

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6 2019.

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

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

Anthony J.,
Petitioner-Appellant,

-against-

CONFIDENTIAL
M-3099
Docket Nos. V-170-18/18A
V-31947/17

Bayyinah G.,
Respondent-Respondent,

Kenneth M. Tuccillo, Esq.,
Attorney for the Subject Child.
-----X

Petitioner-appellant having moved for a calendar preference in the hearing of his appeal taken from an order of the Family Court, Bronx County, entered on or about August 14, 2018, pursuant to 22 NYCRR § 1250.15[a][2] and CPLR 5521[a]), the appeal having been perfected (Cal. No. 2018-171),

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

It is ordered that petitioner-appellant's motion for a calendar preference is granted to the extent that the Clerk of the Court is directed to place and maintain the appeal taken from

(M-3099)

-2-

August 6, 2019

the order of the Family Court entered on or about August 14, 2018 (Cal No. 2018-171) on this Court's calendar for the October 2019 Term. (See M-3118, dated August 6, 2019, released simultaneously herewith.)

ENTERED:

A handwritten signature in black ink, appearing to read "Eric Schubert", written in a cursive style. The signature is positioned above a horizontal line.

DEPUTY 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 August 6, 2019.

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

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

Anthony J.,
Petitioner-Appellant,

-against-

CONFIDENTIAL
M-3118
Docket Nos. V-170-18/18A
V-31947/17

Bayyinah G.,
Respondent-Respondent,

Kenneth M. Tuccillo, Esq.,
Attorney for the Subject Child.
-----X

Nick M. Frisco, Esq., court attorney for the subject child, having moved on the child's behalf for leave to respond, as a poor person, to the appeal taken from an order of the Family Court, Bronx County, entered on or about August 14, 2018, 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 motions, and the certification of Nick M. Frisco, Esq., dated June 20, 2019, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to §1120 of the Family Court Act, Kenneth M. Tuccillo, Esq., 591 Warburton Avenue, No. 576, Hastings on Hudson, New York, 10701, Telephone No.: 914-439-4843, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for each party to the appeal, and an

(M-3118)

-2-

August 6, 2019

and an original and five hard copies, and if represented by counsel, one digital copy of such brief, are filed with this court, pursuant to 22 NYCRR Section 1250.9. (See M-3099, dated August 6, 2019, released simultaneously herewith.)

ENTERED:

A handwritten signature in black ink, appearing to read "Eric Schuck", written in a cursive style. The signature is positioned above a horizontal line.

DEPUTY 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 August 6, 2019.

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

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

- - - - -
Eve Susan P.,
Petitioner-Appellant,

CONFIDENTIAL
M-3204
M-3347
Docket No. F-44629-16/17B

-against-

Steven Neil S.,
Respondent-Respondent.

-----x
Eve Susan P.,
Petitioner-Respondent,

-against-

Steven Neil S.,
Respondent-Appellant.

-----x
Appeals having been taken by petitioner Eve Susan P. from orders of the Family Court, New York County, entered on or about December 13, 2018 and on or about May 3, 2019, and said appeals having been perfected for the September 2019 Term,

And an appeal having been taken by respondent Steven Neil S. from the aforesaid order entered on or about December 13, 2018, and said appeal having been perfected for the September 2019 Term by Thomas R. Villecco, Esq., assigned as counsel for respondent to prosecute said appeal by order of this Court entered March 19, 2019 (M-754),

And an order of this Court having been entered on June 27, 2019 (M-2804), denying petitioner's motion to consolidate her appeals and to maintain them on the September 2019 Term, with leave to renew, upon submission of proof of service upon assigned counsel for respondent,

And petitioner having moved to renew her motion to consolidate her appeals and to maintain them on this Court's calendar for the September 2019 Term (M-3204),

And respondent having moved for an order assigning Thomas R. Villecco, Esq. as counsel to respond to petitioner's appeals, and for related relief (M-3347),

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 (M-3204) is granted to the extent that the Clerk of the Court is directed to calendar the aforesaid appeals by petitioner and respondent for hearing together on the same day of the October 2019 Term, to which Term the appeals are adjourned, and it is further

Ordered that pursuant to §1120 of the Family Court Act, Thomas R. Villecco, Esq., 366 N. Broadway - Suite 410, Jericho, New York, 11753, Telephone No. 516-942-4221, is assigned as counsel for purposes of responding to petitioner's appeals; (2) permitting respondent to respond to the appeals upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for each party to the appeal, and an original and five hard copies, and if represented by counsel, one digital copy of such brief, are filed with this court, pursuant to 22 NYCRR Section 1250.9.

ENTERED:



DEPUTY 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 August 6, 2019.

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

-----x

Robert Grate,
Plaintiff-Appellant,

-against-

M-3233
Index No. 26162/16E

Ralph Rodrigues and Miranda Rodrigues,
Defendants-Respondents.

-----x

Plaintiff having moved, pursuant to 22 NYCRR 1250.10(c), to vacate the dismissal of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about September 13, 2018, and upon vacatur, for 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, the dismissal vacated, the appeal reinstated, and the time to perfect said appeal is enlarged to the November 2019 Term.

ENTERED:



DEPUTY 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 August 6, 2019.

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

-----x
In the Matter of

Brad Allecia,
Petitioner,

-against-

M-3290

M-3335

Index No. 155704/19

The New York City Department of
Buildings, et al.,
Respondents.

-----x

An Article 78 proceeding to review a determination of respondents having been transferred to this Court, pursuant to CPLR 7804(g), by amended order of the Supreme Court, New York County, entered on or about June 25, 2019,

And petitioner having moved for a calendar preference in hearing of the proceeding for the September 2019 Term of this Court (M-3290),

And respondents having moved to remit the proceeding to the Supreme Court for the purpose of permitting them to file an answer to the article 78 petition and the administrative record relevant to this proceeding (M-3335),

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

Ordered that the motion for remittitur (M-3335) is granted to the extent of remitting the article 78 proceeding to Supreme Court for the limited purpose of allowing respondents, within 30 days of the date of this order, to serve and file an answer and the relevant administrative record. Upon completion of such filings, Supreme Court is directed to enter an amended order of transfer pursuant to CPLR 7804(g), unless said answer raises a question other than one of substantial evidence within the meaning of CPLR 7803(4), and it is further

(M-3290/M-3335)

-2-

August 6, 2019

Ordered that the motion for a preference (M-3290) is denied, without prejudice to renew upon the entry of an amended order of transfer pursuant to CPLR 7804(g).

