

At a 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 20, 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 the Application of  
Simon A. Pichardo,  
Petitioner,

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

M-3432  
Index No. 100800/17

-against-

New York State Department of  
Motor Vehicles,  
Respondent.

-----X

An Article 78 proceeding to review a determination of respondent having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about March 28, 2018, and said proceeding having subsequently been dismissed pursuant to 22 NYCRR 1250.10(a),

And petitioner having moved to vacate the dismissal of the proceeding, for an enlargement of time to perfect the proceeding and for a stay of revocation of his driver's license,

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 granted, the dismissal vacated, the proceeding reinstated, and the time to perfect same is enlarged to the January 2020 Term. The order of a Justice

of this Court, entered on July 11, 2019, which granted an interim stay of petitioner's license revocation, is continued pending hearing and determination of the proceeding.

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 20, 2019.

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

-----x

Tiffany Thomas,  
Plaintiff-Respondent,

-against-

Raphael Weitzman and Weitzman Law  
Offices, LLC,  
Defendants-Appellants.

- - - - -  
Weitzman Law Offices, LLC,  
Third-Party Plaintiff-Appellant,

M-3302  
Index No. 151876/16

-against-

Tiffany Thomas, The Perecman Firm  
P.L.L.C., Baron Associates, P.C.,  
Richmond University Medical Center,  
also known as Richmond Medical Center  
and Mark L. Brandon, M.D.,  
Third-Party Defendants-Respondents.

-----x

Defendants/third-party plaintiff-appellant Weitzman Law Offices, LLC having moved for an enlargement of time to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about March 30, 2018, and for a stay of proceedings pending hearing and determination of the appeal,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the December 2019 Term; the motion is otherwise 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 20, 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

Raheem I. T.,

**CONFIDENTIAL**

M-3208

A Person Alleged to Be a Juvenile  
Delinquent,

Docket No. D-7668/18

Respondent-Appellant.  
-----x

An appeal having been taken to this Court from an Order of Disposition of the Family Court, New York County, entered on or about September 5, 2018,

And an order of this Court having been entered on December 27, 2018 (M-5083), granting respondent-appellant poor person relief and assigning Thomas R. Villecco, Esq., 366 N. Broadway, Suite 410, Jericho, NY 11753, Telephone No. 516-942-4221, as counsel to prosecute the appeal,

And an order of this Court having been entered on May 16, 2019 (M-1740), granting respondent-appellant a free copy of the minutes from Supreme Court, New York County, that were created before the matter was transferred to the Family Court, New York County,

And respondent-appellant having moved to amend the aforesaid order: (1) to include Indictment No. 3897/16 from his criminal adjudication in Supreme Court, New York County; (2) to direct the Clerk of the New York County Supreme Court to unseal the record for the limited purpose of allowing a stenographer to prepare the transcripts for the appeal; and (3) to include the name, office address and telephone number of appellant's counsel so the Supreme Court can mail the transcripts and otherwise get in touch with said counsel,

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

It is ordered that the motion is granted to the extent of amending this Court's May 16, 2019 order: to include respondent's Supreme Court Indictment No. 3897/16; the New York County Supreme Court Clerk to unseal respondent's records under the aforesated Indictment number for the limited purpose of allowing a stenographer to prepare transcripts for the appeal; and to include the names, addresses and telephone number of appellant's counsel, as set forth in this Court's December 27, 2018 (M-5083) order granting, inter alia, respondent-appellant leave to prosecute the appeal from the Family Court's September 5, 2018 order as a poor person.

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 20, 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.

-----  
Anthony V. L.,  
Petitioner-Appellant,  
  
-against-

**CONFIDENTIAL**

M-3407  
Docket No.  
F-8291-06/12B & 12C

Bernadette R.,  
Respondent-Respondent.

-----x

An appeal having been taken to this Court from the order of the Family Court, New York County, entered on or about September 18, 2017, and said appeal having been perfected,

And an order of this Court having been entered on June 20, 2019 (M-1702), inter alia, directing petitioner-appellant to provide certain copies of the stipulated or settled transcripts he intends to rely on in his brief in a supplemental appendix to be filed on or before July 8, 2019, and otherwise denying the motion, without prejudice to respondent-respondent filing a respondent's appendix, if so advised,

And petitioner-appellant having moved for an enlargement of time to file a supplemental appendix with this Court,

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

It is ordered that the motion is granted to the extent of deeming the supplemental appendix filed on July 25, 2019 timely filed.

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 20, 2019.

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

-----x

Citigroup Global Markets, Inc., et al.,  
Petitioners-Respondents,

-against-

M-3504

Index No. 653017/13

John Leopoldo Fiorilla, etc.,  
Respondent-Appellant.

-----x

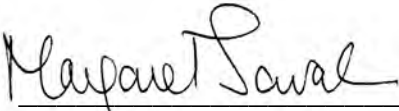
An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about August 1, 2018, and said appeal having been perfected,

And petitioners-respondents having moved for an order enlarging the record on appeal to include a letter, dated November 14, 2017, e-mailed to the trial court (Exhibit B to the moving papers),

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 petitioners-respondents are directed to file a supplemental record on appeal containing Exhibit B to the moving papers, with their respondent's brief, on or before September 4, 2019 for the October 2019 Term, to which Term the appeal is adjourned.

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 20, 2019.

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

-----x

Nakia Neely,

Plaintiff-Respondent,

-against-

M-3409  
Index No. 29170/17

Scott A. Felicetti, et al.,

Defendants-Appellants.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about January 24, 2019, and said appeal having been perfected for the September 2019 Term,

And plaintiff-respondent having moved to strike the record and defendants-appellants' brief or, in the alternative, to enlarge the time to file a respondent's brief,

And an order of a Justice of this Court, dated July 9, 2019, having adjourned the appeal to the October 2019 Term,

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 20, 2019.

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

-----X  
Huguenot LLC,

Plaintiff-Respondent,

-against-

M-3359

Index No. 654851/18

Megalith Capital Group Fund I, LP.,  
et al.,

Defendants-Appellants.

