

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 July 14, 2016.

PRESENT: Hon. David Friedman, Justice Presiding,  
Richard T. Andrias  
David B. Saxe  
Rosalyn H. Richter  
Marcy L. Kahn, Justices.

-----X  
322 West 47th Street,  
Petitioner-Respondent,

-against-

M-2885  
Index No. 570908/15

Margie Loo,  
Respondent-Appellant,

"John Doe",  
Respondent.

-----X

Respondent-appellant having moved for leave to appeal to this Court from the decision and order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about February 25, 2016,

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

It is ordered that the motion is granted. Appellant shall file two copies of the pre-argument statement and of this order with the Clerk of the Appellate Term with proof of service, pursuant to Section 600.17 of the Rules of this Court.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 14, 2016.

PRESENT: Hon. David Friedman, Justice Presiding,  
David B. Saxe  
Sallie Manzanet-Daniels  
Paul G. Feinman  
Judith J. Gische, Justices.

-----X  
Lauren Appel Gottlieb,  
Plaintiff-Respondent,

-against-

M-2093  
Index No. 314079/10

Michael Gottlieb,  
Defendant-Appellants,

Heshy Gottlieb, et al.,  
Non-Party Appellants.

-----X

Defendant-appellant having moved for reargument of, or leave to appeal to the Court of Appeals from the decision and order of this Court entered on March 24, 2016 (Appeal Nos. 15294N & 15293N),

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, insofar as it seeks reargument, is denied.

It is further ordered that the motion, to the extent they seek leave to appeal to the Court of Appeals, is granted and this Court, pursuant to CPLR 5713, certifies that the following question of law decisive of the correctness of its determination, has arisen, which in its opinion ought to be reviewed by the Court of Appeals:

"Was the order of this Court, which affirmed the order of Supreme Court, but modified certain sanctions imposed against defendant properly made?"

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 14, 2016.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Rolando T. Acosta  
Paul G. Feinman  
Barbara R. Kapnick  
Troy K. Webber, Justices.

-----X  
US Bank National Association, as Trustee  
for the Holders of the Specialty  
Underwriting and Residential Trust,  
Mortgage Loan Asset Backed Certificate  
Series 2006-ABO,  
Plaintiff-Respondent,

-against-

Ediberto Velez, et al.,  
Defendants-Appellants.

M-2245  
M-2800  
Index No. 381268/11

-----X  
Defendants-appellants having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, Bronx County, entered on or about July 8, 2015 (M-2245),

And plaintiff-respondent having cross-moved to dismiss the aforesaid appeal (M-2800),

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 October 2016 Term (M-2245). The cross motion to dismiss the appeal is granted unless same is perfected for said October 2016 Term (M-2800).

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 July 14, 2016.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Rolando T. Acosta  
Paul G. Feinman  
Barbara R. Kapnick  
Marcy L. Kahn, Justices.

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

-against-

M-2853  
Ind. No. 3134/13

Devar Hurd,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about March 31, 2016, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of deeming the notice of appeal as timely filed and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11(b)(2) of the Rules of this Court.

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

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, a, 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 and 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 July 14, 2016.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Rolando T. Acosta  
Paul G. Feinman  
Barbara R. Kapnick  
Marcy L. Kahn, Justices.

-----X  
In the Matter of a Guardianship  
Proceeding Under New York Family Court  
Law §661  
-----

Georgina H.,  
Petitioner-Respondent,

-against-

M-2794  
Docket No. G-13317/13

Daniel M.,  
Respondent-Appellant,

Antonia P. (Deceased),  
-----  
Seymour W. James, Jr., Esq.,  
The Legal Aid Society,  
Juvenile Rights Division,  
Attorney for the Child.

-----X  
An appeal having been taken from an order of the Family Court, Bronx County, entered on or about November 19, 2015,

And respondent-appellant having moved for an order dismissing the aforesaid appeal and relieving assigned 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 relieving assigning counsel and 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 July 14, 2016.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Rolando T. Acosta  
Paul G. Feinman  
Barbara R. Kapnick  
Marcy L. Kahn, Justices.

