

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 16, 2019.

Present - Hon. Judith J. Gische, Justice Presiding,
Troy K. Webber
Marcy L. Kahn
Cynthia S. Kern, Justices.

-----X
Worldview Entertainment Holdings Inc.,
Worldview Entertainment Holdings LLC,
and Roseland Ventures LLC,
Plaintiffs-Respondents,

-against-

M-1478

Index No. 159948/14

Christopher Woodrow,
Defendant-Appellant,

Sarah Woodrow, The Estate of Constance
Woodrow, Goetz Fitzpatrick LLP and
Aaron Boyajian,
Defendants.

-----X
Christopher Woodrow,
Counterclaim-Plaintiff,

-against-

Worldview Entertainment Holdings Inc.,
Worldview Entertainment Holdings LLC,
and Roseland Ventures LLC,
Counterclaim-Defendants.

-----X
Christopher Woodrow,
Third-Party Plaintiff,

-against-

Maria A. Cestone and Molly A. Connors,
Third-Party Defendants.

-----X

Defendant-appellant having moved, pursuant to 22 NYCRR 1250.10(c) to vacate the dismissal of his appeals taken from orders of the Supreme Court, New York County, entered on or about June 14, 2018, and on or about November 22, 2016, and upon vacatur, 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 denied, without prejudice to renew, in light of the automatic stay resulting from appellant's filing of a Chapter 7 Bankruptcy proceeding, and the appointment of a Bankruptcy Trustee.

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 July 16, 2019.

Present - Hon. Judith J. Gische, Justice Presiding,
Troy K. Webber
Marcy L. Kahn
Cynthia S. Kern, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-2440
Ind. No. 809/16

Juan Rodriguez,
Defendant-Appellant.

-----X

An order of this Court having been entered on May 24, 2018 (M-1802), granting defendant leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about November 16, 2017, and assigning Seymour W. James, Jr., Esq., predecessor to Janet E. Sabel, Esq., The Legal Aid Society, as counsel to prosecute the appeal; and a motion having been made to dismiss said appeal, as moot,

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

It is ordered that the motion is granted 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 July 16, 2019.

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

-----X
Danielle Biton, also known as Daniel
Bitton,
Plaintiff-Appellant,

-against-

Flushing Bank,
Defendant,

M-1716
Index No. 570407/18

-and-

HSBC Bank and Corporation Counsel of
New York City,
Defendants-Respondents.

-----X

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 January 28, 2019, and for poor person and other 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 July 16, 2019.

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

-----X
A.E.C. Consulting & Expediting, Inc.,
also known as A.E.C. Consulting &
Equity Inc., also known as Mohamed
Azadi & Ronny A. Livian,
Plaintiff-Respondent,

-against-

M-2433

Index No. 650705/15

949 Park Development, LLC,
Zachary Vella,
Defendants-Appellants,

Benjamin Soleimani,
Defendant.

-----X

Defendants-appellants having jointly taken an appeal from an order of the Supreme Court, New York County, entered on or about October 22, 2018,

And defendant-appellant, Zachary Vella, having taken an appeal from an order of the same court, entered on or about July 3, 2018, and the appeal having been perfected,

And defendants-appellants having moved for a stay of the May 22, 2019 pre-trial conference and anticipated trial pending the hearing and determination of the two appeals, and for an enlargement of time to perfect the appeal taken from the aforementioned order entered on or about October 22, 2018,

And an interim order of a Justice of this Court having been entered on May 9, 2019, granting a stay pending the hearing and determination of the within motion,

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

It is ordered that that branch of the motion seeking a stay is denied and the interim stay issued by this Court on May 9, 2019 is vacated. The motion is otherwise granted to the extent of enlarging the time to perfect the appeal taken from the order entered on or about October 22, 2018 to September 3, 2019 for the November 2019 Term, with no further enlargements to be granted.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 16, 2019.

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

-----x

Brian Gray,
Plaintiff-Respondent,

-against-

J.P. Morgan Chase Bank N.A., etc.,
Defendant-Appellant,

Stanley Stahl, etc., et al.,
Defendants.

-----x

JP Morgan Chase Bank NA, etc.,
Third-Party Plaintiff-
Appellant,

M-3036
Index No. 110738/11

-against-

Knoll, Inc. and Evensonbest LLC,
Third-Party Defendants-
Respondents.

-----x

JP Morgan Chase Bank NA, etc.,
Second Third-Party Plaintiff-
Appellant-Respondent,

-against-

Cauldwell Wingate Co.,
Second Third-Party
Defendant-Respondent-Appellant.

- - - - -
[And third-party actions.]

-----x

An appeal and cross appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about January 4, 2019,

And second third-party defendant-respondent-appellant Cauldwell-Wingate (Cauldwell) having moved (1) for leave to file a supplemental record on appeal to include Cauldwell's notice of appeal, the order appealed from, the relevant pleadings, and the papers filed in support and in opposition to the motions filed on behalf of Cauldwell and co-defendant JP Morgan Chase Bank (Chase); (2) setting a briefing schedule; and (3) finding that Cauldwell has no obligation to share in the cost of the record on appeal filed by Chase,

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 Cauldwell to file a supplemental record consisting of such documents from the record of this matter, if any, not already included in defendant-appellant Chase's record on appeal; 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 July 16, 2019.