-----X

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about June 20, 2019, which, inter alia, granted plaintiff-respondent a preliminary injunction enjoining defendants-appellants from (i) selling any further residential units at the subject premises, and (ii) filing any further amendments, modifications additions or deletions affecting the Declaration of a Condominium, dated January 11, 2013 and recorded on March 19, 2013,

And defendants-appellants having moved for a stay of the aforementioned order pending hearing and determination of the appeal,

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

It is ordered that the motion is granted and the preliminary injunction granted to plaintiff pursuant to CPLR 6301 is stayed.

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 20, 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 Family Offense  
Proceeding Under Article 8 of the  
Family Court Act.

- - - - -  
Timomi F.,  
Petitioner-Respondent,

**CONFIDENTIAL**

M-2922  
Docket No. O-2322/19

-against-

Wesley F.,  
Respondent-Appellant.

-----x

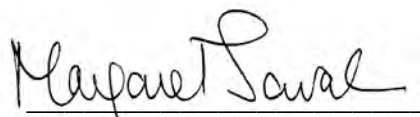
An appeal having been taken to this Court from a Temporary Order of Protection of the Family Court, New York County, entered on or about May 9, 2019,

And respondent-appellant having moved, pursuant to CPLR 5704(a), to vacate the Temporary Order of Protection,

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 20, 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-2944**  
Ind. No. 2578/16

Carlos Guadarrama,  
Defendant-Appellant.


-----X

An appeal having been taken from a judgment of the Supreme Court, Bronx County, rendered on or about June 20, 2018,

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 20, 2019.

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

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

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Janet Monaco, as Executrix for the Estate  
of Anthony Monaco, and Janet Monaco,  
Individually,  
Plaintiff-Respondent,

**M-3019**  
Index No. 190074/16

-against-

American Biltrite Inc.,  
Defendant-Appellant,

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

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about September 7, 2018,

Now, upon reading and filing the notice of withdrawal of notice of appeal received from counsel for defendant-appellant dated May 30, 2019, and due deliberation having been had thereon,

It is ordered that the appeal is 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 20, 2019.

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

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

- - - - -  
Joseph Ciano and Diane Buss, as Co-Administrators for the Estate of Lena C. Ciano,

Plaintiffs-Respondents,

**M-3132**  
Index No. 190129/16

-against-

American Biltrite Inc.,  
Defendant-Appellant,

Aerco International, Inc., et al.,  
Defendants.

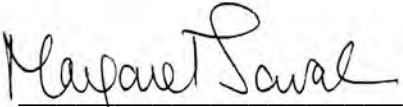
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about September 6, 2018,

Now, upon reading and filing the notice of withdrawal of notice of appeal received from counsel for defendant-appellant dated May 30, 2019, and due deliberation having been had thereon,

It is ordered that the appeal is 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 20, 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 a Proceeding for  
Custody/Visitation Under Article 6  
of the Family Court Act,

**CONFIDENTIAL**  
**M-3283**

Gary A.,  
Petitioner-Respondent,

Docket Nos. V-00705-19/19A  
V-00706-19/19A

-against-

Bonnie A.,  
Respondent-Appellant.

-----X

An appeal having been taken from an order of the Family Court, New York County, entered on or about February 6, 2019,

Now, upon reading and filing the notice of withdrawal of appeal from counsel for respondent-appellant dated June 3, 2019, and due deliberation having been had thereon,

It is ordered that the appeal is 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 20, 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-3396  
SCI. No. 206/17

Jemel Brown,  
Defendant-Appellant.


-----X

An appeal having been taken from a judgment of the Supreme Court, Bronx County, rendered on or about March 2, 2017,

Now, upon reading and filing the stipulation of the parties hereto, dated June 26, 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 20, 2019.

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

-----X  
High Line Gourmet Market, Corp.,  
Plaintiff-Appellant,

-against-

M-3371  
Index No. 652130/19

Bilvas Equities LLC,  
Defendant-Respondent.

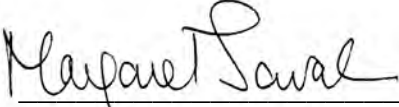
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about June 17, 2019,

Now, upon reading and filing the Stipulation Withdrawing Appeal of the parties hereto, dated July 2, 2019, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid Stipulation Withdrawing Appeal.

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 20, 2019.

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

-----X  
Estate of Daniel C. Parson, deceased,  
By Deborah Parson, Administrator,  
Plaintiff-Respondent,

-against-

**M-3279X**  
Index No. 805194/14

Acquista and Mattoo Medical Associates,  
PLLC, doing business as Comprehensive  
Anesthesia Specialists,  
Defendant-Appellant,

Steven Ellstrom, M.D., etc., et al,  
Defendants.

-----X

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 27, 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 20, 2019.

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

-----X  
Josette Joseph,  
Plaintiff-Appellant,

-against-

M-3398  
Index No. 154279/15

Louredes Torres,  
Defendant-Respondent.


-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 18, 2017, the appeal having been perfected, (Cal. No. 2018-3735),

Now, upon reading and filing the stipulation of the parties hereto, dated July 2, 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 20, 2019.

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

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

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Frances Isernia, as Administratrix for  
the Estate of John M. Isernia, and  
Francis Isernia, Individually,  
Plaintiff-Respondent,

-against-

**M-3128**  
Index No. 190071/16

American Biltrite Inc.,  
Defendant-Appellant,

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


-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 16, 2018,

Now, upon reading and filing the correspondence from counsel for defendant-appellant, dated May 31, 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 20, 2019.

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

-----X

Captial One, N.A., etc.,  
Plaintiff-Respondent,

-against-

**M-3136**

Index No. 850225/16

Andrew Banfill,  
Defendant-Appellant,

National City Bank, et al.,  
Defendants.

-----X


An appeal having been taken from an order of the Supreme Court, New York County, entered on or about December 18, 2018,

And defendant-appellant having moved for a stay of enforcement of the order appointing a temporary receiver pending hearing and determination of the aforementioned appeal,

Now, upon reading and filing the correspondence from the attorneys for defendant-appellant dated June 28, 2019, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn in accordance with the aforementioned 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 20, 2019.

