

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 2019.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Rosalyn H. Richter
Angela M. Mazzaelli
Troy K. Webber
Cynthia S. Kern, Justices.

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

-against-

M-6029
Ind. No. 4299/15

Jose Velez,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about November 17, 2015, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of deeming the notice of appeal as timely filed and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 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 120 days from the date of receipt of the complete record.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 2019.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Rosalyn H. Richter
Angela M. Mazzarelli
Troy K. Webber
Cynthia S. Kern, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

Saif Reid,
Defendant-Appellant.

M-6450
Ind. Nos. 3884/14
438/15
5219/13

-----X

Assigned counsel for defendant-appellant having moved for an enlargement of time to perfect the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about December 15, 2015,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the November 2019 Term. Sua sponte, defendant's time to perfect the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about April 15, 2015, under Indictment No. 5219/13, is likewise enlarged to the November 2019 Term of this Court.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 2019.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Rosalyn H. Richter
Angela M. Mazzarelli
Troy K. Webber
Cynthia S. Kern, Justices.

-----X
Sophie Moos Wharshavsky,
Plaintiff-Respondent,

-against-

CONFIDENTIAL
M-6144
M-6624
Index No. 309030/15

Tal Wharshavsky,
Defendant-Appellant.
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 22, 2018,

And defendant-appellant having moved for an enlargement of time in which to perfect his appeal taken from the aforesaid order, (M-6144),

And plaintiff-respondent having cross-moved to dismiss defendant's appeal from the aforementioned order, (M-6624),

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

It is ordered that the motion is granted to the extent of reinstating the appeal and enlarging defendant-appellant's time to perfect to the June 2019 Term, (M-6144); The cross-motion to dismiss (M-6624) is granted, unless defendant-appellant's appeal is perfected for that Term.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 2019.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Rosalyn H. Richter
Marcy L. Kahn
Ellen Gesmer
Anil C. Singh, Justices.

-----X
In re 42/9 Residential LLC,

Petitioner, **M-6354**
Index No. 100839/16

-against-

Environmental Control Board,

Respondent.
-----X

Petitioner having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on October 23, 2018 (Appeal No. 7418),

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

It is ordered that the motion is denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 2019.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer
Cynthia S. Kern, Justices.

-----X

American International Specialty
Lines Insurance Company,

Petitioner-Appellant,

M-5990

Index No. 656341/16

-against-

Allied Capital Corporation and
Ciena Capital LLC, etc.,

Respondents-Respondents.

-----X

Respondents-respondents having moved for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on October 25, 2018 (Appeal No. 6966),

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 this Court, pursuant to CPLR 5713, certifies that the following question of law, decisive of the correctness of its determination, has arisen, which in its opinion ought to be reviewed by the Court of Appeals:

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

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 2019.

Present - Hon. Rosalyn H. Richter, Justice Presiding,
Sallie Manzanet-Daniels
Peter Tom
Ellen Gesmer
Cynthia S. Kern, Justices.

-----X

Ethan Goldwater,
Plaintiff-Appellant,

-against-

M-217
160002/15

Amicus Associates Limited
Partnership,
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on January 3, 2019 (Appeal No. 7909),

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 denied.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 2019.

Present - Hon. Judith J. Gische, Justice Presiding,
Troy K. Webber
Cynthia S. Kern
Anil C. Singh, Justices.

-----X

In the Matter of the Application of
Pamela Equities Corp.,
Petitioner-Appellant,

-against-

M-648
M-736
Index No. 162661/15

The Environmental Control Board of the
City of New York, et al.,
Respondents-Respondents.

-----X

An appeal having been taken to this Court by petitioner from the order of the Supreme Court, New York County, entered on or about October 16, 2017, and said appeal having been perfected,

And Community Housing Improvement Program of New York Inc. (CHIP) and the Rent Stabilization Association of N.Y.C., Inc. (RSA) having moved for leave to appear as amici curiae and file a brief in connection with the aforesaid appeal (M-648),

And respondents-respondents having cross-moved for leave to file a response to the proposed amici curiae brief (M-736),

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

It is ordered that the motion (M-648) is granted, and Chip and RSA are directed to file an original and five hard copies of the proposed amici curiae brief submitted with the moving papers within the Clerk of the Court within 7 days of the entry hereof. The cross motion (M-736) is granted to the extent of permitting respondents-respondents to file the response to the proposed

amici curiae brief submitted with the moving papers on or before March 8, 2019 for the April 2019 Term, in accordance with the requirements of 22 NYCRR 1250.9(d).

