

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 29, 2015.

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

-----X  
Maricela Jorge Corniel,  
Plaintiff-Respondent,

-against-

M-3883X  
Index No. 21145/11

Eliav Michael Abott, et al.,  
Defendants,

Rolling Frito-Lay Sales, LP, sued  
herein as Frito-Lay, Inc.,  
Defendants-Appellants.

-----X

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" August 10, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 September 29, 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-3912  
Ind. No. 2767/11

Ronald Ackridge,  
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about September 14, 2012,

Now, upon reading and filing the stipulation of the parties hereto, dated August 10, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 September 29, 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-3920  
Ind. No. 996/13

Donald McIntosh,  
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of **resentence** of the Supreme Court, New York County, rendered on or about December 5, 2014,

Now, upon reading and filing the stipulation of the parties hereto, dated August 4, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 September 29, 2015.

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

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

-against-

M-4038  
SCI. No. 2223/13

Alberto Lopez,  
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, Bronx County, rendered on or about September 16, 2013,

Now, upon reading and filing the stipulation of the parties hereto, dated August 5, 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 September 29, 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-4039  
Ind. No. 2932/12

Kevin O'Maro,  
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, Bronx County, rendered on or about January 2, 2014,

Now, upon reading and filing the stipulation of the parties hereto, dated August 13, 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 September 29, 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-4043  
Ind. No. 2715/11

David Raine,  
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about December 11, 2012,

Now, upon reading and filing the stipulation of the parties hereto, dated August 17, 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 September 29, 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-4044  
Ind. No. 2715/11

David Raine,  
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, rendered on or about April 11, 2013,

Now, upon reading and filing the stipulation of the parties hereto, dated August 17, 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 September 29, 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-4081  
Ind. No. 1320N/12

Juan E. Honorio,  
Defendant-Appellant.

-----X

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

Now, upon reading and filing the stipulation of the parties hereto, dated August 6, 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 September 29, 2015.

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

-----X  
Jane Doe and John Doe,  
Plaintiffs-Respondents-Appellants,

-against-

M-4084X  
Index No. 101585/08

Norman Sohn, M.D., et al.,  
Defendants-Appellants-Respondents.  
-----X

An appeal and cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about May 18, 2015,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" August 18, 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 September 29, 2015.

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

-----X

UBS AG,  
Plaintiff-Respondent,

-against-

M-4015  
Index No. 650094/10

Highland Credit Strategies Master  
Fund, L.P.,  
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 23, 2014 (mot. seq. no. 017),

Now, upon reading and filing the stipulation of the parties hereto, dated July 10, 2015, and due deliberation having been had thereon,

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 29, 2015.

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

-----X  
In Re 91<sup>st</sup> Street Crane Collapse Litigation:  
Index No. 771000/10

Maria Leo, Administratrix of the Estate of  
her son Donald Christopher Leo, Deceased  
May 30, 2008,  
Plaintiff,

M-4023  
Index No. 711294/08

-against-

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

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

An appeal and cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about February 26, 2014,

Now, upon reading and filing the stipulation of the parties hereto, dated July 29, 2015, and due deliberation having been had thereon,

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 29, 2015.

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

-----X  
Nicholas Guaman and Paul Mayancela,  
Plaintiffs-Respondents,

-against-

M-4037  
Index No. 307124/10

1963 Ryer Realty Corp., et al.,  
Defendants.

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

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about September 26, 2014,

Now, upon reading and filing the stipulation of the parties hereto, dated August 11, 2015, and due deliberation having been had thereon,

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

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 29, 2015.

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

-----X  
In Re: 91st Street Crane Collapse Litigation Index No. 771000/10

Maria Leo, Administratrix of The Estate of  
her son, Donald Christopher Leo, Deceased  
May 30, 2008,  
Plaintiff-Respondent,

-against-

M-3963  
Index No. 117294/08

James F. Lomma, et al.,  
Defendants,

1765 First Associates, LLC,  
Defendant-Appellant.

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

Appeals having been taken from an order of the Supreme Court, New York County, entered on or about March 4, 2014 (mot. seq. no. 86),

Now, upon reading and filing the stipulation of the parties hereto, dated August 11, 2015, and due deliberation having been had thereon,

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 29, 2015.

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

-----X

National League for Nursing, Inc.,  
Plaintiff-Respondent,

-against-

National League for Nursing  
Accrediting Commission, Inc.,  
Defendant-Appellant,

M-3968  
Index No. 651744/11

-and-

Sharon Tanner,  
Defendant.