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

-----X  
Northwell Health, Inc., formerly known as  
North Shore-Long Island Jewish Health  
System, Inc. and Lenox Hill Hospital,  
Plaintiffs,

-against-

W. Norman Scott, M.D.,  
Defendant.

**M-3277**

Index No. 653772/14

-----X  
W. Norman Scott, M.D.,  
Third-Party Plaintiff-Appellant,

-against-

St. Francis Hospital, and  
Stephen G. Silver, M.D.,  
Third-Party Defendants-Respondents.  
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about June 25, 2018,

Now, upon reading and filing the correspondence from counsel for defendant/third-party plaintiff-appellant, dated February 13, 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 20, 2019.

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

-----X

Carol Bauer,  
Plaintiff-Respondent,

-against-

**M-3280**

Index No. 158384/15

196 Owner's Corp.,  
Defendant-Appellant,

Paper Source Inc.,  
Defendant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about February 19, 2019,

Now, upon reading and filing the correspondence from counsel for defendant-appellant dated June 27, 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 20, 2019.

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

-----X

7601 Realty Co., LLC,  
Petitioner-Respondent,

-against-

**M-3282**

Index No. 158635/18

Kyoko Honma,  
Respondent-Appellant,

Kenneth Fish also known as Kenneth A.  
Fish, et al.  
Respondents.


-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about April 4, 2019,

Now, upon reading and filing the correspondence from counsel for respondent-appellant dated June 27, 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 20, 2019.

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

-----X  
148 Post Avenue Corp.,  
Plaintiff-Respondent,

-against-

**M-3284**

Index No. 100298/12

Jerry Dewaters, Inc.,  
Defendant-Appellant.

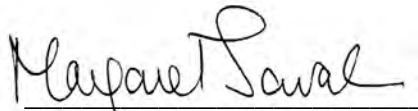
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about February 14, 2019,

Now, upon reading and filing the correspondence from counsel for defendant-appellant dated June 24, 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 20, 2019.

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

-----X

Brittany Arthurton,  
Plaintiff-Respondent,

-against-

**M-3285**

Index No. 155721/18

Municipal Credit Union,  
Defendant-Appellant,

Delroy Arthurton, Metlife, Inc.,  
Metropolitan Life Insurance Company,  
Metropolitan Tower Life Insurance Company,  
Defendants.

-----X

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

Now, upon reading and filing the correspondence from counsel for defendant-appellant dated June 26, 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 20, 2019.

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

-----X

Aspen American Insurance Company  
as subrogee of 368 97<sup>th</sup> LLC,

Plaintiff-Respondent,

**M-3286**

Index No. 159327/15

-against-

Laura Kolarik,

Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about December 19, 2018,

Now, upon reading and filing the correspondence from counsel for defendant-appellant 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.

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 20, 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

Mia K., and  
Amna K.,

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

**CONFIDENTIAL**

**M-3288**

Docket No. NA-16119-20/18

- - - - -  
Commissioner of the Administration  
for Children's Services, The City  
of New York,  
Petitioner-Appellant,

-against-

Shveta K., Daniel K., and  
Alicia H.-H.,  
Respondents-Respondents.

- - - - -  
Janet E. Sabel, Esq.,  
The Legal Aid Society,  
Attorney for the Children.

-----X

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

Now, upon reading and filing the stipulation of the parties hereto, dated January 15, 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 20, 2019.

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

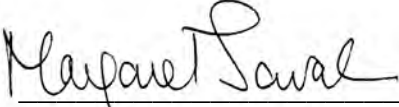
-----X  
IN THE MATTER OF THE LIQUIDATION OF  
ATLANTIC MUTUAL INSURANCE COMPANY M-3345  
-----X Index No. 402424/10  
IN THE MATTER OF THE LIQUIDATION OF  
CENTENNIAL INSURANCE COMPANY  
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 30, 2018,

Now, upon reading and filing the correspondence from appellant-respondent, Superintendent of Financial Services of the State of New York, by Richard C. Rubinstein, Esq., Deputy General Counsel, dated July 1, 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 20, 2019.

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

-----X

Toni Ince,  
Plaintiff-Respondent,

-against-

M-3346  
Index No. 158147/15

The City of New York,  
Defendant-Appellant.

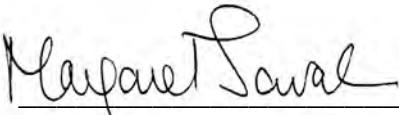
-----X

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

Now, upon reading and filing the correspondence from the Office of Zachary W. Carter, Corporation Counsel of the City of New York, attorney for the defendant-appellant, by Barbara Graves-Poller, Senior Counsel, dated July 1, 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 20, 2019.

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

-----X  
Cynthia Warren,  
Plaintiff-Appellant,

-against-

M-3369  
Index No. 153368/12

Rudolph Silas, Esq.  
Defendant-Respondent.

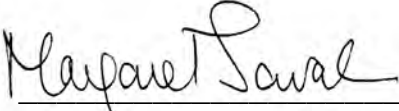
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 23, 2017, which unperfected appeal has been superseded by an appeal taken from the final judgment arising out of the aforesaid order,

Now, upon reading and filing the correspondence of counsel for plaintiff-appellant dated July 2, 2019 and July 8, 2019, and due deliberation having been had thereon,

It is ordered that the unperfected prior appeal from the order entered on or about October 23, 2017 is deemed withdrawn in accordance with the aforesaid correspondence, and the appeal taken from the final judgment remains extant.

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 20, 2019.

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

-----X

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

-against-

M-3372  
Index No. 35361/13E

Tracy Bradley, et al.  
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about September 14, 2017,

Now, upon reading and filing the correspondence of appellate counsel to plaintiff-appellant, Bank of America, dated July 3, 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 20, 2019.

