

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 17, 2015.

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

-----X
Felicita Lopez,
Plaintiff-Respondent,

-against-

M-384
Index No. 303501/10

Building Management Associates
Inc., et al.,
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about February 25, 2014,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 22, 2015, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 17, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David Friedman, Justices.

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

-against-

M-388
Ind. No. 4318/13

Ray Williams,
Defendant-Appellant.
-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about November 13, 2013,

Now, upon reading and filing the stipulation of the parties hereto, dated January 12, 2015, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 17, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David Friedman, Justices.

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

-against-

M-389
Ind. No. 904/13

Rashon Staples,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about April 29, 2014,

Now, upon reading and filing the stipulation of the parties hereto, dated January 22, 2015, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 17, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzairelli
Richard T. Andrias
David Friedman, Justices.

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

-against-

M-391
Ind. No. 962/13

Timothy Lenon,
Defendant-Respondent.
-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about February 10, 2014,

Now, upon reading and filing the stipulation of the parties hereto, dated January 20, 2015, and due deliberation having been had thereon,

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 17, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzairelli
Richard T. Andrias
David Friedman, Justices.

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

-against-

M-392
Ind. No. 3609/13

Alberto Cruz,
Defendant-Respondent.
-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about September 22, 2014,

Now, upon reading and filing the stipulation of the parties hereto, dated January 22, 2015, and due deliberation having been had thereon,

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 17, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzairelli
Richard T. Andrias
David Friedman, Justices.

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

-against-

M-393
Ind. No. 3087/13

Dainon Johnson,
Defendant-Respondent.
-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about January 14, 2014,

Now, upon reading and filing the stipulation of the parties hereto, dated January 20, 2015, and due deliberation having been had thereon,

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 17, 2015.

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

-----X
David M. Levy, derivatively on
behalf of Morsly Incorporated,
Plaintiff-Appellant,

-against-

M-451X
Index No. 650798/13

Howard Stein,
Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about April 2, 2014 (mot. seq. no. 003),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 29, 2015, and due deliberation having been had thereon,

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 17, 2015.

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

-----X
Tobias Frere-Jones,
Plaintiff-Respondent-Appellant,

-against-

M-449X
Index No. 650139/14

Jonathan Hoefler,
Defendant-Appellant-Respondent.

-----X

An appeal and cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about August 4, 2014,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 30, 2015, and due deliberation having been had thereon,

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 17, 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 the Application of
Joseph A. Christian, Jr.,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78 M-5580
of the Civil Practice Law and Rules, Index No. 102475/12

-against-

The Metropolitan Transportation
Authority and Metro-North Commuter
Railroad,
Respondents-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about December 3, 2013, and said appeal having been perfected,

Now, upon reading and filing the stipulation of the parties hereto, dated October 31, 2014, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the December 2014 Term, is withdrawn in accordance with the aforesaid stipulation.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 17, 2015.

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

-----X
Town Sports International, LLC,
Plaintiff-Appellant,

-against-

Accounting Principals, Inc.,
Defendant-Respondent.

M-5386
Index No. 602911/09

-----X

Defendant-respondent having moved for dismissal of the appeal taken from an order of the Supreme Court, New York County, entered on or about September 4, 2014 (mot. seq. no. 009),

Now, upon reading and filing the papers with respect to the motion, including the stipulation of the parties dated October 29, 2014 and due deliberation having been had thereon,

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 17, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick, Justices.

-----X

Lisa Kirchner,
Plaintiff-Appellant,

-against-

Dr. Robert Winegarten, et al.,
Defendants-Respondents.

-----X

M-5431
M-5934
Index No. 800150/10

An appeal having been taken from a judgment of the Supreme Court, New York County, entered on or about July 12, 2013,

And defendant Sol Stolzenberg, D.M.D. having moved for an order dismissing plaintiff's appeal (M-5431),

And defendant Dr. Robert Weingarten having cross-moved for the same relief (M-5934),

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 and cross motion are granted and the appeal 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 February 17, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Dianne T. Renwick
Judith J. Gische Justices.