PRESENT: Hon. Peter Tom, Justice Presiding,
Sallie Manzanet-Daniels
Angela M. Mazzarelli
Ellen Gesmer, Justices.

-----X
Shalaine Y. Jones,
Plaintiff-Appellant,

-against-

M-2505
Index No. 401917/13

FEGS-WeCARE/Human Resources, NYC,
Defendant-Respondent.
-----X

Plaintiff-appellant having moved for leave to appeal to the Court of Appeals or, in the alternative for clarification of the decision and order of this Court, entered on May 31 2016 (Appeal No. 1312N),

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 July 16, 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 Support Proceeding

Anna Y.,
Petitioner-Appellant,

-against-

CONFIDENTIAL
M-2185
Docket No. F 46708-14

Alexander S.,
Respondent-Respondent.

-----X

Petitioner-appellant having moved for leave to appeal to this Court from an order of the Family County, New York County, entered on or about February 27, 2019,

Now, upon reading and filing the papers with respect to the motion, including the correspondence from counsel for petitioner-appellant, dated May 31, 2019, and due deliberation having been had thereon,

It is ordered that the motion is deemed 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 July 16, 2019

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

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

Augusto Mandara as Administrator for the
Estate of Michele Mandara,
Plaintiffs, Index No. 190376/14
-against- M-2645

Amchem Products, Inc. now known as Rhoune
Poulenc AG Company, now known as Bayer
Cropscience Inc., et al.,
Defendants.

QCP, Inc., etc.,
Defendant-Appellant.

-----X
QCP, Inc., etc.,
Third-Party Plaintiff-Appellant,

-against-

David Fabricators of N.Y., Inc.,
Third-Party Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about April 26, 2019,

And defendant/third-party plaintiff-appellant QPC having moved for an order staying the trial of this action, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from counsel for defendant/third-party plaintiff-appellant QPC, dated June 7, 2019, and due deliberation having been had thereon,

(M-2645)

-2-

July 16, 2019

It is ordered that the appeal is deemed withdrawn in accordance with the aforesaid correspondence. The motion for a stay of trial 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 July 16, 2019.

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

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

Quanisha Smith and Anthony Colavecchio,
individually and on behalf of all
others similarly situated,
Plaintiffs-Respondents,

For a Judgment Pursuant to § 3001 of
the Civil Practice Law and Rules
and 42 USC § 1983,

-against-

M-2664
Index No. 400903/10

Samuel D. Roberts, as Commissioner
of the New York State Office of
Temporary and Disability Assistance,
Defendant-Appellant,

-and-

Robert Doar, as Administrator of the
New York City Human Resources
Administration,
Defendant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 28, 2015,

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

It is ordered that the appeal (Cal. No. 2019-4467) is deemed 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 July 16, 2019.

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

-----X
In the Matter of the Application of
Quanisha Smith,
Plaintiff-Respondent,

For a Judgment Pursuant to Article 78
and § 3001 of the Civil Practice Law
and Rules,

-against-

M-2665
Index No. 400903/10

Samuel D. Roberts, as Commissioner
of the New York State Office of
Temporary and Disability Assistance,
Defendant,

-and-

Robert Doar, as Administrator of the
New York City Human Resources
Administration,
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 28, 2015,

Now, upon reading and filing the correspondence from the attorney for defendant-appellant dated May 14, 2019, and due deliberation having been had thereon,

It is ordered that the appeal (Cal. No. 2019-4470) is deemed 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 July 16, 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
Quanisha Smith,
Plaintiff-Respondent,

For a Judgment Pursuant to Article 78
and § 3001 of the Civil Practice Law
and Rules,

-against-

M-2676
Index No. 400903/10

Samuel D. Roberts, as Commissioner
of the New York State Office of
Temporary and Disability Assistance,
Defendant,

-and-

Robert Doar, as Administrator of the
New York City Human Resources
Administration,
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about August 14, 2013,

Now, upon reading and filing the correspondence from the attorney for defendant-appellant dated May 14, 2019, and due deliberation having been had thereon,

It is ordered that the appeal (Cal. No. 2019-4469) is deemed 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 July 16, 2019.

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

-----X

Robert Pritsker,
Plaintiff-Appellant,

-against-

M-2764

Index No. 150595/17

Zamansky LLC and Jacob Zamansky,
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about November 26, 2018,

Now, upon reading and filing the correspondence from Robert Pritsker, pro se, dated April 29, 2019, 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 July 16, 2019.

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

-----X
In Re: Part 60 RMBS Put-Back Litigation

-----X
Nomura Asset Acceptance Corporation
Mortgage Pass-Through Certificates,
Series 2006-AF2, by HSBC Bank
USA, National Association, as Trustee,
Plaintiff-Appellant,

-against-

M-2771
Index No. 652614/12

Nomura Credit & Capital, Inc.,
Defendant-Respondent.

-----X
Nomura Credit & Capital, Inc.,
Third-Party Plaintiff,

-against-

Wells Fargo Bank, N.A. and Ocwen Loan
Services, LLC,
Third-Party Defendants.

-----X

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

Now, upon reading and filing the correspondence from counsel for plaintiff-appellant, dated May 24, 2019, and due deliberation having been had thereon,

(M-2771)

-2-

July 16, 2019

It is ordered that the appeal (Cal. No. 2018-5265), is deemed 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 July 16, 2019

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

-----X

In Re: Part 60 RMBS Put-Back Litigation

-----X

Nomura Home Equity Loan, Inc., Home Equity Loan Trust, Series 2007-2, by HSBC Bank USA, National Association, as Trustee, Plaintiff-Appellant,

-against-

M-2772
Index No. 650337/13

Nomura Credit & Capital, Inc.,
Defendant-Respondent.

