

At a 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 27, 2018.

Present - Hon. Judith J. Gische, Justice Presiding,
Troy K. Webber
Jeffrey K. Oing
Anil C. Singh
Peter H. Moulton, Justices.

-----X
Triboro Pharmacy, Inc., M-3460
Plaintiff-Appellant, M-3701
Supreme Court, New York County
-against- Index No. 570205/18
Civil Court, New York County
Bikram Singh, Esq., Index No. 1834/17
Defendant-Respondent.
-----X

Plaintiff-appellant having moved for leave to appeal to this Court from the decision and order of the Appellate Term, First Department, entered in the office of the Clerk of the Supreme Court, New York County, on or about June 18, 2018 (M-3460),

And defendant-respondent having cross-moved for the imposition of sanctions against plaintiff-appellant for frivolous conduct, and for related relief (M-3701),

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

It is ordered that the motion and cross motion are denied.

ENTERED:


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 27, 2018.

PRESENT: Hon. Judith J. Gische, Justice Presiding,
Troy K. Webber
Jeffrey K. Oing
Anil C. Singh
Peter H. Moulton, Justices.

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

-against-

M-3469
Ind. No. 4872/11

Jomo Williams,
Defendant-Appellant.

-----X

An order of this Court having been entered on May 31, 2016 (M-1916), granting defendant-appellant leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about November 26, 2013, and assigning Richard M. Greenberg, Esq., predecessor Attorney-in-Charge to Christina Swarns, Esq., Office of the Appellate Defender, as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and to dismiss 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, the Office of the Appellate Defender is relieved as counsel, and the appeal is dismissed.

ENTERED:



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 27, 2018.

PRESENT: Hon. Judith J. Gische, Justice Presiding,
Troy K. Webber
Jeffrey K. Oing
Anil C. Singh
Peter H. Moulton, Justices.

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

CONFIDENTIAL

M-3498

Oscar H.,
Petitioner-Appellant,

Docket No. O-9571/17

-against-

Orlando H.,
Respondent-Respondent.

-----X

An order of this Court having been entered on February 1, 2018 (M-6402), granting petitioner-appellant leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about September 13, 2017, and assigning Andrew J. Baer, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

It is ordered that the motion is granted and Andrew J. Baer, Esq., is relieved as counsel. Sua sponte, the appeal is deemed withdrawn.

ENTERED:


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 27, 2018.

PRESENT: Hon. Judith J. Gische, Justice Presiding,
Troy K. Webber
Jeffrey K. Oing
Anil C. Singh
Peter H. Moulton, Justices.

-----X

In the Matter of

Michael G.,

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

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

CONFIDENTIAL
M-3501
Docket No. NN-45208/14

Karina Elizabeth F.,
Respondent-Appellant,

Mike G., Sr.,
Respondent-Appellant.

- - - - -
Dawne A. Mitchell, Esq., The Legal
Aid Society, Juvenile Rights Division,
Attorney for the Children.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, New York County, entered on or about August 13, 2015, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

(M-3501)

-2-

September 27, 2018

Ordered that the motion is denied, said relief having been granted by an order of this Court entered on March 13, 2018 (M-5243). (See M-3502 and M-3503, dated September 27, 2018, released simultaneously herewith).

ENTERED:


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 27, 2018.

PRESENT: Hon. Judith J. Gische, Justice Presiding,
Troy K. Webber
Jeffrey K. Oing
Anil C. Singh
Peter H. Moulton, Justices.

-----X

In the Matter of

Frank Enrique S., Jr.,

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

- - - - -

Catholic Guardian Services, et al.,
Petitioners-Respondents,

CONFIDENTIAL

M-3502

Docket No. NN-15651/11

Karina Elizabeth F.,
Respondent-Appellant,

Mike G., Sr.,
Respondent-Appellant.

- - - - -

Dawne A. Mitchell, Esq., The Legal
Aid Society, Juvenile Rights Division,
Attorney for the Children.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, New York County, entered on or about June 19, 2012, 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

(M-3502)

-2-

September 27, 2018

Ordered that the motion is denied, said relief having been granted by an order of this Court entered on March 13, 2018 (M-5243). (See M-3501 and M-3503, dated September 27, 2018, released simultaneously herewith).

ENTERED:


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 27, 2018.

PRESENT: Hon. Judith J. Gische, Justice Presiding,
Troy K. Webber
Jeffrey K. Oing
Anil C. Singh
Peter H. Moulton, Justices.

-----X

In the Matter of

Gabrielle G.,

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

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

CONFIDENTIAL
M-3503
Docket No. NN-40004/13

Karina Elizabeth F.,
Respondent-Appellant,

Mike G., Sr.,
Respondent-Appellant.

