

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 proceeding to be heard on the original record and upon a reproduced petitioner's brief, on condition that petitioner serve one copy of such brief upon the attorney for the respondent and file 8 copies of such brief, together with the original record, with this Court. Petitioner is permitted to dispense with payment of the required fee for the subpoena and filing of the record, and petitioner's time to perfect the proceeding is enlarged to the May 2016 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 10, 2015.

PRESENT: Hon. Karla Moskowitz, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

-----X
Vandashield Ltd. Orchid Assets S.A.,
et al.,
Plaintiffs-Respondents,

-against-

M-3650
Index No. 652183/14

Mark Isaacson, Strategic Development
Partners LLC, Great Court Capital
and Ivan Berkowitz,
Defendants-Appellants.

-----X

Defendants-appellants having moved for a stay of all proceedings pending hearing and determination of the appeal taken from the an order of the Supreme Court, New York County, entered on or about May 20, 2015, for leave to appeal from a conference order dated July 17, 2015 and for consolidation of said 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 on condition the appeal is perfected for the May 2016 Term. Appellants are directed to prosecute the appeals upon 9 copies of one record and one set of appellants' points covering the appeals.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 10, 2015.

PRESENT - Hon: Karla Moskowitz, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

-----X
In the Matter of a Custody/Visitation
Proceeding,

Jeremy A.,
Petitioner,

-against-

M-4114
Docket No. V-33163/11

Vianca G.,
Respondent.

-----X

Petitioner having moved for leave to appeal to this Court from the order of the Family Court, Bronx County, entered on or about July 31, 2015,

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

It is ordered that the motion is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 10, 2015.

PRESENT - Hon. Karla Moskowitz, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

-----X
Henry Tinoco,
Plaintiff-Appellant,

-against-

M-4207
Index No. 100219/14

New York City Department of Sanitation,
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about July 28, 2014, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the attorney for respondent and file 8 copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 10, 2015.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Karla Moskowitz
Rosalyn H. Richter, Justices.

-----X
In the Matter of the Application of
The City of New York,
Petitioner-Respondent,

To Acquire by Exercise of its Power
of Eminent Domain, Fee Simple in
Certain Real Property Known as Tax
Block 1790, Lots 1,5,44, and 101,
located in the Borough of Manhattan,
needed for the

M-5640
Index No. 450370/14

Fifteenth Amended Harlem-East Harlem
Urban Renewal Plan (East 125th Street),
Stage 1,
Respondents-Appellants.

-----X

An appeal having ben taken to this Court from the order of the Supreme Court, New York County, entered on or about August 14, 2015 (mot. seq. nos. 001-003),

And respondents-appellants having moved to stay the aforesaid order or, in the alternative, for a preliminary injunction enjoining the City of New York from taking any action toward effectuating a transfer of title or possession of the subject properties, pending hearing and determination of the appeal,

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

It is ordered that the motion is granting to the extent of granting a stay on condition the appeal be perfected for the May 2016 Term, with no further enlargements to be granted.

ENTER:



CLERK

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

BEFORE: Hon. Karla Moskowitz
Justice of the Appellate Division

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

-against-

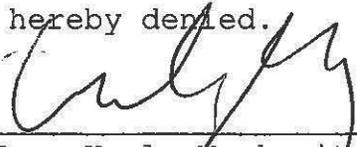
David Delgado,

Defendant.
-----X

M-3656
Ind. No. 27/2010

CERTIFICATE
DENYING LEAVE

I, Karla Moskowitz, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, §§ 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County, entered on or about July 6, 2015 is hereby denied.



Hon. Karla Moskowitz
Associate Justice

November 2, 2015
Dated:
New York, New York

ENTERED: **DEC 10 2015**

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

BEFORE: Hon. Paul G. Feinman
Justice of the Appellate Division

-----X
Vandashield Ltd, et al.

Plaintiffs-Respondents

M-3650A

Ind. No. 652183/14

-against-

Mark Isaacson, et al.

Defendants-Appellants/Movants
-----X

The above-named defendants, having moved to stay, pending appeal, an order of the Supreme Court, New York County, entered on or about May 20, 2015, and having moved for leave to appeal to this Court from a conference order, same court and Justice, entered on or about July 17, 2015,

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

It is ordered that the motion for a stay and for leave to appeal is granted.


Associate Justice

Dated: September 25, 2015
New York, New York

Entered: **DEC 10 2015**

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 10, 2015.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Barbara R. Kapnick, Justices.

-----x
USA Recycling, Inc.,
Plaintiff-Appellant,

-against-

M-5573
Index No. 305816/13

Baldwin Endico Realty Associates, Inc.,
Defendant-Respondent.
-----x

Appeals having been taken to this Court by plaintiff from orders of the Supreme Court Bronx County, entered on or about July 2, 2015 and August 14, 2015, respectively,

And plaintiff-appellant having moved for consolidation of the aforesaid appeals and a stay of all proceedings pending hearing and determination thereof,

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 only to the extent of permitting plaintiff to prosecute the consolidated appeals upon 9 copies of one record and one set of appellant's points covering the consolidated appeals. The attention of the parties is directed to 22 NYCRR § 600.11. The motion, to the extent it seeks a stay, is denied, and the interim relief granted by the order of a Justice of this Court dated November 2, 2015, is vacated.

ENTER:



CLERK