

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 15, 2019.

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

-----x
The People of the State of New York
ex rel. Caroline Ng, Esq., on
behalf of Richard Ortiz,
Petitioner-Appellant,

-against-

Cynthia Brann, Commissioner, New York
City Department of Correction,
Respondent-Respondent.

M-4890
Index No. 451526/18
Ind. No. 4928/17
SCID No. 30125/18

-----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 August 3, 2018, which denied and dismissed petitioner's application for a writ of habeas corpus,

And petitioner-appellant having moved for a reduction in bail pending determination of the appeal, for expedited hearing of the appeal, and for poor person relief and the assignment of counsel,

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

It is ordered that said motion is granted to the extent of continuing the interim relief granted by the order of a Justice of this Court, dated September 13, 2018, which, inter alia, fixed bail at \$20,000 partially secured bond, with 10% cash collateral, or \$20,000 cash, and it is further,

Ordered that poor person relief is granted to the extent of directing that the appeal be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the Attorney General of the State of New York and files an original, five hard copies and, 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.

Pursuant to Section 35 of the Judiciary Law, 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 appellant for purposes of the appeal. Counsel is directed to perfect the appeal in accordance with Section 1250.5 of the Rules of the Appellate Division on or before February 19, 2019 for the May 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 January 15, 2019.

Present - Hon. Rosalyn H. Richter, Justice Presiding,
Sallie Manzanet-Daniels
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer, Justices.

-----x
Matthew I. Handelsman, et al.,
Plaintiffs-Appellants,

-against-

M-5238
Index No. 21177/12

Andrew L. Llewellyn, et al.,
Defendants-Respondents.
-----x

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

And plaintiffs-appellants having moved for vacatur of the dismissal of the appeal, which was deemed dismissed pursuant to 22 NYCRR 1250.10(a) and, upon vacatur, 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 to the extent of vacating the dismissal of plaintiffs-appellants' appeal, and enlarging the time to perfect same to the May 2019 Term (see, 22 NYCRR 1250.10).

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 January 15, 2019.

Present - Hon. Rosalyn H. Richter, Justice Presiding,
Sallie Manzanet-Daniels
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer, Justices.

-----x

In the Matter of the Arbitration of
Certain Controversies between

Technology Insurance Company, Inc.,
Petitioner-Appellant,

M-5294
Index No. 652376/17

-against-

Progressive Max Insurance Company,
Respondent-Respondent.

-----x

An appeal having been taken from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about December 8, 2017,

And petitioner-appellant having moved for vacatur of the dismissal of the appeal, which was deemed dismissed pursuant to 22 NYCRR 1250.10(a) and, upon vacatur, 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 to the extent of vacating the dismissal of defendant-appellant's appeal, and enlarging the time to perfect same to the May 2019 Term (see, 22 NYCRR 1250.10).

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 January 15, 2019.

Present - Hon. Rosalyn H. Richter, Justice Presiding,
Sallie Manzanet-Daniels
Peter Tom
Troy K. Webber
Ellen Gesmer, Justices.

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

-against-

M-5168
Ind. No. 567/17

Amidu Sall,
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 September 14, 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 filing 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 January 15, 2019.

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

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

-against-

M-5475
Ind. No. 30203/15

Quinn Boyd,
Defendant-Appellant.

-----X

An order of this Court having been entered on February 23, 2016 (M-195), inter alia, assigning Seymour W. James, Esq., predecessor counsel to Janet E. Sabel, Esq., The Legal Aid Society, as counsel to prosecute defendant's appeal from a judgment of the Supreme Court, New York County, rendered on December 7, 2015,

And counsel having moved for an order abating and dismissing 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 denied, without prejudice to renewal, upon further efforts to obtain a death certificate for the defendant.

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 January 15, 2019.

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

-----X
Federal National Mortgage Association
("Fannie Mae"), etc.,
Plaintiff-Respondent,

-against-

Johnson Akintayo, also known as Johnson M-5620
S. Akintayo, Index No. 32212/17E
Defendant-Appellant,

-and-

New York City Parking Violations Bureau,
et al.,
Defendants.