- - - - -
Dawne A. Mitchell, Esq., The Legal
Aid Society, Juvenile Rights Division,
Attorney for the Children.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, New York County, entered on or about July 15, 2014, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

(M-3503)

-2-

September 27, 2018

Ordered that the motion is denied, said relief having been granted by an order of this Court entered on March 13, 2018 (M-5243). (See M-3501 and M-3502, dated September 27, 2018, released simultaneously herewith).

ENTERED:


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 27, 2018.

Present - Hon. Judith J. Gische, Justice Presiding,
Troy K. Webber
Jeffrey K. Oing
Anil C. Singh
Peter H. Moulton, Justices.

-----x
Wells Fargo Bank, N.A.,
Plaintiff-Respondent,

-against-

Lawson Ho-Shing, etc.,
Defendant-Appellant,

M-3523
Index No. 380685/13

-and-

Audrey Ho-Shing, etc., et al.,
Defendants.

-----x

Defendant-appellant having moved for an enlargement of time to perfect the appeal taken from the order of the Supreme Court, Bronx County, entered on or about April 6, 2017,

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, as moot, the appeal having been perfected.

ENTERED:



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 27, 2018.

Present - Hon. Judith J. Gische, Justice Presiding,
Troy K. Webber
Jeffrey K. Oing
Anil C. Singh
Peter H. Moulton, Justices.

-----X
133 Realty 2010 LLC,

Petitioner-Landlord-Appellant,

-against-

Patrick Fitzpatrick,

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

M-3561
NY County Supreme Court
Index No. 570650/17
Civil Court
Index No. 60057/14

Petitioner-landlord-appellant having moved for leave to appeal to this Court from the decision and order of the Appellate Term, First Department, entered in the office of the Clerk of the Supreme Court, New York County, on or about April 17, 2018,

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.

ENTERED:



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 27, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X

In the Matter of

Harmony D.,

A Child Alleged to be Abused/Neglected Under Article 10 of the Family Court Act.

CONFIDENTIAL

M-3680

Docket Nos. NN-16286/17

NN-09471/18

Administration For Children's Services of the City of New York,
Petitioner-Appellant,

Treska W.,
Respondent-Respondent,

Willie D.,
Respondent-Respondent,

Dawne A. Mitchell, Esq., Juvenile Rights Division, The Legal Aid Society,
Attorney for the Child.

-----X

An appeal having been taken from an order of the Family Court, Bronx County, entered on or about April 18, 2018,

And petitioner-appellant having moved to withdraw its motion for a stay and an amended notice of appeal,

Now, upon reading and filing the papers with respect to the motion, including the stipulation of the parties hereto dated July 10, 2018, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn.

ENTERED:


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 27, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X
EV Scarsdale Corp. and Jonathan
Lerner,
Plaintiffs-Appellants,

-against-

Engel & Voelkers North East LLC,
et al.,
Defendants-Respondents.

M-3693X
Index No. 651169/11

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about November 16, 2017,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 26, 2018, and due deliberation having been had thereon,

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

ENTERED:



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 27, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X
Footprint Power Salem Harbor
Development, L.P.,
Petitioner-Appellant,

-against-

M-3694X
Index No. 651963/18

Iberdrola Energy Projects, Inc.,
Respondent-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about May 1, 2018,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 25, 2018, and due deliberation having been had thereon,

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

ENTERED:


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 27, 2018.

PRESENT: Hon. Rolando Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X
Melissa Cortes,
Plaintiff,

-against-

M-3717
Index No. 309979/11

Brink Elevator Corp.,
Defendant-Respondent.

- - - - -

Brink Elevator Corp.,
Third-Party Plaintiff-Respondent,

-against-

Third-Party
Index No. 83754/15

Citizens Advice Bureau, Inc.,
Third-Party Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about May 31, 2018,

Now, upon reading and filing the stipulation of the parties hereto, dated July 24, 2018, and due deliberation having been had thereon,

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

ENTERED:


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 27, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X
Netologic, Inc., doing business as
Investars,
Plaintiff-Appellant,

-against-

The Goldman Sachs Group, Inc.,
et al.,
Defendants-Respondents.

M-3800
Index No. 600394/09

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about April 4, 2011,

And plaintiff-appellant having moved to withdraw its notice of appeal and dismiss the above captioned action,

Now, upon reading and filing the stipulation of the parties hereto, dated July 2, 2018, and due deliberation having been had thereon,

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

ENTERED:


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 27, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-3840

Ind. No. 439/14

James Carter,

Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about May 11, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated July 26, 2018, and due deliberation having been had thereon,

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

ENTERED:


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 27, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalynd H. Richter, Justices.

-----X

In the Matter of

Armani R.,

CONFIDENTIAL

M-3841

A Person Alleged to be A Juvenile
Delinquent,

Docket No. D-50021/16

Appellant.