-----X

Nomura Credit & Capital, Inc.,
Third-Party Plaintiff,

-against-

Wells Fargo Bank, N.A. and Ocwen Loan Services, LLC,
Third-Party Defendants.

-----X

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

Now, upon reading and filing the correspondence from counsel for plaintiff-appellant, dated May 24, 2019, and due deliberation having been had thereon,

(M-2772)

-2-

July 16, 2019

It is ordered that the appeal (Cal. No. 2018-5264), is deemed 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 July 16, 2019.

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

-----X

Bardemiro Tatis Pena,
Plaintiff,

-against-

M-2808
Index No. 24953/14E

PTSE Property Holdings, Inc. and
G ARC Group, LLC,
Defendants.

-----X

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

-against-

Third-Party
Index No. 43065/15E

G ARC Group, LLC,
Third-Party Defendant.

-----X

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

-against-

Second Third-Party
Index No. 43160/16E

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

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

-----X

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

(M-2808)

-2-

July 16, 2019

Now, upon reading and filing the correspondence from counsel to second third-party defendant-appellant, James River Insurance Company dated May 29, 2019, 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 July 16, 2019.

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

-----X

In the Matter of a Child Custody Proceeding Under Article 6 of the Family Court Act.

- - - - -

Eddie S.,
Petitioner-Respondent,

CONFIDENTIAL
M-2851
Docket Nos. V-27327-10/15B
V-27328-10/15B

-against-

Sylvia S.,
Respondent-Appellant.

- - - - -

Katherine Tracey, Esq.,
Attorney for the Children.

-----X

Petitioner-respondent having moved for leave to respond, as a poor person, to the appeal taken from the order of the Family Court, Bronx County, entered on or about March 18, 2019, 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 Carole M. Levy, Esq., dated May 31, 2019, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to §1120 of the Family Court Act, Steven P. Forbes, Esq., 155-03 Jamaica Avenue, Jamaica, NY 11432, Telephone No. 718-791-8444, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy

of such brief be served upon the attorney for each party to the appeal, and an 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 July 16, 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-1519
Ind. No. 2178/17

Jermaine Hatchett,

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 25, 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 denied, as unnecessary, said poor person relief having been granted by an order of this Court entered on April 11, 2019 (M-245).

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 July 16, 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-1689

Ind. No. 1767/11

Jemila Barwah,

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 August 28, 2013, 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 July 16, 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-

CONFIDENTIAL

M-2421

Ind. No. 3892/15

Edward Ruiz,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from the order of the Supreme Court, New York County (Obus, J.), entered on or about March 8, 2019, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

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

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

(M-2421)

-2-

July 16, 2019

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 16, 2019.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Peter Tom
Peter H. Moulton, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

Confidential

M-1843

Ind. No. 3654/16

George Fay,
Defendant-Appellant.

-----X

Defendant-appellant having moved for reargument of the decision and order of this Court, entered on March 5, 2019 (Appeal No. 8564),

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 July 16, 2019.

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

-----X

Yesenia S., Individually
and as Mother and Natural Guardian
of Kira S., etc.,
Plaintiff-Respondent,

M-1718
Index No. 350059/10

-against-

New York City Housing Authority,
Defendant-Appellant.

-----X

Defendant-appellant having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on December 27, 2018 (Appeal No. 7967-7968N),

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 July 16, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer
Anil C. Singh, Justices.

-----X
In re HYK-273 W. 138th Street LLC,
et al.,
Petitioners-Appellants,

-against-

M-1381
Index No. 101554/15

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

Emily Sherman,
Respondent.

-----X

Petitioners-appellants having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on February 7, 2019 (Appeal No. 8347),

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 July 16, 2019.

PRESENT: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Troy K. Webber
Marcy L. Kahn
Cynthia S. Kern, Justices.

-----X

Joseph B. Mitchell, et al.,
Plaintiffs-Appellants,

-against-

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

M-1706
Index No. 100256/11

-----X

Plaintiffs-appellants having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on February 14, 2019 (Appeal Nos. 8405-8406),

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 July 16, 2019.

PRESENT: Hon. David Friedman, Justice Presiding,
Dianne T. Renwick
Troy K. Webber
Marcy L. Kahn
Cynthia S. Kern, Justices.

-----X

Warner Wolf,
Plaintiff-Appellant,

-against-

M-2236
Index No. 151440/18

Don Imus, 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 March 21, 2019 (Appeal No. 8771),

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 July 16, 2019.

PRESENT: Hon. David Friedman, Justice Presiding,
Rosalyn H. Richter
Peter Tom
Ellen Gesmer
Peter H. Moulton, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-2201
Ind. No. 1076/17

Terry Brown,
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 3, 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.

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 July 16, 2019.

Present - Hon. David Friedman, Justice Presiding,
Rosalyn H. Richter
Peter Tom
Ellen Gesmer
Peter H. Moulton, Justices.

-----X

The People of the State of New York,
Respondent,

M-2466

-against-

Ind. Nos. 1174/16
2328/16

Craig Barclay,
Defendant-Appellant.

