

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 October 13, 2015.

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

-----X

Fredda Goldberg,  
Plaintiff-Respondent,

-against-

M-3881  
Index No. 300845/14

Andrew Goldberg,  
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 31, 2015,

And defendant-appellant having moved for a stay of all proceedings pending hearing and determination of the appeal taken therefrom,

Now, upon reading and filing the papers with respect to the motion, including the stipulation between the parties dated August 19, 2015, 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It is ordered that the motion is deemed withdrawn.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 October 13, 2015.

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

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

-against-

M-3094  
Ind. No. 3217/06

Anthony Perez,  
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 June 17, 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.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28<sup>th</sup> Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 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 October 13, 2015.

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

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

-against-

M-3098  
Ind. No. 4784/00

Tyrone Fleetwood,  
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 June 17, 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.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28<sup>th</sup> Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 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 October 13, 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-3525  
Ind. No. 3714/13

Sheldon Fenton,  
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 July 8, 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.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28<sup>th</sup> Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 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 October 13, 2015.

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

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

-against-

M-3527  
Ind. No. 99005/15

Jimmie Bynum,  
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 July 15, 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.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28<sup>th</sup> Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 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 October 13, 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-3528  
Ind. No. 2923/10

Maurice Eaddy,  
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 (Kahn, J.) entered on or about July 16, 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.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28<sup>th</sup> Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 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 October 13, 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 4 of the  
Family Court Act.

- - - - -  
Aissatou D.,  
Petitioner-Appellant,

-against-

M-4700  
Docket No. O-12787/11

Mamadou D.,  
Respondent-Respondent.

-----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 February 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, Leslie S. Lowenstein, Esq., 567 Sunset Drive, Woodmere, NY 11598, Telephone No. (516)994-6831, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant

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

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

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 October 13, 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

Ayo O.,  
and Ayonna O.,

**M-3517**

Children Under 18 Years of Age Alleged to be Abused and/or Neglected Under Article 10 of the Family Court Act. Docket Nos. NA-29986/13  
NA-29987/13

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The Administration for Children's Services,  
Petitioner-Respondent,

Rotimi O.,  
Respondent-Appellant,

Debra McC.,  
Respondent-Respondent.

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Robert Himmelman, Esq.,  
Attorney for the Children.

-----X  
  
Respondent-respondent having moved for leave to respond, as a poor person, to the appeal from the order of the Family Court, Bronx County, entered on or about September 19, 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, John R. Eyeran, Esq., 225 Broadway, Suite #1800, New York, NY 10007, Telephone No.

(212) 921-0069, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for respondent-appellant and 8 copies thereof are filed with this Court.

ENTER:

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

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CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 13, 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 Guardianship and Commitment of

Hunter R.,

A Child Under 18 Year of Age  
Pursuant to §384-b of the Social Services Law of the State of New York.

M-3615

- - - - -  
Children's Village, et al.,  
Petitioners-Respondents,

Docket No. B-11836/13

Delinda R.,  
Respondent-Respondent.

- - - - -  
Hal Silverman, Esq., Lawyers for Children, Inc.,  
Attorney for the Child.

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

- - - - -  
Karin R.,  
Petitioner-Appellant,

Docket No. V-41779/13

-against-

Delinda R.,  
Respondent-Respondent.

-----X

Petitioner-appellant grandmother Karin R. 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 July 13, 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, Geoffrey P. Berman, Esq., 2005 Palmer Avenue, #176, Larchmont, NY 10538, Telephone No. 914-419-8407, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with 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

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 13, 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 Commitment of

Kasey Rene'e R., also known as  
Kasey R., also known as Kasey E., and  
Ralph Anthony G., III, also known as  
Ralph G., III, also known as Ralph E.,

Children Under 14 Years of Age  
Pursuant to §384-b of the Social  
Services Law of the State of New York.

- - - - -  
Lutheran Social Services of New York, M-3606  
Petitioner-Respondent, Docket Nos. B-21247/12  
B-21248/12

Katherine Rene'e E., also known as  
Katherine Renee E., also known as  
Katherine E., also known as  
Katherine R.,  
Respondent-Appellant.

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

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about April 29, 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, Geoffrey P. Berman, Esq., 2005 Palmer Avenue, #176, Larchmont, NY 10538, Telephone No. 914-419-8407, as counsel for purposes of prosecuting the appeal; (2)

directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with 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

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 13, 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.  
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Karim R.,  
Petitioner-Respondent,

-against-

M-3164  
Docket Nos.  
V-5960-61-62-63/12/14D  
V-9466-67-68-69/12/14D

Salamatou S.,  
Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about May 31, 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, Steven N. Feinman, Esq., One North Broadway, Suite #412, White Plains, NY 10601, Telephone No. 914-949-8214, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of

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

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-3553, decided simultaneously herewith.)

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 October 13, 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.

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Karim R.,  
Petitioner-Respondent,

-against-

Salamatou S.,  
Respondent-Appellant.

M-3553  
Docket Nos.  
V-5960-61-62-63/12/14D  
V-9466-67-68-69/12/14D

-----X

Petitioner-respondent having moved for leave to respond, as a poor person, to the appeal from the order of the Family Court, Bronx County, entered on or about May 31, 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 Baer, Esq., 299 Broadway, Suite #1415, New York, NY 10007, Telephone No. 212-233-0318, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for respondent-appellant and 8 copies thereof are filed with this Court. (See M-3164, decided simultaneously herewith.)