-----X

An appeal having been taken from an order and judgment of the Supreme Court, New York County, entered on or about November 1, 2013 and January 8, 2014, respectively

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 29, 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

Zariah O., also known as  
Zariah O. S., and  
Turi O., also known as  
Turi O. S.,

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

M-3229  
Docket Nos. NN-41514/14  
NN-41515/14

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

Zuleika O.,  
Respondent-Appellant.

-----X

Respondent-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 June 1, 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)

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

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 29, 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

Malik S.,

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

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

M-3614  
Docket No. N-8887/13

Latangya B.,  
Respondent-Appellant.

- - - - -  
Andrew Baer, Esq.,  
Attorney for the Child.

-----X

An appeal having been taken to this Court from orders of the Family Court, Bronx County, entered on or about February 10, 2014 and August 19, 2014, respectively, and said appeal having been perfected,

And Patricia B. DeCola, Esq., court attorney for the subject child, having moved on the child's behalf for leave to respond to the aforesaid appeal as a poor person, 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. Sua sponte, the 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 September 29, 2015.

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

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

-against-

M-1509  
Ind. No. 698/08

Alexander Santana,  
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on February 20, 2014 (Appeal No. 11794), unanimously affirming a judgment of the Supreme Court, Bronx County (Ann Donnelly, J.), rendered on June 25, 2010,

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 September 29, 2015.

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

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

-against-

M-2809  
Ind. No. 13688/91

Chauncy Ramos,  
Defendant-Appellant.  
-----X

A decision and order of this Court having been entered on February 28, 1995 (Appeal No. 54082), unanimously affirming a judgment of the Supreme Court, New York County (Jeffrey Atlas, J.), rendered on September 9, 1992,

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 September 29, 2015.

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

-----X  
72<sup>nd</sup> Street Associates, LLC,

Petitioner-Landlord-Respondent,

-against-

Gunilla Persson,

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

**M-2359**

Index Nos. 570188/14  
72055/13

Respondent-tenant-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 30, 2015, and for a stay of said order 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 denied in its entirety.

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 September 29, 2015.

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

-----X

Randall Co., LLC.,  
Plaintiff-Respondent,

**M-3947**

Index No. 100982/08

-against-

281 Broadway Holdings LLC, et al.,  
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about April 16, 2015,

And defendants-appellants having moved for a protective order against an application filed and pending in Supreme Court to hold defendants and their attorneys in contempt for failing to provide court ordered disclosure, and against an order imposing costs and sanctions on defendants and their attorneys for failing to comply with the disclosure order; and for an order enjoining Supreme Court from hearing the application,

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 defendants right to seek appellate stay once Supreme Court decides the aforesaid application pending in Supreme 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 September 29, 2015.

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

-----X  
Marc Winthrop,

Plaintiff-Respondent,

-against-

Rosenthal & Rosenthal, Inc.,

Defendant-Appellant.  
-----X

M-3340  
Index No. 651142/14

Defendant-appellant having moved for an order pursuant to CPLR 5519(c) staying the order of the Supreme Court, New York County, entered on or about April 30, 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 portion of the motion seeking a stay is granted, and defendant is directed to perfect the appeal 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 September 29, 2015.

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

-----X  
In the Matter of the Application of  
East 222<sup>nd</sup> Automotive Repairs, Inc.,  
Petitioner,

For a Judgment Pursuant to Article  
78 of the CPLR,

M-3039  
Index No. 260389/14

-against-

New York State Department of Motor  
Vehicles, etc., et al.,  
Respondents.  
-----X

An Article 78 proceeding having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, Bronx County, entered on or about October 22, 2014, to review a determination of respondent,

And petitioner having moved for leave to prosecute the proceeding as a poor person, upon the original record and reproduced petitioner's brief,

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

It is ordered that the motion is granted to the extent of directing the Clerk of the Bronx Supreme Court to transfer the record to this Court; the motion is otherwise denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 29, 2015.

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

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

-----  
Christopher H.,  
Petitioner-Appellant,

-against-

**M-4192**  
Index No. F-1220-09/13F

Marisa S.-H.,  
Respondent-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 16, 2015, and said appeal having been perfected,

And petitioner having moved to stay the aforesaid order of Supreme Court 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 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 September 29, 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  
ex rel. Gregory Ferguson,  
Petitioner,

-against-

M-1542A  
Ind. No. 2061/11

Joe Ponte, Commissioner, New York  
City Department of Corrections, et al.,  
Respondents.

-----X

The above-named petitioner having moved for, inter alia, a writ of habeas corpus to be issued from this Court,

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

It is ordered that the motion be and the same hereby is granted only to the extent of transferring the proceeding to be heard before a Justice of the Supreme Court of the State of New York, Bronx County, 851 Grand Concourse, Bronx, New York 10451, forthwith, and

It is further ordered that service by mail of a copy of this writ of habeas corpus petition, and supporting papers, by the Clerk of this Court, contemporaneous with the entry hereof, upon the Warden at Otis Bantum Correctional Center, 16-00 Hazen Street, East Elmhurst, New York 11370; the Attorney General of the State of New York, 120 Broadway, New York, New York 10271; and the District Attorney of Bronx County, 198 East 161st Street, Bronx, New York 10451, shall be deemed due and sufficient notice of the proceeding hereby transferred.