-----X

An appeal having been taken from the order of the Family Court, New York County, entered on or about June 22, 2017,

Now, upon reading and filing the stipulation of the parties hereto, dated August 3, 2018, and due deliberation having been had thereon,

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

ENTERED:


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 27, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

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

Respondent,

-against-

M-3921
Ind. No. 4674N/15

Luis M. Ramon,

Defendant-Appellant.
-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about September 22, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated August 9, 2018, and due deliberation having been had thereon,

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

ENTERED:


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 27, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

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

Respondent,

-against-

M-5919

Ind. No. 4072/14

Richard Quezada,

Defendant-Appellant.
-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about June 24, 2015,

Now, upon reading and filing the stipulation of the parties hereto, dated August 7, 2018, and due deliberation having been had thereon,

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

ENTERED:



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 27, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

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

Respondent,

-against-

M-3331

Ind. No. 4853/15

Pierre Armand,

Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on January 18, 2018, inter alia, granting defendant poor person relief with respect to the appeal from the judgment of the Supreme Court, New York County, rendered on or about January 16, 2018,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and the notice of appeal filed on defendant's behalf,

It is ordered that the appeal is permitted 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 an original, five hard copies and one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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.

The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete record.

ENTERED:


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 27, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

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

Respondent,

CONFIDENTIAL

M-3751

-against-

Ind. No. 2331/16

Luis Aleman,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County (Mogulescu, J.), entered on or about June 27, 2018, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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

The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete record.

ENTERED:


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 27, 2018.

PRESENT: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Judith J. Gische
Angela M. Mazzarelli
Ellen Gesmer, Justices.

-----X
Danco Electrical Contractors, Inc.,
Plaintiff-Appellant,

-against-

M-3367
Index No. 450633/13

Dormitory Authority of the State
of New York,
Defendant-Respondent.

-----X

Defendant-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 June 5, 2018 (Appeal No. 6764),

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.

ENTERED:



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 27, 2018.

Present - Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Barbara R. Kapnick
Ellen Gesmer
Anil C. Singh, Justices.

-----X
Roger Ehrenberg and Carin Levine-Ehrenberg,
Plaintiffs-Respondents,

-against-

M-4315
Index No. 157861/16

LMA Group Inc.,
Defendant-Appellant.

-----X
LMA Group Inc.,
Third Party Plaintiff/Appellant,

-against-

Manuel Zeitlin Architects, LLC, Advanced
Professional Engineering, P.C., Mark
Bixler, and Bruce Merdjan,
Third Party Defendants/Respondents.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about February 8, 2018,

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 2019 Term.

ENTERED:


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 27, 2018.

Present - Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Barbara R. Kapnick
Ellen Gesmer
Anil C. Singh, Justices.

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

Respondent,

-against-

M-4326
Ind. No. 513/12

Alejandro De La Cruz,

Defendant-Appellant.
-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about June 20, 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 April 2019 Term.

ENTERED:



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 27, 2018.

Present - Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Barbara R. Kapnick
Ellen Gesmer
Anil C. Singh, Justices.

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

Respondent,

-against-

M-4381
Ind. No. 4189/14

Christopher Glover,

Defendant-Appellant.
-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about July 30, 2015,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the April 2019 Term.

ENTERED:



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 27, 2018.

PRESENT: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Barbara R. Kapnick
Ellen Gesmer
Anil C. Singh, Justices.

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

-against-

M-4399
Ind. No. 2166/13

Jonathan Austin,
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about June 10, 2014,

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

It is ordered that the motion is granted to the extent that the time to perfect the appeal is enlarged to the April 2019 Term.

ENTERED:


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 27, 2018.

Present - Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Ellen Gesmer
Anil C. Singh, Justices.

-----x
Morelli Ratner, P.C., et al.,

Plaintiffs-Appellants,

-against-

M-4402
Index No. 652604/14

City National Bank,

Defendant-Respondent.
-----x

Plaintiffs-appellants having moved for an enlargement of time to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about February 20, 2018,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the June 2019 Term.

ENTERED:



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 27, 2018.

Present - Hon. David Friedman
 John W. Sweeny, Jr.
 Jeffrey K. Oing
 Anil C. Singh,
Justice Presiding,
Justices.

-----X
R.S.,

Plaintiff-Respondent,

-against-

B.L.,

Defendant-Appellant.
-----X

CONFIDENTIAL
M-4415
Index No. 350001/12

Defendant-appellant having moved for an enlargement of time to perfect the appeals taken from orders of the Supreme Court, New York County, entered on or about December 15, 2016, and February 16, 2017,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeals to the January 2019 Term, with no further enlargements to be granted.

ENTERED:



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 27, 2018.

Present - Hon. David Friedman, Justice Presiding,
Rosalyn H. Richter
Richard T. Andrias
Barbara R. Kapnick
Troy K. Webber, Justices.