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 October 13, 2015.

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

-----X  
In the Matter of

Baby Girl A.,

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

**M-2306**

Docket Nos.  
NN-50171-4/13  
NN-50222-3/13  
NN-41365/14

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The Administration for Children's Services,  
Petitioner-Respondent,

Reggie U.,  
Respondent-Appellant,

Ayesha A., also known as Ayesha U.,  
Respondent-Respondent.

-----  
Seymour W. James, Jr., Esq.,  
The Legal Aid Society,  
Juvenile Rights Division,  
Attorney for the Children,  
Iris A.; Maiyah U.;  
Ariayah U.; and Ahriel U.,

Tennille M. Tatum-Evans, Esq.,  
Attorney for Baby Girl A.,  
Angelicah U. and Ahzahria U.

-----X  
In the Matter of

Iris A.; Maiyah U.;  
Ariayah U.; Ahriel U.;  
Angelicah U.; and  
Ahzahria U.,

Docket Nos.  
NN-50171-4/13  
NN-50222-23/13  
NN-41365/14

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

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- - - - -  
 The Administration for Children's  
 Services,  
 Petitioner-Respondent,

Reggie U.,  
 Respondent-Appellant,

Ayesha A., also known as Ayesha U.,  
 Respondent-Respondent.

- - - - -  
 Seymour W. James, Jr., Esq.,  
 The Legal Aid Society,  
 Juvenile Rights Division,  
 Attorney for the Children,  
 Iris A.; Maiyah U.;  
 Ariayah U.; and Ahriel U.;

Tennille M. Tatum-Evans, Esq.,  
 Attorney for the Children  
 Baby Girl A.; Angelicah U.  
 and Ahzahria U.

-----X

Respondent-appellant having moved for consolidation of the  
 appeals taken from orders of the Family Court, New York County,  
 entered on or about November 19, 2014 and from two orders entered  
 on or about June 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  
 permitting respondent-appellant to prosecute the appeals upon  
 8 copies of one record and of one set of appellant's points  
 covering the consolidated appeals. Respondent-appellant is  
 directed to perfect said consolidated appeals for the February  
 2016 Term. (See M-2134, M-2479 and M-2480, decided  
 simultaneously herewith.)

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 October 13, 2015.

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

-----X  
In the Matter of

Baby Girl A.,

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

**M-2480**

Docket Nos.  
NN-50171-4/13  
NN-50222-3/13  
NN-41365/14

-----  
The Administration for Children's Services,  
Petitioner-Respondent,

Reggie U.,  
Respondent-Appellant,

Ayesha A., also known as Ayesha U.,  
Respondent-Respondent.

-----  
Seymour W. James, Jr., Esq.,  
The Legal Aid Society,  
Juvenile Rights Division,  
Attorney for the Children,  
Iris A.; Maiyah U.;  
Ariayah U.; and Ahriel U.;

Tennille M. Tatum-Evans, Esq.,  
Attorney for the Children  
Baby Girl A.; Angelicah U.  
and Ahzahria U.

-----X  
In the Matter of

Iris A.; Maiyah U.;  
Ariayah U.; Ahriel U.;  
Angelicah U.; and  
Ahzahria U.,

Docket Nos.  
NN-50171-4/13  
NN-50222-23/13  
NN-41365/14

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

- - - - -

The Administration for Children's  
Services,  
Petitioner-Respondent,

Reggie U.,  
Respondent-Appellant,

Ayesha A., also known as Ayesha U.,  
Respondent-Respondent.

- - - - -

Seymour W. James, Jr., Esq.,  
The Legal Aid Society,  
Juvenile Rights Division,  
Attorney for the Children,  
Iris A.; Maiyah U.;  
Ariayah U.; and Ahriel U.;

Tennille M. Tatum-Evans, Esq.,  
Attorney for the Children,  
Baby Girl A., Angelicah U.  
and Ahzahria U.

-----X

Nicole Riordan, Esq., Family Court attorney for the child,  
Baby Girl A., having moved on said child's behalf, for leave to  
respond to the appeal taken from the orders of the Family Court,  
New York County, entered on or about November 17, 2014 and  
June 12, 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

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, Tennille M. Tatum-Evans, Esq.,  
260 Convent Avenue, Suite #34, New York, NY 10031, Telephone

No. (347) 645-6660, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for respondent-appellant and 8 copies thereof are filed with this Court. (See M-2306, M-2479 and M-2134, decided simultaneously herewith.)

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 October 13, 2015.

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

-----X  
In the Matter of

Baby Girl A.,

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

**M-2479**

Docket Nos.  
NN-50171-4/13  
NN-50222-3/13  
NN-41365/14

- - - - -  
The Administration for Children's Services,  
Petitioner-Respondent,

Reggie U.,  
Respondent-Appellant,

Ayesha A., also known as Ayesha U.,  
Respondent-Respondent.

- - - - -  
Seymour W. James, Jr., Esq.,  
The Legal Aid Society,  
Juvenile Rights Division,  
Attorney for the Children,  
Iris A.; Maiyah U.;  
Ariayah U.; and Ahriel U.,

Tennille M. Tatum-Evans, Esq.,  
Attorney for the Children  
Baby Girl A.; Angelicah U.  
and Ahzahria U.