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

-against-

M-2816  
Ind. No. 267/11

Joshua Moody,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about June 3, 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 the County of New York on July 14, 2016.

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

-----X  
Stilwell Value Partners, IV, L.P.,  
etc.,  
Plaintiff-Respondent,

-against-

M-2821  
Index No. 653011/11

Diane B. Cavanaugh, et al.,  
Defendants-Appellants.

-----X

Plaintiff-respondent having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on March 22, 2016 (Appeal Nos. 570-571),

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 July 14, 2016.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Richard T. Andrias  
David B. Saxe  
Judith J. Gische, Justices.

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

-against-

M-1308  
Ind. No. 1793/07

Joseph Sanchez,  
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on December 30, 2014 (Appeal No. 13834), unanimously affirming a judgment of the Supreme Court, Bronx County (Ann Donelly, J.), rendered on June 16, 2011,

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

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

It is ordered that said application is denied.

ENTER:



\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 14, 2016.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
David B. Saxe  
Karla Moskowitz  
Judith J. Gische  
Troy K. Webber, Justices.

-----X  
Bridgette Belton,  
Plaintiff-Respondent-Appellant,

-against-

M-2799  
Index No. 303275/12

Lal Chicken, Inc., et al.,  
Defendants-Appellants-Respondents.

-----X

Defendants-appellants-respondents 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 April 26, 2016 (Appeal Nos. 926-927-928),

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 July 14, 2016.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Judith J. Gische, Justices.

-----X  
Zohar CDO 2003-1 Limited, et al.,  
Plaintiffs-Appellants,

-against-

M-1943  
Index No. 651473/11

Kinhua Sports & Entertainment Limited,  
et al.,  
Defendants,

Loretta Freddy Bush,  
Defendant-Respondent.

-----X

Defendant-respondent having moved for clarification of the decision and order of this Court entered on March 15, 2016 (Appeal No. 494),

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

It is ordered that the motion is granted and, upon clarification, the decision and order of this Court entered on March 15, 2016 (Appeal No. 494 is recalled and vacated and a new decision and order substituted therefor. (See Appeal No. 494 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 July 14, 2016.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Judith J. Gische, Justices.

-----X  
Jean G. Pierre,  
Petitioner-Appellant,

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

-against-

M-2846  
Index No. 101964/15

NYC Department of Homeless Services,  
Defendant-Respondent.

-----X

Petitioner-appellant, pro se, having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, entered on or about January 19, 2016, 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 July 14, 2016.

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

-----X

A. Bernard Frechtman, Esq.,  
Plaintiff-Appellant,

-against-

M-2590  
Index No. 653353/14

Allen Gutterman, et al.,  
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 30, 2015, and said appeal having been perfected,

And plaintiff-appellant, pro se, having moved for certain monetary sanctions,

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 July 14, 2016.

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

-----X

Natalie Solomon,  
Plaintiff-Appellant,

-against-

Action Arts League,  
Defendant-Respondent,

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

-----X

M-2731

M-2769

Index No. 107941/10

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, New York County, entered on or about October 30, 2014 and a judgment of the same Court and Justice entered on or about August 7, 2015, respectively (M-2731),

And defendant-respondent having cross moved to dismiss the aforesaid appeals (M-2769),

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 appeals to the October 2016 Term (M-2731). The cross motion to dismiss the appeals is granted unless the appeals are perfected for said October 2016 Term (M-2769).

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 July 14, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

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

-against-

M-2951X  
Index No. 154315/14

Estate of Nicholas D. Carone and  
Helen Carone,  
Defendants-Respondents,

-----X

Appeals and cross appeals having been taken from orders of the Supreme Court, New York County, entered on or about January 22, 2015, March 16, 2015 and September 3, 2015, respectively

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 2, 2016, and due deliberation having been had thereon,

It is ordered that the appeals and cross appeals 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 July 14, 2016.

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

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

-against-

M-1937  
Ind. No. 8759/99

Juan Nova,  
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on October 16, 2003 (Appeal No. 1876), unanimously affirming a judgment of the Supreme Court, New York County (Sudolnik, J.), rendered on February 14, 2001,

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 July 14, 2016.