-----X
Theresa Maddicks, et al.

Plaintiffs-Appellants,

-against-

M-4393

M-4558

Index No. 656345/16

Big City Properties, LLC, et al.,
Defendants,

Big City Realty Management, LLC, et al.,
Defendants-Respondents.

-----X

Defendants-respondents having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on July 26, 2018 (Appeal No. 6315) [M-4393],

And The Rent Stabilization Association of New York City, Inc., and the Community Housing Improvement Program, Inc., having moved for leave to file a brief amici curiae in support of defendant-respondent's motion [M-4558],

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

It is ordered that The Rent Stabilization Association of New York City, Inc.'s and the Community Housing Improvement Program, Inc.'s motion [M-4558], is granted to the extent of deeming the amici curiae brief submitted with the moving papers as filed, the arguments therein having been considered by this Court,

It is further ordered that defendants-respondents' motion for leave to appeal to the Court of Appeals is granted [M-4393], 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 modified the order of the Supreme Court to the extent of reinstating certain claims properly made?

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

ENTERED:


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 27, 2018.

PRESENT: Hon. David Friedman, Justice Presiding,
Judith J. Gische
Richard T. Andrias
Cynthia S. Kern
Jeffrey K. Oing, Justices.

-----X
Erjon Isufi, et al.,

Plaintiffs-Respondents,

-against-

Prometal Construction, Inc.,
Defendant-Appellant,

-and-

M-3217
Index No. 653265/12

RLI Insurance Company,
Defendant.

-----X

Defendant-appellant having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on May 24, 2018 (Appeal Nos. 6651-6652),

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.

ENTERED:



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 27, 2018.

PRESENT: Hon. David Friedman, Justice Presiding,
Peter Tom
Barbara R. Kapnick
Marcy L. Kahn
Cynthia S. Kern, Justices.

-----X
Gerald Rosengarten,
Plaintiff-Respondent,

-against-

Richard Born, et al.,
Defendants-Appellants.

- - - - -

Ruandro LLC,
Plaintiff-Respondent,

-against-

M-3248
Index Nos. 651147/14
651148/14
651149/14

Richard Born, et al.,
Defendants-Appellants.

- - - - -

Gerald Rosengarten, etc.,
Plaintiff-Respondent,

-against-

Richard Born, et al.,
Defendants-Appellants,

Three on Third, LLC
Nominal Defendant.

-----X

Defendants-appellants having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on May 10, 2018 (Appeal Nos. 6544, 6545, 6546, 6547, 6548, 6549N),

(M-3248)

-2-

September 27, 2018

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.

ENTERED:


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 27, 2018.

Present - Hon. David Friedman, Justice Presiding,
Barbara R. Kapnick
Marcy L. Kahn
Ellen Gesmer
Cynthia S. Kern, Justices.

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

Respondent,

-against-

M-3504
Ind. No. 4610/17

Shuangsi Li,

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, New York County, rendered on or about May 17, 2018,

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.

ENTERED:



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 27, 2018.

Present - Hon. David Friedman, Justice Presiding,
Barbara R. Kapnick
Marcy L. Kahn
Ellen Gesmer
Cynthia S. Kern, Justices.

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

Respondent,

-against-

M-3622
Ind. No. 2981/16

Shoshana Morgan,

Defendant-Appellant.
-----X

Assigned counsel for defendant-appellant having moved for an order dismissing defendant's appeal taken from a judgment of the Supreme Court, New York County, rendered on or about January 26, 2017, as moot,

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 appeal withdrawn.

ENTERED:



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 27, 2018.

Present - Hon. David Friedman, Justice Presiding,
Barbara R. Kapnick
Marcy L. Kahn
Ellen Gesmer
Cynthia S. Kern, Justices.

-----x
PNC Bank, etc.,
Plaintiff-Respondent,

-against-

M-3676
Index No. 381137/10

Dalton White,
Defendant-Appellant,

-and-

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

-----x

Plaintiff-respondent having moved to dismiss the appeal taken from the order of the Supreme Court, Bronx County, entered on or about May 10, 2017,

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

It is ordered that the motion is granted and the appeal is dismissed.

ENTERED:



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 27, 2018.

Present - Hon. David Friedman, Justice Presiding,
Barbara R. Kapnick
Marcy L. Kahn
Ellen Gesmer
Cynthia S. Kern, Justices.

-----X
222 East 12 Realty LLC,
Petitioner-Landlord-Appellant,

-against-

Chris McNally,
Respondent-Tenant,

-and-

Doris Blount,
Respondent-Undertenant-Respondent.
-----X

Confidential

M-3692

New York County Clerk
Index No. 570430/17
Civil Court
Index No. 60764/16

Petitioner-landlord-appellant having moved for leave to appeal to this Court from the decision and order of the Appellate Term, First Department, entered in the office of the Clerk of the Supreme Court, New York County, on or about March 26, 2018,

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.