The motion is otherwise denied. (The order of this Court entered on August 4, 2015 [M-1542] 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 September 29, 2015.

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

-----x  
Federal National Mortgage Association,  
Plaintiffs-Appellants,

-against-

M-4202

Lawrence R. Singer, also known as  
Lawrence Singer, et al.,  
Defendants-Respondents,

Index No. 850039/11

Board of Managers of 4260 Broadway  
Condominium, et al.,  
Defendants.

- - - - -  
Bank of America, N.A.,  
Plaintiff-Appellant,

-against-

Index No. 850200/13

Lawrence Singer, et al.,  
Defendants-Respondents,

Board of Managers of the 4260 Broadway  
Condominium, et al.,  
Defendants.

-----x  
An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about July 15, 2015 (mot. seq. nos. 001, 002),

And plaintiffs-appellants having jointly moved for a stay of the aforesaid order pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is granted on condition plaintiffs-appellants perfect the appeal on or before December 7, 2015 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 September 29, 2015.

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

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

-----  
This Document Relates to: M-3428  
M-3554  
Index No. 40000/88

All Weitz & Luxenberg Cases in Which  
Cleaver-Brooks, Inc., is a Defendant.

-----X  
This Document Relates to:

Mary Anne McCloskey as Administratrix of  
the Estate of Patrick McCloskey,  
Plaintiffs-Respondents, Index No. 190441/12

-against-

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

Cleaver-Brooks, Inc.,  
Defendant-Appellant.

-----x

Consolidated appeals having been taken from the orders of the Supreme Court, New York County, entered on or about June 13, 2014, and on or about December 19, 2014, and said consolidated appeals having been perfected,

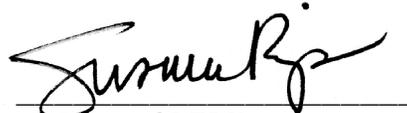
And plaintiffs-respondents having moved to strike the record on appeal and dismiss the appeal for failure to submit a complete and proper record (M-3428),

And defendant-appellant having cross-moved for leave to supplement the record on appeal to include certain exhibits and other documents (M-3554),

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 to strike the record on appeal and dismiss same is denied (M-3428). The cross motion to submit a supplemental record is granted to the extent of allowing defendant-appellant to add the aforesaid exhibits to the reply affirmation, all letters to Supreme Court affecting the issues raised on appeal and all case management orders which must include record cites. The order of this Court entered on April 29, 2015 is amended to the extent of granting a stay of discovery on condition defendants-appellants do not seek to adjourn 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 September 29, 2015.

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

-----X  
Michael Gardner and Christine Gardner,  
Plaintiffs,

-against-

M-3346  
Index No. 104180/10

Tishman Construction Corp., et al.,  
Defendants-Appellants,

-and-

Rolyn Companies, Inc., et al.,  
Defendants.

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

Defendants-appellants having moved for leave to withdraw the appeal from an order of the Supreme Court, New York County, entered on or about December 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 motion is granted to the extent of deeming the appeal 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 September 29, 2015.

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

-----X  
Sunkyoung, LLC, as Assignee of  
BPD Bank,  
Plaintiff-Appellant,

-against-

Porto Resources, LLC, et al.,  
Defendants-Respondents.

M-3628  
Index No. 850123/12

-----X

Defendants-respondents having moved to dismiss the appeal taken from the order of the Supreme Court, New York County, entered on or about April 3, 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 to dismiss the appeal 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 September 29, 2015.

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

-----X  
Zylom Corp. and Alan Zamore,  
Plaintiffs-Respondents,

-against-

Medtronic, Inc., et al.,  
Defendants-Appellants.