-----X

Maritz Osorio,
Plaintiff-Appellant, Court of Claims
Motion No. 84133
-against- M-35

The State of New York,
Defendant-Respondent.

-----X

An order of this Court having been entered on December 4, 2014 (M-5032) dismissing the appeal taken from an order of the Court of Claims, New York County, entered on or about March 24, 2014,

And plaintiff-appellant having moved for reargument of the aforesaid order of this Court entered on December 4, 2014 (M-5032), and for related relief,

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

It is ordered that the motion is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 17, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Dianne T. Renwick
Judith J. Gische, Justices.

-----X
Carole Weinstein,
Plaintiff-Appellant,

-against-

Friends of Greenwich Street, Inc.,
Defendant-Appellant,

M-4928

Index No. 114612/11

WB/Stellar IP Owner, LLC,
Defendant-Respondent.

-----X

Defendant-respondent having moved for dismissal of the appeal taken from an order of the Supreme Court, New York County, entered on or about July 3, 2013, and said appeal having been perfected, and for other relief,

Now, upon reading and filing the papers with respect to the motion, including the stipulation of the parties filed October 17, 2014, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 17, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Richard T. Andrias
David B. Saxe
Leland G. DeGrasse, Justices.

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

-against-

Clarence Moss,
Defendant-Appellant.

M-4707
Ind. Nos. 2778/01
462/02

-----X

A decision and order of this Court having been entered on October 13, 2005 (Appeal No. 6764), unanimously affirming a judgment of the Supreme Court, Bronx County (Phylis Skloot, J.), rendered on March 4, 2003,

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 February 17, 2015.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Dianne T. Renwick
Leland G. DeGrasse
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X
Marsid Realty Co.,
Petitioner-Landlord-Appellant,

-against-

M-6071
Index No. 571073/13

Ching Leou Liu,
Respondent-Tenant-Respondent,

-and-

"John Doe" and "Jane Doe,"
Respondents-Undertenants.

-----X

Petitioner-landlord having moved for leave to appeal to this Court from the decision and order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about August 14, 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. Appellant shall file two copies of the pre-argument statement and of this order with the Clerk of the Appellate Term with proof of service, pursuant to Section 600.17 of the Rules of this Court.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 17, 2015.

Present - Hon. Peter Tom, Justice Presiding,
David Friedman
Rolando T. Acosta
David B. Saxe
Barbara R. Kapnick, Justices.

-----X
Lafayette Boynton Hsg. Corp.,

Petitioner-Landlord-Appellant,

-against-

Ronald Pickett,

M-5718
Index Nos. 570138/13
56887/11

Respondent-Tenant-Respondent.
-----X

Petitioner-landlord-appellant having moved for leave to appeal to this Court from the decision and order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about August 22, 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. Appellant shall file two copies of the pre-argument statement and of this order with the Clerk of the Appellate Term with proof of service, pursuant to Section 600.17 of the Rules of this Court.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 17, 2015.

PRESENT: Hon. Peter Tom, Justice Presiding,
David Friedman
Richard T. Andrias
Leland G. DeGrasse
Judith J. Gische, Justices.

-----X
Hermitage Insurance Company,
Plaintiff-Respondent,

-against-

186-190 Lenox Road, LLC
Defendant,

Cynthia Smith,
Defendant-Appellant.

M-25
Index No. 155844/12

-----X

Defendant-appellant Cynthia Smith 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 April 15, 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 June 2015 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 17, 2015.

PRESENT: Hon. Peter Tom, Justice Presiding,
David Friedman
Richard T. Andrias
Leland G. DeGrasse
Judith J. Gische, Justices.

-----X
In the Matter of Peter Bonviso,
Petitioner,

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

M-110
M-173
Index No. 101149/14

-against-

The Department of 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 December 19, 2014, to review a determination of respondent,

And petitioner, pro se, having moved for leave to prosecute the aforesaid proceeding as a poor person (M-110),

And petitioner, pro se, having moved by separate motion to stay eviction proceedings, pending hearing and determination of the aforesaid proceeding (M-173),

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

It is ordered that the motions are denied (M-110/M-173). The stay granted by an order of a Justice of this Court dated January 14, 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 February 17, 2015.