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

-----X

B.B.A., an infant by her mother and natural guardian, Bianka Brito,  
Plaintiff-Respondent,

**CONFIDENTIAL**

M-3373

-against-

Index No. 350636/10

Myriam F. Vanegas, M.D., et al.  
Defendants,

Huntington Hospital,  
Defendant-Appellant.

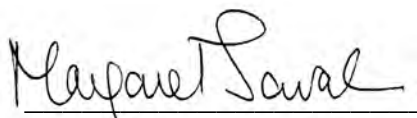
-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about October 20, 2017,

Now, upon reading and filing the correspondence of counsel to defendant-appellant, Huntington Hospital, dated July 8, 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 20, 2019.

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

-----X  
National Union Fire Insurance Company  
of Pittsburgh, PA and Illinois National  
Insurance Company,  
Plaintiffs-Respondents-Appellants,

-against-

M-3410  
Index No. 653575/14

The Roman Catholic Diocese of Brooklyn;  
St. Joseph Services for Children, Inc.,  
formerly known as, Catholic Child Care  
Society of the Diocese of Brooklyn, Inc.;  
Heart Share Human Services of New York,  
Roman Catholic Diocese of Brooklyn, Inc.,  
formerly known as, Catholic Guardian  
Society of the Diocese of Brooklyn, Inc.;  
SCO Family Services, Inc., formerly known  
as, St. Christopher-Ottilie,  
Defendants-Appellants-Respondents,

City of New York, a municipal Corporation;  
Administration for Children's Services  
formerly known as Child Welfare  
Administration; Westchester Fire Insurance  
Company, in its Own capacity and as  
successor-in-interest to International  
Insurance Company; and The National  
Catholic Risk Retention Group, Inc.  
Defendants.

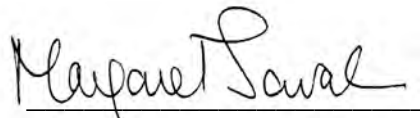
-----X

An appeal and cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about May 25, 2017 which, upon an order, same Court, entered on or about February 27, 2017, granted certain relief, and said appeals having been perfected,

Now, upon reading and filing the Stipulation of Discontinuance of the parties hereto, dated June 28, 2019, and due deliberation having been had thereon,

It is ordered that the appeal and cross appeal are deemed withdrawn in accordance with the aforesaid Stipulation of Discontinuance.

ENTERED:

A handwritten signature in black ink, reading "Margaret Sawal". The signature is written in a cursive style with a large initial "M".

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 20, 2019.

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

-----X

Maria Aguilar,  
Plaintiff-Respondent,

-against-

**M-2749**

Index No. 160128/14

Bellevue South Park, New York City  
Department of Parks and Recreation, and  
The City of New York,  
Defendants-Appellants.

-----X

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

And defendants-appellants having moved for an stay of trial pending hearing and determination of the aforementioned appeal,

And an order of this Court having been issued simultaneously herewith (M-3194) withdrawing said appeal pursuant to a Notice of Withdrawal of Appeal filed with this Court by counsel for defendants-appellants,

Now, upon reading and filing the papers and Notice of Withdrawal of Appeal from counsel for defendants-appellants dated June 26, 2019, and due deliberation having been had thereon,

It is ordered that the motion is denied as academic (see, M-3194, decided simultaneously herewith).

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 20, 2019.

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

-----X  
Maria Aguilar,  
Plaintiff-Respondent,

-against-

**M-3194**

Index No. 160128/14

Bellevue South Park, New York City  
Department of Parks and Recreation, and  
The City of New York,  
Defendants-Appellants.

-----X

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

Now, upon reading and filing the notice of withdrawal of appeal from counsel for defendants-appellants, dated June 26, 2019, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid notice (see, M-2749, decided simultaneously herewith).

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 20, 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-

Quinn Skeete,

Defendant-Appellant.  
-----X

**CONFIDENTIAL**  
**M-3149**

Ind. No. 2206/16

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 14, 2018, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

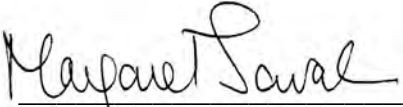
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28<sup>th</sup> Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 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 20, 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-3152  
Ind. No. 913/17

Levi Challenger,  
Defendant-Appellant.

-----x

An order of this Court having been entered on March 26, 2019 (M-6030), denying defendant-appellant leave to prosecute, as a poor person, the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about April 6, 2018, with leave to renew, upon defendant's submission of a detailed notarized affidavit, in compliance with CPLR 1101(a) and 22 NYCRR 1250.4(d)(1) and (4),

And defendant-appellant having renewed his motion for leave to prosecute said appeal as a poor person,

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

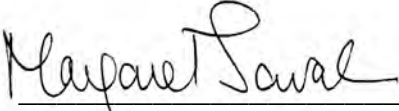
It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves 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.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28<sup>th</sup> Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 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 20, 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-

**M-3155**

Ind. No. 2026/15

Pablo Pastrana,

Defendant-Appellant.

-----X

Defendant having renewed the 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 April 19, 2018, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief (see M-6001, decided March 28, 2019),

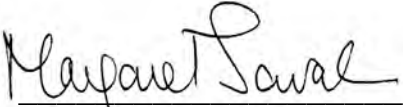
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28<sup>th</sup> Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 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 20, 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-3156  
SCI. No. 3704/18

Edwin Reyes,  
Defendant-Appellant.

-----X

An order of this Court having been entered on April 16, 2019 (M-5893) denying defendant-appellant leave to prosecute, as a poor person, the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about October 28, 2018, with leave to renew, upon defendant's submission of proof of service of the complete motion papers, including all exhibits, on respondent,

And defendant-appellant having renewed his motion for leave to prosecute said appeal as a poor person; and for the assignment of counsel, 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.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28<sup>th</sup> Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 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 20, 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-3222  
Ind. No. 1678/18

Thomas Bourdette,  
Defendant-Appellant.

-----X

Defendant-appellant 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 8, 2019, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

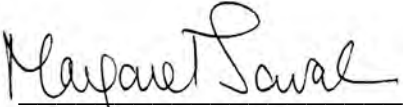
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28<sup>th</sup> Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 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 20, 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-3228  
Ind. No. 2519/16

David Howlett,  
Defendant-Appellant.