-----X  
In the Matter of

Iris A.; Maiyah U.;  
Ariayah U.; Ahriel U.;  
Angelicah U.; and  
Ahzahria U.,

Docket Nos.  
NN-50171-4/13  
NN-50222-23/13  
NN-41365/14

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

- - - - -  
The Administration for Children's  
Services,  
Petitioner-Respondent,

Reggie U.,  
Respondent-Appellant,

Ayesha A., also known as Ayesha U.,  
Respondent-Respondent.

- - - - -  
Seymour W. James, Jr., Esq.,  
The Legal Aid Society,  
Juvenile Rights Division,  
Attorney for the Children,  
Iris A.; Maiyah U.;  
Ariayah U.; and Ahriel U.,

Tennille M. Tatum-Evans, Esq.,  
Attorney for the Children  
Baby Girl A.; Angelicah U.  
and Ahzahria U.

-----X

Nicole Riordan, Esq., Family Court attorney for the  
subject children, Baby Girl A., Angelicah U. and Ahzahria U.,  
having moved for leave to respond on said children's behalf,  
as poor persons, to the appeal from the orders of the Family  
Court, New York County, entered on or about July 16, 2014 and  
June 12, 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, Tennille M. Tatum-Evans, Esq.,  
260 Convent Avenue, Suite #34, New York, NY 10031, Telephone No.

(347) 645-6660, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for petitioner-appellant and 8 copies thereof are filed with this Court. (See M-2306, M-2480 and M-2134, decided simultaneously herewith.)

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 October 13, 2015.

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

-----X

In the Matter of

Baby Girl A.,

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

**M-2134**

Docket Nos.  
NN-50171-4/13  
NN-50222-3/13  
NN-41365/14

-----  
The Administration for Children's Services,  
Petitioner-Respondent,

Reggie U.,  
Respondent-Appellant,

Ayesha A., also known as Ayesha U.,  
Respondent-Respondent.

-----  
Seymour W. James, Jr., Esq.,  
The Legal Aid Society,  
Juvenile Rights Division,  
Attorney for the Children,  
Iris A.; Maiyah U.;  
Ariayah U.; and Ahriel U.,

Tennille M. Tatum-Evans, Esq.,  
Attorney for the Children  
Baby Girl A.; Angelicah U.  
and Ahzahria U.

-----X

In the Matter of

Iris A.; Maiyah U.;  
Ariayah U.; Ahriel U.;  
Angelicah U.; and  
Ahzahria U.,

Docket Nos.  
NN-50171-4/13  
NN-50222-23/13  
NN-41365/14

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

- - - - -  
The Administration for Children's  
Services,  
Petitioner-Respondent,

Reggie U.,  
Respondent-Appellant,

Ayesha A., also known as Ayesha U.,  
Respondent-Respondent.

- - - - -  
Seymour W. James, Jr., Esq.,  
The Legal Aid Society,  
Juvenile Rights Division,  
Attorney for the Children,  
Iris A.; Maiyah U.;  
Ariayah U.; and Ahriel U.,

Tennille M. Tatum-Evans, Esq.,  
Attorney for the Children  
Baby Girl A.; Angelicah U.  
and Ahzahria U.

-----X

Respondent-appellant having moved for leave to prosecute,  
as a poor person, the appeal taken from the order of the Family  
Court, New York County, entered on or about April 7, 2015, and  
for assignment of counsel, a free copy of the transcript(s), 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, Randall Carmel, Esq., 53 Jackson  
Avenue, Syosset, NY 11791, Telephone No. (516) 921-8800, as

counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor;<sup>1</sup> **within 30 days (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.** (See M-2306, M-2479 and M-2480, decided simultaneously herewith.)

ENTER:

  
CLERK

---

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 13, 2015.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzarelli  
John W. Sweeny, Jr.  
Dianne T. Renwick, Justices.

-----X

Leo Baer Borstein,  
Plaintiff-Respondent,

-against-

Virginia Marie Henneberry,  
Defendant-Appellant.

-----X

M-3503  
M-3536  
M-4055  
Index No. 112421/10

Plaintiff-respondent having moved for reargument of the decision and order of this Court entered on June 23, 2015 (Appeal No. 14946N) [M-3503],

And defendant-appellant having cross-moved, by separate motions, for reargument or clarification of the decision and order of this Court entered June 23, 2015 (Appeal No. 14946N) [M-3536], and for the imposition of costs and attorney's fees incurred in opposing plaintiff respondent's motion [M-4055],

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

It is ordered that plaintiff-respondent's motion for reargument is denied [M-3503].

The cross motions for reargument or clarification of the appeal order [M-3536] and costs and attorney's fees [M-4055] are granted, and the decision and order of this Court entered on June 23, 2015 (Appeal No. 14946N) is recalled and vacated and a new decision and order substituted therefor. (See Appeal No. 14946N, decided simultaneously herewith.)

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 October 13, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzarelli  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

-----X  
Marzia Frassinelli, et al.,  
Plaintiff-Respondents,

-against-

120 East 73rd Street Corp., et al.,  
Defendants-Appellants.

M-4776  
Index Nos. 118093/09  
590777/10  
590101/13

-----X  
(And other actions)  
-----X

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about August 13, 2015, and said appeal having been perfected,

And defendants-appellants having moved for a stay of trial 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.