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

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

-against-

M-2050  
Ind. No. 5056/89

Eduardo Latorres,  
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on October 27, 1992 (Appeal No. 46967), unanimously affirming a judgment of the Supreme Court, New York County (Leslie Crocker Snyder, J.), rendered on March 7, 1991,

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 July 14, 2016.

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

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

-against-

M-2136  
Ind. No. 3957N/11

Dennis Simon,  
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on May 7, 2015 (Appeal No. 14563), unanimously affirming a judgment of the Supreme Court, New York County (Daniel Fitzgerald, J.), rendered on January 18, 2013,

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 July 14, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
Richard T. Andrias  
Sallie Manzanet-Daniels  
Ellen Gesmer, Justices.

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

-against- M-1249  
Ind. Nos. 326/14  
Ahlijah Bryant, 3812/14  
Defendant-Appellant. 3813/14

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, Bronx County, rendered on or about August 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 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 July 14, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
Sallie Manzanet-Daniels  
Barbara R. Kapnick  
Marcy L. Kahn, Justices.

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

-against-

M-2632  
Ind. No. 5479/13

Jorge Silva,  
Defendant-Appellant.

-----x

Defendant having renewed his 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 September 23, 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 reproduced copies of such brief, together with the original record, with this Court.

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 14, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,  
David Friedman  
Rosalyn H. Richter  
Barbara R. Kapnick  
Ellen Gesmer, Justices.

-----X  
Cara Associates, L.L.C., et al.,  
Plaintiffs-Respondents,

-against-

M-2490  
Ind. No. 651726/15

Howard P. Milstein, et al.,  
Defendants-Appellants.  
-----X

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

And defendants-appellants having moved for a stay of enforcement of the aforesaid order, or in the alternative, for a preliminary appellate injunction, 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 July 14, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
Sallie Manzanet-Daniels  
Judith J. Gische  
Ellen Gesmer, Justices.

-----X

Antoinette Hunter,  
Plaintiff-Appellant,

-against-

M-2465  
Index No. 109154/11

New York City Housing Authority,  
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for reargument of, or leave to appeal to the Court of Appeals from, the decision and order entered on March 31, 2016 (Appeal No. 696),

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 July 14, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Rolando T. Acosta  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Ellen Gesmer, Justices.

-----X  
Wilton Casiano,  
Plaintiff-Respondent,

-against-

Start Elevator,  
Defendant-Appellant,

Tuck It Away, Inc.,  
Defendant.

M-2879  
Index Nos. 300973/09  
83915/10

- - - - -  
Start Elevator, Inc.,  
Third-Party Plaintiff-Appellant,

-against-

Tuck-It-Away Associates, L.P.,  
Third-Party Defendant-Respondent.

-----X

Plaintiff-respondent having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on April 21, 2016 (Appeal No. 907),

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 July 14, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Dianne T. Renwick  
Rosalyn H. Richter  
Barbara R. Kapnick  
Troy K. Webber, Justices.

-----X

In re Bruckner Realty LLC,  
Petitioner-Appellant,

-against-

M-2708  
Index No. 570004/15

Jeanette Cruz,  
Respondent-Respondent.

-----X

Petitioner-appellant having moved for reargument of, or leave to appeal to the Court of Appeals from the decision and order of this Court entered on May 3, 2016 (Appeal No. 1026),

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, insofar as it seeks reargument, is denied.

It is further ordered that the motion, to the extent it seeks leave to appeal to the Court of Appeals, is granted and this Court, pursuant to CPLR 5713, certifies that the following question of law decisive of the correctness of its determination, has arisen, which in its opinion ought to be reviewed by the Court of Appeals:

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 14, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Dianne T. Renwick  
Rosalyn H. Richter  
Barbara R. Kapnick  
Troy K. Webber, Justices.