-----X

Defendant-appellant 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 April 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, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28<sup>th</sup> Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 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 20, 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-3229  
Ind. No. 4688/17

Robert Johnson,  
Defendant-Appellant.

-----X

Defendant-appellant 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 April 15, 2019, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

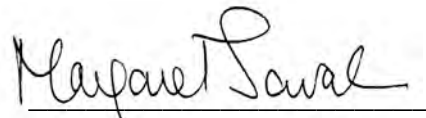
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTERED:

A handwritten signature in cursive script, reading "Margaret Saval". The signature is written in black ink and 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 20, 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,

**M-3308**

-against-

Ind. No. 2167/18

Joseph Green,  
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about April 18, 2019, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about April 8, 2019,

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

It is ordered that the appeal is permitted to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, 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:

  
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 20, 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,

**M-3317**

-against-

Ind. No. 4017/17

Isaiah Goodson,  
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about April 19, 2019, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about April 12, 2019,

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

It is ordered that the appeal is permitted to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, 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:

  
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 20, 2019.

Present - Hon. David Friedman, Justice Presiding,  
Judith J. Gische  
Peter Tom  
Ellen Gesmer  
Peter H. Moulton, Justices.

-----X

Churchill Real Estate Holdings LLC,  
Plaintiff-Appellant,

-against-

M-2773  
Index No. 655257/17

CBCS Washington Street LP, et al.,  
Defendants-Respondents.


-----X

Defendants-Respondents having moved for reargument of the decision and order of this Court, entered on April 2, 2019 (Appeal No. 8867), and/or for leave to renew,

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 20, 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- M-2988  
Ind. Nos. 2088/14  
Ronny Rocha, 1923/17  
Defendant-Appellant.

-----X

An order of this Court having been entered on November 15, 2018 (M-4621), granting defendant leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about October 16, 2017, and assigning Robert S. Dean, Esq., Center for Appellate Litigation, as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

It is ordered that the motion is granted to the extent of striking the designation of Robert S. Dean, Esq., as assigned counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, Suite 1601, New York, New York 10007, Telephone No. 212-402-4100, as such counsel. The poor person relief previously granted is continued, and defendant-appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the complete record, whichever is later.

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 20, 2019.

Present - Hon. Dianne T. Renwick, Justice Presiding,  
Rosalyn H. Richter  
Barbara R. Kapnick  
Marcy L. Kahn  
Jeffrey K. Oing, Justices.

-----X  
Adwoa Gyabaah,

Plaintiff-Respondent,

-against-

M-2407

Index No. 307081/10

Rivlab Transportation Corp., et al.,

Defendants-Appellants.

-----X

Defendant-appellant Rivlab Transportation Corp. having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on March 28, 2019 (Appeal No. 8818),

Now, upon reading and filing the stipulation withdrawing the Motion for Leave to Appeal, dated July 3, 2019, and due deliberation having been had thereon,

It is ordered that the motion 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 20, 2019.

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

-----X

In Re: New York City Asbestos Litigation

- - - - -

Stanley Peterson and Debby Peterson,  
Plaintiffs-Respondents,

-against-

**M-3248**  
Index No. 190169/18

Occidental Chemical Corporation  
individually and as successor to  
Diamond Shamrock and Rubber Corp.  
of America, et al.  
Defendants-Respondents,

Minerals Technologies, Inc.,  
Non-Party Appellant.

-----X

Non-party Minerals Technologies, Inc. having taken appeals from two orders of the Supreme Court, New York County entered on or about April 5, 2019,

And non-party appellants having moved for a stay of enforcement of the aforementioned orders pending hearing and determination of the appeals taken therefrom, and for an interim stay of the appeals pending the determination of the instant motion,

Now, upon reading and filing the correspondence from counsel for non-party appellant dated June 28, 2019, and due deliberation having been had thereon,

It is ordered that the motion 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 20, 2019.

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

-----X

The People of the State of New York,  
Respondent,

-against-

**M-3231**

Ind. No. 2589/15

Elaine Robinson,  
Defendant-Appellant.

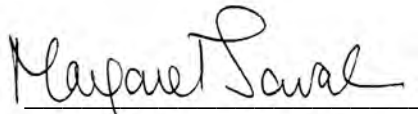
-----X

An order of this Court having been entered on August 15, 2017 (M-3254), granting defendant leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about November 30, 2016, and assigning Seymour W. James, Jr., Esq., predecessor counsel to Janet E. Sabel, Esq., The Legal Aid Society as counsel to prosecute the appeal; and a motion having been made to discontinue the appeal as moot,

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

It is ordered that the motion is granted and the appeal is deemed withdrawn.

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 20, 2019.

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

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

-against-

**M-3316**  
Ind. No. 1947/15

Garis Retances,  
Defendant-Appellant.

-----X

An order of this Court having been entered on April 16, 2019 (M-6467), granting defendant leave to prosecute, as a poor person, the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about June 22, 2016, and assigning Steven N. Feinman, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and to withdraw the aforementioned appeal,

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

It is ordered that the motion is granted to the extent of striking the designation of Steven N. Feinman, Esq., as assigned counsel; the appeal is deemed withdrawn.

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 20, 2019.

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

-----x

Jason P. Brand,

Plaintiff-Appellant,

-against-

M-3167

Index No. 32851/18E

Wells Fargo Bank, N.A., et al.,

Defendants-Respondents.

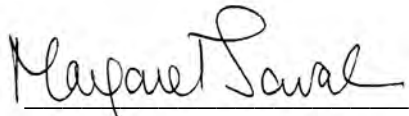
-----x

Defendants-respondents having moved to dismiss the appeal taken from the order of the Supreme Court, Bronx County, entered on or about April 11, 2019,

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

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

ENTERED:

  
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 20, 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 the Commitment of

Michael Jayvon H., also known as  
Michael J. H., also known as  
Michael H.,  
Kyahh Latrease McK., also known as  
Kyahh L. McK., also known as  
Kyahh McK.,  
Treyvon Travis McK., also known as  
Treyvon T. McK., also known as  
Trevon McK., and  
Carter Lee H., also known as  
Carter L. H.,

Children Under the Age of 18 Years  
Pursuant to Section 384-b(4)(b) and (d)  
of the Social Services Law of the  
State of New York.