ENTERED:


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 27, 2018.

Present - Hon. David Friedman, Justice Presiding,
Barbara R. Kapnick
Marcy L. Kahn
Ellen Gesmer
Cynthia S. Kern, Justices.

-----x
The Bank of New York Mellon, etc.,
Plaintiff-Respondent,

-against-

M-3735
Index No. 35517/15E

Zainab Idakwoji,
Defendant-Appellant,

-and-

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

-----x

Plaintiff-respondent having moved to dismiss the appeal taken from the order of the Supreme Court, Bronx County, entered on or about August 10, 2017,

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

It is ordered that the motion is granted and the appeal is dismissed.

ENTERED:


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 27, 2018.

Present - Hon. David Friedman, Justice Presiding,
Barbara R. Kapnick
Marcy L. Kahn
Ellen Gesmer
Cynthia S. Kern, Justices.

-----x
Ingrit Echevarria,
Plaintiff-Appellant,

-against-

M-3756
Index No. 20704/14E

3219 Tremont Corp.,
Defendant-Respondent,

Montefiore Medical Center,
Defendant.

-----x

Defendant-respondent having moved to dismiss the appeal taken from the order of the Supreme Court, Bronx County, entered on or about July 5, 2017, for failure to timely prosecute,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from plaintiff-appellant's attorneys dated August 9, 2018, and due deliberation having been had thereon,

It is ordered that the appeal is deemed withdrawn.

ENTERED:


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 27, 2018.

Present - Hon. David Friedman, Justice Presiding,
Barbara R. Kapnick
Marcy L. Kahn
Ellen Gesmer
Cynthia S. Kern, Justices.

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

Respondent,

-against-

M-3807
Ind. No. 1188/17

Kevin Crawford,

Defendant-Appellant.
-----x

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about September 5, 2017, 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 denied, as moot, said relief having been granted by the order of this Court entered August 2, 2018 (M-2888).

ENTERED:


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 27, 2018.

PRESENT: Hon. David Friedman, Justice Presiding,
Barbara R. Kapnick
Marcy L. Kahn
Ellen Gesmer
Cynthia S. Kern, Justices.

-----X
Harry Sanusi and Suprajitno Sutomo,
Plaintiffs,

-against-

M-3993
Index No. 155886/18

Miguel A. Quiles, Paul Kasmin Gallery Inc., "John Doe" and "Jane Doe" the foregoing names being fictitious and unknown to plaintiffs, as other persons or entities who participated in, profited by or were in any other way involved in the claims asserted in this action,
Defendants.

-----X

Plaintiffs Harry Sanusi and Suprajitno Sutomo, having moved, pursuant to CPLR 5704(a), for an order vacating the *ex parte* order of the Supreme Court, New York County, dated July 3, 2018, in which the Court declined to sign the aforesaid plaintiffs' order to show cause, and seeking, inter alia, to have the injunctive relief sought in the order to show cause to be granted by this Court,

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

It is ordered that the motion is denied.

ENTERED:


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 27, 2018.

PRESENT: Hon. David Friedman, Justice Presiding,
Barbara R. Kapnick
Marcy L. Kahn Justices.
Jeffrey K. Oing,

-----X
In the Matter of

Emmanuel B.,

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

CONFIDENTIAL

M-4227

Docket No. NN-26312/17

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

Lynette J.,
Respondent,

Andrell B.,
Non-Respondent-Appellant.

- - - - -
Dawne A. Mitchell, Esq.,
The Legal Aid Society,
Juvenile Rights Division,
Attorney for the Child.

-----X
An appeal having been taken to this Court from an order of the Family Court, Bronx County, entered on or about March 5, 2018, and said appeal having been perfected,

And Lawyers for Children, Inc. and National Association of Counsel for Children having moved for leave to file a brief amici curiae in connection with 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 deeming the 9 copies of the proposed amici curiae brief submitted with the moving papers herein as filed.

ENTERED:



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 27, 2018.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Peter Tom
Ellen Gesmer
Cynthia S. Kern
Peter H. Moulton, Justices.

-----X
Madison Sullivan Partners LLC, on behalf
of itself and derivatively on behalf of
PMG-Madison Sullivan Development LLC,
PMG-Madison Developer LLC, Sullivan LLC,
and Sullivan Condo LLC,
Plaintiffs-Appellants,

-against-

M-4352
Index No. 650930/17

PMG Sullivan Street, LLC, et al.,
Defendants-Respondents,

-and-

PMG-Madison Sullivan Development
LLC, et al.,
Defendants-Respondents.

-----X

Plaintiffs-appellants having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about January 11, 2018,

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 2019 Term.