-----X

Koya Abe,  
Plaintiff-Appellant,

-against-

M-2721  
Index No. 105985/10

New York University, et al.,  
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for reargument of, or in the alternative, to enlarge the record on appeal, and for leave to appeal to the Court of Appeals from the decision and order of this Court entered on May 3, 2016 (Appeal No. 1030N),

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 July 14, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
David B. Saxe  
Barbara R. Kapnick, Justices.

-----X  
Fred Simcha Wang,  
Plaintiff-Appellant,

-against-

LSUC, et al.,  
Defendants-Respondents,

M-1568  
M-1569  
Index No. 653250/13

John Does 1-10, et al.,  
Defendants.

-----X

Petitioner-appellant, pro se, having moved by separate motions for reargument of (M-1569), or leave to appeal to the Court of Appeals (M-1568) from, the decision and order of this Court, entered on March 10, 2016 (Appeal No. 469),

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 (M-1568/M-1569).

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 July 14, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
Sallie Manzanet-Daniels  
Barbara R. Kapnick  
Ellen Gesmer, Justices.

-----X  
Seneca Insurance Company, Inc.,  
Plaintiff-Respondent,

-against-

Certified Moving & Storage Co.,  
LLC, et al.,  
Defendants-Appellants.

- - - - -  
Certified Moving & Storage Co., LLC,  
et al.,  
Third-Party-Plaintiffs-Respondents,

M-2612  
Index Nos. 601817/05  
590698/08

-against-

Frenkel & Co.,  
Third-Party-Defendant-Appellant.

-----X

Defendants-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 April 12, 2016 (Appeal No. 810-811),

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 July 14, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
Rosalyn H. Richter  
Judith J. Gische  
Troy K. Webber, Justices.

-----X  
46 Warren, LLC,  
Petitioner-Landlord-Appellant,

-against-

M-1623  
Index Nos. 570028/15  
62/15

Holly Lynch,  
Respondent-Tenant-Respondent.

-----X

Petitioner-landlord-appellant having moved for leave to appeal to this Court from the decision and order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about July 23, 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. Appellant shall file two copies of the pre-argument statement and of this order with the Clerk of the Appellate Term with proof of service, pursuant to Section 600.17 of the Rules of this Court.

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 14, 2016.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
Richard T. Andrias  
Troy K. Webber  
Ellen Gesmer, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

M-2910  
Ind. No. 569/14

Johnny Torres,  
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about July 16, 2015,

And counsel for defendant-appellant having moved to enlarge the record on appeal to include certain minutes from various court appearances between the time of his 2013 arrest and his trial and 2015, which are set forth in detail in defendant's moving papers, and for related relief,

Now, upon reading and filing the papers with respect to the motion, including the stipulation dated June 16, 2016, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of directing the court reporters to transcribe said minutes and enlarging the time to perfect the aforesaid appeal until 120 days following the receipt of said minutes.

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 July 14, 2016.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
Richard T. Andrias  
Troy K. Webber  
Ellen Gesmer, Justices.

-----X  
Marietta Small, Public Administrator  
of Kings County, and Claudette  
Nesbitt, as Co-Administrators of  
the Estate of Miguel Nesbitt,  
Deceased,

Plaintiffs-Appellants,

-against-

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

M-2825  
Index No. 23325/03

-----X  
Plaintiffs-appellants having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, Bronx County, entered on or about September 22, 2015,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the October 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 July 14, 2016.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Dianne T. Renwick  
Karla Moskowitz  
Judith J. Gische  
Ellen Gesmer, Justices.

-----X  
Tyrone Marshall,  
Plaintiff-Appellant,

-against-

Family Dollar,  
Defendant.

M-2739  
Index No. 250589/15

-----X

Plaintiff-appellant, pro se, having moved for leave to prosecute, as a poor person, the appeal from an order of the Supreme Court, Bronx County, entered on or about February 25, 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 July 14, 2016.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Dianne T. Renwick  
Karla Moskowitz  
Judith J. Gische  
Ellen Gesmer, Justices.

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

-against-

M-2823  
Ind. No. 5537/14

Nicholas Laray,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about October 7, 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, 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 July 14, 2016.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Dianne T. Renwick  
Karla Moskowitz  
Barbara R. Kapnick  
Marcy L. Kahn, Justices.