ENTERED:

A handwritten signature in black ink, appearing to read "Eric Schuck", written in a cursive style. The signature is positioned above a horizontal line.

DEPUTY 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 August 6, 2019.

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

-----X
PSB Indian Creek LLC, directly, and
derivatively on behalf of JHPSB
Indian Creek Ventures Investors LLC, and
2901 JMH, LLC,
Plaintiffs-Appellants,

-against-

M-2995
Index No. 651406/17

Jason Halpern, JMH Indian Creek
Development, LLC, JMH Development III, LLC
and 29 ICD, LLC,
Defendants-Respondents,

JHPSB Indian Creek Ventures LLC, JHPSB
Indian Creek Ventures Investors LLC, and
2901 JMH, LLC,
Nominal-Defendants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about September 11, 2018,

Now, upon reading and filing the correspondence from the attorney for plaintiffs-appellants dated June 6, 2019, and due deliberation having been had thereon,

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

ENTERED:



DEPUTY 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 August 6, 2019.

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

-----X
Samantha Lipson,
Plaintiff-Appellant,

-against-

CONFIDENTIAL
M-2997
Index No. 301744/16


Carla Geisser,
Defendant-Respondent.
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about June 20, 2018,

Now, upon reading and filing the stipulation of the parties hereto, dated May 24, 2019, and due deliberation having been had thereon,

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

ENTERED:



DEPUTY 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 August 6, 2019.

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

-----X

Soyica Tanila Greaves,
Plaintiff-Appellant,

-against-

M-2996

Index No. 33242/18

Munawar & Andrews-Santillo, LLP,
Mateen Hashmat, Ashley Andrews-Santillo,
and Adnan Munawar,
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about March 6, 2019,

Now, upon reading and filing the correspondence received from counsel for plaintiff-appellant dated May 30, 2019, and due deliberation having been had thereon,

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

ENTERED:



DEPUTY 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 August 6, 2019.

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

-----X
George Tower,

Plaintiff-Respondent,

-against-

M-3000

Index No. 158732/14

24-26 East 93 Apartments Corp., Rudd
Realty Management Corp.,
Defendants-Appellants,

Valleville Ltd., Le Paris Rest, Le Paris
Bistrot Francais, White Friars East, LLC,
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 5, 2018,

Now, upon reading and filing the correspondence from the attorney for defendants-appellants dated June 6, 2019, and due deliberation having been had thereon,

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

ENTERED:



DEPUTY 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 August 6, 2019.

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

-----X

Jorge Quito,
Plaintiff-Appellant,

-against-

PCS Management, LLC,
Defendant-Respondent.

-----X

PCS Management, LLC,
Third-Party Plaintiff,

-against-

Pazzia, LLC,
Third-Party Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about August 13, 2018,

Now, upon reading and filing the correspondence from the attorney for plaintiff-appellant dated June 6, 2019, and due deliberation having been had thereon,

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

ENTERED:



DEPUTY 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 August 6, 2019.

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 the Application of
Ronald Tabbs,

Petitioner-Respondent,

M-3003

Index No. 101805/16

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

-against-

James P. O'Neill, as Police Commissioner
of the City of New York, The Police
Department of the City of New York and
The City of New York,
Respondents-Appellants.

-----X

An appeal having been taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about August 27, 2018,

Now, upon reading and filing the correspondence and the Notice of Withdrawal of Appeal from the attorney for respondents-appellants dated May 16, 2019, and due deliberation having been had thereon,

It is ordered that the appeal is deemed withdrawn in accordance with the aforesaid correspondence and Notice.

ENTERED:



DEPUTY 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 August 6, 2019.

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

-----X

Bardemiro Tatis Pena,
Plaintiff-Respondent,

-against-

M-3005

Index No. 24953/14E

PTSE Property Holdings, Inc. and
G Arc Group LLC,
Defendants-Respondents.

-----X

PTSE Property Holdings, Inc.,
Third-Party Plaintiff-Respondent,

-against-

Index No. 43065/15E

G Arc Group LLC,
Third-Party Defendant-Respondent.

-----X

G Arc Group LLC,
Second Third-Party
Plaintiff-Respondent,

-against-

Index No. 43160/16E

Signature Interior Demolition Inc.,
Second Third-Party
Defendant-Appellant,

James River Insurance Company,
Second Third-Party
Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about November 29, 2018,

Now, upon reading and filing the correspondence from the attorney for second third-party defendant-appellant dated June 12, 2019, and due deliberation having been had thereon,

(M-3005)

-2-

August 6, 2019

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

ENTERED:

A handwritten signature in black ink, appearing to read "Eric Schuck", written over a horizontal line.

DEPUTY 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 August 6, 2019.

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

-----X

Pierre Gilles,

Plaintiff-Appellant,

-against-

Md Uddin,

Defendant-Respondent.

-----X

M-3011X
Index No. 303230/16

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about December 5, 2018,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 12, 2019, and due deliberation having been had thereon,

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

ENTERED:



DEPUTY 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 August 6, 2019.

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

-----X
First Central Savings Bank,
Plaintiff-Respondent,

-against-

M-3012

Index No. 655427/18

Sabrina Birnbaum, W. LOL Trans. Corp.,
Brini Transit Inc., Fenway Cab Corp.,
Specter Cab Corp.,
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about April 5, 2019,

Now, upon reading and filing the correspondence received from counsel for defendants-appellants dated June 11, 2019, and due deliberation having been had thereon,

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

ENTERED:



DEPUTY 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 August 6, 2019.

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

-----X

Diane Sacchetti,
Plaintiff-Respondent,

-against-

M-3018

Index No. 155993/13

The City of New York,
Defendant-Appellant,

Cardella Trucking Co., Danny Reyes,
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 25, 2017,

Now, upon reading and filing the correspondence from the attorney for defendant-appellant dated June 10, 2019, and due deliberation having been had thereon,

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

ENTERED:



DEPUTY 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 August 6, 2019.

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

-----X
Diane Sacchetti,
 Plaintiff-Respondent,

-against-

M-3020
Index No. 155993/13

The City of New York,
 Defendant-Appellant,

Cardella Trucking Co., Danny Reyes,
 Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about April 16, 2019,

Now, upon reading and filing the correspondence from the attorney for defendant-appellant dated June 10, 2019, and due deliberation having been had thereon,

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

ENTERED:



DEPUTY 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 August 6, 2019.