M-3941  
Index No. 650523/08

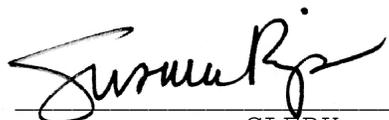
-----X

Plaintiffs-respondents having moved to dismiss the appeal taken from the order of the Supreme Court, New York County, entered on or about April 20, 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 to dismiss the appeal 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 September 29, 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-3385  
Ind. No. 5383/13

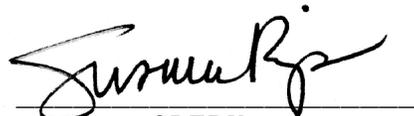
Jammari Waite,  
Defendant-Appellant.  
-----X

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 29, 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-3507  
Ind. No. 923/11

Craig Hutter,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to file a notice of appeal from the order of the Supreme Court, New York County, entered on or about December 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 deeming the moving papers a timely filed notice of appeal.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 29, 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-3448  
Ind. No. 3942/13

Norberto Torres,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to file a notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about March 26, 2015,

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on September 29, 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-3435  
Ind. No. 5434/13

Kathy Steven,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about November 26, 2014, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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

Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, NY 10007, Telephone No. (212) 402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 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 September 29, 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-3497  
Ind. No. 1319/13

Michael Tammaro,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about May 8, 2015, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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

Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. (212) 402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 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 September 29, 2015.

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

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

-against-

M-3382  
Case No. 55764C/05

Daniel Torres,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about March 26, 2015, for leave to prosecute the appeal as a poor person upon the original record and upon a reproduced appellant's brief, and for assignment of counsel,

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

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

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

Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, NY 10007, Telephone No. (212) 402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 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 September 29, 2015.

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

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

-against-

Juan Alvarez Perez,  
Defendant-Appellant.

M-3445  
Ind. Nos. 2471/14  
1498/14

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about September 29, 2014, for leave to prosecute the appeal as a poor person upon the original record and upon a reproduced appellant's brief, and for assignment of counsel,

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

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

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

Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, NY 10007, Telephone No. (212) 402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 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 September 29, 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-3351  
Ind. No. 5569/14

Michael Johnson,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about April 15, 2015, for leave to prosecute the appeal as a poor person upon the original record and upon a reproduced appellant's brief, and for assignment of counsel,

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

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

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 29, 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-

Joe Cruz, also known as  
Joe Rodriguez,  
Defendant-Appellant.

M-3446  
Ind. Nos. 116/14  
3982/11  
Case Nos. 51188C/11  
51190C/11

-----X

Defendant having moved for an enlargement of time to file a notice of appeal from the judgments of the Supreme Court, Bronx County, rendered on or about July 22, 2014, for leave to prosecute the appeal as a poor person upon the original record and upon a reproduced appellant's brief, and for assignment of counsel,

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

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

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

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 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 September 29, 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-3450  
Ind. No. 5474/13

Jose Brito,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about May 14, 2014, for leave to prosecute the appeal as a poor person upon the original record and upon a reproduced appellant's brief, and for assignment of counsel,

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

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

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 29, 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-3449  
Ind. No. 1937/14

Eduardo Corona,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about December 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 deeming the notice of appeal timely filed.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 29, 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-3828  
Ind. No. 3654/07

Paulino Valenzuela,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to file a pro se supplemental brief in connection with an appeal from a judgment of the Supreme Court, Bronx County, rendered on or about May 5, 2011, for a copy of the trial transcripts and for an enlargement of time in which to file said pro se supplemental brief,

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

It is ordered that the motion is granted to the extent of directing defendant to serve and file 8 copies of his pro se supplemental brief on or before December 7, 2015 for the February 2016 Term, to which Term the appeal is adjourned. The Clerk of the Court is directed to forward to the Warden at the State correctional facility wherein defendant is incarcerated a transcript of the minutes relating to defendant's appeal, said transcript to be made available to appellant and returned by appellant to this Court when submitting the pro se supplemental brief hereto. The appeal will not be heard unless and until all material furnished to appellant has been returned.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 29, 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-

Steffon Bridges,

Defendant-Appellant.

M-3306  
Ind. No. 4483/10

-----X

Defendant having moved for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about September 16, 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 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 September 29, 2015.

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

-----X

Brian Higgins, et al.,  
Plaintiffs-Respondents,

-against-

M-3697  
Index No. 301345/13

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

-----X

Defendants-appellants having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about June 13, 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.

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 September 29, 2015.

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

-----X  
Krzysztof Bogdanowicz,  
Plaintiff,

-against-

M-3565  
Index No. 110800/09

New York University Medical Center  
Condominium, et al.,  
Defendants.

-----X  
New York University Medical Center  
Condominium,  
Third-Party Plaintiff-Respondent,  
-against-

Third-Party  
Index No. 590817/10

PAR Environmental Corporation,  
Third-Party Defendant-Appellant.

-----  
(And another action)  
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 3, 2014 (mot. seq. no. 003),

And third-party defendant-appellant PAR Environmental Corporation having moved for an enlargement of time to perfect the appeal,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the 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 September 29, 2015.

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

-----X  
U.S. Bank National Association,  
solely in its capacity as Trustee of  
the Home Equity Asset Trust 2007-2  
(HEAT 2007-2),  
Plaintiff-Appellant,

-against-

M-3690  
Index No. 651174/13

DLJ Mortgage Capital, Inc.,  
Defendant-Respondent.  
-----X

Plaintiff-appellant 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 October 6, 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. (See M-3691, 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 September 29, 2015.