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 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

Jacyah V.,

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

- - - - -
Administration for Children's Services,
Petitioners-Respondents,

CONFIDENTIAL
M-5759
Docket No. NN-18413/17

Joseph V.,
Respondent-Appellant,

Jocelyn L.,
Respondent,

Janet E. Sabel, Esq. Legal Aid Society,
Attorney for the Child.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about October 15, 2018, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of
(1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Salihah R. Denman, Esq., 600 Mamaroneck Avenue, Suite 400, Harrison, NY 10528, Telephone No. 914-215-7221, as counsel for purposes of prosecuting the appeal;
(2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City

of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Section 1250.9 of the Practice Rules of the Appellate Division, **within 180 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTERED:



CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 2019.

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

-----X
Jacqueline Ortiz, as Administrator of
the Estate of Monserrate Garcia,
Deceased, and Carlos J. Martinetti,
Individually,
Plaintiffs-Respondents,

-against-

M-6104
Index No. 20576/18E

The Bronx Lebanon Hospital Center,
Defendant,

-and-

Concourse Rehabilitation & Nursing
Center, Inc.,
Defendant-Appellant.


-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about May 15, 2018,

Now, upon reading and filing the correspondence from counsel for defendant-appellant dated December 27, 2018, and due deliberation having been had thereon,

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 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.

- - - - -
Ivan R.,
Petitioner-Appellant,

-against-

Lisandra F.,
Respondent-Respondent.

-----X

CONFIDENTIAL

M-6163
Docket Nos.
V-11687-8/06/16H
V-11687-8/06/17I

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, New York County, entered on or about August 23, 2018, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and the certification from Stephanie Rancer, Esq., dated November 4, 2018, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Salihah R. Denman, Esq., 600 Mamaroneck Avenue, Suite 400, Harrison, NY 10528, Telephone No. 914-215-7221, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City

of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Section 1250.9 of the Practice Rules of the Appellate Division, **within 180 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTERED:



CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 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

Ada G.-L.,

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

- - - - -
Commissioner of Social Services of the
City of New York,
Petitioner-Respondent,

CONFIDENTIAL

M-6183
Docket No. NA-6486/17

Christopher G.-L.,
Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from orders of the Family Court, New York County, entered on or about October 12, 2018 and October 26, 2018, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and the certification of Lauren Mitchell, Esq., dated November 9, 2018, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of
(1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Salihah R. Denman, Esq., 600 Mamaroneck Avenue, Suite 400, Harrison, NY 10528, Telephone No. 914-215-7221, as counsel for purposes of prosecuting the appeal;
(2) directing the Clerk of said Family Court to have transcribed

the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Section 1250.9 of the Practice Rules of the Appellate Division, **within 180 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTERED:


CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 2019.

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

-----X

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

- - - - -

Hector Manuel P.,
Petitioner-Respondent,

CONFIDENTIAL

M-6193

Docket No. V-29626/13

-against-

Jennifer C.,
Respondent-Appellant,

Allison Haltmaier, Esq.,
Attorney for the Child.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about October 30, 2018, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and the certification of Maria Curran, Esq., dated November 5, 2018, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Salihah R. Denman, Esq., 600 Mamaroneck Avenue, Suite 400, Harrison, NY 10528, Telephone No. 914-215-7221, as counsel for purposes of prosecuting the appeal;

(2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Section 1250.9 of the Practice Rules of the Appellate Division, **within 180 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTERED:



CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 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

Richard Y., and
Kennan S.,

CONFIDENTIAL

M-6200

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

Docket No. NN-2117-8/18

Administration for Children's
Services,
Petitioner-Respondent,

Keith S.,
Respondent-Appellant,

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

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about October 12, 2018, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and the certification of Michael DeMattio, Esq., and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of
(1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Salilah R. Denman, Esq., 600 Mamaroneck Avenue, Suite 400, Harrison, NY 10528, Telephone No. 914-215-7221, as counsel for purposes of prosecuting the appeal;
(2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City

of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Section 1250.9 of the Practice Rules of the Appellate Division, **within 180 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTERED:



CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 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.

Stanley Gerard M.,
Petitioner-Appellant,

CONFIDENTIAL

M-6269

Docket Nos. V-3865/14
V-3866/14

-against-

Ivette B.,
Respondent-Respondent.

-----X

Petitioner-appellant, Stanley Gerard M., having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about September 21, 2018, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and the certification of Harry M. Foreman, Esq., dated October 10, 2018, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Salilah R. Denman, Esq., 600 Mamaroneck Avenue, Suite 400, Harrison, NY 10528, Telephone No. 914-215-7221, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA**

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

1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Section 1250.9 of the Practice Rules of the Appellate Division, **within 180 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 2019.