-----X

Orders of this Court having been entered on March 14, 2019(M-147 and M-148) granting defendant leave to prosecute, as a poor person, the appeals taken from the judgments of the Supreme Court, Bronx County, both rendered on or about August 15, 2018, and assigning Janet E. Sabel, Esq., The Legal Aid Society, as counsel to prosecute the appeals; and a motion having been made to relieve such counsel, and for related relief,

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

It is ordered that the motion is granted to the extent of striking the designation of Janet E. Sabel, Esq., The Legal Aid Society, as assigned counsel to prosecute defendant's appeals, and substituting, pursuant to Section 722 of the County Law, Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523 as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeals is enlarged until 120 days from the date of this order or the receipt of the complete record, whichever is later.

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 July 16, 2019.

Present - Hon. David Friedman, Justice Presiding,
Rosalyn H. Richter
Marcy L. Kahn
Anil C. Singh, Justices.

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

-against- **M-2514**
SCI No. 4276/17

Carlos Castillo,
Defendant-Appellant.

-----X

An order of this Court having been entered on April 11, 2019(M-99) 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 October 26, 2018, and assigning Janet E. Sabel, Esq., The Legal Aid Society, as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

It is ordered that the motion is granted to the extent of striking the designation of Janet E. Sabel, Esq., The Legal Aid Society, as assigned counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the receipt of the complete record, whichever is later.

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 July 16, 2019.

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

-----X

Rakim Spivey,
Plaintiff-Appellant,

-against-

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

M-1769
Index No. 154249/14

-----X

Plaintiff-appellant having moved for reargument of the decision and order of this Court, entered on December 13, 2018 (Appeal No. 7880N),

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 July 16, 2019.

PRESENT: Hon. David Friedman, Justice Presiding,
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer
Cynthia S. Kern, Justices.

-----X
Aderonke Ayangbesan,
Plaintiff-Respondent,

-against-

M-2234
Index No. 162328/15

Seth Finkelstein, MD,
Defendant-Appellant.
-----X

Defendant-appellant having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on February 21, 2019 (Appeal No. 8476),

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 July 16, 2019.

Present - Hon. David Friedman, Justice Presiding,
Judith J. Gische
Barbara R. Kapnick
Anil C. Singh, Justices.

-----x
Gianfranco Arena, Administrator of the
Estate of Christine L. Arena and
Gianfranco Arena, Individually,
Plaintiff-Respondent,

-against- M-2248
Index No. 850095/17

Lester Noah Shaw, M.D.,
Defendant-Appellant.

-----x

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

Defendant-appellant having moved for an order: (1) vacating the dismissal of the aforementioned appeal, pursuant to 22 NYCRR 1250.10(c); (2) upon vacatur and reinstatement of the appeal, for an enlargement of time to perfect same, pursuant to 22 NYCRR 1250.9(b); and (3) consolidating the aforementioned appeal taken from the order entered on or about June 6, 2018 with an appeal taken from an order of the same court entered on or about April 17, 2019,

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 taken from the order entered on or about June 6, 2018 is granted, the appeal reinstated, and the time to perfect same is enlarged to the October 2019 Term, and

(M-2248)

-2-

July 16, 2019

It is further ordered that that branch of the motion seeking consolidation of the appeals taken from orders of the Supreme Court, New York County, entered on or about June 6, 2018 and on or about April 17, 2019, is denied as unnecessary. (See, 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 July 16, 2019.

PRESENT: Hon. David Friedman, Justice Presiding,
Judith J. Gische
Barbara R. Kapnick
Anil C. Singh, Justices.

-----X
Alfred McDowell,
Plaintiff-Respondent,

-against-

M-2485
Index No. 305542/13

Xand Holdings, LLC and Costa
Electrical Contractors Corp.,
Defendants,

-and-

JCI Construction Corporation,
Defendant-Appellant.
-----X

Defendant-appellant having moved for an order staying the trial in the above-entitled action pending hearing and determination of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about October 30, 2018,

Now, upon reading and filing the papers with respect to the motion, including the correspondence from the attorney for defendant-appellant dated June 4, 2019, and due deliberation having been had thereon,

It is ordered that the motion is deemed 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 July 16, 2019.

PRESENT: Hon. David Friedman, Justice Presiding,
Judith J. Gische
Barbara R. Kapnick
Anil C. Singh, Justices.

-----X
Jose R. Leveron,
Plaintiff-Respondent-Appellant,

-against-

M-2585
Index No. 302203/15

Prana Growth Fund I, L.P., and
Prana Fund Manager LLC,
Park Avenue South Management, LLC,
Defendants-Appellants-Respondents,

-and-

A-Awan Construction Corp.,
Defendant.

-----X

Appeals having been taken from an order of the Supreme Court, Bronx County, entered on or about January 23, 2019,

And defendants-appellants-respondents having moved to enlarge the record on appeal to include a copy of their verified amended answer (Exhibit E to Cohen affidavit),

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

It is ordered that the motion is granted.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 16, 2019.

Present - Hon. David Friedman, Justice Presiding,
Judith J. Gische
Barbara R. Kapnick
Anil C. Singh, Justices.

-----x
Judith O'Connor,
Plaintiff-Appellant,

-against-

M-2595
Index No. 101138/12

Tishman Construction Corporation, The
New School, The New York State Dormitory
Authority, The City of New York, The
Department of Transportation, and Hugh
O'Kane Electric Co., Inc.,
Defendants-Respondents.