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

-----X
Freddy Morales,
Plaintiff-Respondent,

-against-

M-3051X

Index No. 305529/12

310 West End Avenue Owners Corp.,
Defendant-Appellant,

Zarme R. Shahnawaz,
Defendant.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about January 8, 2019,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 19, 2019, and due deliberation having been had thereon,

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

ENTERED:



DEPUTY 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 August 6, 2019.

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

-----X
Sharon Clark,
Plaintiff-Respondent,

-against-

M-3054X

Index No. 305745/14

C&R Food Corp. and 708 Tremont Realty,
LLC,
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about January 16, 2019,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 13, 2019, and due deliberation having been had thereon,

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

ENTERED:



DEPUTY 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 August 6, 2019

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

-----X
Adonis Henriquez and Raymond Fermin,
Petitioners-Respondents,

-against-

M-3057

Index No. 158069/18

The City of New York,
Respondent-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 10, 2019,

Now, upon reading and filing the correspondence from the attorney for respondent-appellant dated June 18, 2019 and the Notice of Withdrawal of Appeal dated June 14, 2019, and due deliberation having been had thereon,

It is ordered that the appeal is deemed withdrawn in accordance with the aforesaid correspondence and Notice.

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 August 6, 2019.

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

-----X
BP/CG Center II LLC,
Plaintiff-Respondent,

-against-

M-3060X
Index No. 651750/17

Maria Sausa and Peggy Sausa,
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 1, 2019,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 17, 2019, and due deliberation having been had thereon,

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

ENTERED:



DEPUTY 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 August 6, 2019.

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

-----X
Adelson Galleries, Inc.,

Plaintiff-Appellant-Respondent,

-against-

730 Fifth Upper, LLC,
Defendant-Respondent-Appellant.

-----X

M-3067

M-3076

Index No. 651610/18

Appeals having been taken from two orders of the Supreme Court, New York County, entered on or about December 7, 2018 and on or about December 12, 2018,

And a cross-appeal having been taken from the order entered on or about December 7, 2018,

Now, upon reading and filing the Notice of Withdrawal of Appeals signed by counsel representing all litigants dated May 16, 2019, and due deliberation having been had thereon,

It is ordered that the appeals and cross-appeal are deemed withdrawn in accordance with the aforesaid Notice.

ENTERED:



DEPUTY 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 August 6, 2019.

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

-----X
Level Group Inc.,
Plaintiff-Respondent,

-against-

Smart Merchants Incorporated,
Defendant-Appellant,

M-3079
Index No. 652907/15

-and-

Charles C. Kim, et al.,
Defendants.

- - - - -
[And a third-party action.]


-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about October 4, 2018,

Now, upon reading and filing the correspondence from the attorney for defendant-appellant dated June 19, 2019, and due deliberation having been had thereon,

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

ENTERED:


DEPUTY 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 August 6, 2019.

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,
Appellant,

-against-

M-3125
Ind. No. 1051/17

Aludein Marks,
Defendant-Respondent.

-----X

An appeal having been taken from the orders of the Supreme Court, New York County, entered on or about May 29, 2018 and May 31, 2018,

Now, upon reading and filing the stipulation of the parties hereto, dated June 12, 2019, and due deliberation having been had thereon,

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

ENTERED:



DEPUTY 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 August 6, 2019.

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-3130
Ind. No. 3898/17

Alonso Bethel,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about May 11, 2018,

Now, upon reading and filing the stipulation of the parties hereto, dated June 19, 2019, and due deliberation having been had thereon,

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

ENTERED:



DEPUTY 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 August 6, 2019.

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-

William Morales,
Defendant-Appellant.

CONFIDENTIAL
M-3131
SCI No. 1583/17

-----X

An appeal having been taken from a judgment of the Supreme Court, Bronx County, rendered on or about September 28, 2017,

Now, upon reading and filing the stipulation of the parties hereto, dated June 25, 2019, and due deliberation having been had thereon,

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

ENTERED:



DEPUTY 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 August 6, 2019.

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-3133
Ind. No. 6013/02

Cleveland Lovett,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of **resentence** of the Supreme Court, New York County, rendered on or about December 8, 2015,

Now, upon reading and filing the stipulation of the parties hereto, dated June 20, 2019, and due deliberation having been had thereon,

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

ENTERED:



DEPUTY 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 August 6, 2019.

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-3135
Ind. No. 2627/17

Menelik Bennett,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, Bronx County, rendered on or about March 22, 2018,

Now, upon reading and filing the stipulation of the parties hereto, dated June 18, 2019, and due deliberation having been had thereon,

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

ENTERED:



DEPUTY 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 August 6, 2019.

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

-----X
Zurich American Insurance Company,
et al.,
Plaintiffs-Respondents,

-against-

M-3142
Index No. 160188/14

Liberty Mutual Fire Insurance Company,
et al.,
Defendants,

-and-

JPMorgan Chase Bank, NA,
Defendant-Appellant.


-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about August 21, 2018,

Now, upon reading and filing the stipulation of the parties hereto, dated June 20, 2019, and due deliberation having been had thereon,

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

ENTERED:


DEPUTY 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 August 6, 2019.

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

-----X

High Definition MRI, P.C.,

Plaintiff-Respondent,

-against-

M-3168X

Index No. 651044/13

Kemper Corporation, et al.,

Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about February 15, 2019,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 21, 2019, and due deliberation having been had thereon,

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

ENTERED:



DEPUTY 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 August 6, 2019.

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

-----X
The Glazier Group, Inc., et al.,
Plaintiffs-Respondents,

-against-

Nova Casualty Company, et al.,
Defendants,

M-3170
Index No. 159101/14

-and-

Hub International Northeast Limited,
Defendant-Appellant.

-----X

An appeal having been taken from the orders of the Supreme Court, New York County, entered on or about October 11, 2018 and January 2, 2019, and said appeal having been perfected,

Now, upon reading and filing the stipulation of the parties hereto, dated June 6, 2019, and due deliberation having been had thereon,

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

ENTERED:



DEPUTY 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 August 6, 2019.

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

-----X

Zahi Karnaby,
Plaintiff-Respondent,

-against-

Michael Bagner, M.D., et al.,
Defendants,

M-3083
Index No. 805403/14

-and-

Ashwin Asrani, M.D., et al.,
Defendants-Appellants.

-----X

An appeal having been taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about March 14, 2019,

Now, upon reading and filing the correspondence from the attorney for defendants-appellants dated May 21, 2019, and due deliberation having been had thereon,

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

ENTERED:



DEPUTY 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 August 6, 2019.