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

-----X
In the Matter of

Amir E. A.,

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

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

CONFIDENTIAL

M-6273
Docket No. NA-8293/16

Matthew C.,
Respondent-Appellant,

-----X

Respondent-appellant, Matthew C., having moved for leave to prosecute, as a poor person, the appeal from orders of the Family Court, Bronx County, entered on or about May 3, 2018 and November 5, 2018, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and the certification of Beatrice Mayol, Esq., dated December 4, 2018, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of
(1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Salihah R. Denman, Esq., 600 Mamaroneck Avenue, Suite 400, Harrison, NY 10528, Telephone No. 914-215-7221, as counsel for purposes of prosecuting the appeal;
(2) directing the Clerk of said Family Court to have transcribed

the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Section 1250.9 of the Practice Rules of the Appellate Division, **within 180 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTERED:



CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 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.

- - - - -
Knowledge A. G.,
Petitioner-Respondent,

CONFIDENTIAL
M-6295
Docket No. V-6058/18

-against-

Maryette J. F.,
Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about July 26, 2018, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and the certification of Allison Haltmaier, Esq., dated August 23, 2018, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Thomas R. Villecco, Esq., 366 N. Broadway, Suite 410, Jericho, NY 11753, Telephone No. 516-942-4221, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City

of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Section 1250.9 of the Practice Rules of the Appellate Division, **within 180 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTERED:



CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 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

Jasmine H., and
Sebastian H.,

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

CONFIDENTIAL

M-6319

Docket Nos. NN/21135/16
NN-21136/16

Administration for Children's Services,
Petitioner-Respondent,

Patricia W.,
Respondent-Appellant.

Carol L. Kahn,
Attorney for the Child, Jasmin H.

-----X

Walter L. Fields, Esq., court attorney for the child, Jasmine H., having moved on the child's behalf for leave to respond, as a poor person, to the appeal taken from an Order of Fact-Finding of the Family Court, Bronx County, entered on or about December 13, 2017, and from Orders of Disposition of said Court entered on or about January 23, 2018, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and the certification of Walter L. Fields, Esq. dated November 24, 2018, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to §1120 of the Family Court Act, Carol L. Kahn,, Esq., 225 Broadway, Suite 1510, New York, NY 10007, Telephone No. 212-227-0206, as counsel for Jasmine H., for the purposes of responding to the appeal; (2) permitting movant to respond to the appeal

(M-6319)

-2-

February 28, 2019

upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for each party to the appeal, and an original and five hard copies, and if represented by counsel, one digital copy of such brief, are filed with this court, pursuant to 22 NYCRR Section 1250.9.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 2019.

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

-----X
Wawanesa General Insurance Company,
Plaintiff-Respondent,

-against-

M-6410X
Index No. 303358/14

301-303 125th LLC, et al.,
Defendants-Appellants.

-----X

Appeals having been taken from an order of the Supreme Court, Bronx County, entered on or about July 11, 2018,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 3, 2018, and due deliberation having been had thereon,

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 2019.

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

-----X

253 East 62nd Street, LLC,
Plaintiff-Respondent,

-against-

M-6411X
Index No. 651477/10

Moluka Enterprises, LLC, et al.,
Defendant-Appellant,

Demo Plus Inc., et al.
Defendants.

-----X

(And other third-party actions)

-----X

An appeal having been taken by defendant forth third-party plaintiff, Moluka Enterprises, LLC, from an order of the Supreme Court, New York County, entered on or about May 30, 2018,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 5, 2018, and due deliberation having been had thereon,

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 2019.

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

-----X
In the Matter of the Application of
Crana Electric Inc.,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78 M-6564
of the Civil Practice Law and Rules, Index No. 159852/16

-against-

Benjamin Jones, etc., et al.,
Respondents-Respondents.
-----X

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

Now, upon reading and filing the correspondence of counsel for petitioner-appellant, dated December 20, 2018, and due deliberation having been had thereon,

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 2019.

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

-----X
Cricket Stockholder Rep, LLC,
Plaintiff-Respondent,

-against-

Project Cricket Acquisition, Inc.,
Defendant-Appellant,

M-6567X
Index No. 651454/16

-and-

Uses Holding Corp.,
Defendant.

-----X

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

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

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 2019.

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

-----X
In the Matter of the Application of
ONEKEY, LLC,
Petitioner-Respondent,

-against-

M-6576
Index No. 157606/17

For an Order, Pursuant to Lien Law
Section 59, Vacating and Cancelling
a Mechanic's Lien Recorded By

All Vision General Construction, LLC,
Respondent-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about December 12, 2017,

Now, upon reading and filing the stipulation of the parties hereto, dated December 12, 2018, and due deliberation having been had thereon,

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 2019.

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

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

-against-

Paul Grossman,
Defendant-Appellant.

CONFIDENTIAL
M-6671
Ind. No. 1855/14

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about March 4, 2015, and from a post-conviction order, same Court, entered on or about October 1, 2015,

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

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 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-6551
Ind. No. 2356/07

Gadiel Padilla,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about December 22, 2010, 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, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete record.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 2019.