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

-----X  
U.S. Bank National Association,  
solely in its capacity as Trustee of  
the Home Equity Asset Trust 2006-8  
(HEAT 2006-8)  
Plaintiff-Appellant,

-against-

DLJ Mortgage Capital, Inc.,  
Defendant-Respondent.  
-----X

M-3691  
Index No. 654157/12

Plaintiff-appellant 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 October 6, 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. (See M-3690, 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 September 29, 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-3403  
Ind. No. 3782/07

Douglas Latta,  
Defendant-Appellant.

-----X

Defendant-appellant, in connection with an appeal taken from the judgment of the Supreme Court, New York County, rendered on or about August 8, 2013, having moved for leave to file a pro se supplemental brief and for related relief,

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

It is ordered that the motion is granted to the extent of directing defendant to serve and file 8 copies of his pro se supplemental brief on or before November 9, 2015 for the January 2016 Term, to which Term the appeal is adjourned. The Clerk of the Court is directed to forward to the Warden at the State correctional facility wherein defendant is incarcerated a transcript of the minutes relating to defendant's appeal, said transcript to be made available to appellant and returned by appellant to this Court when submitting the pro se supplemental brief hereto. The appeal will not be heard unless and until all material furnished to appellant has been returned.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 29, 2015.

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

-----X

In the Matter of the Arbitration  
Between and Among

Richard Vento, et al.,  
Petitioners-Appellants,

-against-

M-3430  
Index No. 651180/14

Alliance Holding Companies, Ltd.,  
Respondents-Respondents.

-----X

Petitioners-appellants having moved for consolidation of the appeals taken from the orders of the Supreme Court, New York County, entered on or about November 17, 2014, December 16, 2014 and March 5, 2015, respectively, and for an enlargement of time to perfect the consolidated appeals,

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

It is ordered that the motion is granted to the extent of 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 to perfect the consolidated 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 September 29, 2015.

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

-----x

Hong Xiang,

Plaintiff-Appellant,

-against-

M-3798  
Index No. 36434/05

John Milone,

Defendant-Respondent.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about March 31, 2015,

And plaintiff-appellant having moved for an order staying certain proceeding pending in Connecticut pending hearing and determination of the aforesaid appeal, 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 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 September 29, 2015.

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

-----X  
Michelle Kaufman, et al.,  
Plaintiffs-Appellants,

-against-

**M-3875**

Index No. 22950/15

Brian Alevis, et al.,  
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about August 4, 2015,

And an order of a Justice of this Court having been entered on August 10, 2015, granting plaintiffs-appellants an interim stay,

And plaintiffs-appellants having moved to stay a Civil Court commercial holdover proceeding pending 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 denied, and the interim order of a Justice of this Court entered on August 10, 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 September 29, 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-3526  
Ind. No. 5990/08

Clevester Hemphill,  
Defendant-Appellant.

-----X

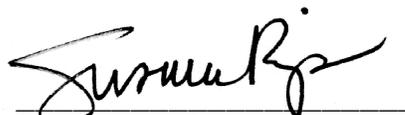
An order of this Court having been entered on July 23, 2013 (M-2595), inter alia, granting defendant's motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about July 12, 2010, and assigning counsel therefor,

And defendant having moved for an order amending the notice of appeal and the aforementioned order to include the judgment of resentencing rendered on or about July 9, 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 amending defendant's notice of appeal and the aforementioned order of this Court to include the judgment of resentence rendered on or about July 9, 2015, 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 September 29, 2015.

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

-----X  
David Cabelis,  
Petitioner,

-against-

M-3692  
Index No. 570724/15

Chelsea Highline Hotel, et al.,  
Respondent.  
-----X

Petitioner having moved pursuant to CPLR 5704(a) for certain relief denied by a Justice of the Supreme Court, New York County, on or about July 10, 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 September 29, 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  
ex rel. Jules Desselle,  
Petitioner,

M-3151  
Ind. No. 2107/13

-against-

Acting Warden Durant, etc.,  
Respondent.

-----X

The above-named petitioner having moved for a writ of habeas corpus to be issued from this Court, 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 application for the writ is hereby granted, only to the extent of transferring the proceeding to be heard before a Justice of the Supreme Court, State of New York, New York County forthwith and,

It is further ordered that service by mail of a copy of this writ of habeas corpus petition, and supporting papers, by the Clerk of this Court, contemporaneous with the entry hereof, upon the Warden at the Anna M. Kross Correctional Center, 18-18 Hazen Street, East Elmhurst, New York 11370; the Attorney General of the State of New York, 120 Broadway, New York, New York 10271; and the District Attorney of New York County, One Hogan Place, New York, New York 10013, shall be deemed due and sufficient notice of the proceeding hereby transferred.