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

-----X
Highland Crusader Offshore Partners, L.P.,
Highland Credit Opportunities CDO, LTD.,
Highland Credit Strategies Master Fund,
L.P., Highlander Restoration Capital
Partners Master, L.P., and Nextpoint
Credit Strategies Fund,
Plaintiffs-Respondents,

M-2911
Index No. 653486/16

-against-

Targeted Delivery Technologies Holdings,
Ltd., Targeted Delivery Technologies, Ltd.,
Celtic Pharmaceutical Holdings, L.P.,
Celtic Pharma Management, L.P., Celtic
Pharma Management Ltd., Celtic Pharma Fix
Venture Ltd., Celtic Pharma Fix Ltd., and
John Mayo,
Defendants-Appellants,

Xenova Group Ltd., TDT 044 Ltd., TDT 054 Ltd.,
TDT 077 Ltd., Celtic Pharma Development
Services Bermuda, Ltd., Celtic Therapeutics
Management LLLP doing business as Auvén
Therapeutics Management LLLP and as successor-
in-interest to Celtic Pharma Management, L.P.,
Celtic Pharma Management Company, Ltd.,
Stephen Evans-Freke,
Defendants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about December 4, 2018 (Calendar No. 2019-305),

Now, upon reading and filing the correspondence from the attorney for defendants-appellants, Celtic Pharmaceutical Holdings, L.P. and Celtic Pharma Management, L.P., dated June 6, 2019, and due deliberation having been had thereon,

It is ordered that the appeal (Calendar No. 2019-305) is deemed withdrawn only as to defendants-appellants, Celtic Pharmaceutical Holdings, L.P. and Celtic Pharma Management, L.P., in accordance with the aforesaid correspondence.

ENTERED:

A handwritten signature in black ink, appearing to read "Eric Schuck", written over a horizontal line.

DEPUTY 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 August 6, 2019.

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

-----X
Highland Crusader Offshore Partners, L.P.,
Highland Credit Opportunities CDO, Ltd.,
Highland Credit Strategies Master Fund, L.P.,
Highlander Restoration Capital Partners
Master, L.P., and Nexpoint Credit Strategies
Fund,

Plaintiffs-Respondents,

M-2913

Index No. 653486/16

-against-

Targeted Delivery Technologies Holdings, Ltd.,
Targeted Delivery Technologies, Ltd.,
Celtic Pharmaceutical Holdings, L.P.,
Celtic Pharma Management, L.P., Celtic
Pharma Management Ltd., Celtic Pharma Fix
Venture Ltd., Celtic Pharma Fix Ltd., and
John Mayo,

Defendants-Appellants,

Xenova Group Ltd., TDT 044 Ltd., TDT 054 Ltd.,
TDT 077 Ltd., Celtic Pharma Development
Services Bermuda, Ltd., Celtic Therapeutics
Management LLLP doing business as Auven
Therapeutics Management LLLP and as successor-
in-interest to Celtic Pharma Management, L.P.,
Celtic Pharma Management Company, Ltd.,
Stephen Evans-Freke,
Defendants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about December 4, 2018 (Calendar No. 2019-306),

Now, upon reading and filing the correspondence from the attorney for defendants-appellants, Celtic Pharmaceutical Holdings, L.P. and Celtic Pharma Management, L.P., dated June 6, 2019, and due deliberation having been had thereon,

(M-2913)

-2-

August 6, 2019

It is ordered that the appeal (Calendar No. 2019-306), is deemed withdrawn only as to defendants-appellants Celtic Pharmaceutical Holdings, L.P. and Celtic Pharma Management, L.P., in accordance with the aforesaid correspondence.

ENTERED:

A handwritten signature in black ink, appearing to read "Eric Schuck", written over a horizontal line.

DEPUTY 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 August 6, 2019.

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

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

-against-

Henry Garcia,
Defendant-Appellant.

M-3127
Ind. No. 2120/15
SCI No. 523/17

-----X

An appeal having been taken from a judgment of the Supreme Court, Bronx County, rendered on or about March 29, 2017,

Now, upon reading and filing the stipulation of the parties hereto, dated June 20, 2019, and due deliberation having been had thereon,

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

ENTERED:



DEPUTY 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 August 6, 2019.

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-2915

-against-

Ind. No. 2167/12

Timothy Gillette,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from the order of the Supreme Court, New York County (Mandelbaum, J.), entered on or about May 16, 2019, 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, if represented by counsel, 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 make 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 Mandelbaum 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:

A handwritten signature in black ink, appearing to read "Eric Schuck", written in a cursive style. The signature is positioned above a horizontal line.

DEPUTY 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 August 6, 2019.

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-2916

-against-

Ind. No. 2824/11

Jean Dufresne,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from the order of the Supreme Court, New York County (Mandelbaum, J.), entered on or about May 13, 2019, 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, if represented by counsel, 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 make 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 Mandelbaum as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Robert S. Dean Esq., Center for Appellate Litigation, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

(M-2916)

-2-

August 6, 2019

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:

A handwritten signature in black ink, appearing to read "Eric Schuck". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

DEPUTY 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 August 6, 2019.

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-3021
Ind. No. 1196/18

Milton Vega,
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 February 25, 2019, 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 an original, five hard copies and, if represented by counsel, 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.

Janet E. Sabel, Esq., The Legal Aid Society, 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 180 days from the date of receipt of the complete record.

ENTERED:

A handwritten signature in black ink, appearing to read "Eric Schuck", written over a horizontal line.

DEPUTY 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 August 6, 2019.

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-3022
SCI. No. 167/19

Anthony Carey,
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 February 22, 2019, 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 an original, five hard copies and, if represented by counsel, 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.

Janet E. Sabel, Esq., The Legal Aid Society, 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 180 days from the date of receipt of the complete record.

ENTERED:

A handwritten signature in black ink, appearing to read "Eric Schuck", written in a cursive style. The signature is positioned above a horizontal line.

DEPUTY 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 August 6, 2019.

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-3023
Ind. No. 186/18

Shyheen Delaney,
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 February 24, 2019, 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 an original, five hard copies and, if represented by counsel, 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.

Janet E. Sabel, Esq., The Legal Aid Society, 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 180 days from the date of receipt of the complete record.

ENTERED:

A handwritten signature in black ink, appearing to read "Eric Schuck", written over a horizontal line.

DEPUTY 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 August 6, 2019.

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-3024
Ind. No. 3307/17

Lawrence Holloway,
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 March 15, 2019, 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 an original, five hard copies and, if represented by counsel, 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.