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

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

-against- M-6553
Ind. No. 14/15

Michael Williams,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about July 12, 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, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete record.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Sallie Manzanet-Daniels
Barbara R. Kapnick
Cynthia S. Kern, Justices.

-----X

The Estate of Mora J. Moore, etc., et al.,
Plaintiffs-Appellants,

-against-

M-204

Index No. 300062/13

Trinity Baptist Church,
Defendant-Respondent.

-----X

Plaintiffs-appellants having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on May 3, 2018 (Appeal No. 6453),

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

It is ordered that the motion is denied.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Barbara R. Kapnick
Troy K. Webber
Peter H. Moulton, Justices.

-----X

Jin Ming Chen,
Plaintiff-Appellant,

M-6433
Index No. 650142/14

-against-

Insurance Company of the State of
Pennsylvania,
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on October 30, 2018 (Appeal No. 7512),

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 denied.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 2019.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Barbara R. Kapnick
Ellen Gesmer, Justices.

-----X
Greenwich Insurance Company,
Plaintiff-Respondent,

-against-

M-4295
Index No. 154552/12

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

Triumph Construction Corp.,
et al.,
Defendants.

-----X

A decision and order of this Court having been entered on May 31, 2016 (Appeal No. 1111), which reversed the order of the Supreme Court, New York County, entered on or about April 9, 2015, to the extent appealed from and, inter alia, granted the City defendant's cross motion for summary judgment dismissing the complaint solely to the extent of staying all discovery and motion practice in this declaratory judgment action pending resolution of the liability phase of the underlying negligence actions,

And plaintiff-respondent having moved to lift the aforesaid stay,

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

It is ordered that the motion is denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,
John W. Sweeny, Jr.
Sallie Manzanet-Daniels
Judith J. Gische
Barbara R. Kapnick, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

Nelson Jacquez,

Defendant-Appellant.

M-5950
Ind. Nos. 651/16
196/17

-----X

Defendant having moved for an enlargement of time to perfect the appeal from the judgments of the Supreme Court, Bronx County, rendered on or about February 21, 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 September 2019 Term, with leave to seek further enlargements, if necessary.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,
John W. Sweeny, Jr.
Sallie Manzanet-Daniels
Judith J. Gische
Barbara R. Kapnick, Justices.

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

-against-

M-5977
Ind. No. 3477/17

Amin Powel,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about June 7, 2018, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

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

(M-5977)

-2-

February 28, 2019

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10006, 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:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,
John W. Sweeny, Jr.
Sallie Manzanet-Daniels
Judith J. Gische
Barbara R. Kapnick, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-6042
Ind. No. 1438/11

Martin Quirindongo,
Defendant-Appellant.

-----X

Defendant having moved for enlargement of time to file a notice of appeal and to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about September 14, 2016, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 2019.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
John W. Sweeny, Jr.
Sallie Manzanet-Daniels
Judith J. Gische
Barbara R. Kapnick, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-6125
Ind. No. 2218/15

Lewys Lugo,
Defendant-Appellant.

-----X

The Center for Appellate Litigation, assigned counsel for defendant-appellant pursuant to an order of this Court entered on June 5, 2018 (M-1959), having moved to withdraw the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about December 8, 2016, as abandoned, without prejudice,

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

It is ordered that the motion is granted to the extent of deeming the appeal withdrawn.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,
John W. Sweeny, Jr.
Sallie Manzanet-Daniels
Judith J. Gische
Barbara R. Kapnick, Justices.

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

-against-

M-6132
Ind. No. 6507/95

Jose Torres,
Defendant-Appellant.

-----X

An order of this Court having been entered on October 4, 2012 (M-3755), inter alia, assigning Steven Banks, Esq., predecessor counsel to Janet E. Sabel, the Legal Aid Society, as counsel to prosecute defendant's appeal from the order of the Supreme Court, New York County, entered on or about July 12, 2012,

And assigned counsel having moved for an order abating the appeal by reason of appellant's death,

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 dismissing the appeal due to appellant's death.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 2019.

Present - Hon. Rolando T. Acosta, Justice Presiding,
John W. Sweeny, Jr.
Sallie Manzanet-Daniels
Judith J. Gische
Barbara R. Kapnick, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-6149
Ind. No. 2373/14

Keith Goodman,

Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time to perfect the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about November 16, 2015,

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

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,
John W. Sweeny, Jr.
Sallie Manzanet-Daniels
Judith J. Gische
Barbara R. Kapnick, Justices.

-----X
The People of the State of New York
ex rel. Norman McKenny, Pro Se,
Petitioner,

-against-

M-5864

Ind. No. 3971/16

State of New York,

Respondent(s).