ENTERED:


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 27, 2018.

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

-----X
Board of Directors of Windsor
Owners Corp.,
Plaintiff-Respondent,

-against-

M-3195
Index No. 155985/14

Elaine Platt,
Defendant-Appellant.

-----X

Defendant-appellant having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on May 24, 2018 (Appeal Nos. 6674-6674A),

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.

ENTERED:



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 27, 2018.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Angela M. Mazzarelli
Troy K. Webber
Anil C. Singh, Justices.

-----X
Manzoor Ahmad,
Plaintiff-Appellant,

-against-

M-4197
Index No. 150871/13

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

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about October 23, 2017,

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 2019 Term.

ENTERED:



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 27, 2018.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Angela M. Mazzarelli
Troy K. Webber
Anil C. Singh, Justices.

-----X
VTB Bank (PJSC) formerly known as
JSC VTB Bank and OJSC VTB Bank,
Plaintiff-Respondent,

-against-

M-4286
Index No. 650245/17

Igor Mavlyanov,
Defendant-Appellant.

-----X

Appeals having been taken from an order of the Supreme Court, New York County, entered on or about January 30, 2018, and from a judgment of the same Court and Justice, entered on or about February 27, 2018,

And defendant-appellant having moved for an enlargement of time to perfect the appeal taken from the aforesaid order entered on or about January 30, 2018,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the March 2019 Term. Sua sponte, the time to perfect the appeal taken from the judgment entered on or about February 27, 2018 is likewise enlarged to said March 2019 Term.

ENTERED:


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 27, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Angela M. Mazzarelli
Ellen Gesmer
Jeffrey K. Oing, Justices.

-----X
Ashley Kozel,
Plaintiff-Respondent,

-against-

CONFIDENTIAL

M-2856

Todd Kozel,
Defendant.

Index No. 350045/15

Inga Kozel,
Non-Party Appellant.
-----X

Non-party 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 May 31, 2018 (Appeal No. 6729N),

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.

ENTERED:



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 27, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Angela M. Mazzarelli
Ellen Gesmer
Jeffrey K. Oing, Justices.

-----X
Ashley Kozel,
Plaintiff-Respondent,

-against-

Todd Kozel,
Defendant.

CONFIDENTIAL

M-2857

Index No. 350045/15

Inga Kozel,
Non-Party Appellant.
-----X

Non-party 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 May 31, 2018 (Appeal Nos. 6730-6731N),

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.

ENTERED:



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 27, 2018.

Present: Hon. Dianne T. Renwick, Justice Presiding,
Judith J. Gishe
Angela M. Mazzarelli
Cynthia S. Kern
Peter H. Moulton, Justices.

-----X
Local 621, S.E.I.U., Seupersaud Bharat,
Bishambhar Kubair, and Andrew Cohen,
Petitioners-Appellants-Respondents,

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

-against-

M-4266
Index No. 101831/17

The New York City Department of
Transportation, Polly Trottenberg,
personally and as Commissioner of the
New York City Department of Transportation,
James L. Hallman, personally and as Chief
Diversity/EEO Officer of the New York City
Department of Transportation, and the City
of New York,
Respondents-Respondents-Appellants.

-----X

An appeal and cross appeal having been taken from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about July 16, 2018,

And petitioner Bharat having moved to vacate respondents' statutory stay imposed with the taking of their cross-appeal from the aforesaid order,

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

(M-4266)

-2-

September 27, 2018

It is ordered that the motion is denied. Respondents are directed to perfect their cross appeal for the January 2019 term; Should respondents fail to perfect for said term, petitioner may renew the within motion.

ENTERED:


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 27, 2018.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Judith J. Gische
Richard T. Andrias
Barbara R. Kapnick
Anil C. Singh, Justices.

-----X
Dr. Richard (Ricardo) Cordero, Esq.,
Plaintiff-Appellant,

-against-

M-3612
Index No. 25026/15E

Viviana Barreiro-Cordero, 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 June 14, 2018 (Appeal No. 6895), and for discipline and sanctions to be imposed against opposing 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 denied.

ENTERED:


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 27, 2018.

PRESENT: Hon. Sallie Manzanet-Daniels, Justice Presiding,
Peter Tom
Troy K. Webber
Jeffrey K. Oing, Justices.

-----X
New York City School Construction Authority,
Plaintiff-Respondent,

-against-

M-4152
Index No. 42079/14E

Adam's European Contracting, Inc.
Defendant-Appellant.

-----X
Adam's European Contracting, Inc.,
Third-Party Plaintiff-Appellant,

-against-

Phoenix Services Corp., Universal Testing & Inspection Services Inc., Susan Doban, and Susan Doban Architect, PC,
Third-Party Defendants-Respondents.