Janet E. Sabel, Esq., The Legal Aid Society, 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 180 days from the date of receipt of the complete record.

ENTERED:

A handwritten signature in black ink, appearing to read "Eric Schuck", written over a horizontal line.

DEPUTY 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 August 6, 2019.

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-3161A
Ind. No. 5253/14

Rony George,
Defendant-Appellant.

-----X

An order of a Justice of this Court, (M-3161), having been entered on August 6, 2019, granting defendant leave to appeal to this Court pursuant to CPL 460.15 from the order of the Supreme Court, New York County, entered on or about May 23, 2019,

And defendant-appellant having moved for leave to prosecute the appeal as a poor person, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, for the assignment 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

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 an original, five hard copies and, if represented by counsel, 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.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete record.

ENTERED:



DEPUTY 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 August 6, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Sallie Manzanet-Daniels
Ellen Gesmer
Anil C. Singh, Justices.

-----X
Himmelstein, McConnell, Gribben,
Donoghue & Joseph, LLP, et al.,

Plaintiffs-Appellants,

-against-

M-2899
Index No. 650932/17

Matthew Bender & Company, Inc.,
A Member of LexisNexis Group, Inc.,

Defendant-Respondent.
-----X

Plaintiffs-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 May 2, 2019 (Appeal No. 9198),

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:



DEPUTY 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 August 6, 2019.

Present - Hon. David Friedman, Justice Presiding,
Judith J. Gische
Peter Tom
Troy K. Webber
Ellen Gesmer, Justices.

-----X

Flutur Bida,
Plaintiff-Appellant,

-against-

M-2991
Index No. 111370/10

The Port Authority of New York and
New Jersey and Modern Facilities
Services Inc.
Defendants-Respondents.

-----X

Plaintiff-appellant, pro se, having moved for reargument of the decision and order of this Court, entered on May 28, 2019 (Appeal No. 9420),

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:



DEPUTY 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 August 6, 2019.

Present - Hon. David Friedman, Justice Presiding,
Angela M. Mazzarelli
Troy K. Webber
Cynthia S. Kern
Jeffrey K. Oing, Justices.

-----X

In re Astoria General Contracting Corp., et al.,

Petitioners,

-against-

M-2477
Index No. 118/17

Scott Stringer, etc., et al.,

Respondents.


-----X

Petitioners 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 February 5, 2019 (Appeal No. 8316),

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:


DEPUTY 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 August 6, 2019.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels
Peter Tom, Justices.

-----X
Jeff Smith,
Petitioner,

For an Order Pursuant to Article 78
of the Civil Practice Law and Rules

-against-

M-2668
Index No. 100525/16

City of New York, Taxi and
Limousine Commission,
Respondents.

-----X

An Article 78 proceeding to review a determination of respondents having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about December 12, 2016,

And petitioner having moved to vacate the dismissal of the proceeding pursuant to 22 NYCRR 1250.10(c) and, upon vacatur, for an enlargement of time to perfect same, and 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 branch of the motion seeking to vacate the dismissal of the proceeding is granted, and the proceeding is reinstated on condition that it is perfected by the November 2019 Term. That branch of the motion seeking poor person relief is granted to the extent of permitting the proceeding 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 attorney for respondent and files

(M-2668)

-2-

August 6, 2019

an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record.

ENTERED:

A handwritten signature in black ink, appearing to read "Eric Schuck", written in a cursive style. The signature is positioned above a horizontal line.

DEPUTY 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 August 6, 2019.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels
Peter Tom, Justices.

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

-against-

M-2711
Ind. No. 4775/17

Kevin Townsend,
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 April 12, 2019, 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 moving papers a timely filed notice of appeal and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, if represented by counsel, 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.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete record.

ENTERED:

A handwritten signature in black ink, appearing to read "Eric Schuck", written over a horizontal line.

DEPUTY 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 August 6, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels
Peter Tom, Justices.

-----X
Haim Zitman,
Plaintiff-Appellant,

-against-

M-2812
Index No. 652015/18

Sutton LLC, et al.,
Defendants-Respondents.
-----X

Plaintiff-appellant having renewed the motion for leave to prosecute, as a poor person, the appeal taken from the order of the Supreme Court, New York County, entered on or about September 6, 2018, 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 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 attorney for respondent and files an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record. The time to perfect the appeal is, sua sponte, enlarged to the November 2019 Term.

ENTERED:



DEPUTY 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 August 6, 2019.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels
Peter Tom, Justices.

-----X
In the Matter of the Application
By Express Scripts, Inc.,
Petitioner-Appellant,

M-2816

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

Index No. 154379/19

-against-

Metropolitan Transit Authority,
New York City Transit Authority, and
CAREMARKPCS Health, LLC.,
Respondents-Respondents.

-----X

An appeal having been taken from two orders of the Supreme Court, New York County, entered on or about May 7, 2019, and May 30, 2019,

And petitioner-appellant having moved for a temporary restraining order and a preliminary injunction restraining respondents, Metropolitan Transit Authority and New York City Transit Authority, from executing and performing the Pharmacy Benefit Management Agreement awarded to CVS pending the hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is denied.

ENTERED:



DEPUTY 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 August 6, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels
Peter Tom, Justices.

-----x

Peter Nadler and Lorraine Waters,
Plaintiffs-Respondents,

-against-

David B. Samadi, M.D., David B. Samadi,
M.D., P.C.,
Defendants,

Lenox Hill Hospital and Northwell
Health, Inc.,
Defendants-Appellants.

-----x

Kenneth Pabon and Myra Pabon,
Plaintiffs-Respondents,

-against-

David B. Samadi, M.D., David B. Samadi,
M.D., P.C.,
Defendants,

Lenox Hill Hospital and Northwell
Health, Inc.,
Defendants-Appellants.

-----x

Robert Ross and Jodi Beth Ross,
Plaintiffs-Respondents,

-against-

David B. Samadi, M.D., David B. Samadi,
M.D., P.C.,
Defendants,

Lenox Hill Hospital and Northwell
Health, Inc.,
Defendants-Appellants.

-----x

M-2828
Index No. 805464/17

Index No. 805118/18

Index No. 805119/18

Defendants-appellants having taken three appeals from one order of the Supreme Court, New York County, which order decided motions made in each of the three captioned actions, and which was entered on or about April 22, 2019 (Index Nos. 805464/17 and 805118/18) and on or about April 23, 2019 (Index No. 805119/18),

And defendants-appellants having moved, pursuant to CPLR 602(a), for consolidation of the three aforesaid appeals,

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

It is ordered that the motion is granted and the appeals are consolidated. Defendants-appellants are permitted to prosecute the consolidated appeals upon an original, five hard copies and, if represented by counsel, one digital copy, of a single appellant's brief, together with a single record, pursuant to 22 NYCRR 1250.9.