-----X

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

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

It is ordered that the motion is denied, and the application for a writ of habeas corpus is dismissed, for lack of jurisdiction.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,
John W. Sweeny, Jr.
Sallie Manzanet-Daniels
Judith J. Gische
Barbara R. Kapnick, Justices.

-----X

United Capital Real Estate
Development Corp.,
Plaintiff-Appellant,

-against-

M-5975
Index No. 155910/18

Sahara US Corporation, Sahara Plaza
LLC, Sahara Dreams LLC, Subrata Roy,
Qatar Investment Authority Advisory
(USA) Inc., Katara Hospitality, Qatar
Holding LLC and Qatar Financial
Centre Authority,
Defendants-Respondents.

-----X

Defendants-respondents, Qatar Holding LLC and Qatar
Financial Centre Authority, having moved to dismiss as against
them the appeal taken from an order of the Supreme Court, New
York County, entered on or about October 17, 2018, and for costs
and sanctions against plaintiff and its 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
dismissing the appeal as against Qatar Holding LLC and Qatar
Financial Centre Authority, and otherwise denied, without
prejudice to defendants-respondents, Qatar Holding LLC and Qatar
Financial Centre Authority, moving for costs and sanctions before
the Supreme Court, New York County.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 2019.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
John W. Sweeny, Jr.
Sallie Manzanet-Daniels
Judith J. Gische
Barbara R. Kapnick, Justices.

-----X

Andrew J. Stankevich,
Petitioner-Appellant,

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

M-6062
Index No. 101119/16

-against-

The New York City Police Department,
Respondent-Respondent.

-----X

An appeal having been taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about May 17, 2018,

And petitioner-appellant having moved to enlarge the record on appeal to include a certain audio file,

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

It is ordered that the motion is denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,
John W. Sweeny, Jr.
Sallie Manzanet-Daniels
Judith J. Gische
Barbara R. Kapnick, Justices.

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

- - - - -
Amara H. H.,
Petitioner-Appellant, Docket No. F-3551-18/18A

CONFIDENTIAL

M-6286

-against-

Julian B.,
Respondent-Respondent.

-----x

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, Bronx County, entered on or about September 17, 2018, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon submission of an affidavit that complies with CPLR 1101 and Rule 1250.4(d)(1).

ENTERED:



CLERK

CORRECTED ORDER

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 2019.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
John W. Sweeny, Jr.
Sallie Manzanet-Daniels
Judith J. Gische
Barbara R. Kapnick, Justices.

-----X
B.B.A., an infant by her mother
and natural guardian, Bianka Brito,
Plaintiffs-Respondents,

-against-

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

CONFIDENTIAL

M-6347
Index No. 350636/10

-and-

Huntington Hospital,
Defendant-Appellant.

-----X

Defendant-appellant having moved for a further enlargement of time to perfect the appeal taken from the order of the Supreme Court, Bronx County, entered on or about October 20, 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 **September** 2019 Term.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Dianne T. Renwick
Angela M. Mazzarelli
Ellen Gesmer
Anil C. Singh, Justices.

-----X

In Re Anthony S.,
Petitioner-Respondent

-against-

M-6333
Docket No. F6820/14

Monique T.B.,
Respondent-Appellant.

-----X

Respondent-appellant having moved for reargument of the decision and order of this Court, entered on December 4, 2018 (Appeal No. 7772),

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

It is ordered that the motion is denied.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 2019.

Present - Hon. David Friedman, Justice Presiding,
Dianne T. Renwick
Rosalyn H. Richter
Peter Tom
Angela M. Mazzairelli, Justices.

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

Respondent,

-against-

Ismael Barrientos,

Defendant-Appellant.

M-6187
Ind. No. 1870/17

-----X

Defendant-appellant having moved, pro-se, for leave to file a late notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about September 7, 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 deeming the notice of appeal timely filed.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on February 28, 2019.

Present - Hon. David Friedman, Justice Presiding,
Dianne T. Renwick
Rosalyn H. Richter
Peter Tom
Angela M. Mazzarelli, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-6254
Ind. No. 296/16

Kevin Joyner,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of **resentence** of the Supreme Court, New York County, rendered on or about December 8, 2017, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 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 **resentence**. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10006, 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:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 2019.

Present - Hon. David Friedman, Justice Presiding,
Dianne T. Renwick
Rosalyn H. Richter
Peter Tom
Angela M. Mazzairelli, Justices.

-----X
Bienvenido Quiros,

Plaintiff-Appellant,

-against-

M-6336

Index No. 152245/16

William A. Hawkins and PTM
Management Corp.,

Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an order pursuant to 22 NYCRR 1250.10(c) vacating the dismissal of appeal taken from an order of the Supreme Court, New York County, entered on or about April 12, 2018, and upon vacatur, enlarging the time to perfect the appeal,

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

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 2019.