-----X

Matteo Nania,  
Plaintiff-Appellant,

-against-

M-2792  
Index No. 402990/10

Metropolitan Transit Authority,  
et al.,  
Defendants-Respondents.

-----X

Plaintiff-appellant, pro se, having moved for leave to an enlargement of time to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about June 30, 2015, and for clarification of the order of this Court entered April 21, 2016 (M-939) denying appellant's motion for poor person 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 enlarging the time to perfect the appeal to the October 2016 Term, and 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 July 14, 2016.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Karla Moskowitz  
Judith J. Gische  
Troy K. Webber, Justices.

-----X

Rebecca S. Serdans,  
Plaintiff-Respondent-Appellant,

-against-

The New York Presbyterian Hospital,  
Defendant-Appellant-Respondent.

-----X

M-2658

M-2878

Index No. 100675/12

Plaintiff-respondent-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 April 14, 2016 (Appeal Nos. 832-833) [M-2658],

And defendant-appellant-respondent having moved for leave to appeal to the Court of Appeals from the aforesaid order of this Court [M-2878],

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 July 14, 2016.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Sallie Manzanet-Daniels  
Barbara R. Kapnick  
Troy K. Webber, Justices.

-----X  
Gordon Pellegrini, et al.,  
Plaintiffs-Respondents,

-against-

M-2091  
Index No. 156317/12

Duane Reade Inc.,  
Defendant-Appellant,

Sottile Security Co., et al.,  
Defendants.

-----X

Plaintiffs-respondents having moved for reargument of the decision and order of this Court, entered on March 24, 2016 (Appeal No. 611),

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 July 14, 2016.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Sallie Manzanet-Daniels  
Barbara R. Kapnick  
Troy K. Webber, Justices.

-----X  
Constantine Spathis,  
Plaintiff-Respondent,

-against-

M-2124  
Index No. 302534/08

Alina Dulimof Spathis,  
Defendant-Appellant.  
-----X

Defendant-appellant, pro se, having moved for reargument of the decision and order of this Court entered on March 24, 2016 (Appeal No. 614),

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 July 14, 2016.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Karla Moskowitz  
Judith J. Gische  
Ellen Gesmer, Justices.

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

-against-

M-2822  
Ind. No. 2717/14

Elvin Bonilla,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about October 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, 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 July 14, 2016.

PRESENT: Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Richard T. Andrias  
David B. Saxe, Justices.

-----X  
Warshaw Burstein Cohen Schlesinger,  
& Kuh, LLP,  
Plaintiff-Appellant,

-against-

Eric A. Longmire,  
Defendant-Respondent.

**SEALED**

M-2481

Index No. 116683/09

-----X

Plaintiff-appellant, pro se, having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, New York County, entered on or about July 31, 2015,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the October 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 July 14, 2016.

PRESENT: Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Richard T. Andrias  
David B. Saxe, Justices.

-----X  
Othilda Wynter, as Administratrix  
of the Estate of Clifton Wynter and  
Othilda Wynter,  
Plaintiff-Appellant,

-against-

M-2736  
Index No. 23492/91

Our Lady of Mercy Medical Center,  
et al.,  
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, Bronx County, entered on or about August 6, 2015,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the November 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 July 14, 2016.

PRESENT: Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Richard T. Andrias  
David B. Saxe, Justices.

-----X  
Sarker Business Systems, Inc.,  
Plaintiff-Appellant,

-against-

M-2917  
Index No. 600788/09

City Builders, Inc., et al.,  
Defendants-Respondents.  
-----X

Appeals having been taken to this Court by plaintiff from orders of the Supreme Court, New York County, entered on or about May 6, 2015 and August 31, 2015, respectively,

And plaintiff having moved for an enlargement of time to perfect its 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 enlarging the time to perfect plaintiff's appeals to the November 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 July 14, 2016.

PRESENT: Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Richard T. Andrias  
David B. Saxe, Justices.