ENTERED:



DEPUTY 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 August 6, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels
Peter Tom, Justices.

-----X

Hugh Wyatt,
Plaintiff-Appellant,

-against-

M-2867

Index No. 103804/12

Pierre Sutton,
Defendant-Respondent.

-----X

Plaintiff-appellant having moved, pro se, for leave to prosecute, as a poor person, the appeal taken from an order of the Supreme Court, New York County, entered on or about February 8, 2019, 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 the motion is denied.

ENTERED:



DEPUTY 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 August 6, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels
Peter Tom, Justices.

-----x
Sanjeev Bahlani,

Plaintiff-Appellant,

-against-

M-2868
Index No. 154888/12

The Museum of Modern Art,


Defendant-Respondent.
-----x

Plaintiff-appellant having moved, pursuant to 22 NYCRR 1250.10(c), to vacate the dismissal of the appeal taken from the order of the Supreme Court, New York County, entered on or about May 2, 2017 (see M-534, order of this Court entered April 11, 2019) and, upon vacatur, for an enlargement of time to perfect said appeal, and for leave to prosecute the appeal as a poor person,

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:



DEPUTY 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 August 6, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels
Peter Tom, Justices.

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

-against-

Andre Pinnock,
Defendant-Appellant.

M-2882
Ind. Nos. 876/06
3547/16

-----X

An order of this Court having been entered on April 9, 2019 (M-229), inter alia, granting defendant's motion for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about May 2, 2017, under Indictment No. 3547/16, and assigning counsel therefor,

And defendant-appellant having moved for an order amending the aforementioned order of assignment to include the judgment of resentence of said Court, rendered on or about May 2, 2017, under Indictment No. 876/06, to deem the notice of appeal therefrom as timely filed, and for an enlargement of time to perfect the appeal,

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

It is ordered that said motion is denied.

ENTERED:



DEPUTY 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 August 6, 2019.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels
Peter Tom, Justices.

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

Respondent,

-against-

M-2924

Ind. No. 732/19

Edward Colon,

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 May 28, 2019, 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 an original, five hard copies and, if represented by counsel, 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, 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.

(M-2924)

-2-

August 6, 2019

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete record.

ENTERED:

A handwritten signature in black ink, appearing to read "Eric Schuck", written over a horizontal line.

DEPUTY 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 August 6, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels
Peter Tom, Justices.

-----X
New York Dangerous LLC and
Leon Feingold,
Plaintiffs-Appellants,

-against-

M-2938

Index No. 655839/17

Adam Librot,
Defendant-Respondent.

-----X

Plaintiff-appellant, Leon Feingold, having moved for leave to prosecute, as a poor person, the appeal taken from orders of the Supreme Court, New York County, entered on or about July 16, 2018, September 24, 2018 and November 19, 2018, and for leave to have the appeal heard on the original record, for a free copy of the transcript, waiver of the fee for transfer of the record, 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.

ENTERED:



DEPUTY 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 August 6, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels
Peter Tom, Justices.

-----X
JP Morgan Chase Bank, National
Association,
Plaintiff-Respondent,

-against-

M-2950
Index No. 380586/11

Alexandra White also known as
Alexandra Dowling, Martha Jane
Mitchell-White also known as
MJ Mitchell, The Board of Managers
of the Parkchester North Condominium
Homeowners Association, Wings
Financial Federal Credit Union, City
of New York Environmental Control
Board, City of New York Parking
Violations Bureau, City of New York
Transit Adjudication Bureau,
Joseph Johnson, Walter Johnson,
Defendants,

Adam Plotch,
Non-Party Appellant.

-----X

Non-party appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, Bronx County, entered on or about April 4, 2018,

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

(M-2950)

-2-

August 6, 2019

It is ordered that the motion, deemed to include a request to vacate the dismissal of appeal pursuant to 22 NYCRR 1250.10(c), is granted, the appeal reinstated, and the time to perfect said appeal is enlarged to the January 2020 Term of this Court.

ENTERED:

A handwritten signature in black ink, appearing to read "Eric Schuck", written in a cursive style. The signature is positioned above a horizontal line.

DEPUTY 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 August 6, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels
Peter Tom, Justices.

-----X

Cool NYC Apts. LLC,
Petitioner-Respondent,

-against-

M-2951

Index No. 570011/15
L&T No. 90793/10

Nellie Witter,
Respondent,

Lisa Knight,
Respondent-Appellant,

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

-----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 October 24, 2018, and for confirmation that an automatic stay of enforcement of the underlying judgment, entered on or about January 10, 2018, continues to be in effect upon service of the instant motion, or in the alternative, for a stay of the judgment pursuant to CPLR 5519(c),

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:



DEPUTY 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 August 6, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels
Peter Tom, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

David Caraballo,
Defendant-Appellant.

M-2953

Ind. Nos. 4588/15
4515/17

-----X

An appeal having been taken to this Court from a judgment of the Supreme Court, New York County, rendered on or about January 10, 2018, under Indictment No. 4515/17,

And an order of this Court (M-8) having been entered on March 7, 2019, granting defendant leave to prosecute the appeal under Indictment No. 4515/17 and assigning Robert S. Dean, Esq., Center for Appellate Litigation, as counsel for defendant,

And defendant, by assigned counsel, having moved for an order amending the aforesaid order of assignment to include an appeal from a judgment of the same Court also rendered on January 10, 2018, under Indictment No. 4588/15, deeming the notice of appeal from said judgment timely filed, and enlarging the 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 denied.

ENTERED:



DEPUTY 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 August 6, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels
Peter Tom, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

Angel Garcia,
Defendant-Appellant.

-----X

M-2989

M-2990

SCI. Nos. 2968/16
1382/17

Defendant having moved, by separate notices of motion, to deem the within motions as timely filed notices of appeal from judgments of the Supreme Court, Bronx County, both rendered on or about April 3, 2019, for leave to prosecute the appeals 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 motions are granted to the extent of deeming the motions as timely filed notices of appeal and permitting the appeals 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, if represented by counsel, 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.

Janet E. Sabel, Esq., The Legal Aid Society, 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 appeals. The time within which appellant shall perfect these appeals is hereby enlarged until 180 days from the date of receipt of the complete records.