PRESENT: Hon. Peter Tom, Justice Presiding,
David Friedman
Richard T. Andrias
Leland G. DeGrasse
Judith J. Gische, Justices.

-----X
Sassan Naderi, M.D.,
Plaintiff-Appellant,

-against-

M-172
Index No. 158028/13

North Shore-Long Island Jewish
Health System, et al.,
Defendants-Respondents.

-----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 March 3, 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 September 2015 Term.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 17, 2015.

PRESENT: Hon. Peter Tom, Justice Presiding,
David Friedman
Richard T. Andrias
Leland G. DeGrasse
Judith J. Gische, Justices.

-----X
In the Matter of the Application of
Calik Purvis & Stephon Purvis,
Petitioners,

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

M-6380
Index No. 401887/13

-against-

New York City Housing 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 February 11, 2014, to review a determination of respondent,

And respondent having moved to dismiss the aforesaid proceeding for failure to timely perfect,

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 granted to the extent of dismissing the proceeding.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 17, 2015.

PRESENT: Hon. Peter Tom, Justice Presiding,
David Friedman
Richard T. Andrias
Leland G. DeGrasse
Judith J. Gische, Justices.

-----X
Quaray Hamlett, an infant under the age of 14 years by his mother and natural guardian, Raven Hamlett,
Plaintiff-Appellant,

-against-

M-4
Index No. 17870/07

The City of New York, et al.,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about November 22, 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 granted to the extent of enlarging the time to perfect the appeal to the June 2015 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 17, 2015.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Dianne T. Renwick
Paul G. Feinman
Barbara R. Kapnick, Justices.

-----X
Simcha Stern and Tsipora Tajchner,
Plaintiffs-Appellants,

-against-

M-119
Index No. 153313/12

Morgan Stanley Smith Barney, etc.,
et al.,
Defendants-Respondents.

-----X

Plaintiffs-appellants having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about May 10, 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 granted to the extent of enlarging the time to perfect the appeal to the June 2015 Term, with no further enlargements to be granted.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 17, 2015.

PRESENT : Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Dianne T. Renwick
Paul G. Feinman
Barbara R. Kapnick, Justices.

-----X
Rajagopala S. Raghavendra also known
as Randy S. Raghavendra, etc.,
Plaintiff-Appellant,

-against-

M-84
Index No. 103331/12

Edward A. Brill, etc., et al.,
Defendants-Respondents.

-----X

Plaintiff-appellant, pro se, having moved for consolidation of the appeals taken from the orders of the Supreme Court, New York County, entered on or about March 13, 2014 and December 2, 2014 (mot. seq. no. 003), respectively, and for an enlargement of time 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 to the extent of permitting appellant to prosecute the appeals upon 9 copies of one record and of one set of appellant's points covering the appeals and enlarging the time in which to perfect the consolidated appeals to on or before March 23, 2015 for the June 2015 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 17, 2015.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Leland G. DeGrasse
Sallie Manzanet-Daniels, Justices.

-----x

Ernesta Pennacchia, et al.,

Plaintiffs-Appellants,

-against-

M-6199

Index No. 111299/11

New York University Hospitals Center,

Defendant-Respondent.

-----x

Defendant-respondent having moved for dismissal of the appeal from the order of the Supreme Court, New York County, entered on or about February 19, 2014, for failure to timely prosecute,

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.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 17, 2015.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Rosalyn H. Richter
Darcel D. Clark, Justices.

-----X
Shiby Abraham, etc.,
Plaintiff-Respondent,

-against-

M-5936
Index No. 101134/10

Chelsea Piers Management, Inc.,
Defendant-Appellant.
-----X

Plaintiff-respondent having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on October 7, 2014 (Appeal No. 12896),

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 this Court, pursuant to CPLR 5713, certifies that the following question of law, decisive of the correctness of its determination, has arisen, which in its opinion ought to be reviewed by the Court of Appeals:

"Was the order of this Court, which reversed the order of Supreme Court, properly made?"