The motion is otherwise denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 29, 2015.

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

-----X  
Jorge Melo,  
Plaintiff-Appellant,

-against- **M-3836**  
Index No. 161734/13

Ramon Melo,  
Defendant-Respondent.  
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about May 22, 2015, and said appeal having been perfected,

And defendant-respondent having moved to strike plaintiff's appeal based on plaintiff's inclusion of certain material in 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 to extent of adjourning the perfected appeal to the February 2016 Term, with leave to seek further adjournments if necessary, and otherwise denied, with leave to renew upon an order of the Supreme Court addressing the parties' request for clarification of what pleadings or submissions were considered by the Supreme Court in rendering its decision.

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 September 29, 2015.

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

-----x  
Raul Vega, Jr., et al.,

Plaintiffs-Appellants-Respondents,

-against-

M-4030

Index No. 100629/11

Metropolitan Transit Authority, et al.,

Defendants-Respondents-Appellants.  
-----x

An appeal and cross appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about May 1, 2014, and said appeal and cross appeal having been perfected,

And defendants-respondents-appellants having moved to strike a certain portion of plaintiff's reply brief, or for alternative relief,

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

It is ordered that the motion is denied.

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 September 29, 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-3969**  
Ind. No. 5388/12

Terrell Taylor,  
Defendant-Appellant.

-----X

Defendant-appellant, in connection with an appeal taken from the judgment of the Supreme Court, New York County, rendered on or about October 10, 2013, having moved for reargument of this application for leave to file a pro se supplemental brief and for related relief (M-1516, decided May 12, 2015),

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

It is ordered that the motion is granted to the extent of directing defendant to serve and file 8 copies of his pro se supplemental brief on or before December 7, 2015 for the February 2016 Term, to which Term the appeal is adjourned. The Clerk of the Court is directed to forward to the Warden at the State correctional facility wherein defendant is incarcerated a transcript of the minutes relating to defendant's appeal, said transcript to be made available to appellant and returned by appellant to this Court when submitting the pro se supplemental brief hereto. The appeal will not be heard unless and until all material furnished to appellant has been returned.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 29, 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-3951**

Ind. No. 3891/11

Calvin Reed,  
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about October 22, 2012, and said appeal having been perfected,

And defendant having moved for leave to file a pro se reply brief to the People's respondent brief 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 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 September 29, 2015.

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

-----X  
Kirsis Corporan, as Administratrix of  
the Estate of Ronnie Garcia, deceased,  
Plaintiff-Respondent,

-against-

**M-4106**

Index No. 300799/11

Barrier Free Living Inc. and Barrier  
Free Living Holding, Inc.,  
Defendants-Appellants.

-----X

Defendants-appellants having moved for an order staying the trial in the above-entitled action pending hearing and determination of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about January 13, 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.

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 September 29, 2015.

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

-----X  
Mary Beth Cordero,  
Plaintiff-Respondent,

-against-

**M-3783**

Index No. 401889/12

Sammi Yeung, D.D.S., et al.,  
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 28, 2015,

And defendants having moved to stay certain issues of the aforesaid order 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 denied, without prejudice to defendants seeking relief after Supreme Court decides the motion to set aside the jury verdict. The interim relief granted by an order of a Justice of this Court on August 4, 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 September 29, 2015.

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

-----X  
In the Matter of

Chastity O. C.,

**M-3834**

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

**M-4152**

Docket No. N-34017/12

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

Angie O.C.,  
Respondent-Appellant.

- - - - -  
Seymour W. James, Jr., Esq.,  
Legal Aid Society,  
Children's Rights Division,  
Attorney for the Child.

-----X  
In the Matter of

Angie O.,

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

Docket No. NN-34022/12

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

Maria Angela C.,  
Respondent-Appellant.

- - - - -  
Seymour W. James, Jr., Esq.,  
Legal Aid Society,  
Children's Rights Division,  
Attorney for the Child.

-----X

An appeal having been taken from an order of Fact-Finding and Disposition of the Family Court, New York County, entered on or about July 24, 2014, and said appeal having been perfected under Docket No. 34017/12,

And an appeal having been taken from an order of Fact-Finding and Disposition of the Family Court, New York County, entered on or about July 24, 2014, and said appeal having been perfected under Docket No. N-34022/12,

And petitioner "ACS", under Docket No. 34017/12, having moved to adjourn their appeal so it may be heard together with the appeal under Docket No. N-34022/12 (M-3834),

And appellant "subject child" Docket No. N-34022/12, having moved to have the aforesaid appeals to be heard by two separate panels (M-4152),

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

Ordered that petitioner's motion is granted to the extent of directing the Clerk to calendar *In the Matter of Chastity O. C.*, under Docket No. 34017/12, to be heard together with the appeal *In the Matter of Angie O.*, under Docket No. N-34022/12, on the same day in the November 2015 Term (M-3834). Appellant's motion is denied (M-4152).