ENTERED:

A handwritten signature in black ink, appearing to read "Eric Schuck", written over a horizontal line.

DEPUTY 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 August 6, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels
Peter Tom, Justices.

-----X

Mukul Arya,
Plaintiff-Respondent-Appellant,

-against-

Neha Arya,
Defendant-Appellant-Respondent.

-----X

Confidential
M-2961

Index No. 314039/13

Pro se plaintiff-respondent-appellant having moved, pursuant to 22 NYCRR 1250.10(c), to vacate the administrative dismissal of his cross appeal taken from a Judgment of Divorce of the Supreme Court, New York County, entered on or about December 29, 2016, and upon vacatur, for an enlargement of time to perfect the cross-appeal,

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

It is ordered that the motion is granted, the dismissal vacated, the cross-appeal reinstated, and the time to perfect the cross appeal is enlarged to the November 2019 Term.

ENTERED:



DEPUTY 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 August 6, 2019,

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels
Peter Tom, Justices.

-----X
In the Matter of the Application of
Abiy Yifru,
Petitioner-Appellant,

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

-against-

M-3010
Index No. 101428/18

New York City Department of Housing
Preservation and Development,
Respondent-Respondent.

-----X

Petitioner-appellant having moved, pro se, for the assignment of counsel to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about December 6, 2018,

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

It is ordered that the motion is denied.

ENTERED:



DEPUTY 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 August 6, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels
Peter Tom, Justices.

-----X

Maura O'Neill,
Plaintiff-Appellant,

-against-

M-3031

Index No. 101599/17

Rick Steiner Fell & Benowitz LLP,
Publishers Clearing House,
Plethora Mobile, LLC,

Defendants-Respondents.

-----X

Plaintiff-appellant having moved, pro se, for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about August 7, 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 November 2019 Term.

ENTERED:



DEPUTY 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 August 6, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Sallie Manzanet-Daniels
Peter Tom
Jeffrey K. Oing, Justices.

-----X

In the Matter of the Petition of
Louis Golder, as Administrator of
the Estate of Robert Golder,
Petitioner-Respondent,

for Judicial Dissolution of

M-2978

Index No. 652371/16

29 West 27th Street Associates, LLC,
Respondent-Appellant,

Tauber Family Irrevocable Trust
Dated December 10, 2012, et al.,
Respondents-Appellants.

-----X

An order of this Court (M-1998) having been entered on May 21, 2019, vacating the dismissal of the appeal taken by respondents-appellants from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about June 8, 2018, and staying the enforcement of the aforesaid order and judgment pending hearing and determination of the appeal, on condition that the appeal is perfected for the October 2019 Term,

And petitioner-respondent having moved for an order vacating the aforesaid stay, dismissing the appeal, and/or clarifying the terms of said stay,

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

(M-2978)

-2-

August 6, 2019

It is ordered that the motion is denied in all respects.

ENTERED:

A handwritten signature in black ink, appearing to read "Eric Schuck". The signature is written in a cursive style with a horizontal line underneath it.

DEPUTY 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 August 6, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Peter Tom, Justices.

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

-against-

Bladimir Suazo,
Defendant-Appellant.

M-2885

Ind. Nos. 550/17
1273/15
1974/16

-----X

An order of this Court having been entered on January 29, 2019 (M-5877) deeming the notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about December 19, 2017, under Indictment Nos. 550/17, 1273/15 and 1974/16, to be timely filed, and denying defendant's request for poor person relief with leave to renew,

And an order of this Court having been entered on March 21, 2019 (M-6667), inter alia, granting defendant's motion for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about December 19, 2017, under Indictment No. 550/17, and assigning counsel therefor,

And defendant-appellant having moved for an order amending the aforementioned order of assignment entered March 21, 2019 to include the appeals under Bronx Court Indictment Nos. 1273/15 and 1974/16, from the judgments rendered on December 19, 2017, for an enlargement of time to perfect the appeal, or for alternative relief,

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

It is ordered that said motion is granted to the extent of amending the order entered March 21, 2019 (M-6667) to include Indictment Nos. 1273/15 and 1974/16, and extending the poor

(M-2885)

-2-

August 6, 2019

person relief and assignment of counsel previously granted to cover same. The time to perfect the appeal is enlarged until 180 days from the date of receipt of the complete record.

ENTERED:

A handwritten signature in black ink, appearing to read "Eric Schuck", written over a horizontal line.

DEPUTY 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 August 6, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
 Rosalyn H. Richter
 Peter Tom
 Barbara R. Kapnick
 Jeffrey K. Oing, Justices.

-----X
A. M., an Infant by His Mother
and Natural Guardian, Ana J.,

Plaintiff-Appellant,

-against-

M-2445
Index No. 350135/09

Mary Gratch, 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 March 26, 2019 (Appeal Nos. 8791-92),

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:



DEPUTY 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 August 6, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Sallie Manzanet-Daniels
Judith J. Gische
Ellen Gesmer, Justices.

-----X

E-Z Eating 41 Corp., et al.,

Plaintiffs-Respondents,

-against-

M-2441

Index No. 653654/12

H.E. Newport, LLC, et al.,

Defendants-Appellants.

-----X

Plaintiffs-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 2, 2019 (Appeal Nos. 8851-52),

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:



DEPUTY 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 August 6, 2019.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Peter Tom
Marcy L. Kahn
Ellen Gesmer, Justices.

-----X

Michael Cutaia,
Plaintiff-Appellant,

-against-

The Board of Managers of the 160/170
Varick Street Condominium, et al.,
Defendants,

The Rector, Church Wardens and
Vestrymen of Trinity Church in the
City of New York, et al.,
Defendants-Respondents.

M-2847
Index No. 155334/12

Michilli Construction, Inc., et al.,
Third-Party Plaintiffs-Respondents,

-against-

A+ Installations Corp.,
Third-Party Defendant-Respondent.

[And other actions.]

-----X

Defendants/third-party plaintiffs The Rector, Church Wardens and Vestrymen of Trinity Church in the City of New York, Michilli Construction, Inc. and Michilli Inc., 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 2, 2019 (Appeal Nos. 8622-23), and for a stay of all proceedings, including the trial of this action in Supreme Court, pending a decision by the Court of Appeals, if leave should be granted,

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

It is ordered that that branch of the motion seeking reargument is denied, and

It is further ordered that that branch of the motion seeking 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, entered May 2, 2019, which, to the extent appealed, reversed an amended order of the Supreme Court, New York County, entered August 9, 2018, properly made?