-----x

Plaintiff-appellant having moved, pursuant to 22 NYCRR 1250.10(c), to vacate the dismissal of the appeal taken from an order of the Supreme Court, New York County, entered on or about July 24, 2018, and upon reinstatement, for an enlargement of time to perfect same,

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

It is ordered that the motion is granted, the dismissal is vacated, the appeal reinstated, and the time to perfect said appeal is enlarged to the October 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 July 16, 2019.

PRESENT: Hon. David Friedman, Justice Presiding,
Judith J. Gische
Barbara R. Kapnick
Anil C. Singh, Justices.

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

-against-

M-2642
Ind. No. 2597/16

Matthew Hall,
Defendant-Appellant.

-----X

Defendant-appellant, pro se, 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 January 3, 2019,

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

It is ordered that the motion is granted to the extent of 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 July 16, 2019.

PRESENT: Hon. David Friedman, Justice Presiding,
Judith J. Gische
Barbara R. Kapnick
Anil C. Singh, Justices.

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

-against-

M-2646
Ind. No. 2514/18

Josue Pagan-Montalvo,
Defendant-Appellant.

-----X

Defendant-appellant, pro se, 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 February 5, 2019,

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

It is ordered that the motion is granted to the extent of 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 July 16, 2019.

Present - Hon. David Friedman, Justice Presiding,
Judith J. Gische
Barbara R. Kapnick
Anil C. Singh, Justices.

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

-against-

M-2648
Ind. No. 2611/18

Roberto Marrero,
Defendant-Appellant.

-----X

Defendant-appellant 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 February 15, 2019,

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

It is ordered that the motion is granted to the extent of 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 July 16, 2019.

PRESENT: Hon. David Friedman, Justice Presiding,
Judith J. Gische
Barbara R. Kapnick
Anil C. Singh, Justices.

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

-against-

M-2663
Ind. No. 327/18

Jose A. Martes Mora,
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 16, 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.

July 16, 2019

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 July 16, 2019.

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

-----X
Collateral Loanbrokers Association
of New York, Inc., et al.,
Plaintiffs-Respondents,

-against-

M-3032
Index No. 303901/14

The City of New York and Bill de Blasio
as Mayor of the City of New York,
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about April 3, 2019,

And an order of this Court having been entered on May 21, 2019 (M-2303), granting a stay of the aforementioned order on condition the appeal taken therefrom is perfected for the October 2019 Term,

And plaintiffs-respondents having moved for a limited vacatur or, in the alternative, modification of the stay granted in this Court's May 21, 2019 order to permit the trial court to enter a final judgment/order in this matter,

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 modifying the May 21, 2019 order of this Court to permit the trial court to enter final judgment based on its April 3, 2019 order, and upon entry of said judgment, a stay of enforcement of the April 3, 2019 order and any subsequent order and/or judgment entered therefrom is granted on the condition the appeal is perfected for the October 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 July 16, 2019.

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

-----X

SFT Realty, LLC.,
Plaintiff-Respondent,

-against-

Banner Realty Company LLC, Jay Katz
and Susan Saunders-Katz,
Defendants-Appellants,

M-2084
Index No. 24185/15E

-----X

Plaintiff-appellant having moved for reargument of the decision and order of this Court, entered on February 28, 2019 (Appeal No. 8551-52),

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

It is ordered that the motion is denied.

ENTERED:


CLERK

PRESENT: Hon. David Friedman,
Barbara R. Kapnick
Ellen Gesmer
Jeffrey K. Oing
Peter H. Moulton,

Justice Presiding,

Justices.

-----X
Joanne Corazza, etc.,
Plaintiff-Respondent,

-against-

Amchem Products, Inc., etc., et al.,
Defendants,

M-2242
Index No. 190028/14

Caterpillar, Inc.,
Defendant-Appellant.
-----X

Plaintiff-respondent having moved for reargument of the
decision and order of this Court, entered on March 28, 2019
(Appeal No. 8149),

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: July 16, 2019



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 16, 2019.

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

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

-against-

M-1990
Ind. No. 2255/00

Derrick Williams,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on June 14, 2007, (Appeal No. 1337), unanimously affirming a judgment of the Supreme Court, New York County (Charles Solomon, J.), rendered on October 17, 2000,

And defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate counsel, and for related relief,

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

It is ordered that said application 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 July 16, 2019.

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

-----X
Frank Nieto,
Plaintiff-Appellant-Respondent,

-against-

CLDN NY LLC,
Defendant.

- - - - -
CLDN NY LLC,
Third-Party
Plaintiff-Respondent-Appellant,

M-1875
Index No. 159273/16

-against-

ECG Retail Logistics, LLC,
Third-Party,
Defendant-Respondent-Appellant.

-----X

Defendant/third-party plaintiff-respondent-appellant having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on March 5, 2019 (Appeal No. 8597),

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 July 16, 2019.

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

-----x

Saxon Mortgage Services, Inc.,
Plaintiff-Respondent,

-against-

M-2587
Index No. 381157/07

Abigail Ajala,
Defendant-Appellant,

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

-----x


An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about April 24, 2017, and said appeal having been perfected,

And defendant-appellant having moved for reconsideration of the order of this Court entered on April 11, 2019 (M-6692), which dismissed the aforesaid appeal in its entirety and struck it from this Court's calendar,

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 July 16, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Troy K. Webber
Jeffrey K. Oing, Justices.