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 October 13, 2015.

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

-----X  
Patricia German, et al.,  
Plaintiffs,

Masoud Arabian, **M-4302**  
Plaintiff-Appellant, Index No. 105539/11

-against-

S&P Associates of New York LLC,  
et al.,  
Defendants-Respondents,

Starr & Associates, as Escrow Agent,  
Defendant.

-----X

Appeals having been taken from two orders of the Supreme Court, New York County, both entered on or about August 24, 2015 and a third order entered on or about December 12, 2014,

And plaintiff-appellant having moved to stay a Civil Court holdover proceeding pending hearing and determination of the aforesaid appeals,

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

Ordered that the motion is denied.

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 October 13, 2015.

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

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

-against-

M-1755  
Ind. No. 2614/04

Luis Dolmuz,  
Defendant.

-----X

A judgment of the Supreme Court, Bronx County, having been rendered on June 26, 2007,

And defendant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of counsel, by reason of trial counsel's failure to file a timely notice of 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 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 October 13, 2015.

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

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

Respondent,

-against-

M-2346A  
Ind. No. 4823/12

Stephen Baptiste,

Defendant-Appellant.

-----X

Defendant pro se having renewed his motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about March 31, 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, 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 serve one copy of such brief upon the District Attorney of said county and file 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 proceeding pursuant to CPL §210.20, Arts. 710 and 730, of the plea or trial and sentence.

The Clerk is directed to forward to the warden of the State correctional facility wherein defendant is incarcerated a transcript of the minutes relating to defendant's appeal, the transcript to be made available to appellant, without charge, and returned by him to this Court when submitting his pro se brief.

The time to perfect the appeal is hereby enlarged until 120 days from the date of filing of the record. Appellant is advised that the appeal will not be heard unless and until all material furnished to him as been returned to this Court. (The order of this Court entered on September 8, 2015 [M-2346] is hereby recalled and 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 October 13, 2015.

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

-----X  
Rosemarie A. Herman, etc., et al.,  
Plaintiffs-Appellants,

-against-

M-3429  
Index No. 650205/11

Julian Maurice Herman, et al.,  
Defendants-Respondents.

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

Defendants-respondents Julian Maurice Herman, et al. having moved for a temporary restraining order, preliminary injunction and a stay of proceedings, pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about July 15, 2015 (mot. seq. no. 021), and 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 denied, and the interim relief granted by an order of a Justice of this Court, dated July 17, 2015, is hereby 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 October 13, 2015.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
Paul G. Feinman  
Judith J. Gische  
Barbara R. Kapnick, Justices.

-----X

Carey & Associates LLC,  
Plaintiff-Appellant,

-against-

M-3919  
Index No. 650165/08

521 Fifth Avenue Partners, LLC, et al.,  
Defendants-Respondents,

Green 521 Fifth Avenue LLC,  
Defendant.

-----X

Defendant-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court entered on July 7, 2015 (Appeal No. 15648),

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 October 13, 2015.

Present: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
Paul G. Feinman  
Judith J. Gische  
Barbara R. Kapnick, Justices.

-----X  
In re Metropolitan Transportation Authority, etc.,

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

-against-

**M-3872**  
Index Nos. 401189/08  
401190/08  
401191/08

Metropolitan Transportation Authority,  
Condemnor-Respondent.

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

-against-

Metropolitan Transportation Authority,  
Condemnor-Respondent.

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

-against-

Metropolitan Transportation Authority,  
Condemnor-Respondent.

-----X

Collective claimants-appellants having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on July 7, 2015 (Appeal Nos. 15653N, 15654N and 15655N),

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:

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

---

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 October 13, 2015.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Rolando T. Acosta  
Richard T. Andrias  
Karla Moskowitz, Justices.

-----X

Paul O. Hynard,

Plaintiff,

-against-

US Bank, Corporate Trust Tax Services,

Defendants.

-----X

M-3924  
NY County Clerk No.  
570021/15  
Index No. 1259/14

An order of this Court entered July 28, 2015 (M-2445) denying plaintiff leave to appeal to this Court from the order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about March 11, 2015, and other relief,

And plaintiff having moved for clarification of the aforesaid order,

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 October 13, 2015.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
Diane T. Renwick  
Richard T. Andrias  
Sallie Manzanet-Daniels, Justices.

-----X  
Yousef Yahudaii,  
Plaintiff-Appellant-Respondent,

**M-4289**

-against-

Index No. 103449/08

Nourallah Baroukhian, et al.,  
Defendants-Respondents-Appellants.

-----X

An appeal and cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about April 5, 2012, and said appeal and cross appeal having been perfected,

And defendants-respondents-appellants having moved to dismiss plaintiff-appellant-respondent's direct appeal and to adjourn defendants' 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 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 October 13, 2015.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
Dianne T. Renwick  
Richard T. Andrias  
Sallie Manzanet-Daniels, Justices.

-----X  
Maria Maysonet and Miguel Maysonet,  
Plaintiffs-Appellants,

-against-

M-4447  
Index No. 150526/11

EAN Holdings, LLC,  
Defendant,

Daniel Rivera, Cornelius M. Cooper,  
Haseen Sharma-Cooper, et al.,  
Defendants-Respondents.