-----x

Vanessa Dennis,  
Plaintiff-Respondent,

-against-

M-3051  
Index No. 153857/14

Paul J. Napoli, Napoli Bern Ripka  
Shkolnik, LLP,  
Defendants-Appellants,

Marc J. Bern, et al.,  
Defendants.

-----x

An appeal having been taken to this Court from orders of the Supreme Court, New York County, entered on or about August 17, 2015,

And defendants-appellants having moved for an enlargement of time to perfect the aforesaid appeal,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the November 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 July 14, 2016.

PRESENT: Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Richard T. Andrias  
David B. Saxe, Justices.

-----X  
644 Brdy Realty Inc.,  
Plaintiff-Appellant,

-against-

M-3053  
Index No. 601810/06

Bleecker Tower Tenants Corp.,  
Defendant-Respondent.  
-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about October 2, 2015,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the November 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 July 14, 2016.

PRESENT: Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Richard T. Andrias  
David B. Saxe, Justices.

-----X  
Argenis Hernandez, an infant by his  
Mother and Natural Guardian,  
Roxana Hernandez,  
Plaintiffs-Respondents,

-against-

M-2855  
Index No. 805110/12

New York City Health and Hospitals  
Corporation,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, New York County, entered on or about August 7, 2015,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the December 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 July 14, 2016.

Present - Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Richard T. Andrias  
David B. Saxe, Justices.

-----x

Citibank, N.A.,  
Plaintiff-Respondent,

-against-

K.L.P. Sportswear, Inc., doing business  
as Luxe Eleven,  
Defendant,

M-3060  
Index No. 651688/10

-and-

Yaacov Golob,  
Defendant-Appellant.

-----x

Appeals having been taken to this Court from orders of the Supreme Court, New York County, entered on or about March 3, 2015, September 29, 2015 and May 23, 2016, respectively,

And defendant-appellant Yaacov Golob having moved, pursuant to CPLR 5519(c), for a discretionary stay of all proceedings by OMLEM Capital pending hearing and determination of the appeals,

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

It is ordered that the motion 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 July 14, 2016.

PRESENT: Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Richard T. Andrias  
David B. Saxe, Justices.

-----X  
Jefferson Business Interiors, LLC,  
Plaintiff-Respondent,

-against-

M-3063X  
Index No. 653876/14

East Side Pharmacy, Inc.,  
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 14, 2016,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 7, 2016, 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 July 14, 2016.

PRESENT: Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Richard T. Andrias  
David B. Saxe, Justices.

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

-against-

M-2984  
Ind. No. 3444N/02

Miguel Dellos Santos,  
Defendant-Appellant.  
-----X

Defendant-appellant having moved for leave to file a pro se supplemental brief in connection with the appeal from a judgment of the Supreme Court, New York County, rendered on or about July 10, 2014, and for related relief,

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

It is ordered that the motion is denied.

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 14, 2016.

PRESENT: Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Richard T. Andrias  
David B. Saxe, Justices.

-----x  
In the Matter of a Proceeding  
for Support under Article 4  
of the Family Court Act

Rosalia M.,  
Petitioner,

M-3002  
Docket No. F-15680-13/15C

-against-

Ariel C.,  
Respondent-Appellant.

-----x

An appeal having been taken from an order of the Family Court, Bronx County, entered on or about March 2, 2016,

And respondent-appellant having moved for leave to prosecute said appeal as a poor person, for the assignment of counsel, and for related relief,

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

It is ordered that the motion is 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 July 14, 2016.

PRESENT: Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Richard T. Andrias  
David B. Saxe, Justices.

-----X  
Cornell Curry,  
Plaintiff,

-against-

M-3025  
Index No. 113228/03

Common Ground Community H.D.F.C., Inc.,  
Defendant.

-----X

Plaintiff-appellant, pro se, having moved pursuant to CPLR 5704(a) for certain relief denied by a Justice of the Supreme Court, New York County, on or about January 25, 2004 and June 10, 2016,

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 July 14, 2016.

PRESENT: Hon. David Friedman, Justice Presiding,  
Dianne T. Renwick  
Karla Moskowitz  
Rosalyn H. Richter  
Barbara R. Kapnick, Justices.