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 17, 2015.

PRESENT: Hon. David Friedman, Justice Presiding,
Richard T. Andrias
Karla Moskowitz
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

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

-against-

M-141
Index No. 380839/10

Assan Samba,
Defendant-Appellant,

New York City Environmental Control
Board, et al.,
Defendants.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about March 25, 2013,

And plaintiff-respondent having moved to dismiss the aforesaid appeal for failure to timely perfect,

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.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 17, 2015.

PRESENT: Hon. David Friedman, Justice Presiding,
Richard T. Andrias
Karla Moskowitz
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

-----X
Wardell Richardson,
Petitioner-Appellant,

-against-

New York City Housing Authority,
Respondent-Respondent.

M-149
Index No. 300498/14

-----X

Petitioner-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about April 4, 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 June 2015 Term.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 17, 2015.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Karla Moskowitz
Paul G. Feinman
Barbara R. Kapnick, Justices.

-----X
Rose Marie Davis and Harold R. Davis,
her husband,
Plaintiffs-Appellants,

-against-

M-226
Index No. 307673/12

The City of New York, et al.,
Defendants-Respondents.
-----X

Defendant-respondent Riverbay Corporation having moved for dismissal of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about September 26, 2013, for failure to timely perfect,

Now, upon reading and filing the papers with respect to the motion, including the stipulation of the parties dated February 6, 2015, and due deliberation having been had thereon,

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 17, 2015.

PRESENT : Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Karla Moskowitz
Paul G. Feinman
Barbara R. Kapnick, Justices.

-----X
In the Matter of the Metropolitan
Transportation Authority, etc.

196 Bway Food Court, Inc.,
Claimant-Appellant,

-against-

M-183
Index No. 401189/08

Metropolitan Transportation Authority,
Condemnor-Respondent.

-----X
196 Bway KFC, Inc.,
Claimant-Appellant,

-against-

Index No. 401190/08

Metropolitan Transportation Authority,
Condemnor-Respondent.

-----X
196 Bway TGI, Inc.,
Claimant-Appellant,

-against-

Index No. 401191/08

Metropolitan Transportation Authority,
Condemnor-Respondent.

-----X

Claimants-appellants having moved for consolidation of the appeals taken from the orders of the Supreme Court, New York County, entered on or about November 5, 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 permitting appellant to prosecute the appeals upon 9 copies of one record and of one set of appellant's 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 February 17, 2015.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Karla Moskowitz
Paul G. Feinman
Barbara R. Kapnick, Justices.

-----X
William Dugan, et al.,
Plaintiffs-Respondents,

-against-

M-87
Index No. 603468/09

London Terrace Gardens, L.P.,
Defendant-Appellant.
-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal from the orders of the Supreme Court, New York County, entered on or about September 10, 2013 (mot. seq. nos. 003-004),

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 2015 Term.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 17, 2015.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Paul G. Feinman
Darcel D. Clark
Barbara R. Kapnick, Justices.

-----X
Gentry T. Beach, et al.,
Plaintiffs-Respondents,

-against-

M-157
Index No. 603611/08

Touradji Capital Management, LP,
Paul Touradji,
Defendants-Appellants.

-----X
Touradji Capital Management, LP,
Paul Touradji,
Counterclaim Plaintiffs-Appellants,

-against-

Gentry T. Beach,
Counterclaim Defendants-Respondents.

-----X
Touradji Capital Management, LP,
Deeprook Venture Partners, LP
Paul Touradji,
Counterclaim Plaintiffs-Appellants,

-against-

Vollero Beach Capital Partners LLC,
et al.,
Counterclaim Defendants-Respondents.

-----X

Defendants-appellants and counterclaim plaintiffs-appellants
Touradji Capital Management, LP, Deeprook Venture Partners, LP
and Paul Touradji having moved for an enlargement of time to
perfect the appeal from the order of the Supreme Court, New York
County, entered on or about March 21, 2014 (mot. seq. no. 029),

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the September 2015 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 17, 2015.