-----X

Plaintiff-respondent having moved for dismissal of the appeal taken from an order of the Supreme Court, Bronx County, entered on or about November 27, 2017, 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 and the appeal is dismissed.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 15, 2019.

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

-----x
In the Matter of the Application of
151 East 80th Street Tenants Association,
Petitioner-Respondent,

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

M-5614
Index No. 151598/17

-against-

New York State Division of Housing and
Community Renewal,
Respondent-Appellant,

-and-

COD, LLC,
Proposed Intervenor-Appellant
-----x

An appeal having been taken to this Court from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about July 30, 2018,

And COD, LLC, having moved for leave intervene on the appeal as an intervenor-appellant,

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 COD, LLC leave to intervene as an appellant.

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 January 15, 2019.

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

-----X
Anthony Hernandez and James Peralta,
Plaintiffs-Respondents,

-against-

M-5984X
Index No. 303597/16

Wynne Transport Service, Inc. and
Jeffrey L. Beauchamp,
Defendants-Appellants.

-----X

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" November 20, 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 January 15, 2019.

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

-----X
Florence Henry,
Plaintiff-Respondent,

-against-

M-5987X
Index No. 302129/14

Federal Express Corporation, et al.,
Defendants-Appellants.
-----X

An appeal 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" November 19, 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 January 15, 2019.

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

-----X

Sarah D. Marte,
Plaintiff-Respondent,

-against-

M-6038
Index No. 451321/13ECF

Danice Stores Inc.,
Defendant-Appellant,

-and-

Washington Heights Associates, LLC,
Defendant.

-----X

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

Now, upon reading and filing the correspondence from Jason Meneses, Esq., counsel for defendant-appellant, dated October 23, 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 January 15, 2019.

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

-----X
Steven Andrew Cohen, Individually and
as Personal Representative of the Estate
of Sandra Florence Cohen, Deceased,
Plaintiff-Respondent,

-against-

M-6046
Index No. 190044/16

Colgate-Palmolive Company,
Defendant-Appellant,

-and-

American Biltrite Inc., et al.,
Defendants.

-----X

An appeal having been taken from two orders of the Supreme Court, New York County, entered on or about September 4, 2018 and September 11, 2018,

Now, upon reading and filing the correspondence from Erik C. DiMarco, Esq., counsel to defendant-appellant Colgate-Palmolive Company, dated November 7, 2018, and due deliberation having been had thereon,

It is ordered that the appeals are 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 January 15, 2019.

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

-----X
Donaldson Interiors, Inc.,
Plaintiff-Respondent,

-against-

M-6048

Index No. 653550/14

Cauldwell-Wingate Company, LLC,
Defendant-Appellant,
-----X

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

Now, upon reading and filing the correspondence from David Rosenberg, Esq., counsel to defendant-appellant Cauldwell-Wingate Company, LLC, dated October 31, 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 January 15, 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

Xzavier B.,
Xzandria B.,
I-Concious R., and
I-Majestic A.,

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

- - - - -
New York City Children's Services,
Petitioner-Respondent,

M-5027
Docket Nos. NA-42105-8/16

Lara R.,
Respondent,

Nasheen B.,
Respondent-Appellant.

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

-----X
In the Matter of

Xzandria B.
Xzavier B.

Docket Nos. V-22937-8/17

A Proceeding for Custody/Visitation
Under Article 6 of the Family Court
Act.

-----X

Appellant father, Nasheen B., 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 3, 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 Yusuf A. El Ashmawy, Esq., dated October 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, Randall Carmel, Esq., 410 Jericho Turnpike, Suite 302, Jericho, NY 11753, Telephone No. 603-313-1951, 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 January 15, 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-5302

Ind. No. 4528/01

Lamont Jones,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about September 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, 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 January 15, 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-

Mauricio Hernandez,

Defendant-Appellant.
-----X

M-5757

Ind. No. 4609/17

An order of the Supreme Court, New York County, having been entered on or about April 27, 2018, 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 17, 2018,

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

It is ordered that the appeal is permitted to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, 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 January 15, 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-5785

SCI No. 340/18

Josue Maldonado,

Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on or about May 8, 2018, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about May 8, 2018,