**CONFIDENTIAL**

M-3620

Index Nos. B-13523/16  
B-00531/15  
B-00534/15  
B-00530/15

- - - - -  
Saint Dominic's Family Services, etc.,  
Petitioner-Respondent,

Johnesha H., also known as Janeesha H.,  
Respondent-Appellant.

- - - - -  
Helen Bernstein, Esq.,  
Attorney for the Child Michael  
Jayvon H.,

Bruce A. Young, Esq.,  
Attorney for the Child Kyahh  
Latrease McK.,

Andrew Baer, Esq.,  
Attorney for the Child Carter  
Lee McK.

-----x

An appeal having been taken to this Court from the resettled orders of the Family Court, Bronx County, entered on or about February 27, 2018,

And respondent-appellant mother having moved to withdraw her appeal from the resettled orders with respect to the children Michael Jayvon H., Kyahh Latrease McK., Treyvon Travis McK. and Cartler Lee H.,

Now, upon reading and filing the papers with respect to the motion, the Stipulation of the parties dated December 3, 2018, and due deliberation having been had thereon,

It is ordered that the motion is granted, and the appeal from the resettled orders with respect to the children Michael Jayvon H., Kyahh Latrease McK., Treyvon Travis McK. and Cartler Lee H., are withdrawn. The perfected appeals with respect to the children Afrail McK. and Shyleak McK. remain extant.

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 20, 2019.

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

-----X  
Eleanor Vale,  
Plaintiff-Respondent,

-against-

M-3246  
Index No. 153321/17

Bruce Katz, M.D., P.C., Bruce Katz,  
M.D., Juva Skin & Laser Center/Medispa,  
Defendants-Appellants.

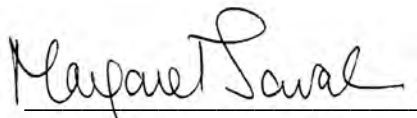
-----X

Plaintiff-respondent, pro se, having moved to dismiss the appeal taken from an order of the Supreme Court, New York County, entered on or about March 12, 2019,

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 20, 2019.

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

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

-against-

M-3075  
Ind. No. 4594/16

Joseph Elliot,  
Defendant-Appellant.

-----X

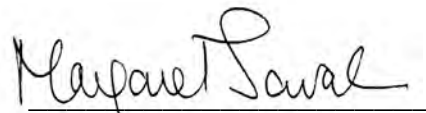
Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about May 30, 2019, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

The motion, to the extent that it seeks poor person relief, is denied, with leave to renew upon defendant's submission of a detailed, notarized affidavit, pursuant to CPLR 1101(a), and 22 NYCRR 1250.4(d)(1) and (4), setting forth, inter alia, his indigency, the amount and sources of funds utilized to pay trial counsel's fee, if any, and to post bail in the Supreme Court, the disposition of those funds, and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

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 20, 2019.

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

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

-against-

**M-3207**

Ind. No. 4746N/16

Michael Ross,  
Defendant-Appellant.

-----X

Defendant having moved to deem the notice of motion a timely filed notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about July 9, 2018, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

The motion, to the extent that it seeks poor person relief, is denied, with leave to renew upon defendant's submission of a notarized affidavit, pursuant to CPLR 1101(a) and 22 NYCRR 1250.4(d)(1) and (4), setting forth, inter alia, his indigency, the amount and sources of funds utilized to post bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute this appeal.

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 20, 2019.

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

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

-against-

**M-3244**

Ind. No. 2782/15

Taverial Norman,  
Defendant-Appellant.

-----X

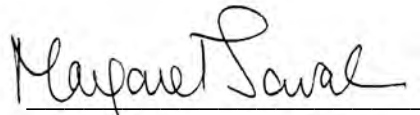
Defendant having moved for leave to file a late notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about July 24, 2018, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

The motion, to the extent that it seeks poor person relief, is denied, with leave to renew, upon defendant's submission of a notarized affidavit, in compliance with CPLR 1101(a), and 22 NYCRR 1250.4(d)(1) and (4), setting forth, inter alia, defendant's indigency and the terms of defendant's retainer agreement with trial counsel, as well as the amount and sources of funds for trial counsel's fee, and an explanation as to why similar funds are not available to prosecute this appeal.

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 20, 2019.

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

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

-against-

M-3358  
Ind. No. 4753/13

Kazzim Cooper,  
Defendant-Appellant.

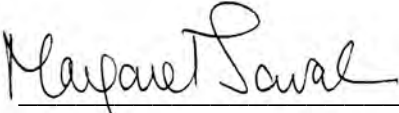
-----X

An order of this Court having been entered on January 14, 2016 (M-6351), granting defendant leave to prosecute, as a poor person, the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about August 14, 2015, and assigning Richard M. Greenberg, Esq., predecessor counsel to Christina Swarns, Esq., Office of the Appellate Defender, as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and 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 striking the designation of Christina Swarns, Esq., as counsel and substituting, pursuant to Section 722 of the County Law, Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28<sup>th</sup> Floor, New York, New York 10006, Telephone No. 212-577-2523, as such counsel. The poor person relief previously granted is continued, and the appeal is adjourned to the December 2019 Term, pending further motion practice by newly assigned counsel, if so advised.

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 20, 2019.

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

-----x  
Robert Stec,

Plaintiff-Appellant,

-against-

M-3444  
Index No. 152069/14

Passport Brands, Inc., et al.,

Defendants-Respondents.  
-----x

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about August 22, 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 December 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 20, 2019.