PRESENT: Hon. David Friedman, Justice Presiding,
Dianne T. Renwick
Rosalyn H. Richter
Peter Tom
Angela M. Mazzairelli, Justices.

-----X
Misleidy Cuenca,
Plaintiff-Appellant,

-against-

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

M-6425
Index No. 23153/14

-----X

Plaintiff-appellant having moved for a further enlargement of time to perfect the appeal taken from an order of the Supreme Court, Bronx County, entered on or about September 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 June 2019 Term.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 2019.

Present - Hon. David Friedman, Justice Presiding,
Dianne T. Renwick
Rosalyn H. Richter
Peter Tom
Angela M. Mazzairelli, Justices.

-----X

Marsha Bateman,

Plaintiff-Appellant,

-against-

M-6428
Index No. 309690/11

Montefiore Medical Center, Marina
Reznik, M.D., "John Doe" and
"Jane Doe" 1-10,

Defendants-Respondents.

-----X

Plaintiff having moved for an enlargement of time to perfect the appeal taken from the order of the Supreme Court, Bronx County, entered on or about April 30, 2018,

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

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 2019.

Present - Hon. David Friedman, Justice Presiding,
Dianne T. Renwick
Rosalyn H. Richter
Peter Tom
Angela M. Mazzarelli, Justices.

-----X
Angela Acevedo,

Plaintiff-Appellant,

-against-

M-6430

Index No. 154245/12

New York City Transit Authority and
The City of New York,

Defendants-Respondents.

-----X

Plaintiff-appellant having moved to vacate the dismissal of her appeal, and upon vacatur, for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about January 8, 2018,

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

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 2019.

Present - Hon. David Friedman, Justice Presiding,
Rosalyn H. Richter
Marcy L. Kahn
Jeffrey K. Oing
Peter H. Moulton, Justices.

-----X
The People of the State of New York
ex rel. Jane White, Esq., on
behalf of Naseer Shaheed,

Petitioner-Appellant,

-against-

Cynthia Brann, Commissioner, New
York City Department of Correction,

Respondent-Respondent.
-----X

M-6230

Index No. 451335/18
Ind. No. 1777/18

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 19, 2018, which denied and dismissed petitioner's application for a writ of habeus corpus,

And an order of a Justice of this Court, entered on August 23, 2018, having granted petitioner an interim reduction in bail,

And an order of this Court having been entered on October 30, 2018 (M-4290) which, inter alia, vacated the aforesaid interim relief and reinstated the original bail set by a Judge of the Criminal Court, New York County, and the conditions thereto,

And petitioner-appellant having moved for leave to reargue the decision and order of this Court, entered on October 30, 2018 (M-4290), and upon reargument, inter alia, reinstate the modification of bail set forth in the August 23, 2018 interim order,

(M-6230)

-2-

February 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 denied in all respects.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 2019.

PRESENT: Hon. David Friedman, Justice Presiding,
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer
Peter H. Moulton, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-6381
Ind. No. 2652/17

Sabriel Lamberty,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about June 6, 2018, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of deeming the notice of appeal as timely filed and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 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:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 2019.

PRESENT: Hon. David Friedman, Justice Presiding,
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer
Peter H. Moulton, Justices.

-----X
Oluwafemi Olawoyin,
Petitioner-Appellant,

-against-

M-6625
Index No. 101670/16

New York City Transit Authority,
Respondent-Respondent.

-----X

An order of this Court having been entered on March 22, 2018 (M-537), inter alia, granting defendant's motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, entered on or about March 22, 2017,

And defendant-appellant, pro se, having moved for an order, pursuant to 22 NYCRR 1250.10(c), vacating the dismissal of the appeal, 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 appeal reinstated and plaintiff-appellant's time to perfect same is enlarged to the September 2019 Term. The poor person relief previously granted is extended to cover same.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 2019.

Present - Hon. David Friedman, Justice Presiding,
Angela M. Mazzarelli
Cynthia S. Kern
Jeffrey K. Oing
Anil C. Singh, Justices.

-----X

Philip Nobile,
Plaintiff-Appellant,

M-18

-against-

Index No. 150914/17

Board of Education of the City School
District of the City of New York,
et al.,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on November 27, 2018 (Appeal No. 7691-91A),

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

It is ordered that the motion is denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 2019.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Troy K. Webber
Jeffrey K. Oing
Peter H. Moulton Justices.

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

M-509
Ind. No. 1147/13

-against-

Mohammed Ali,
Defendant-Appellant.