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

It is ordered that the appeal is permitted to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, 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-5785)

-2-

January 15, 2019

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 January 15, 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-5787

SCI No. 22/18

Jonathan Hidalgo,

Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on or about April 30, 2018, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about April 30, 2018,

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

It is ordered that the appeal is permitted to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, 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 January 15, 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-5813

Ind No. 2430/17

Brian Grant,

Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about June 21, 2018, 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 May 1, 2018,

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

It is ordered that the appeal is permitted to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, 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 January 15, 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-5837

Ind. No. 2750/16

Terrence Johnson,

Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on or about April 10, 2018, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about April 10, 2018,

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

It is ordered that the appeal is permitted to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, 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 January 15, 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-5840

Ind No. 187/18

James Hernandez,

Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on or about April 10, 2018, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about April 10, 2018,

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

It is ordered that the appeal is permitted to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, 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 January 15, 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-5841

Ind. Nos. 490/16
2493/17

Dominique Limardo,

Defendant-Appellant.
-----X

An order of the Supreme Court, Bronx County, having been entered on or about April 19, 2018, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgments of the Supreme Court, Bronx County, rendered on or about April 19, 2018,

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

It is ordered that the appeal is permitted to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, 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 January 15, 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-5851

SCI No. 131/18

Jeffrey Marshall,

Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on or about April 19, 2018, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about April 19, 2018,

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

It is ordered that the appeal is permitted to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, 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-5851)

-2-

January 15, 2019

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 January 15, 2019.

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

-----x

Jerzy Zieba,
Plaintiff-Respondent,

-against-

345 Main Street Associates, LLC,
et al.,
Defendants-Respondents-Appellants,
-and-

M-6060

National Retail Construction Group,
LLC,
Defendant-Respondent.

Index No. 158999/13

- - - - -
345 Main Street Associates, LLC,
Third-Party Plaintiff-Respondent-
Appellant,

-against-

John Rooney Construction, Inc.,
Third-Party Defendant-Appellant-
Respondent.

- - - - -
Pure Barre Franchising, LLC, et al.
Second Third-Party Plaintiffs-
Respondents-Appellants,

-against-

John Rooney Construction, Inc.,
Second Third-Party Defendant-
Appellant-Respondent.

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

-----x

Appeals and cross appeals having been taken to this Court from the orders of the Supreme Court, New York County, entered on or about April 19, 2018 and October 4, 2018,

And third-party/second third-party defendant-appellant-respondent, John Rooney Construction, Inc., having moved for an order staying the trial of the third-party action and the second third-party action against it on the issue of indemnification, pending hearing and determination of its perfected appeal from the order entered on or about October 4, 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, and the trial in the third-party action and the second third-party action on the issue of indemnification is stayed pending hearing and determination of the appeal. The Clerk is directed to maintain the appeal on the calendar for the February 2019 Term. The interim relief granted by a Justice of this Court on November 27, 2018, to the extent it stayed plaintiff's trial on damages in the main action, is vacated.

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 January 15, 2019.

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

-----x
309 Fifth Owners LLC,

Plaintiff-Appellant,

-against-

M-6409
Index No. 652383/15

Mept 309 Fifth Avenue LLC,

Defendant-Respondent.
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about October 26, 2018, and said appeal having been perfected,

And plaintiff-appellant having moved for a calendar preference in hearing 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 only to the extent of ordering that the appeal be maintained on this Court's calendar for the March 2019 Term.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 15, 2019.

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

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

-against-

M-5215
Ind. No. 1947/15

Melvin Beltre,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal taken from a judgment of the Supreme Court, New York County, rendered on or about April 30, 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., 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

CORRECTED ORDER - January 16, 2019

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 15, 2019.

PRESENT: Hon. Rolando T. Acosta, Presiding Justices,
Dianne T. Renwick
Angela M. Mazzairelli
Ellen Gesmer
Anil C. Singh, Justices.