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

Respondent,

-against-

M-2460
Ind. No. 3163/17

Radalex Echavarria,

Defendant-Appellant.
-----X

Defendant having moved, pursuant to CPL 460.30, for an extension of time in which to file an untimely notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about March 26, 2019,

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

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

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 July 16, 2019.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Troy K. Webber
Jeffrey K. Oing, Justices.

-----X
Tiffani Johnson,
Plaintiff-Appellant,

-against-

M-2486
Index No. 155837/14

IAC/Interactivecorp, and
Connected Ventures LLC,
Defendants-Respondents.
-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from a judgment of the Supreme Court, New York County, entered on or about August 8, 2018,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the October 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 July 16, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Troy K. Webber
Jeffrey K. Oing, Justices.

-----X

Wilbert Josephs,
Plaintiff-Appellant,

-against-

M-2488
Index No. 302556/12

Aurelinda Espinal and Anni Cruz,
Defendants-Respondents.

-----X

Defendants-respondents having moved to dismiss the appeal taken from an order of the Supreme Court, Bronx County, entered on or about April 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 instant motion is denied as unnecessary, as the appeal has already been deemed dismissed (see, 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 July 16, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Troy K. Webber
Jeffrey K. Oing, Justices.

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

Respondent,

-against-

M-2565
Ind. No. 239/16

Shavaughn Armstead,

Defendant-Appellant.
-----X

Defendant having moved, pursuant to CPL 460.30, for an extension of time in which to file an untimely notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about March 8, 2019,

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

It is ordered that the motion is granted to the extent of 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 July 16, 2019.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Troy K. Webber
Jeffrey K. Oing, Justices.

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

-against-

M-2567
Ind. No. 3762/15

Joseph Danclair,
Defendant-Appellant.

-----X

Defendant-appellant, pro se, 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 March 11, 2019,

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

It is ordered that the motion is granted 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 July 16, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Troy K. Webber
Jeffrey K. Oing, Justices.

-----X
Churches United for Fair Housing, Inc.,
Los Sures Lucha, United Neighbors
Organization, St. John's Lutheran Church
Social Action Committee, 293 Hooper
Street Tenant Association, 301 Hooper
Street Tenant Association, Angel Tejada,
Isabel Lopez, Maribel Lopez, Leonides
Reyes, and Robert Camacho,

M-2619
Index No. 151786/18

Petitioners-Plaintiffs-Appellants,

-against-

Bill De Blasio, as Mayor of the City
of New York, The City of New York and
Harrison Realty LLC,

Respondents-Defendants-Respondents.

-----X

Petitioners-plaintiffs-appellants having moved for an enlargement of time to perfect their appeal taken from an order of the Supreme Court, New York County, entered on or about August 21, 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, deemed to include a request to vacate the dismissal of appeal pursuant to 22 NYCRR 1250.10(c), is granted, the appeal reinstated, and the time to perfect same is enlarged to the October 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 July 16, 2019.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Troy K. Webber
Jeffrey K. Oing, Justices.

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

-against-

M-2634
Ind. No. 702/18

Travis Butler,
Defendant-Respondent.

-----x

An appeal having been taken to this Court from orders of the Supreme Court, Bronx County, entered on or about November 20, 2018 and March 7, 2019, said appeal having been perfected, (Cal. No. 3497 - September 2019 Term),

And defendant-respondent having moved for an order unsealing the minutes of the grand jury proceedings and relevant exhibits which were submitted to this Court under seal by the People under Bronx Co. Ind. 702/18, and directing that they be provided to defendant-respondent's counsel,

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

It is ordered that the motion is 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 July 16, 2019.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Troy K. Webber
Jeffrey K. Oing, Justices.

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

-against-

M-2647
Ind. No. 199/19

Angel Colon.
Defendant-Appellant.

-----X

Defendant-appellant, pro se, 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 March 11, 2019,

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

It is ordered that the motion is granted 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 July 16, 2019.

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

-----X
Joseph Raia,
Plaintiff-Respondent,

-against-

M-1847
Index No. 113006/09

Hubert Pototschnig,
Defendant-Appellant,

New Century Mortgage Corporation, et al.,
Defendants.

-----X

Defendant-appellant having moved for reargument of the decision and order of this Court, entered on March 5, 2019 (Appeal No. 8599),

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 July 16, 2019.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Rosalyn H. Richter
Troy K. Webber
Peter H. Moulton, Justices.

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

-against-

M-2019
Ind. No. 589/12

John Draper,
Defendant-Appellant.

-----X

Defendant-appellant having moved for reargument and/or reconsideration of the decision and order of this Court, entered on April 12, 2018 (Appeal No. 6266),

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 July 16, 2019.

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

-----x
Carlos E. Elias, as Administrator for
the Estate of Concepcion Elias and
Blanca Lemus,
Plaintiffs-Appellants,

-against-

M-2382
M-2574
Index No. 100561/15

Judith Tiongson, Keith Rayson,
Pevelyn Rojas, Michael Awuah, Hedy
Cardozzo, and The Hebrew Home Nursing
Home, Bronx, New York,
Defendants-Respondents.

-----x
Plaintiffs-appellants having moved for an enlargement of time to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about December 22, 2016 (M-2382),

And defendants-respondents having cross-moved to dismiss the aforesaid appeal (M-2574),

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 denied (M-2382), the cross motion is granted (M-2574), 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 July 16, 2019.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Sallie Manzanet-Daniels
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern, Justices.