-----X

An order of this Court having been entered on February 26, 2015 (M-324), inter alia, 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 December 18, 2014, and assigning Richard M. Greenberg, Esq., predecessor to Christina Swarns, Esq., Office of the Appellate Defender, as counsel to prosecute said appeal,

And counsel for defendant-appellant having moved for an order abating the appeal by reason of appellant's death, remanding the matter to the trial court to vacate the judgment of conviction, and dismissing the indictment, or in the alternative, for an order relieving Christina Swarns, Esq., successor to Richard M. Greenberg, as counsel and dismissing the appeal without prejudice,

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

It is ordered that the motion is granted to the extent of relieving Christina Swarns, successor to Richard M. Greenberg, Esq., Office of the Appellate Defender, as assigned counsel to prosecute defendant's appeal, and deeming the appeal dismissed.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 2019.

Present - Hon. David Friedman,
Barbara R. Kapnick
Troy K. Webber
Jeffrey K. Oing
Anil C. Singh,
Justice Presiding,
Justices.

-----X
Duce Construction Corp.

Plaintiff-Appellant,

-against-

M-173
Index No. 652019/16

Milo Real Estate Corp and John Doe #1 through John Doe #25, the last names being fictitious and unknown to plaintiff, such persons intended to be persons, corporations, or other entities, if any, having or claiming an interest in or lien upon the premises described herein,

Defendants-Respondents.

-----X

Plaintiff-appellant having moved for a further enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about July 21, 2017,

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

It is ordered that the motion is denied and the appeal deemed dismissed pursuant to 22 NYCRR 1250.10(a).

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Judith J. Gische
Marcy L. Kahn
Cynthia S. Kern, Justices.

-----X
Rubin Films LLC,

Petitioner-Respondent,

-against-

M-5976

Index No. 651878/15

Amitav Kaul and Iom Films LLC,

Respondents-Appellants.

-----X

Respondents-appellants having taken an appeal from an order of the Supreme Court, New York County entered on or about January 5, 2018,

And petitioner-respondent having moved, pursuant to CPLR 5526, to strike the record on appeal filed by respondents-appellants,

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 granting petitioner-respondent leave to file a supplemental record containing the documents listed at page 474 of the record on appeal, at their own expense, if so advised; Sua sponte, this Court takes judicial notice of the orders dated June 4, 2015 (R.514) and October 4, 2016 (R.515-17). The motion is otherwise denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Rosalyn H. Richter
Peter Tom
Cynthia S. Kern
Anil C. Singh, Justices.

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

Respondent,

-against-

M-5485
Ind. No. 498/18

David Morzan,

Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to appeal from two orders of the Supreme Court, Bronx County, entered on or about October 9, 2018 and, if granted, for leave to prosecute the appeal as a poor person, and for a stay of the underlying criminal proceeding 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 denied in all respects.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Sallie Manzanet-Daniels
Troy K. Webber
Jeffrey K. Oing
Anil C. Singh, Justices.

-----X

The People of the State of New York,
Respondent,

Confidential

M-205

-against-

Ind. No. 4599/09

Errol Phillips,
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County entered on or about April 27, 2017,

And, counsel for defendant-appellant having moved for an order dismissing the SORA appeal, reversing the aforesaid order and dismissing the proceeding because defendant is deceased,

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 dismissing the appeal, and is otherwise denied.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 2019.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Peter Tom
Marcy L. Kahn
Jeffrey K. Oing
Anil C. Singh, Justices.

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

-against-

M-6041
Ind. No. 3898/16

Jarell Cornelius,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about April 11, 2018, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

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

Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, Suite 1601, New York, New York 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete record.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 2019.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Peter Tom
Marcy L. Kahn
Jeffrey K. Oing
Anil C. Singh, Justices.

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

-against-

M-6072
Ind. No. 2559/14

Christopher Coachman,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, Bronx County, rendered on or about April 10, 2018, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of deeming the moving papers a timely filed notice of appeal and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division,

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

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 2019.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Peter Tom
Marcy L. Kahn
Jeffrey K. Oing
Anil C. Singh, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-6495
Ind. No. 453/16

Antoine Garcia,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about July 13, 2018,

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

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Peter Tom
Marcy L. Kahn
Jeffrey K. Oing
Anil C. Singh, Justices.

-----X
Center for Specialty Care, Inc. and
50 East 69th Street Corporation,

Plaintiffs-Respondents,

-against-

M-6550
Index No. 653849/16

CSC Acquisition I, LLC, Midtown Fifth
Avenue Management, LLC, Glen Klee Lau,
M.D., Andrew Rosen, M.D., Douglas Chin,
M.D., and Mark Reiner, M.D.,

Defendants-Appellants.
-----X

Defendants-appellants having moved for an enlargement of time to perfect the appeals taken from an order of the Supreme Court, New York County, entered on or about January 8, 2018, and the judgment, same Court and Justice, entered on or about January 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 taken from the order entered January 8, 2018 and the judgment entered January 16, 2018 to the June 2019 Term. The parties attention is directed to 22 NYCRR 1250.9[f][3].