-----X

An appeal having been taken by plaintiffs-appellants from the order of the Supreme Court, New York County, entered on or about June 23, 2014 (mot. seq. no. 002),

And the Cooper defendants-respondents having moved for an order striking the brief filed by Daniel Rivera, and related relief,

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

Ordered that the motion is granted to the extent of striking the brief filed by defendant Daniel Rivera.

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 October 13, 2015.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Rolando T. Acosta  
Diane T. Renwick  
Richard T. Andrias, Justices.

-----X

Infinity Corp.,  
Petitioner-Landlord-Appellant,

-against-

Evelyn Danko, as the Executrix of  
the Estate of Bert Herbert,  
Respondent-Tenant,

**M-2926**  
Index No. 570642/13  
L&T No. 66511/10

Aliston Philip,  
Respondent-Respondent,

-and-

"John Doe" and/or "Jane Doe",  
Respondents.

-----X

Petitioner-landlord-appellant having moved for leave to appeal to this Court from an order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about March 19, 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 October 13, 2015.

PRESENT: Hon. David Friedman, Justice Presiding,  
David B. Saxe  
Judith J. Gische  
Barbara R. Kapnick, Justices.

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

-against-

M-3165A  
Ind. No. 207/08

Pierre Candel,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from an order of the Supreme Court, New York County, entered on or about June 15, 2015, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 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, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28<sup>th</sup> Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 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 in the County of New York on October 13, 2015.

PRESENT: Hon. David Friedman, Justice Presiding,  
Richard T. Andrias  
David B. Saxe  
Judith J. Gische  
Barbara R. Kapnick, Justices.

-----X  
Partmiter Brothers, LLC,  
Plaintiff-Respondent,

-against-

M-4410  
Index No. 306387/09

Iscela R. Bernal,  
Defendant-Appellant.  
-----X

An appeal having been taken from a judgment of the Supreme Court, Bronx County, entered on or about July 8, 2015,

And defendant-appellant having moved for a preliminary appellate injunction barring plaintiff, or anyone on its behalf, from enforcing a judgment of foreclosure, 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 October 13, 2015.

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

-----X  
Osqugama F. Swezey, et al.,  
Petitioners-Respondents,

-against-

Merrill Lynch, Pierce,  
Fenner & Smith, Inc.,  
Respondent-Respondent,

M-3715  
Index No. 155600/13

New York City Department of Finance,  
Respondent,

Philippine National Bank, et al.,  
Intervenors-Appellants.

- - - - -

The United States of America,  
Amicus Curiae.

-----X

Petitioners-respondents having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on November 18, 2014 (Appeal No. 13525),

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 October 20, 2015.

Present: Hon. David Friedman, Justice Presiding,  
Richard T. Andrias  
David B. Saxe  
Judith J. Gische  
Barbara R. Kapnick, Justices.

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

-against-

**M-4147A**  
Ind. No. 2449/12

Rayshawn Singleton,  
Defendant-Appellant.

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

-against-

Ind. No. 4095/13

Malik Hawkins,  
Defendant-Appellant.

-----X

An appeal having been taken by defendant, Rayshawn Singleton, from a judgment of the Supreme Court, New York County, rendered on or about October 24, 2013, and said appeal having been perfected,

And an appeal having been taken by defendant, Malik Hawkins, from a judgment of the Supreme Court, New York County, rendered on or about October 24, 2013, and said appeal having been perfected,

And the People having moved for consolidation of the aforesaid appeals,

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

(M-4147A)

-2-

Ordered that the motion is granted. Sua sponte, the consolidated appeal is adjourned to the February 2016 Term. (The order of this Court entered on October 13, 2015 [M-4147] is hereby recalled and 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 October 13, 2015.

PRESENT: Hon. David Friedman, Justice Presiding,  
Richard T. Andrias  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

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

-against-

M-2258  
Ind. No. 67/96

Joseph Striplin,  
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on June 20, 2000 (Appeal No. 1483), unanimously affirming a judgment of the Supreme Court, Bronx County (Edward Davidowitz, J.), rendered on July 23, 1997,

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 October 13, 2015.

Present: Hon. David Friedman, Justice Presiding,  
Richard T. Andrias  
David B. Saxe  
Judith J. Gische  
Barbara R. Kapnick, Justices.

-----X  
City of New York, etc., et al.,  
Plaintiffs-Respondents,

-against-

100 West 88<sup>th</sup> Street Housing  
Development Fund Corporation,  
67 West 87<sup>th</sup> Street Housing  
Development Fund Corporation,  
and 72 West 88<sup>th</sup> Street Housing  
Development Fund Corporation,  
Defendants-Appellants.

**M-4415**  
**M-4416**  
**M-4417**  
Index No. 451145/12

-----X  
Separate appeals having been taken from the same consolidated order of the Supreme Court, New York County, entered on or about July 27, 2015,

And defendants-appellants having moved by separate motions to stay discovery pending hearing and determination of their respective appeals,

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

Ordered that the motions are denied.

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 October 13, 2015.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Dianne T. Renwick  
Richard T. Andrias  
Rosalyn H. Richter  
Barbara R. Kapnick, Justices.