-----X
Kyowa Seni, Co., Ltd.,
Plaintiff-Appellant,

-against-

M-2372
Index No. 650589/17

All Nippon Airways, Co., Ltd.,
et al.,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about July 6, 2018, or in the alternative, permitting the withdrawal of the appeal, with leave to reinstate, following Supreme Court's issuance of a judgment on the reference currently pending before that Court,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the December 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 July 16, 2019.

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

-----X
Transasia Commodities Investment
Limited,
Plaintiff-Respondent,

-against-

M-1817
Index No. 654414/13

NewLead JMEG, LLC, et al.,
Defendants-Appellants,

Jan Berkowitz,
Defendant.

-----X

Defendants-appellants having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on February 26, 2019 (Appeal Nos. 8514N-8514NA),

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 July 16, 2019.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Sallie Manzanet-Daniels
Cynthia S. Kern
Jeffrey K. Oing
Anil C. Singh, Justices.

-----X

Walsam 316, LLC, et al.,
Plaintiffs-Respondents,

-against-

316 Bowery Realty Corp., et al,
Defendants,

M-2474
Index No. 153318/17

4-6 Bleecker Street LLC,
Defendant-Appellant.

-----X

Defendant-appellant having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on April 4, 2019 (Appeal No. 8894),

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 July 16, 2019.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Sallie Manzanet-Daniels
Cynthia S. Kern
Jeffrey K. Oing
Anil C. Singh, Justices.

-----X

Peter Paul Biro,
Plaintiff-Appellant,

-against-

M-2504
Index No. 154663/17

Condé Nast, a division of Advance
Magazine Publishers Inc.,
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on April 4, 2019 (Appeal No. 8890),

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 July 16, 2019.

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

-----x
Pennymac Corp.,
Plaintiff-Respondent,

-against-

Deborah Tully, also known as Deborah L. M-2241
Tully, et al., Index No. 113962/09
Defendants,

-and-

Julio Suriel,
Non-Party Defendant-Appellant.

-----x

Plaintiff-respondent having moved, pursuant to CPLR 5513(a), for an order dismissing the appeal taken from the judgment of the Supreme Court, New York County, entered on or about January 17, 2017, as untimely taken,

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 July 16, 2019.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Troy K. Webber
Ellen Gesmer
Anil C. Singh, Justices.

-----X
Li Xian, et al.,
Plaintiffs-Respondents,

-against-

M-2398
Index No. 304347/09

Tat Lee Supplies Co., Inc.,
Defendant-Appellant,

Lorimer Development, LLC, et al.,
Defendants.

-----X

Defendant-appellant having moved for reargument of the decision and order of this Court, entered on March 19, 2019 (Appeal No. 8743),

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 July 16, 2019.

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

-----X

Janis Pastena,
Plaintiff-Appellant

-against-

M-1721
Index No. 162453/14

61 West 62 Owners Corp.,
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 February 26, 2019 (Appeal No. 8530),

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 July 16, 2019.

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

-----X
In re Gary Bien-Aime,

Petitioner-Appellant,

-against-

M-2221
Index No. 100494/16

Vicki Been, etc., et al.,

Respondents-Respondents.
-----X

Petitioner-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on April 9, 2019 (Appeal No. 8933), and for an order staying his eviction pending the hearing the determination of this motion and any subsequent motion to the Court of 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 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 July 16, 2019.

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

-----X

Dr. Chinwe Offor,
Plaintiff-Appellant,

-against-

M-2492
Index No. 152365/17

Mercy Medical Center, et al.,
Defendants-Respondents,

New York State Department of Health,
Defendant.

-----X

Plaintiff-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on April 9, 2019 (Appeal No. 8946),

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 July 16, 2019.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Rosalyn H. Richter
Ellen Gesmer
Cynthia S. Kern
Anil C. Singh, Justices.

-----X

In re Cheryl Barlow,
Petitioner,

-against-

M-2575
Index No. 101762/17

New York City Housing
Preservation and Development,
Respondent.

-----X

Petitioner having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on April 30, 2019 (Appeal No. 9136),

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 July 16, 2019.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Troy K. Webber
Jeffrey K. Oing, Justices.

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

-against-

Tyrece Martin,
Defendant-Appellant.

Confidential

M-2470

Ind. No. 4736/16

-----X

An order of this Court having been entered on October 2, 2018 (M-4055), inter alia, assigning Robert S. Dean, Esq., Center for Appellate Litigation, as counsel to prosecute defendant's appeal from a judgment of the Supreme Court, New York County, rendered on or about November 21, 2017,

And counsel 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,

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 on February 14, 2019, and remanding the matter to the Supreme Court, New York County, for further proceedings.

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 July 16, 2019.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Troy K. Webber
Jeffrey K. Oing, Justices.

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

-against-

M-2596
Ind. No. 530/18

Abubakarr Jalloh,
Defendant-Appellant.

-----X

Defendant having moved, pursuant to CPL 460.30, for an extension of time in which to file a notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about February 20, 2019, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

The motion, to the extent that it seeks poor person relief, is denied, with leave to renew, upon defendant's submission of a notarized affidavit pursuant to CPLR 1101(a) and 22 NYCRR 1250.4(d)(1) and (4), setting forth his indigency, including the amount and source(s) of his income and listing his property with its value.