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

And it is further ordered that the branch of the motion seeking a stay of further proceedings in Supreme Court, including trial, pending a decision by the Court of Appeals, is granted.

ENTERED:



DEPUTY 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 August 6, 2019.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Judith J. Gische
Troy K. Webber
Anil C. Singh, Justices.

-----X
Thomas Devane,
Plaintiff-Appellant,

-against-

M-2869
Index No. 155096/17


Vishal Garg,
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 April 23, 2019 (Appeal No. 9071),

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

It is ordered that the motion is denied in all respects.

ENTERED:


DEPUTY 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 August 6, 2019.

Present - Hon. Sallie Manzanet-Daniels, Justice Presiding,
Judith J. Gische
Ellen Gesmer
Anil C. Singh
Peter H. Moulton, Justices.

-----X

Timothy Cotton,
Plaintiff-Respondent,

-against-

M-2827

Index No. 314883/12

Teresa May Roedelbronn,
Defendant-Appellant.

-----X

Defendant-appellant having moved for reargument of the decision and order of this Court, entered on March 26, 2019 (Appeal No. 8810),

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:



DEPUTY 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 August 6, 2019.

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

-----X

Daniel Venture, et al.,
Plaintiffs-Appellants,

-against-

M-2909
Index No. 155587/14

Preferred Mutual Insurance Company,
Defendant-Respondent.

-----X

An appeal having been taken by plaintiffs-appellants from an order of the Supreme Court, New York County, entered on or about April 10, 2019, (the "instant appeal")

And a previous appeal having been taken by plaintiffs-appellants to this Court from an order of the Supreme Court, New York County, entered on or about January 21, 2016, (the "prior appeal")

And an order of this Court having been entered on December 6, 2016, (M-4998), granting a stay of all discovery on condition that the appeal taken from the January 21, 2016 order of the Supreme Court be perfected for the April 2017 Term, and denying that branch of the motion seeking the production of certain *in camera* documents for review, without prejudice to plaintiffs-appellants seeking relief with respect to the submission of documents by defendant-respondent, under seal, as a supplemental record on appeal,

And plaintiffs-appellants having moved for an order:

(1) Directing defendant-respondent to produce certain documents submitted *in camera* to the Supreme Court, which are the subject of the instant appeal, under seal, and as a supplemental record on appeal, either by incorporating those already produced in the prior appeal or by having defendant produce a duplicate version;

(2) Incorporating the Record on Appeal submitted in the prior appeal into the instant appeal;

(3) Staying discovery in the underlying Supreme Court action; and related relief.

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

It is ordered that that branch of the motion seeking a stay of discovery is granted to the extent of staying the deposition of Peter Dodge, Esq., and the closing of discovery, or the requirement that a note of issue to be filed; and

It is further ordered that that branch of the motion seeking production of *in camera* documents is granted to the extent of directing defendant-respondent to produce the *in camera* documents submitted to the Supreme Court, under seal, in a supplemental record to this Court, to the extent that they were not previously provided to this Court in the prior appeal. Defendant-respondent is directed to incorporate the Record on Appeal, submitted in the prior appeal, into the instant appeal. The time to perfect the appeal is, *sua sponte*, enlarged to the January 2020 Term.

ENTERED:

£SLA
DEPUTY 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 August 6, 2019.

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

-----x
Ameriprise Insurance Company,

Plaintiff,

-against-

M-3034
Index No. 21985/19E

Thomasina Mayo-Brown, et al.,

Defendants.
-----x

Plaintiff having moved, pursuant to CPLR 5704(a), for certain relief denied by a Justice of the Supreme Court, Bronx County, on or about May 21, 2019, and related relief,

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

It is ordered that the motion is denied.

ENTERED:



DEPUTY CLERK

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

BEFORE: Hon. Anil C. Singh
Justice of the Appellate Division

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

Respondent

-against-

Rony George

Defendant.


M-3161
Ind. No.
5253/14
CERTIFICATE
GRANTING LEAVE

-----X
I, Hon. Anil C. Singh, 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 (Clott, J.), entered on or about May 23, 2019.¹

Dated: July 9, 2019
New York, New York

Entered

AUG 06 2019



Hon. Anil C. Singh
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,
Respondent,

M-2743
Ind. No. 3659/14

-against-

CERTIFICATE
GRANTING LEAVE

Shavar Hickman,
Defendant-Appellant.


-----X

I, Ellen Gesmer, a Justice of the Appellate Division, First
Judicial Department, certify that defendant's application for a
certificate pursuant to Criminal Procedure Law sections 450.15
and 460.15 presents questions of law or fact 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 granted to defendant to appeal to the Appellate Division, First
Judicial Department, from the order of the Supreme Court, New York
County, dated May 17, 2019.¹

Dated: July 2, 2019
New York

ENTERED

AUG 06 2019


Hon. Ellen Gesmer
Associate Justice

NOTICE: Within 15 days from the date of this certificate, 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 one of its justices.

¹ Defendant has a pending direct appeal of the underlying judgment rendered in this case, which is not yet perfected. Accordingly, this pending appeal and the appeal of the order denying defendant's motion under CPL 440 shall be consolidated; and, the poor person relief granted with respect to the appeal from the judgment shall be extended to cover this consolidated appeal.

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

-----X
In the Matter of the Application of

Michael Shabsels,

Petitioner,

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

-against-

M-3098
Index #101707/17

Theresa Egan, Executive Deputy
Commissioner of Motor Vehicles of the
State of New York,

Respondent.

-----X


An order of a Justice of this Court having been entered on April 9, 2019 (M-815), granting petitioner-appellant an extension of 30 days from the date of entry thereof to file a notice of appeal from an order of the Supreme Court, New York County, entered on or about July 17, 2018, which denied the petition and dismissed the proceeding.

And petitioner having moved for an extension of time to file the aforesaid notice of 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 time to file the aforesaid notice of appeal is enlarged to 20 days from the date hereof, with no further enlargements to be granted.

Dated: July 10, 2019
New York, New York



Hon Troy K. Webber
Associate Justice

Entered: • AUG 06 2019

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

BEFORE: Peter H. Moulton
Justice of the Appellate Division

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

M-2023
Ind. No. 5353/1979

-against-

CERTIFICATE
DENYING LEAVE

Stephen Azzollini,
Defendant.

-----X

I, Peter H. Moulton, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, section 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County (Antiganni, J.) entered on or about August 24, 2018, is hereby denied.

Dated: July 12, 2019
New York, New York


Hon. Peter H. Moulton
Associate Justice

ENTERED: AUG 06 2019