-----X
Anonymous,
Plaintiff-Appellant,

-against-

M-5234
Index No. 654252/18

Anonymous,
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for a stay of all proceedings pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about October 12, 2018, and an order to continue the sealing of the records filed with Supreme Court and all records pertaining to the appeal in this Court,

And interim relief having been granted by an order of a Justice of this Court, dated October 19, 2018, sealing the Supreme Court records, as well as the appellate records, subject to certain conditions and deadlines,

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 interim relief granted by an order of a Justice of this Court, dated October 19, 2018, is hereby vacated.

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 January 15, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Angela M. Mazzarelli
Troy K. Webber
Jeffrey K. Oing, Justice.

-----X

The People of the State of New York,

Respondent,

-against-

M-5464
Ind. No. 3531/16

Blake Tannen,

Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal taken from a judgment of the Supreme Court, New York County, rendered on or about March 9, 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, and enlarging the time to perfect the appeal to the May 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 January 15, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Angela M. Mazzarelli
Troy K. Webber
Jeffrey K. Oing, Justices.

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

-against-

M-5478
Ind. No. 416/16

Tyrone Robins,
Defendant-Appellant.

-----x

An order of this Court having been entered on January 30, 2018 (M-6229), inter alia, granting defendant poor person relief with respect to the appeal from the judgment of the Supreme Court, New York County, rendered on or about February 15, 2017, and assigning Robert S. Dean, Esq., Center for Appellate Litigation, as counsel to prosecute the appeal,

And defendant-appellant having moved for an order relieving assigned counsel and substituting retained counsel to prosecute 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 relieving Robert S. Dean, Esq., as assigned counsel on the appeal. The poor person relief previously granted is continued, and the time to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later. The motion, to the extent it seeks to substitute retained counsel on the appeal, is denied as unnecessary.

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 January 15, 2019.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Angela M. Mazzarelli
Troy K. Webber
Jeffrey K. Oing, Justices.

-----X

In re Hong Zhang,
Petitioner-Appellant,

-against-

M-5646
Index No. 153061/17

Chinatown Apartments, Inc.,
Respondent-Respondent.

-----X

Plaintiff-appellant having moved for a further enlargement of time to perfect the appeal taken from a judgment (denominated an order) of the Supreme Court, New York County, entered on or about August 1, 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 May 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 January 15, 2019.

PRESENT: Hon. Rolando T. Acosta, Presiding Justices,
Judith J. Gische
Angela M. Mazzarelli
Troy K. Webber
Jeffrey K. Oing, Justices.

-----X
Patmos Fifth Real Estate Inc. and
Patmos Westbury, LLC,
Plaintiffs-Respondents,

-against-

M-5761
Index No. 108421/11

Mazl Building LLC and High Line Holdings
LLC,
Defendants-Appellants,

-and-

Raba Abramov, NYA Building Construction
Corp. and Shimon Wolkowicki,
Defendants.

-----X
Mazl Building LLC and High Line Holdings,
LLC,
Third-Party-Plaintiffs,

-against-

Augusto Reitano, A.T.A. Construction Corp.,
New York State Department of Taxation and
Finance, and Environmental Control Board
of The City of New York,
Third-Party-Defendants.

-----X

Defendants-appellants, having moved for a stay of all proceedings pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about February 9, 2018,

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

(M-5761)

-2-

January 15, 2019

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 January 15, 2019.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Peter Tom
Jeffrey K. Oing
Peter H. Moulton, Justices.

-----X
Christopher Morse,
Plaintiff-Respondent,

-against-

M-5437
Index No. 158948/16

Fidessa Corporation, et al.,
Defendants-Appellants.
-----X

Defendants-appellants having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on September 6, 2018 (Appeal No. 6223),

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 January 15, 2019.

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

-----X

In the Matter of

Giovanni Christian Raphael M.,

CONFIDENTIAL

A Dependent Child Under 18 Years of Age Pursuant to §384-b of the Social Services Law of the State of New York.

M-5296

Docket No. B-40370/16

Edwin Gould Services for Children and Families, and the Commissioner of the Administration for Children's Services of the City of New York,
Petitioners-Respondents,

Nina M.,
Respondent-Appellant.

Shirley Caro, Esq.,
Lawyers for Children,
Attorney for the Child.