PRESENT - Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Paul G. Feinman
Darcel D. Clark
Barbara R. Kapnick, Justices.

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

Bianca J.,
Petitioner-Respondent,

-against-

M-6389
Docket No. F-4749-10/13E

Dwayne C. A.,
Respondent-Appellant.
-----X

Respondent-appellant having renewed his motion for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about January 7, 2014, 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, Lewis S. Calderon, Esq., 153-01 Jamaica Avenue, Suite 201, Jamaica, NY 11432, Telephone No. (718) 883-1560, 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.**

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 February 17, 2015.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Paul G. Feinman
Darcel D. Clark
Barbara R. Kapnick, Justices.

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

-against-

M-6322
Index No. 380750/10

Myrna Brown,
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, Bronx County, entered on or about February 20, 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 September 2015 Term.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 17, 2015.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
Judith J. Gische
Darcel D. Clark
Barbara R. Kapnick, Justices.

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

-against-

M-6288
Ind. No. 3817/94

Richard Dominguez,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on January 26, 1999 (Appeal No. 1-1A), unanimously affirming a judgment of the Supreme Court, New York County (Edward McLaughlin, J.), rendered on January 19, 1995,

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

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

It is ordered that said application is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 17, 2015.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Paul G. Feinman
Judith J. Gische, Justices.

-----X
Beta Holdings, Inc., et al.,
Plaintiffs-Respondents,

-against-

M-5307
Index No. 652401/12

Robert J. Goldsmith, et al.,
Defendants-Appellants,

- - - - -

Corinthian-Beta Investments, LLC, et al.,
Proposed Additional Counterclaim
Defendants-Appellants.

-----X

Defendants-appellants having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on September 4, 2014 (Appeal No. 12567),

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

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

BEFORE: Hon. DAVID FRIEDMAN
Justice of the Appellate Division

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

M-184
Ind. No. 4718/12

-against-

CERTIFICATE
DENYING LEAVE

Scharkey James a/k/a James Scharkey,
Defendant.
-----X

I, DAVID FRIEDMAN, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, section 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the Order of the Supreme Court, New York County, entered on or about December 12, 2014, is hereby denied.

Dated: New York, New York
February 4, 2015



DAVID FRIEDMAN
Justice of the Appellate Division

ENTERED

FEB 17 2015

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

BEFORE: Hon. DAVID FRIEDMAN
Justice of the Appellate Division

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

M-5139
Ind. No. 770/08

-against-

CERTIFICATE
GRANTING LEAVE

Sean Baker,

Defendant.
-----X

I, DAVID FRIEDMAN, a Justice of the Appellate Division, First Judicial Department, do hereby certify that in the proceedings herein questions of law or fact are involved which ought to be reviewed by the Appellate Division, First Judicial Department, and, pursuant to Section 460.15 of the Criminal Procedure Law, permission is hereby granted to the above-named defendant to appeal to the Appellate Division, First Judicial Department, from the Order of the Supreme Court, Bronx County, entered on or about September 3, 2014.¹

Dated: New York, New York
February 2, 2015

ENTERED

FEB 17 2015



DAVID FRIEDMAN
Justice of the Appellate Division

NOTICE: Within 15 days from the date hereon, an appeal must be taken, and this certificate must be filed with the notice of appeal. An appeal is taken by filing, in the Clerk's office of the criminal court in which the order sought to be appealed was rendered, a written notice in duplicate that appellant appeals to the Appellate Division, First Judicial Department (Section 460.10, subd. 4, CPL), together with proof that another copy of the notice of appeal has been served upon opposing counsel. The appeal (or consolidated appeals; see footnote) must be argued within 120 days from the date of the notice of appeal, unless the time to perfect the appeal(s) is enlarged by the court or a justice thereof.