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

-----X  
Anthony A., an Infant by his Mother  
and Natural Guardian Rosemary  
Caminero,  
Plaintiff-Appellant,

-against-

M-3040  
Index No. 350565/08

New York City Health and Hospitals  
Corporation (Jacobi Medical Center),  
Defendant-Respondent.

-----X

Plaintiff-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 23, 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 December 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 20, 2019.

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

-----X  
Arkin Kaplan Rice LLP, Stanley S.  
Arkin and Lisa C. Solbakken,

Plaintiffs-Appellants,

-against-

**M-3066**

Index No. 652316/12

Howard Kaplan, Michelle Rice and  
Kaplan Rice LLP.,  
Defendants-Respondents,

Arkin Kaplan Rice LLP, a dissolved  
firm,  
Nominal Defendant.

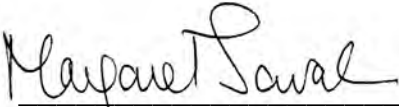
-----X

Plaintiffs-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about December 27, 2017,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the December 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 20, 2019.

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

-----x  
Xiaodong Lin,  
Plaintiff-Respondent,

-against-

David McGhee,  
Defendant-Appellant.  
-----x

**CONFIDENTIAL**

M-3600

Index No. 350252/07

Appeals having been taken to this Court from four orders of the Supreme Court, New York County, three of which were entered on or about June 25, 2018, and one of which was entered on or about February 10, 2017,

And defendant-appellant having moved for an enlargement of time to perfect the aforesaid appeals,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeals to the January 2020 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 20, 2019.

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

-----x

Xiaodong Lin,  
Plaintiff-Respondent,

-against-

David McGhee,  
Defendant-Appellant.

-----x

**CONFIDENTIAL**

M-3598

Index No. 350252/07

Appeals having been taken to this Court from four orders of the Supreme Court, New York County, three of which were entered on or about June 25, 2018, and one of which was entered on or about February 10, 2017,

And Wendy J. Parmet, Esq., attorney for the subject child, having moved for an extension of time to file a respondent's brief,

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

It is ordered that the motion is denied, as unnecessary (see, M-3600, decided simultaneously herewith).

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 20, 2019.

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

-----X  
U.S. Bank, National Association, not in its individual capacity, but as trustee for Merrill Lynch Mortgage Investors Trust, Series 2006-RM4, and Merrill Lynch Mortgage Investors Trust, Series 2006-RM5,

Plaintiff-Respondent-Appellant,

-against-

**M-3301**

Index No. 654403/12

Merrill Lynch Mortgage Lending, Inc., and Bank of America, National Association,

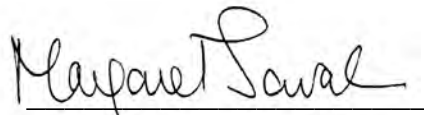
Defendants-Appellants-Respondents.  
-----X

Plaintiff-respondent-appellant having moved for an enlargement of time to perfect the appeal and cross appeal taken from an order of the Supreme Court, New York County, entered on or about May 16, 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 and cross appeal to the May 2020 Term, with leave to seek further enlargements, if necessary.

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 20, 2019.

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

-----x

The People of the State of New York,  
Respondent,

-against-

M-3599  
Ind. No. 4821/16

Erin Wicomb,  
Defendant-Appellant.

-----x

An appeal having been taken to this Court from the judgment of the Supreme Court, New York County, rendered on or about March 21, 2019,

And an order of a Justice of this Court having been entered on March 28, 2019, granting defendant a stay of execution of judgment and setting bail, pending hearing and determination of the appeal, on condition the appeal be perfected "within 100 days of the order",

And defendant-appellant having moved for an order extending the stay of execution of judgment, and bail pending appeal, and for an enlargement of time to perfect the appeal to the December 2019 Term,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the December 2019 Term, and the stay of execution of judgment previously granted is



continued upon the original terms and conditions, and upon further condition the appeal be perfected for the December 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 20, 2019.

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

-----x

The People of the State of New York,  
Respondent,

-against-

M-3519  
Ind. No. 4821/16

Joseph Ferrigno,  
Defendant-Appellant.

-----x

An appeal having been taken to this Court from the judgment of the Supreme Court, New York County, rendered on or about March 21, 2019,

And an order of a Justice of this Court having been entered on March 28, 2019, granting defendant a stay of execution of judgment and setting bail, pending hearing and determination of the appeal, on condition the appeal be perfected "within 100 days of the order",

And defendant-appellant having moved for an order extending the stay of execution of judgment, and bail pending appeal, and for an enlargement of time to perfect the appeal to the December 2019 Term,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the December 2019 Term, and the stay of execution of judgment previously granted is

continued upon the original terms and conditions, and upon further condition the appeal be perfected for the December 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 20, 2019.

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

-----X  
Michel Kadosh, individually and as  
Managing Member of 213 W. 85<sup>th</sup> St., LLC,  
Plaintiffs-Respondents,

-against-

M-2904  
Index No. 651834/10

David Kadosh,  
Defendant-Appellant,

114 West 71st Street, LLC, 30 Lexington  
Avenue, LLC, and 3D Imaging Center Corp,  
Defendants.

-----X

An appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about August 14, 2018,

And orders of this Court having been entered on October 16, 2018 (M-4279), granting defendant-appellant a stay of the aforesaid Supreme Court order on condition, inter alia, that the appeal be perfected for the January 2019 Term of this Court; and on February 14, 2019 (M-5897) reinstating the appeal and continuing the stay on the original terms and conditions, and on the further condition that the appeal be perfected by this Court's June 2019 Term,

And defendant-appellant, David Kadosh, having moved to vacate any such order of dismissal that may be entered upon the his failure to perfect as directed by this Court's February 14, 2019 order, (M-5897), and for a further enlargement of time to perfect to the September 2019 Term of this Court,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from defendant-appellant dated July 25, 2019, and due deliberation having been had thereon,

It is ordered that the motion and appeal are 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 20, 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 the Application of

Paul Yohay,  
Petitioner-Appellant,

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

-against-

M-3166  
Index No. 100469/18

City of New York and New York  
City Administration for Children's  
Services,  
Respondents-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about December 27, 2018,

And petitioner-appellant having moved to vacate the dismissal of the appeal pursuant to 22 NYCRR 1250.10(c) and, upon vacatur, for an enlargement of time to perfect same,

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 20, 2019.