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

-against-

M-3319  
Ind. No. 2304/10

Jose Hernandez,  
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on June 17, 2014 (Appeal No. 12791/12791A), unanimously affirming the judgments of the Supreme Court, New York County (Ronald Zweibel, J.), rendered on August 9, 2012,

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 October 13, 2015.

PRESENT - Hon. John W. Sweeny, Jr., Justice Presiding,  
Dianne T. Renwick  
Richard T. Andrias  
Karla Moskowitz  
Judith J. Gische, Justices.

-----X

Cesar N. Ladignon, et al.,  
Plaintiffs-Respondents,

-against-

M-2828

M-3075

Lower Manhattan Development Corporation,  
Defendant,

Index Nos. 100889/10  
590379/10

Bovis Lend Lease LMB, Inc.,  
Defendant-Appellant-Respondent,

R&J Construction Corp.,  
Defendant-Respondent-Appellant,

Gramercy Wrecking & Environmental  
Contractors, Inc.,  
Defendant-Respondent.

-----  
Bovis Lend Lease LMB, Inc.,  
Third-Party Plaintiff-  
Appellant-Respondent,

-against-

Paradise Electrical Energy Contractors,  
Inc., et al.,  
Third-Party Defendants-Respondents,

R&J Construction Corp.,  
Third-Party Defendant-  
Respondent-Appellant.

-----X

Defendant-third-party plaintiff-appellant-respondent Bovis Lend Lease LMB, Inc. having moved for reargument or, in the alternative, leave to appeal to the Court of Appeals of the decision and order of this Court entered on May 19, 2015 (Appeal No. 15150-50A) [M-2828],

And defendant-respondent-appellant R&J Construction Corp. having cross-moved for reargument or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on May 19, 2015 (Appeal No. 15150-50A) [M-3075],

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 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 October 13, 2015.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,  
Dianne T. Renwick  
Richard T. Andrias  
Karla Moskowitz, Justices.

-----X  
In the Matter of the Application of  
Skeeter Jones,  
Petitioner-Appellant,

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

M-4337  
Index No. 402751/11

-against-

New York City Housing Authority,  
et al.,  
Respondents-Respondents.

-----X

Respondent-respondent having moved for dismissal of the appeal taken from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about September 25, 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 unless the appeal is perfected for 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 October 13, 2015.

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

-----X  
Baruch 44 Wall, LLC,  
Plaintiff-Appellant,

-against-

44 Wall Owner, LLC, et al.,  
Defendants-Respondents.

M-4279  
Index No. 652405/15

-----X

Plaintiff-appellant having moved for a stay of the order of the Supreme Court, New York County, entered on or about August 28, 2015, pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is denied.

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 October 13, 2015.

PRESENT - Hon. Rolando T. Acosta, Justice Presiding,  
Richard T. Andrias  
David B. Saxe  
Rosalyn H. Richter, Justices.

-----X

Hosam Alrqi, q,

Plaintiff-Appellant,

-against-

M-2705

Index No. 104341/12

New York University, et al.,

Defendants-Respondents.

-----X

Plaintiff-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on April 30, 2015 (Appeal No. 14991),

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 October 13, 2015.

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

-----X  
Richard P. Kaplan,  
Plaintiff-Appellant,

-against-

M-3838  
Index No. 400758/14

Scott Resnik,  
Defendant-Respondent.

-----X

Plaintiff-appellant, pro se, having moved for leave to prosecute, as a poor person, the appeal from an order of the Supreme Court, New York County, entered on or about May 29, 2015, and 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 said motion, and due deliberation having been had thereon,

It is ordered that said 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 October 13, 2015.

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

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

Hallie F.,  
Petitioner,

-against-

Jose M.,  
Respondent-Appellant.

M-3996  
File No. 233552  
Docket No. F-40845-14

-----X

Respondent-appellant, pro se, 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 June 22, 2015, and 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 said motion, and due deliberation having been had thereon,

It is ordered that said 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 October 13, 2015.

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

-----X

Nat Vaughn,  
Plaintiff-Appellant,

-against-

M-4057  
Index No. 570208/15

Spy Shop of New York, Inc.,  
Defendant-Respondent.

-----X

Plaintiff-appellant, pro se, having moved for leave to appear as a poor person in this Court, although no appeal to this Court has been filed regarding an order of the Civil Court, New York County, entered on or about August 26, 2014, and 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 said motion, and due deliberation having been had thereon,

It is ordered that said 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 October 13, 2015.

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

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

-against-

M-3603  
Ind. No. 199/11

Renato Seabra,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for a an enlargement of time to perfect the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about December 21, 2012,

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 aforesaid appeal to the January 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 October 13, 2015.

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

-----X  
Christopher Brown,  
Plaintiff-Appellant-Respondent,

-against-

M-3873  
Index No. 300279/12

Wilbert George,  
Defendant-Respondent-Appellant,

Jacqueline George,  
Defendant.

-----X

Appeals having been taken from the order of the Supreme Court, Bronx County, entered on or about October 20, 2014,

Defendant-respondent-appellant Wilbert George having moved for an enlargement of time to perfect his 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 appeals to the January 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 October 13, 2015.

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

-----X  
Eric Jones,  
Plaintiff-Appellant,

-against-

Hiro Cocktail Lounge, et al.,  
Defendants-Respondents.

M-3731  
Index Nos. 23252/06  
85917/07

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

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, Bronx County, entered on or about April 1, 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 January 2016 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 October 13, 2015.