-----X

Petitioner-respondent Edwin Gould Services for Children and Families having moved to dismiss the appeal taken from an order of the Family Court, New York County, entered on or about November 15, 2017, 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 and the appeal is dismissed.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 15, 2019.

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

-----x
Lewis Brisbois Bisgaard & Smith, LLP,
Plaintiff-Respondent,

-against-

M-5663
Index No. 655198/17

Herbert William Fischman, Esq. and
Herbert William Fishchman, P.C.,
Defendants-Appellants.

-----x

An appeal having been taken to this Court from two orders of the Supreme Court, New York County, entered on or about August 27, 2018,

And defendants-appellants having moved to stay enforcement of the money judgment pending determination of its 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, without prejudice to defendants obtaining an undertaking.

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 January 15, 2019.

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

-----X
Ivy J. Mack,
Plaintiff-Appellant,

-against-

M-5615
Index No. 452586/15

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

Plaintiff-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on October 4, 2018 (Appeal No. 7238),

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 January 15, 2019.

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

-----X

Barbara A. Lowenstern,
Plaintiff-Respondent,

-against-

M-5706
Index No. 159528/14

Sherman Square Realty Corp.,
et al.,
Defendants-Appellants.

-----X

Plaintiff-respondent having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on October 4, 2018 (Appeal No. 7225),

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 January 15, 2019.

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

-----x

Maura O'Neill,

Plaintiff-Appellant,

-against-

M-6332

Index No. 100334/18

Deutsche Bank Securities, Inc.,

Defendant-Respondent.

-----x

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

And plaintiff-appellant having moved to stay defendant-respondent's fully submitted motion to dismiss the complaint, presently sub judice in Supreme Court, pending the hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 15, 2019.

PRESENT: Hon. David Friedman, Presiding Justice,
Rosalyn H. Richter
Cynthia S. Kern
Peter H. Moulton, Justices.

-----X

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

CONFIDENTIAL

M-5114

Grace D.,
Petitioner-Respondent,
-against-

Docket No. V-05978-17/17a

Francois Stanislas Alexandre B.,
Respondent-Appellant.

Lauren Friend, Esq.,
Attorney for the Child.

-----X

Respondent-appellant having moved for an enlargement of time to perfect the appeal from the order of the Family 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 deemed one seeking vacatur of the dismissal of the appeal and, as such, is granted, and the time to perfect the appeal is enlarged to the May 2019 Term (see, 22 NYCRR 1250.10).

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 January 15, 2019.

Present - Hon. David Friedman, Justice Presiding,
Judith J. Gische
Barbara R. Kapnick
Marcy L. Kahn
Cynthia S. Kern, Justices.

-----x

In the Matter of the Commitment of Guardianship and Custody of

Elijah Kenny G., also known as
Elijah K. G., also known as
Elijah G., and

Walter Isaiah S.C., III, also known as
Walter S.C., III, also known as
Walter Isaiah C., III, also known as
Walter Isaiah S., also known as
Walter C., III, also known as
Walter C., Jr., also known as
Walter C.,

CONFIDENTIAL

M-5372

Docket Nos. B-34957/14
B-34958/14

Children Under 18 Years of Age
Pursuant to §384-b of the Social Services Law of the State of New York.

- - - - -
Saint Dominic's Home, et al.,
Petitioners-Respondents,

Stephanie S.,
Respondent-Appellant.

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

-----x

An appeal having been taken from orders of the Supreme Court, New York County, entered on or about November 13, 2017 and December 5, 2017,

And respondent-appellant having moved to vacate the dismissal of the appeal, which was deemed dismissed pursuant to 22 NYCRR 1250.10(a) and, upon vacatur, to enlarge the 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 to the extent of vacating the dismissal of defendant-appellant's appeal, and enlarging the time to perfect same to the May 2019 Term (see, 22 NYCRR 1250.10).

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 January 15, 2019.

Present - Hon. David Friedman, Justice Presiding,
Judith J. Gische
Barbara R. Kapnick
Marcy L. Kahn
Cynthia S. Kern, Justices.

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

-against-

M-5473
Ind. No. 396/14

Michael Cole,
Defendant-Appellant.