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

-----X  
Bethpage Federal Credit Union,  
As successor by merger to  
Montauk Credit Union,  
Plaintiff-Respondent,

-against-

M-3298  
Index No. 651540/16

Paula Bouzaglou, Effy Taxi LLC,  
Paula Taxi LLC, Kareen Taxi LLC,  
Joelle Taxi LLC, Veronique Taxi  
LLC, Arielle Taxi LLC, Igal Taxi  
LLC and Rika Taxi LLC,  
Defendants-Appellants.

-----X

Appeals having been taken from an order of the Supreme Court, New York County, entered on or about August 27, 2018 and from a judgment of the same Court and Justice entered on or about October 26, 2018,

And defendants-appellants having moved to vacate the dismissals of the appeals pursuant to 22 NYCRR 1250.10(c) and, upon vacatur, for an enlargement of time to perfect same,

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 dismissals vacated, the appeals reinstated, and the time to perfect said appeals is enlarged to the December 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 9, 2019.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Rosalyn H. Richter  
Barbara R. Kapnick  
Jeffrey K. Oing  
Anil C. Singh, Justices.

-----X  
Kenneth Thomas,  
Plaintiff-Respondent,

-against-

M-3431  
Index No. 25415/15E

Sere Housing Development Fund  
Corporation, Sandra Erickson Real  
Estate, Inc. and 1770 TPT, LLC,  
Defendants-Appellants.

-----X

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

And defendants-appellants having moved, pursuant to CPLR 5519(c) to stay and enjoin the trial of the aforesaid action pending the determination of the appeal,

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

It is ordered that the motion is granted.

ENTERED:

  
CLERK

PRESENT: Hon. David Friedman,  
Judith J. Gische  
Peter Tom  
Troy K. Webber  
Ellen Gesmer,

Justice Presiding,  
  
  
  
Justices.

-----X  
Juan Gil and Jennifer Bonesteel,  
Petitioners,

-against-

M-3593  
Index No. 100419/18

New York City Department of  
Housing Preservation and  
Development and Manhattan Plaza, L.P.,  
Respondents.

-----X

An Article 78 proceeding to review a determination of respondent New York City Department of Housing Preservation and Development having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about August 17, 2018, and the proceeding having been perfected for the September 2019 Term of this Court,

And an order of the Supreme Court, New York County, having been entered on or about September 15, 2018, granting leave to amend the petition to add the landlord, Manhattan Plaza, L.P., as a respondent, and staying the holdover proceeding Manhattan Plaza commenced against petitioners in the Civil Court, Housing Part, New York County (Index # 56847/18), pending the hearing and determination of the Article 78 proceeding,

And respondent Manhattan Plaza having moved to vacate the aforementioned stay, or in the alternative, to require petitioner to make past due and ongoing payments for use and occupancy of the subject premises, as a condition of the stay,

And respondent New York City Department of Housing Preservation having filed a respondent's brief on August 7, 2019,

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

It is ordered that the motion is granted to the extent that respondent Manhattan Plaza may serve and file a respondent's brief in this transferred Article 78 proceeding on or before August 21, 2019. The time for petitioner to file a reply brief, if any, is extended to August 28, 2019. All of the remaining issues raised by this motion are referred for determination to the panel hearing all of the issues pertinent to the underlying transferred Article 78 proceeding. The Clerk is directed to maintain the proceeding on the Calendar for the September 2019 Term of this Court.

ENTERED: August 9, 2019

  
CLERK

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

BEFORE: Hon. Marcy L. Kahn  
Justice of the Appellate Division

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

M-2985  
Indictment No.  
2961/16

-against-

CERTIFICATE  
DENYING LEAVE

Thomas Cronin,  
Defendant.

-----X

I, Marcy L. Kahn, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application deemed timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County (Hon. Daniel P. Conviser), entered on or about March 29, 2019, is hereby denied.

  
\_\_\_\_\_  
Associate Justice

Dated: July 16, 2019  
New York, New York

ENTERED: AUG 20 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-2169  
Ind. No. 3654/2007

-against-


CERTIFICATE  
DENYING LEAVE

Paulino Valenzuela,  
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 orders of the Supreme Court, Bronx County (Yearwood, J.) entered on or about October 26, 2018 and March 15, 2019, is hereby denied.

Dated: July 18, 2019  
New York, New York

  
Hon. Peter H. Moulton  
Associate Justice

ENTERED: **AUG 20 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-2422  
Ind. No. 3258/12

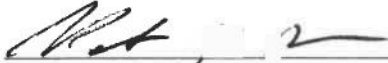
-against-

CERTIFICATE  
DENYING LEAVE

Khalid Rahman,  
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, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County (Merchan, J.) entered on or about February 27, 2019, is hereby denied.

Dated: July 18, 2019  
New York, New York

  
\_\_\_\_\_  
Hon. Peter H. Moulton  
Associate Justice

ENTERED: **AUG 20 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-2569  
Ind. No. 184/92


-against-

CERTIFICATE  
DENYING LEAVE .

Anthony Rodriguez,  
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 an extension of time in which  
to file 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, defendant's  
motion for an extension of time and permission to appeal from the  
order of the Supreme Court, Bronx County (Carter, J.) dated August  
2, 2018, are hereby denied.

Dated: July 25, 2019  
New York, New York

  
\_\_\_\_\_  
Hon. Peter H. Moulton  
Associate Justice

ENTERED: AUG 20 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-3145  
Ind. No. 3695/10

-against-

CERTIFICATE  
DENYING LEAVE

Christopher Daniels,  
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, Bronx County (Fabrizio, J.) dated March 28, 2019, is hereby denied.

Dated: July 23, 2019  
New York, New York

  
Hon. Peter H. Moulton  
Associate Justice

ENTERED: **AUG 20 2019**