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 2019.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Peter Tom
Marcy L. Kahn
Jeffrey K. Oing
Anil C. Singh, Justices.

-----x

Hudson Insurance Company,
Plaintiff-Respondent,

-against-

M-6577
Index No. 155869/16

Kaleil Isaza Tuzman,
Defendant-Appellant,

-and-

Robyn Smyth,
Defendant.

-----x

Defendant-appellant having moved for an enlargement of time to perfect the consolidated appeals taken from orders of the Supreme Court, New York County, both entered on or about September 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 consolidated appeals to the September 2019 Term.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 2019.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Peter Tom
Marcy L. Kahn
Jeffrey K. Oing
Anil C. Singh, Justices.

-----X

Calvin Black,
Plaintiff-Appellant,

-against-

M-6639
Index No. 101011/14

East River Landing/1199 Corp.,
et al.,
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about May 23, 2018,

And plaintiff-appellant, pro se, having moved to enlarge the record on appeal,

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

It is ordered that, sua sponte, the appeal is dismissed (CPLR 5701(a)(3); 22 NYCRR 1250.10(a)), and the motion is denied as academic.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 2019.

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

-----X
In the Matter of the Application of
Denise Trojan,
 Petitioner-Appellant,

 -against-

American Arbitration Association,
et al.,
 Respondents-Respondents.
-----X

M-6229
Index No. 101972/16

An appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about October 27, 2017, said appeal having been dismissed by order of this Court on October 16, 2018 (M-4324),

And, petitioner-appellant having moved to reinstate her appeal, and consolidate said appeal with petitioner's appeal in a related action, Trojan v. Cipolla & Co. LLC, et al, Index No. 153592/18, and to stay arbitration pending the appeal,

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

It is ordered that the motion is denied.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 2019.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Rosalyn H. Richter
Peter Tom
Marcy L. Kahn
Peter H. Moulton, Justices.

-----X
Tatiana Wilson, Robert Wilson and
Dejuan Eddy,

Plaintiffs-Appellants,

M-6699
Index No. 21187/16

-against-

Premier Home Health Care Services, Inc.,

Defendant-Respondent.
-----X

Defendant-respondent having moved, pursuant to 22 NYCRR 1250.10(a), for dismissal of the appeal taken from an order of the Supreme Court, Bronx County, entered on or about December 8, 2017, with prejudice, for failure to timely perfect,

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

It is ordered that the motion is granted to the extent of deeming the appeal dismissed.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 2019.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Rosalyn H. Richter
Peter Tom
Cynthia S. Kern
Jeffrey K. Oing, Justices.

-----X

Aspen Specialty Insurance Company,
Plaintiff-Respondent,

-against-

M-6717
Index No. 160353/14

Ironshore Indemnity Incorporated,
Defendant-Appellant,

Transel Elevator, Inc.,
Defendant.

-----X

Defendant-appellant having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on December 4, 2018 (Appeal No. 7657-7658),

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 denied.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 28, 2019.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Rosalyn H. Richter
Angela M. Mazzarelli
Troy K. Webber
Marcy L. Kahn, Justice.

-----X
In the Matter of James C. Russell,
Petitioner-Appellant,

For an Order and Judgment Pursuant to
Article 78 of the New York Civil
Practice Law and Rules,

M-6712
Index No. 155344/16

-against-

The New York State Insurance Fund,
and Eric Madoff, in his official
capacity as the Executive Director
of the New York State Insurance Fund,
Defendants-Respondents.

-----X
Petitioner-appellant having moved for a further enlargement of time to perfect the appeal taken from a judgment of the Supreme Court, New York County, entered on or about December 26, 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 June 2019 Term.

ENTERED:



CLERK

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

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

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

M-6168
Ind. No. 2037/17

CERTIFICATE
DENYING LEAVE

- against -

Antonio Laurencio,

Defendant.

-----X

The People having moved, pursuant to 5701(c), for leave to appeal from an order of the Supreme Court, Bronx County entered on or about November 7, 2018, and for related relief,

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

It is ordered that the motion is denied.



Justice of the Appellate Division

Dated: February 25, 2019
New York, New York

ENTERED:

FEB 28 2019

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

BEFORE: Hon. Barbara Kapnick,
Justice of the Appellate Division

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

M-4970
Ind. No. 9695/88

-against-

CERTIFICATE
DENYING LEAVE

Glasco Wright,

Defendant.

-----X

I, Barbara R. Kapnick, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County (Nunez, J.), entered on or about July 19, 2018, is hereby denied.

ENTERED: FEB 28 2019


Justice Barbara R. Kapnick

Dated: New York, New York
January 30, 2019