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 September 29, 2015.

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

-----X  
Krineta Enterprises Company Limited,  
Plaintiff-Appellant,

-against-

Athanasios Lavidas, also known as  
Athanase Lavidas, also known as  
Athanese Lavidas,  
Defendant-Respondent.

**M-3989**  
**M-4095**  
Index No. 161911/14

-----X

Plaintiff-appellant having moved for a stay of the order of the Supreme Court, New York County, entered on or about July 24, 2015, pending hearing and determination of the appeal taken therefrom (M-3989),

And defendant-respondent having cross-moved to increase the undertaking should a stay be granted (M-4095),

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

It is ordered that the motion is denied, the cross motion is denied, as academic, and the interim relief granted by an order of a Justice of this Court on August 13, 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 September 29, 2015.

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

-----x  
Elissa Abreu,  
Petitioner-Respondent,

-against-

M-3842  
Index No. 155206/14

Barkin and Associates Real Estate, LLC,  
et al.,  
Respondents-Appellants.  
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about May 11, 2015, and said appeal having been perfected,

And petitioner-respondent having moved for leave to strike certain portions of the record and respondents-appellants' brief as de hors the record, with leave to respondent-appellants to re-file a proper brief, and enlarging the time to file a respondent's brief,

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

It is ordered that the motion is granted to the extent of deeming pp. 32-33, 167-168, 185-199, and 204-223 stricken from the record, and deeming stricken those portions of the appellant's brief referring to said material at pp. 20-23 and 27-28. Sua sponte, the 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 September 29, 2015.

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

-----X  
Tracy Domaszowec, as Administratrix of  
the Estate of Robert Domaszowec,  
Plaintiff-Respondent,

-against-

**M-3887**

Index No. 310564/08

Panorama Windows, Ltd., et al.,  
Defendants,

Residential Management Group LLC,  
doing business as Douglas Elliman  
Property Management,  
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about December 23, 2013, and said appeal having been perfected,

And plaintiff-respondent having moved for leave to file a joint supplemental appendix 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 to the extent of directing that 9 copies of a joint supplemental appendix in the form attached to the motion papers as Exhibit A be filed with this Court on or before October 5, 2015 for the December 2015 Term, with costs to abide the appeal. The perfected appeal is adjourned to said December 2015 Term.

ENTER:

  
CLERK

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

BEFORE: Hon. John W. Sweeny, Jr.  
Associate Justice of the Appellate Division

-----X  
437 West 16<sup>th</sup> Street, LLC., et  
al,  
Plaintiffs

-against-

M-2579

17<sup>th</sup> and 10<sup>th</sup> Associates, LLC., et al  
Defendants

Index No.600100/07

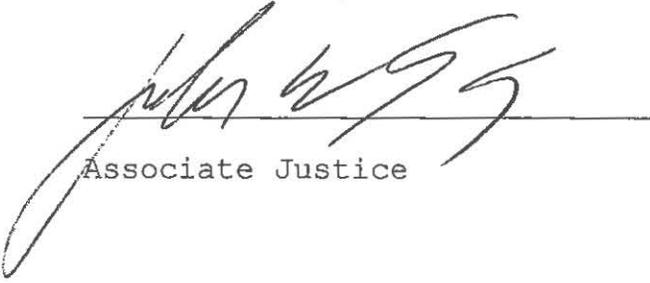
-----X

Defendants 17<sup>th</sup> and 10<sup>th</sup> Associates, LLC and The Related Companies, L.P., having moved for leave to appeal to this Court from the sua sponte decision/order of the Supreme Court, (New York County, (Marcy Friedman, J.) entered on or about April 17, 2015, 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.

The motion for a stay is denied as academic.

  
Associate Justice

Dated: August 17, 2015  
New York, New York

Entered: **SEP 29 2015**

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

BEFORE: Hon. Richard T. Andrias,  
Associate Justice

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

Respondent,

M-2316  
Ind. Nos. 2544N/13  
1363N/13

-against-

CERTIFICATE  
DENYING LEAVE

Franklin Garcia,

Defendant.  
-----X

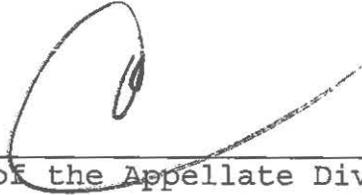
I, Richard T. Andrias, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law Section 460.15, and upon the record and proceedings herein, defendant has not demonstrated that there is a question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the Orders of the Supreme Court, New York County (Robert Stolz J.), entered on or about April 23, 2015 and April 29, 2015 respectively, which denied defendant's motion pursuant to CPL 440.10, is hereby denied, without prejudice to renew, if so advised, within 90 days

of the date hereof, upon defendant's submission of an affidavit setting forth the merits of the application.