-----X

Anthony Solomon,  
Petitioner-Respondent,

-against-

M-2144  
Docket No. F-06820/14

Monique T. Bowden,  
Respondent-Appellant.

-----X

Respondent-appellant having moved for a stay of all proceedings pending hearing and determination of the appeal taken from the order of the Family Court, Bronx County, entered on or about March 3, 2016,

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

It is ordered that the motion is granted on condition the appeal is perfected for the October 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 July 14, 2016.

PRESENT: Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
David B. Saxe  
Rosalyn H. Richter  
Marcy L. Kahn, Justices.

-----X  
Excelsior Capitol LLC,  
Plaintiff-Appellant,

-against-

M-2659  
Index No. 158220/14

K&L Gates LLP,  
Defendant-Respondent.

-----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 12, 2016 (Appeal No. 778),

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 July 14, 2016.

PRESENT: Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
David B. Saxe  
Rosalyn H. Richter  
Marcy L. Kahn, Justices.

-----X

Manuel H., An Infant by,  
His Mother and Natural Guardian,  
Reyna Valdez,  
Plaintiff-Appellant,

-against-

M-2669  
Index No. 350649/08

Ellen Landsberger, M.D., et al.,  
Defendants-Respondents.

-----X

Plaintiff-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 April 12, 2016 (Appeal No. 775-776),

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 July 14, 2016.

PRESENT: Hon. David Friedman, Justice Presiding,  
Richard T. Andrias  
David B. Saxe  
Rosalyn H. Richter  
Marcy L. Kahn, Justices.

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

-against-

M-2652  
Ind. No. 2808/15

Carl Durham,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, Bronx County, rendered on or about November 16, 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 July 14, 2016.

PRESENT: Hon. David Friedman, Justice Presiding,  
Richard T. Andrias  
David B. Saxe  
Rosalyn H. Richter  
Marcy L. Kahn, Justices.

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

-against-

M-2858  
Ind. No. 3277/13

Angelo Burgos,  
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about January 5, 2011,

And defendant-appellant having moved for a an enlargement of time to perfect said appeal,

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

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

ENTER:



\_\_\_\_\_  
CLERK

✓

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

BEFORE: Hon. DAVID FRIEDMAN  
Justice of the Appellate Division

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

M-1231  
Ind. No. 4569/10

-against-

CERTIFICATE  
GRANTING LEAVE

Kalonji Mahon,  
Defendant-Appellant.

-----X  
I, DAVID FRIEDMAN, a Justice of the Appellate Division, First Judicial Department, do hereby certify that in the proceedings herein questions of law or fact are involved which ought to be reviewed by the Appellate Division, First Judicial Department, and, pursuant to Section 460.15 of the Criminal Procedure Law, permission is hereby granted to the above-named defendant to appeal to the Appellate Division, First Judicial Department, from the Order of the Supreme Court, Bronx County, entered on or about January, 5 2016.<sup>1</sup>

Dated: New York, New York  
June 29, 2016

Entered: July 14, 2016

  
\_\_\_\_\_  
DAVID FRIEDMAN  
Justice of the Appellate Division

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

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

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

BEFORE: Hon. Richard T. Andrias  
Justice of the Appellate Division

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

Respondent,

-against-

Thein Stewart,

Defendant-Appellant.  
-----X

M-2815  
Ind No. 6138/11

CERTIFICATE  
GRANTING LEAVE

I, Richard T. Andrias, a Justice of the Appellate Division, First Judicial Department, do hereby certify that in the proceedings herein questions of law or fact are involved which ought to be reviewed by the Appellate Division, First Judicial Department, and, pursuant to Section 460.15 of the Criminal Procedure Law, permission is hereby granted to the above-named defendant to appeal to the Appellate Division, First Judicial Department, from the order of the Supreme Court, New York County (Gregory Carro, J.), entered on or about May 18, 2016, denying his motion pursuant to CPL 440.10.<sup>1</sup>