-----X

Defendant/third-party plaintiff-appellant, Adam's European Contracting, Inc., having moved for an enlargement of time to perfect the appeal taken from an order the Supreme Court, Bronx County, entered on or about November 22, 2017,

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 2019 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 27, 2018.

Present - Hon. Sallie Manzanet-Daniels, Justice Presiding,
Peter Tom
Troy K. Webber
Jeffrey K. Oing, Justices.

-----X
Giovanni G. Thompson,

Plaintiff-Appellant,

-against-

M-4233
Index No. 26064/15

Coca Cola Bottling Co. and Martin Adorno,

Defendants-Respondents.
-----X

Plaintiff-appellant having moved for an enlargement of time to perfect an appeal taken from an order of the Supreme Court, Bronx County, entered on or about December 18, 2017,

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 2019 Term.

ENTERED:



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 27, 2018.

PRESENT: Hon. Judith J. Gische, Justice Presiding,
Troy K. Webber
Jeffrey K. Oing
Anil C. Singh
Peter H. Moulton, Justices.

-----X
Nationstar Mortgage LLC,
Plaintiff-Appellant-Respondent,

-against-

David Cohn, also known as Cohn David,
Defendant-Respondent-Appellant,

M-2525
M-3436
Index No. 159921/14

United States of America - Internal
Revenue Service, New York State
Department of Taxation and Finance,
Defendants.

-----X
Federal National Mortgage Association,
Plaintiff,

-against-

Alberto Morales, et al.,
Defendants,

David Cohn, also known as Cohn David,
Defendant-Appellant.

Index No. 113089/09

-----X

An appeal and cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about December 1, 2017, and from an order of the same Court and Justice purportedly entered on December 1, 2017, in the later action (Index No. 159921/14),

And defendant-respondent-appellant having moved to dismiss the appeal taken by plaintiff-appellant-respondent as the purported order is not appealable as of right (M-2525),

And plaintiff-appellant-respondent having cross moved to consolidate its two appeals with the appeal by defendant-respondent-appellant (M-3436),

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 dismissing the appeal noticed under Index No 159921/14 as having been taken from an order not entered under said Index Number and is otherwise denied, without prejudice to defendant raising, in his appellate brief, the issue of whether the order appealed and cross-appealed under Index No. 113089/09 is appealable by plaintiff as of right (M-2525). The cross motion is granted to the extent of directing the parties to proceed upon a joint record or joint appendix and to share equally the cost of such record or appendix, (M-3436).

ENTERED:


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 27, 2018.

Present - Hon. Judith J. Gische, Justice Presiding,
Troy K. Webber
Jeffrey K. Oing
Anil C. Singh
Peter H. Moulton, Justices.

-----x

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

CONFIDENTIAL

M-2934

M-3242

M-3188

Natalie A.,
Petitioner-Appellant,

Docket Nos. V-21626/17
O-21622/17

-against-

Chadwick P.,
Respondent-Respondent.

-----x

An appeal having been taken to this Court from two orders of the Family Court, New York County, entered on or about December 5, 2017,

And petitioner-appellant having moved for an order 1) transferring this matter from Family Court, Clinton County, to Family Court, New York County, as indicated by the order of a Justice of this Court dated July 23, 2018 [M-2934], and 2) directing the Family Court, New York County, to calendar the case to address certain interim issues, pending hearing and determination of the aforesaid appeal, and 3) extending the temporary order of protection pending in New York County Family Court relating to the matter or determination of the instant appeal [M-3242],

And respondent-respondent having cross-moved to lift a stay issued by the order of a Justice of this Court, dated July 23, 2018, which stayed changing the venue of this matter from New York County Family Court to Clinton County Family Court, and to set a temporary visitation schedule that is consistent with the schedule set by the Family Court, Clinton County [M-3188],

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

It is ordered that, sua sponte, the motions are consolidated for disposition, and it is further,

Ordered that the motions [M-2934/M-3242] are granted to the extent of 1) transferring the case file from Family Court, Clinton County, to Family Court, New York County; 2) directing Family Court, New York County, to exercise jurisdiction over all interim issues pending hearing and determination of the appeal; and 3) extending the temporary order of protection pending further order of the Family Court, New York County, and it is further,

Ordered that the cross motion [M-3188] is denied.

ENTERED:



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 27, 2018.

Present - Hon. Judith J. Gische, Justice Presiding,
Troy K. Webber
Jeffrey K. Oing
Anil C. Singh
Peter H. Moulton, Justices.

-----x

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

CONFIDENTIAL

M-3003

Crystal G.,
Petitioner-Respondent,

Docket Nos.

V-13886-15/18M

V-13886-15/18O

V-13886-15/18L

V-13886-15/18J

V-13886-15/18N

V-13886-15/18K

-against-

Marquis E.,
Respondent-Appellant.