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

-----X  
WM Specialty Mortgage LLC,  
Plaintiff-Respondent,

-against-

**M-3993**  
Index No. 381160/07

Abul K. Azad,  
Defendant-Appellant,

The City of New York Environment Control  
Board, et al.,  
Defendants.

-----X

Defendant-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 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 to the extent of enlarging the time to perfect the appeal to the January 2016 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 October 13, 2015.

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

-----x  
Arie Genger and Orly Genger, etc.,  
Plaintiffs-Respondents,

-against-

Dala Genger, et al., M-3620  
Defendant-Appellant, M-3992  
Index No. 651089/10

-and-

TPR Investment Associates, Inc.,  
et al.,  
Defendants-Respondents.

-----  
Sagi Genger, etc., et al.,  
Cross-Claimants, Counterclaimants,  
and Third-Party Claimants,

-against-

Arie Genger, et al.,  
Cross-Claim, Counterclaim and/or  
Third-Party Defendants.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about November 25, 2014,

And defendant-appellant having moved for an enlargement of time to perfect the appeal (M-3620),

And defendants-respondents having cross-moved for dismissal of the aforesaid appeal (M-3992),

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 granted to the extent of enlarging the time to perfect the appeal to the January 2016 Term (M-3620). The cross motion is granted to the extent of dismissing the appeal unless it is perfected for said January 2016 Term (M-3992).

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 October 13, 2015.

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

-----X  
1380 Housing Development Fund  
Corporation, as Nominee for WFHA King  
Boulevard, L.P.,  
Plaintiff-Respondent,

**M-3789**  
Index No. 35346/13

-against-

Barbara Carlin,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal taken from a judgment of the Supreme Court, Bronx County, entered on or about October 10, 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 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 October 13, 2015.

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

-----X  
Balanced Return Fund Limited, et al.,  
Plaintiffs-Appellants,

-against-

**M-4047**  
Index No. 600949/09

Royal Bank of Canada, et al.,  
Defendants-Respondents.

-----X

Plaintiffs-appellants 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 November 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 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 October 13, 2015.

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

-----X  
IN RE EAST 51<sup>ST</sup> STREET CRANE COLLAPSE  
LITIGATION:

Index No. 769000/08

-----X  
Crave Foods Inc., doing business as  
Crave Ceviche Restaurant,  
Plaintiff,

-against-

**M-3663**

Index No. 117452/08

Rapetti Rigging Services, Inc., et al.,  
Defendants,

East 51<sup>st</sup> Street Development Company,  
LLC,  
Defendant-Appellant.

-----X  
IN RE EAST 51<sup>ST</sup> STREET CRANE COLLAPSE  
LITIGATION:

-----X  
East 51<sup>st</sup> Street Development Company,  
LLC,  
Third-Party Plaintiff-Appellant,

-against-

Favelle Favco Cranes (USA), Inc.,  
et al.,  
Third-Party Defendants-Respondents.

-----X

Defendant/third-party plaintiff-appellant having moved for an enlargement of time to perfect the consolidated appeals taken from orders of the Supreme Court, New York County, both entered on or about November 27, 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 consolidated appeals 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 October 13, 2015.

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

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

-against-

Pablo Garcia,  
Defendant-Appellant.

M-3633  
Ind. Nos. 2650/09  
2312/11

-----X

An order of this Court having been entered on August 21, 2014 (M-1979), inter alia, granting defendant's motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about March 28, 2014, under Indictment No. 2650/09, and assigning counsel therefor,

And defendant having moved for an order amending the notice of appeal and the aforementioned order to include Indictment No. 2312/11,

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 amending defendant's notice of appeal and the aforementioned order of this Court to include Indictment No. 2312/11, and extending the poor person relief previously granted to cover same.

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 October 13, 2015.

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

-----x  
Benjamin Cortes,  
Plaintiff-Appellant,

-against-

M-4132  
Ind. No. 158942/12

ALN Restaurant, Inc., et al.,  
Defendants-Appellants.

- - - - -  
180 Hester Street Investors LLC,  
Non-Party Respondent.

-----x

Appeals having been taken from an order of the Supreme Court, New York County, entered on or about September 22, 2014, and the appeal taken by defendants from said order having been perfected,

And plaintiff-appellant having moved for an adjournment of the perfected appeal, for permission to file a co-appellant's brief and for an enlargement of time to perfect his 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 January 2016 Term, plaintiff is directed to file his appellant's brief on or before November 9, 2015 for said January 2016 Term and non-party respondent is granted leave to file a supplemental respondents brief on or before December 9, 2015 for said January 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 October 13, 2015.

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

-----X

Normandy Real Estate Partners LLC,  
Plaintiff-Appellant,

-against-

M-3946  
Index No. 650984/15

24 East 12th Street Associates LLC.,  
et al.,

Defendants-Respondents.

-----X

Plaintiff-appellant having moved for a stay of all proceedings pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about July 27, 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, and the interim relief granted by an order of a Justice of this Court, dated July 29, 2015, is hereby 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 October 13, 2015.

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

-----X  
Catherine Uram,  
Plaintiff-Respondent,

-against-

**M-3531**  
Index No. 20801/10

Patrick Smith,  
Defendant,

Progressive Insurance Company,  
Appellant/Insurer.