¹In the event defendant has an existing (direct) appeal from a judgment, such appeal shall be consolidated with the appeal from the aforesaid order; and any poor person relief granted with respect to the appeal from the judgment shall be extended to cover the appeals so consolidated.

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

BEFORE: Hon. DAVID FRIEDMAN
Justice of the Appellate Division

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

M-4818
Ind. No. 1979/10

-against-

CERTIFICATE
GRANTING LEAVE

Rashid Rahman,
Defendant.

-----X
I, DAVID FRIEDMAN, a Justice of the Appellate Division, First Judicial Department, do hereby certify that in the proceedings herein questions of law or fact are involved which ought to be reviewed by the Appellate Division, First Judicial Department, and, pursuant to Section 460.15 of the Criminal Procedure Law, permission is hereby granted to the above-named defendant to appeal to the Appellate Division, First Judicial Department, from the Order of the Supreme Court, Bronx County, entered on or about July 24, 2014.¹

Dated: New York, New York
February 2, 2015

ENTERED

FEB 17 2015



DAVID FRIEDMAN
Justice of the Appellate Division

NOTICE: Within 15 days from the date hereon, an appeal must be taken, and this certificate must be filed with the notice of appeal. An appeal is taken by filing, in the Clerk's office of the criminal court in which the order sought to be appealed was rendered, a written notice in duplicate that appellant appeals to the Appellate Division, First Judicial Department (Section 460.10, subd. 4, CPL), together with proof that another copy of the notice of appeal has been served upon opposing counsel. The appeal (or consolidated appeals; see footnote) must be argued within 120 days from the date of the notice of appeal, unless the time to perfect the appeal(s) is enlarged by the court or a justice thereof.

¹In the event defendant has an existing (direct) appeal from a judgment, such appeal shall be consolidated with the appeal from the aforesaid order; and any poor person relief granted with respect to the appeal from the judgment shall be extended to cover the appeals so consolidated.

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

BEFORE: Hon. John W. Sweeny, Jr.

Justice of the Appellate Division

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

Shazzi T.,
Petitioner-Appellant

M-455
Ind. No.5654/2009

-against-

Ernest L. G., also known as Ernest G.,

Respondent-Respondent
-----X

An appeal having been taken from an order of the Family Court, Bronx County, entered on or about March 17, 2011, and said appeal having been perfected,

And assigned counsel for petitioner-appellant having moved for relief in the nature of an order of a Justice of this Court pursuant to 5 U.S.C. Sec. 522a(b)(11) and 32 C.F.R. § 701.110 directing disclosure of records contained in a system of records without the consent of the person to whom they pertain under a court order signed by a judge of a court of competent jurisdiction,

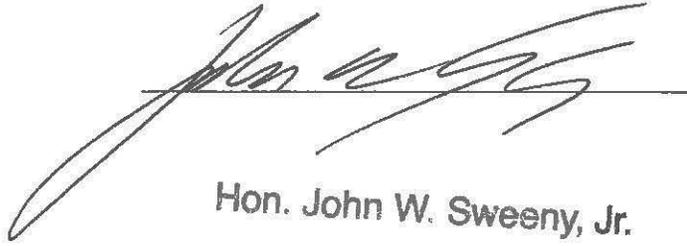
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the Office of Navy Personnel Command is directed to disclose to Christina Brandt-Young as attorney for petitioner-appellant the address at which respondent-respondent may be served with court papers, including motion papers, and

It is further ordered that petitioner-appellant is granted leave to renew her motion for relief pursuant to Military Law § 304 upon motion papers including proof of service upon respondent-

respondent pursuant to this Order.

Dated: *January 28, 2015*
~~October 21, 2014~~
New York, New York



Hon. John W. Sweeney, Jr.

ENTERED: **FEB 17 2015**

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,

Respondent,

-against-

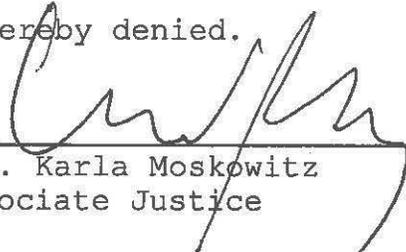
Henry Steele,

Defendant.
-----X

M-4671
Ind. No. 8794/95
8360/95

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 June 12, 2014 is hereby denied.