-----x

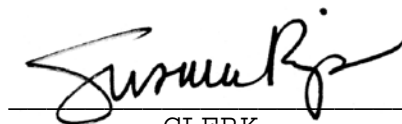
An appeal having been taken to this Court from a Temporary Order of Custody of the Family Court, Bronx County, entered on or about June 4, 2018,

And respondent-appellant having moved for leave to appeal from the aforesaid order, and for a stay of the Temporary Order of Custody pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion, to the extent it seeks a stay of temporary custody of the child, is denied as moot. The motion, to the extent it seeks leave to appeal, is denied as moot, the order being appealable as of right.

ENTERED:



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 27, 2018.

Present - Hon. Judith J. Gische, Justice Presiding,
Troy K. Webber
Jeffrey K. Oing
Anil C. Singh
Peter H. Moulton, Justices.

-----x
In the Matter of

Nazere M.,

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

CONFIDENTIAL

M-3170

Abbott House Foster Care Agency and Administration for Children's Services, Petitioners-Respondents,

Docket No. NN-24407/13

Nazaray M.,
Respondent-Appellant.

Joann Bourne, Esq.,
Attorney for the Child.

-----x
An appeal having been taken to this Court from the order of the Family Court, Bronx County, entered on or about April 27, 2018,

And respondent-appellant having moved to stay of enforcement of the order denying her order to show cause, or for the relief sought in her order to show cause, pursuant to CPLR 5704(a),

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.

ENTERED:



CLERK

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

BEFORE: Hon. Rolando T. Acosta
Presiding Justice of the Appellate Division

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

M - 3916
Ind. No. 167/81

-against-


CERTIFICATE
DENYING LEAVE

Charles Grosso,

Defendant.

-----X

I, Rolando T. Acosta, Presiding Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York, entered on or about July 5, 2018, is hereby denied.



Hon. Rolando T. Acosta
Associate Justice

Dated: September 11, 2018
New York, New York

ENTERED: **SEP 27 2018**

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

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

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

M-3283
Ind. No. 2694/2000

-against-

CERTIFICATE
DENYING LEAVE

Gonzalo Aguilar

Defendant.

-----X

I, Hon. Judith J. Gische, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, (Conviser, J.) entered on or about May 7, 2018, is hereby denied.

Associate Justice

Dated: August 6, 2018
New York, New York

ENTERED: SEP 27 2018

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

BEFORE: Hon. Troy K. Webber
Justice of the Appellate Division

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

M-4104
Ind. No. 954/13

-against-

CERTIFICATE
GRANTING LEAVE

Robert Olivarez,
Defendant-Appellant.

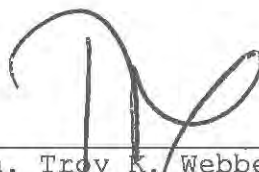
-----X

I, Troy K. Webber, 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 (Melissa C. Jackson, J.), entered on or about February 5, 2015.¹

Dated: September 17, 2018
New York, New York

ENTERED

SEP 27 2018



Hon. Troy K. Webber
Associate Justice

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

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

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

BEFORE: Hon. Ellen Gesmer
Justice of the Appellate Division

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

M-3545
Ind. No. 2289/13


-against-

CERTIFICATE
DENYING LEAVE

Reinaldo Santiago,

Defendant.
-----X

I, Ellen Gesmer, a Justice of the Appellate Division, First Judicial Department, certify that the application of the above-named defendant for a certificate pursuant to Criminal Procedure Law sections 450.15 and 460.15 fails to present any question of law or fact 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, dated May 18, 2018 is denied.



Hon. Ellen Gesmer
Associate Justice

Dated: August 14, 2018
New York, New York

ENTERED: SEP 27 2018

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

BEFORE: Hon. Cynthia S. Kern
Associate Justice of the Appellate Division

-----X

The People of the State of New York,

M - 3385
Ind. No. 7627/97

-against-

Darryl Powell,

CERTIFICATE
DENYING LEAVE

Defendant.

-----X

I, Cynthia S. Kern, 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.), dated December 7, 2015, is hereby denied.

Dated: August 7, 2018
New York, New York



CSK

Hon. Cynthia S. Kern
Associate Justice

ENTERED: SEP 27 2018

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

BEFORE: Hon. Cynthia S. Kern
Associate Justice of the Appellate Division

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

M - 3917
Ind. No. 4854/03

-against-

CERTIFICATE
DENYING LEAVE

Steven Mears,

Defendant.

-----X
I, Cynthia S. Kern, 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 (A. Kirke Bartley, J.), entered on
or about May 21, 2018, is hereby denied.

Dated: September 11, 2018
New York, New York

CSK

Hon. Cynthia S. Kern
Associate Justice

ENTERED:

SEP 27 2018