Dated: New York, New York  
June 29, 2016

Entered: July 14, 2016

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

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

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

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

BEFORE: Hon. Richard T. Andrias  
Justice of the Appellate Division

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

Respondent,

-against-

Kyrell Hicks, also known as  
Al-Quaadir Green,

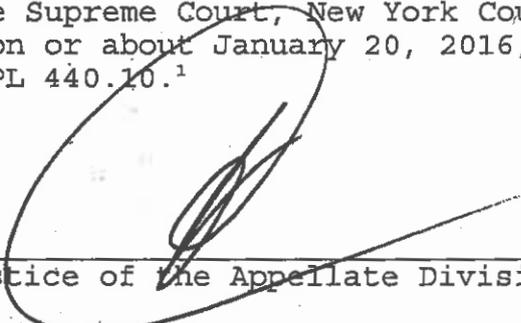
Defendant-Appellant.  
-----X

M-2737  
Ind No. 3261/01

CERTIFICATE  
GRANTING LEAVE

I, Richard T. Andrias, a Justice of the Appellate Division, First Judicial Department, do hereby certify that in the proceedings herein questions of law or fact are involved which ought to be reviewed by the Appellate Division, First Judicial Department, and, pursuant to Section 460.15 of the Criminal Procedure Law, permission is hereby granted to the above-named defendant to appeal to the Appellate Division, First Judicial Department, from the order of the Supreme Court, New York County (Abraham L. Clott, J.), entered on or about January 20, 2016, denying his motion pursuant to CPL 440.10.<sup>1</sup>

Dated: New York, New York  
June 29, 2016

  
Justice of the Appellate Division

Entered: July 14, 2016

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

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

STATE OF NEW YORK  
APPELLATE DIVISION : FIRST DEPARTMENT

BEFORE: Hon. Richard T. Andrias,  
Associate Justice

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

M-2738  
Ind. No. 5995c/05

-against-

CERTIFICATE  
DENYING LEAVE

Khaliyq Sellers,

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 defendants 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, Bronx County, (Miriam R. Best, J.), entered on or about April 7, 2016, which denied defendant's motion pursuant to CPL 440.10 is hereby denied.

Dated: New York, New York  
June 28, 2016

Entered: July 14, 2016

Justice of the Appellate Division

✓

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,

Ind. No. 2755/11  
M-2790

-against-

CERTIFICATE  
DENYING LEAVE

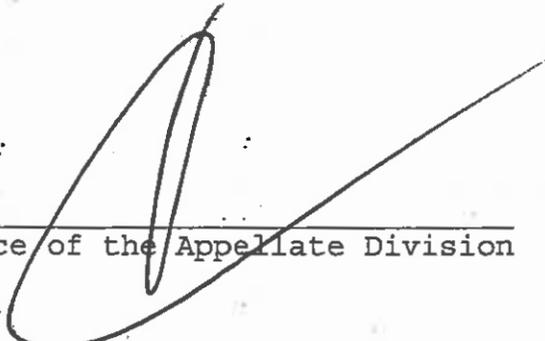
Bernardo Hurtado,

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, 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, (Arlene Goldberg, J.), entered on or about March 29, 2016, which denied defendant's motion pursuant to CPL 440.10, is hereby denied.

Dated: New York, New York  
June 29, 2016

Entered: July 14, 2016

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



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 July 14, 2016.

Present: Hon. Rolando T. Acosta, Justice Presiding,  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Troy K. Webber  
Marcy L. Kahn, Justices.

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

-against-

**M-472**

Ind. No. 639/13

Kevin Sutherland,  
Defendant-Appellant.

-----X

An order of this Court having been entered on May 22, 2014 (M-2731), fixing bail in the sum of \$150,000 bond or \$100,000 cash, and imposing certain other conditions,

And, defendant-appellant having moved for an order continuing bail and enlarging the time to perfect his appeal taken from a judgment of Supreme Court, New York County, rendered on or about May 19, 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 continuing bail on the same terms and conditions previously set in the May 22, 2014 order on the condition that defendant-appellant perfect his appeal for the November 2016 Term.

ENTER:

  
CLERK