-----X

An appeal having been taken by Progressive Insurance Company from an order of the Supreme Court, Bronx County, entered on or about May 22, 2015,

And appellant/insurer having moved to stay a certain inquest 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 on condition the appeal is perfected on or before November 9, 2015 for the January 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 October 13, 2015.

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

-----X  
Harmonic Physical Therapy, PC, as  
assignee of Gladis Nunez,  
Plaintiff-Respondent,

-against-

**M-3805**

Index No. 46150/11

Praetorian Insurance Company,  
Defendant-Appellant.

-----X

Plaintiff-respondent having moved for leave to appeal to this Court from an order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about July 14, 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 October 13, 2015.

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

-----X

Valerie Reuling,  
Plaintiff-Appellant,

-against-

Consolidated Edison Company  
of New York, Inc., et al.,  
Defendants.

M-3366  
Index No. 117414/08

Consolidated Edison Company of  
New York, Inc.,  
Third-Party Plaintiff,

-against-

Tully Construction Company,  
Third-Party Defendant-Respondent.

-----X

Plaintiff-appellant having moved for an enlargement of time to file a motion for reargument of or, in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court entered on June 9, 2015 (Appeal No. 15363N),

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 file a motion for reargument of or, in the alternative, for leave to appeal to the Court of Appeals, to November 13, 2015.

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 October 13, 2015.

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

-----X  
Emanuel Nyarkoh, also known as Edmond  
Asare,  
Plaintiff-Respondent,

-against-

**M-3721**

Index No. 304961/10

WB Imico Lexington Fee, LLC, et al.,  
Defendants-Respondents,

Bovis Lend Lease LMB, Inc.,  
Defendant-Appellant,

Superior Scaffolding Services, et al.,  
Defendants.

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

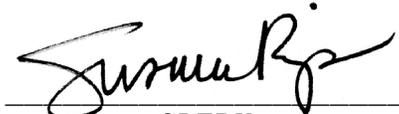
An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about October 2, 2014, and said appeal having been perfected,

And defendants, WB Imico Lexington Fee, LLC and Extell Development Co., having moved for an order dismissing the perfected appeal, or in the alternative, for an order directing defendant-appellant, Bovis Lend Lease LMB, Inc., to file a supplemental record on appeal which includes certain additional motion papers, or in the alternative, granting movants/defendants WB Imico Lexington Fee, LLC and Extell Development Co., leave to supplement the record on appeal with said additional motion papers; and for an order designating movants/defendants as respondents on this appeal, and for other 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 movants/defendants leave to file, at their own expense, a supplemental record on appeal containing the relevant motion papers; designating the movants/defendants as "defendants-respondents" on the appeal and directing defendant-appellant to serve movants/defendants with a copy of its brief and record forthwith, and adjourning the appeal to the March 2016 Term, and 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 October 13, 2015.

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

-----X  
Alcor Life Extension Foundation, Inc.,  
Plaintiff-Appellant,

-against-

**M-3637**

Index No. 113938/09

Larry Johnson, Vanguard Press, Inc.,  
and Scott Baldyga,  
Defendants-Respondents.

-----X

An appeal having been taken from orders of the Supreme Court, New York County, entered on or about May 1, 2014 and on or about May 6, 2014,

And defendant-respondent, Vanguard Press, Inc., having moved for permission to file 7 additional copies of a certain book as part of the record on 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.

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 October 13, 2015.

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

-----x  
Craft EM CLO 2006-1, Ltd. and Arco  
Capital Corporation Ltd.,  
Plaintiffs-Appellants,

-against-

M-4033  
Index No. 650797/14

Deutsche Bank AG,  
Defendant-Respondent.  
-----x

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about September 9, 2014, and from orders of the same Court and Justice entered on or about January 23, 2015 and March 26, 2015, respectively, and said appeal having been perfected,

And plaintiffs-appellants having moved to enlarge the record on appeal to include a certain assignment agreement dated July 27, 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, without prejudice to proceedings in the Supreme Court. Sua sponte, the perfected appeal is adjourned 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 October 13, 2015.

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

-----X  
In the Matter of the Application  
for the Appointment of a Guardian

Bernice B.,

An Incapacitated Person.

M-4133

Index No. 500100/13

- - - - -  
Sister Sean Williams, as Executive  
Director of Mary Manning Walsh  
Nursing Home,  
Petitioner-Respondent,

Taryn Chambers,  
Non-Party Appellant.

-----X

Counsel to non-party appellant having moved to be relieved as counsel-of-record and for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about June 2, 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 granting moving counsel leave to withdraw as counsel and enlarging the time to perfect the appeal to the February 2016 Term.

ENTER:

  
\_\_\_\_\_  
CLERK

STATE OF NEW YORK  
APPELLATE DIVISION : FIRST DEPARTMENT

BEFORE: Hon. David B. Saxe  
Justice of the Appellate Division

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

M-1764  
NY Co.  
Indictment No.  
454/04

-against-

CERTIFICATE  
DENYING LEAVE

David Baez,

Defendant.

-----X

I, David B. Saxe, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law section 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about July 28, 2014, is hereby denied.

Dated: *October 1, 2015*  
New York, New York

  
Justice of the Appellate Division

**ENTERED**  
OCT 13 2015