-----X

An order of this Court having been entered on July 13, 2017 (M-2744), inter alia, granting defendant's motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about January 26, 2017, and assigning counsel therefor,

And defendant-appellant having moved for an order amending the aforementioned order to include the judgment of **resentence** of said Court rendered on or about October 10, 2018, under the same Indictment number, and for an enlargement of time to perfect the appeals,

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

It is ordered that the motion is granted to the extent of amending the order of assignment entered on July 13, 2017 (M-2744) to include the judgment of **resentence** of said Court rendered on or about October 10, 2018, and extending the poor person relief previously granted to cover same. The time to perfect the appeal is hereby enlarged until 120 days from the date of filing of the record of resentencing.

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 January 15, 2019.

PRESENT: Hon. David Friedman, Justice Presiding,
Peter Tom
Angela M. Mazzarelli
Anil C. Singh, Justices.

-----X
James L. Melcher,
Plaintiff-Appellant,

-against-

M-5247
Index No. 650188/07

Greenberg Traurig, LLP, et al.,
Defendants-Respondents.
-----X

Plaintiff-appellant having moved for reargument of the decision and order of this Court, entered on September 27, 2018 (Appeal Nos. 5744, 5745, 5746N),

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 January 15, 2019.

PRESENT: Hon. David Friedman, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Marcy L. Kahn
Cynthia S. Kern, Justices.

-----X
PR 307 West 93, LLC,
Petitioner-Landlord-Respondent,

-against-

M-5112
Index No. 570136/17

Luz Peralta,
Respondent-Tenant,

Myriam Blanco,
Respondent-Undertenant-Appellant,

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

-----X

Petitioner-landlord-respondent having moved for leave to appeal to this Court from the decision and order of the Appellate Term, First Department, entered in the office of the Clerk of the Supreme Court, New York County, on or about May 2, 2018,

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

It is ordered that the motion is denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 15, 2019.

PRESENT: Hon. David Friedman, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Marcy L. Kahn
Cynthia S. Kern, Justices.

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

Social Services Employees Union Local 371
on behalf of its member Juan Goris,
Petitioner-Appellant,

For a Judgment Pursuant to Article 75
of the Civil Practice Law and Rules

M-5166
Index No. 650547/15

-against-

The City of New York and New York
City Commission on Human Rights,
Respondents-Respondents.

-----X
An appeal having been taken from an order of the Supreme Court, New York County, entered on or about November 8, 2017,

And petitioner-appellant having moved to vacate the dismissal of the appeal, which was deemed dismissed pursuant to 22 NYCRR 1250.10(a) and, upon vacatur, an enlargement of time to perfect same, and for poor person relief,

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

It is ordered that that branch of the motion seeking to vacate the dismissal of the appeal is denied. The remainder of the relief sought 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 January 15, 2019.

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

-----X
Hector Polanco,
Plaintiff-Respondent,

-against-

Bronx 360 Realty LLC, et al.,
Defendants-Appellants,

M-5319
Index No. 303568/11

Uplift Elevator Corp.,
Defendant-Respondent,

PRC Management LLC,
Defendant.

-----X

Defendants-appellants having moved for reargument of the decision and order of this Court, entered on September 25, 2018 (Appeal No. 7116),

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 January 15, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Angela M. Mazzarelli
Jeffrey K. Oing
Peter H. Moulton, Justices.

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

Respondent,

-against-

M-5253
Ind. No. 3446/16

Reislen Betances, also known as
Reislin Betances,

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, Bronx County, rendered on or about February 2, 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 January 15, 2019.

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

-----x

Primus Pacific Partners 1, L.P.,
Plaintiff-Appellant,

-against-

M-5892

M-5925

Index No. 653885/16

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

-----x

An appeal having been taken to this Court from orders of the Supreme Court, New York County, entered on or about November 17, 2017, and said appeal having been perfected,

And defendants-respondents having moved for an order (1) striking all references to materials de hors the record from plaintiff-appellant's reply brief, (2) striking plaintiff's letter dated November 9, 2019 requesting that this Court take judicial notice of the four annexed documents from two criminal cases filed in the United States District Court for the Eastern District of New York (the EDNY Filings), (3) directing plaintiff to provide this Court with the redacted version of its reply brief attached to the moving papers as Exhibit "C", or, (4) in the alternative, for leave to file a sur-reply brief to address the arguments made in plaintiff's reply brief based on materials de hors the record (M-5892),