Hon. Karla Moskowitz
Associate Justice

Dated:


New York, New York

ENTERED: **FEB 17 2015**

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,

M-6225
Ind. No. 2853/13

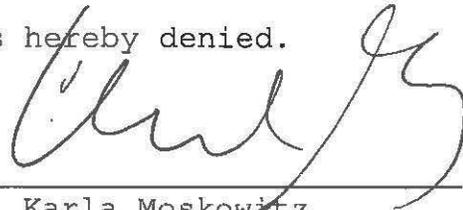
-against-

CERTIFICATE
DENYING LEAVE

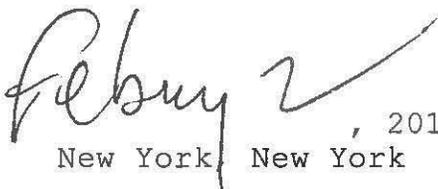
Rodney Watts,

Defendant.
-----X

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, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented that ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about October 1, 2014, is hereby denied.



Hon. Karla Moskowitz
Associate Justice

Dated:  , 2015
New York, New York

ENTERED: **FEB 17 2015**

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

BEFORE: Hon. Leland G. DeGrasse
Justice of the Appellate Division

-----x

The People of the State of New York,

Appellant,

-against-

Keith Johnson,

Defendant-Respondent.

-----x

M-6372
Ind. No. 2877/09

CERTIFICATE
GRANTING LEAVE TO APPEAL
TO THE COURT OF APPEALS

I, Leland G. DeGrasse, a Justice of the Appellate Division, Supreme Court, First Department, do hereby certify that in the record and proceedings herein* questions of law are involved which ought to be reviewed by the Court of Appeals and pursuant to CPL 460.20, it is

ORDERED that permission hereby is granted to the above-named appellant to appeal to the Court of Appeals.

40

Justice of the Appellate Division

Dated: January 23, 2015
New York, New York

ENTERED: FEB 17 2015

*Description of Order:

Supreme Court, Bronx County, rendered on July 19, 2011.
App. Div., 1st Dept., Appeal No. 12354, Affd/Revd on December 16, 2014.

Notice: Within 10 days from the issuance of this certificate, a preliminary appeal statement must be filed with the Clerk of the Court of Appeals pursuant to Rule 500.9 of the Court of Appeals Rules.

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

BEFORE: Hon. Leland G. DeGrasse
Justice of the Appellate Division

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

M-6401
Ind. No. 11024/89

-against-

CERTIFICATE
DENYING LEAVE

Patrick Sutherland,
Defendant.

-----X

I, Hon. Leland G. DeGrasse, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about October 24, 2014, is hereby denied.

Dated: New York, New York
January 30, 2015

915

ENTERED FEB 17 2015

Hon. Leland G. DeGrasse
Justice of the Appellate Division

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

BEFORE: Hon. Leland G. DeGrasse
Justice of the Appellate Division

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

M-6403
Ind. No. 1542/13

-against-

CERTIFICATE
DENYING LEAVE

Edward Greenman,
Defendant.

-----X

I, Hon. Leland G. DeGrasse, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about October 15, 2014, is hereby denied.

Dated: New York, New York
January 30, 2015



Hon. Leland G. DeGrasse
Justice of the Appellate Division

ENTERED

FEB 17 2015

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

BEFORE: Hon. Judith J. Gische
Justice of the Appellate Division

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

M-6395
Ind. No. 6117/02

-against-

CERTIFICATE
DENYING LEAVE

James Pettus,

Defendant.

-----X

I, Judith J. Gische, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the Order dated October 22, 2014 of the Supreme Court, Bronx County (Ruth Pickholz, J.), is hereby denied.