Dated: New York, New York  
September 8, 2015

**ENTERED**

SEP 29 2015

  
\_\_\_\_\_  
Justice of the Appellate Division

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-

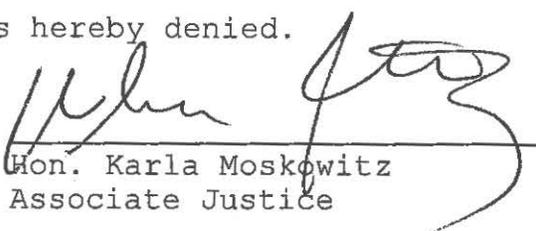
Stephen Baptiste,

Defendant.  
-----X

M-3720  
Ind. No. 4823/2012

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, §§ 440.10 and 440.20, 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 June 9, 2015 is hereby denied.

  
Hon. Karla Moskowitz  
Associate Justice

Dated:

*September 10, 2015*  
New York, New York

ENTERED: **SEP 29 2015**



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

BEFORE: Hon. Rosalyn H. Richter  
Justice of the Appellate Division

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

M-3119  
Ind. Nos. 917/09,  
2346/09, 3552/09

-against-

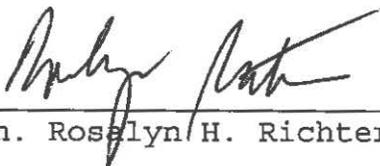
CERTIFICATE  
DENYING LEAVE

Raphael Black,

Defendant.

-----X

I, Rosalyn H. Richter, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon the 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 June 5, 2015, is hereby denied.

  
\_\_\_\_\_  
Hon. Rosalyn H. Richter

Dated: August 19, 2015  
New York, New York

ENTERED: SEP 29 2015

P.M. ORDERS  
FOR  
SEPTEMBER 29,  
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 September 29, 2015.

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

-----x

Miriam Aristy-Farer, et al.,  
Plaintiffs-Respondents,

M-4054

-against-

Action No. 1

Index No. 100274/13

The State of New York, et al.,  
Defendants-Appellants.

- - - - -

New Yorkers for Students' Educational  
Rights (NYSER), et al.,  
Plaintiffs-Respondents,

Action No. 2

Index No. 650450/14

-against-

The State of New York, et al.,  
Defendants-Appellants.

-----x

An appeal in Action No. 1 having been taken to this Court by defendants from the order of the Supreme Court, New York County, entered on or about April 9, 2014 (mot. seq. no. 003), and said appeal having been perfected [Cal. No. 2896],

And an appeal in Action No. 2 having been taken to this Court by defendants from the order of said Court entered on or about August 13, 2014 (mot. seq. no. 002),

And an appeal in Action No. 2 having been taken by defendants from the order of the Supreme Court, New York County, entered on or about November 18, 2014 (mot. seq. no. 004),

And an order of this Court having been entered on July 28, 2015 (M-2896), adjourning the perfected appeal from the order entered on or about April 9, 2014 to the December 2015 Term, and directing defendants-appellants to perfect their appeal from the order entered on or about August 13, 2014 for said December 2015 Term, and directing the Clerk to calendar the appeals for hearing together on the same day,

And defendants-appellants having moved for an enlargement of time to perfect the appeal from the order entered on or about November 18, 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 from the order entered on or about November 18, 2014 in Action No. 2 to the February 2016 Term. The Clerk is directed to calendar said appeal to be heard on the same date as the perfected appeal from the order entered on or about April 9, 2014 in Action No. 1, and from the appeal entered on or about November 18, 2014 in Action No. 2. Sua sponte, the order of this Court entered July 28, 2015 is recalled and vacated to the extent it refers to an appeal by defendants in Action No. 2 from the order entered on or about August 13, 2014 (mot. seq. no. 002), and defendants are granted an enlargement of time to perfect the appeal from the order entered on or about November 18, 2014 (mot. seq. no. 005) in Action No. 2 to December 7, 2015 for the February 2016 Term. Appellants are permitted to perfect their two appeals in Action No. 2 upon a single record and briefs.

The perfected appeal from the order entered on or about April 9, 2014 (Action No. 1) is adjourned to the February 2016 Term

ENTER:

  
CLERK