And plaintiff-appellant having cross moved to have this Court take judicial notice the EDNY Filings (M-5925),

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-5892) is granted to the extent of striking plaintiff's reply brief, and directing plaintiff to resubmit a reply brief without reference to the EDNY Filings. The cross motion (M-5925) to take judicial notice of the EDNY Filings is denied. On the Court's own motion, the appeal is adjourned to the April 2019 Term.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 15, 2019.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Judith J. Gische
Peter Tom
Angela M. Mazzarelli
Cynthia S. Kern, Justices.

-----X

James Wang,
Plaintiff-Appellant,

-against-

M-5743

Index No. 100481/17

Simon, Eisenberg & Baum,
LLP, et al.,
Defendants-Respondents.

-----X

Plaintiff-appellant James Wang, pro se, 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 23, 2018 (Appeal No. 7430),

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 January 15, 2019.

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

-----X
Garey Gordon,
Plaintiff-Respondent,

-against-

M-5670
Index No. 5116/10

Hope Anderson,
Defendant-Appellant.
-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal taken from a judgment of the Supreme Court, Bronx County, entered on or about January 5, 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 April 2019 Term.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 15, 2019.

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

-----x
Old Republic Insurance Company, directly
and as subrogee of STS Steel, Inc.,
Plaintiff-Respondent,

-against-

M-5555
Index No. 155995/12

United National Insurance Company,
Defendant-Appellant.

-----x

Defendant-appellant having moved for a further enlargement of time to perfect the consolidated appeals taken from orders of the Supreme Court, New York County, entered on or about April 21, 2017 and April 9, 2018,

Now, upon reading and filing the papers with respect to the motion, the Notice of Withdrawal of Appeal dated December 11, 2018 and the Stipulation of Discontinuance of the action dated December 7, 2018, and due deliberation having been had thereon,

It is ordered that the appeal is deemed withdrawn and the motion for an enlargement 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 January 15, 2019.

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

-----X
Robert Little,
Plaintiff-Respondent,

-against-

M-5632
Index No. 22388/15

Jorge J. Morillo, et al.,
Defendants-Respondents.

-and-

Vanessa Garcia,
Defendant-Appellant.

-----X

Defendant-appellant, Vanessa Garcia, having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about March 19, 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 as academic, the appeal having been decided by order of this Court (Appeal # 8027) entered January 8, 2019. The interim stay of trial granted by an order of a Justice of this Court, dated November 7, 2018, is vacated.

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 January 15, 2019.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Troy K. Webber
Marcy L. Kahn, Justices.

-----x

Ohm Spa, LLC,

Plaintiff-Appellant,

-against-

M-5828

Index No. 157761/18

Five Points 260 Owner LLC,

Defendant-Respondent.

-----x

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

And plaintiff-appellant having moved for a stay of execution of the order pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is denied.

ENTERED:


CLERK

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

BEFORE: Hon. **Hon. Angela M. Mazzarelli**,
Justice of the Appellate Division

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

M-4540
Ind. No. 416/16

-against-

CERTIFICATE
GRANTING LEAVE


Tyrone Robins,
Defendant-Appellant.
-----X

I, Angela M. Mazzarelli, a Justice of the Appellate Division, First Judicial Department, do hereby certify that in the proceedings herein questions of law or fact are involved which ought to be reviewed by the Appellate Division, First Judicial Department, and, pursuant to Section 460.15 of the Criminal Procedure Law, permission is hereby granted to the above-named defendant to appeal to the Appellate Division, First Judicial Department, from the order of the Supreme Court, New York County, entered on or about July 5, 2018.¹

Dated:

New York, New York
November 29, 2018

ENTERED: JAN 15 2018



Hon. Angela M. Mazzarelli
Associate Justice

NOTICE: Within 15 days from the date hereon, an appeal must be taken, and this certificate must be filed with the notice of appeal. An appeal is taken by filing, in the Clerk's office of the criminal court

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