Associate Justice

Dated: February 4, 2015
New York, New York

ENTERED: FEB 17 2015

CORRECTED ORDER – February 18, 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 February 17, 2015.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Paul G. Feinman
Darcel D. Clark
Barbara R. Kapnick, Justices.

-----X
Michael I. Knopf, et al.,
Plaintiffs-Appellants,

-against-

M-103
Index No. 113227/09

Michael Hayden Sanford, et al.,
Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about December 24, 2014,

And plaintiffs-appellants having moved for a stay of the aforesaid order and injunctive relief enjoining defendants-respondents from attempting to cause the Clerk of the New York County Court to cancel the subject notices of pendency, 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; the aforesaid **order** is stayed and defendants-respondents are enjoined from attempting to cancel and or remove the subject notices of pendency, pending hearing and determination of the aforesaid appeal, and on condition the appeal is perfected on or before March 23, 2015 for the June 2015 Term. Upon failure to so perfect, defendants-respondents may move on notice to vacate the aforesaid stay.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 17, 2015.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Dianne T. Renwick
Paul G. Feinman
Barbara R. Kapnick, Justices.

-----X
Bari Restaurant & Pizzeria
Equipment Corp., et al.,
Plaintiffs-Appellants,

-against-

M-298
Index No. 154315/14

Nicholas D. Carone, et al.,
Defendants-Respondents.

-----X
(And a third-party action)
-----X

Plaintiffs-appellants having moved pursuant to CPLR 5704(a) for certain relief denied by a Justice of the Supreme Court, New York County, on or before January 21, 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 February 17, 2015.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
Rolando T. Acosta
Karla Moskowitz
Leland G. DeGrasse, Justices.

-----X

Zurich American Insurance Company,
Plaintiff-Respondent,

-against-

M-377

M-413

SONY Corporation of America, et al., Index No. 651982/11
Defendants-Appellants,

-and-

Mitsui Sumitomo Insurance Co. of
America, et al.,
Defendants-Respondents,

-and-

Sony Online Entertainment LLC,
et al.,
Defendants.

- - - - -
Complex Insurance Claims Litigation
Association and American Insurance
Association,
Amici Curiae,

United Policyholders,
Amicus Curiae.

-----X

An appeal having been taken to this Court by the above-named defendants-appellants from an order of the Supreme Court, New York County, entered on or about February 24, 2014, and from a so ordered transcript entered on or about March 24, 2014, respectively, and said appeal having been perfected,

And Complex Insurance Claims Litigation Association and the American Insurance Association having moved for leave to file a brief amicus curiae in connection with the aforesaid appeal (M-377),

And United Policyholders having moved for the same relief (M-413),

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

It is ordered that motion of Complex Insurance Claims Litigation Association (M-377) is granted to the extent of directing the amici curiae to serve and file 9 copies of said brief forthwith. The motion of United Policyholders (M-413) is granted to the extent of deeming the briefs amicus curiae submitted with the moving papers as filed.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 17, 2015.

Present: Hon. Rolando T. Acosta, Justice Presiding,
Diane T. Renwick
Paul G. Feinman
Darcel D. Clark
Barbara R. Kapnick, Justices.

-----X
Shekhar K. Basu,
Plaintiff-Respondent,

-against-

M-6318
Index No. 651340/10

Alphabet Management, et al.,
Defendants-Appellants.
-----X

An appeal and cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 10, 2014, and said appeal and cross appeal having been perfected,

And plaintiff-respondent having moved to withdraw his notice of appeal dated August 5, 2014, to require defendants-appellants-respondents to correct the captions on the records and briefs filed in connection with the aforesaid 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 and plaintiff-respondent's cross appeal (Notice of Appeal dated August 5, 2014) is deemed withdrawn; the Clerk is directed to maintain the appeal on the calendar for the March 2015 Term, and defendants are directed to amend the cover pages of the record on appeal and briefs to reflect that defendants are the sole appellants and plaintiff is the respondent, in accordance with a single Justice order of this Court, dated December 24, 2014. Defendants are to bear the entire cost of the record on appeal, and otherwise denied.

ENTER:


CLERK