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 July 16, 2019.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Jeffrey K. Oing
Peter H. Moulton, Justices.

-----X
Bowery 263 Condominium Inc.,
Plaintiff-Appellant,

-against-

D.N.P. 336 Covenant Avenue LLC, et al., M-1665
Defendants, Index No. 153614/15

Nexus Building Development Group
Inc., et al.,
Defendants-Respondents.

-----X

Defendant-respondent Yaniv Cohen having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on February 21, 2019 (Appeal No. 8396),

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 July 16, 2019.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Judith J. Gische
Barbara R. Kapnick
Cynthia S. Kern
Peter H. Moulton, Justices.

-----X

T-Mobile Northeast LLC,
Plaintiff-Respondent,

-against-

M-2344
Index No. 102198/10

133 Second Avenue, LLC,
Defendant-Appellant.

-----X

Defendant-appellant having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on April 16, 2019 (Appeal No. 8995),

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 July 16, 2019.

Present - Hon. Rosalyn H. Richter, Justice Presiding,
Peter Tom
Angela M. Mazzarelli
Ellen Gesmer
Peter H. Moulton, Justices.

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

-against-

Lawson Ho-Shing, also known as
Lawson H. Ho-Shing,
Defendant-Appellant,

M-2355
Index No. 380685/13

-and-

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

-----x

Appeals having been taken from an order of the Supreme Court, New York County, entered on or about April 6, 2017, and from the judgment of foreclosure of the same court, entered on or about May 18, 2017, and an order of this Court (M-1614) having been entered April 24, 2018 deeming the appeal from the order subsumed in the appeal from judgment of foreclosure,

And a decision and order of this Court having been entered on January 8, 2019 (Appeal No. 6956), affirming the aforesaid judgment of foreclosure and sale,

And defendant-appellant, pro se, having moved for an extension of time to perfect the appeal from the judgment of foreclosure sale,

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 July 16, 2019.

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

-----x
Republica Smith,

Plaintiff-Appellant,

-against-

M-2584

Index No. 304687/14

Adrian J. Monroe, Angel L. Hernandez
Frias, Lifeline Ambulance Service and
Dangelo Corp.,
Defendants-Respondents,

-----x

Plaintiff-appellant having moved, pursuant to 22 NYCRR 1250.10(c), to vacate the dismissal of the appeal taken from the judgment of the Supreme Court, Bronx County, entered on or about October 25, 2018, which following a jury trial, rendered judgment in favor of defendants, and upon vacatur, for an enlargement of time to perfect said appeal,

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

It is ordered that the motion is granted to the extent of vacating the dismissal, reinstating the appeal, and enlarging the time to perfect same to the November 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 July 16, 2019.

PRESENT: Hon. Rosalyn H. Richter, Justice Presiding,
Peter Tom
Ellen Gesmer
Cynthia S. Kern
Peter H. Moulton, Justices.

-----X

Frankie Ruiz,
Plaintiff-Appellant,

-against-

M-2657
Index No. 300119/18

NYCHA - Claremont House,
Defendant-Respondent.

-----X

Plaintiff-appellant, pro se, having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Supreme Court, Bronx County, entered on or about March 11, 2019, and for leave to have the appeal heard on the original record and typewritten briefs, for a free copy of the transcript, an exemption from the subpoena fee required for the transfer of said record to this Court, and for related relief,

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

It is ordered that said motion is denied, with leave to renew, upon papers including proof that a notice of appeal was timely served and 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 July 16, 2019.

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

-----x

US Bank, etc.,
Plaintiff-Respondent,

-against-

M-2739
Index No. 381260/13

Patrice P. Skelton, etc.,
Defendant-Appellant,

-----x

Defendant-appellant having moved, pursuant to 22 NYCRR 1250.10(c), to vacate the dismissal of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about September 22, 2017, which, inter alia, denied her motion to dismiss the complaint on res judicata grounds, and upon vacatur, for an enlargement of time to perfect said appeal,

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

It is ordered that the motion is granted to the extent of vacating the dismissal, reinstating the appeal, and enlarging the time to perfect same to the October 2019 Term. No further enlargements of time will be granted.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 16, 2019.

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

-----X

Breeze National, Inc.,
Plaintiff-Respondent,

-against-

Century Surety Company,
Defendant-Appellant,

M-2260
Index No. 652611/16

ACT Abatement Corporation,
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 March 26, 2019 (Appeal No. 8805),

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. Cynthia S. Kern
Associate Justice of the Appellate Division

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

M - 2120
Ind. No. 637/05

-against-

CERTIFICATE
DENYING LEAVE

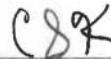
Roberto Salado,

Defendant.

-----X

I, Cynthia S. Kern, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, section 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County (Robert M. Mandelbaum, J.), entered on or about March 22, 2019, is hereby denied.

Dated: June 4, 2019
New York, New York



Hon. Cynthia S. Kern
Associate Justice

ENTERED: JUL 16, 2019

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

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

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

M-2471
Ind. No. 5328/14

-against-

CERTIFICATE
GRANTING LEAVE

Heriberto Gomez,
Defendant-Appellant.

-----X

I, Troy K. Webber, a Justice of the Appellate Division, First Judicial Department, do hereby certify that in the proceedings herein questions of law or fact are involved which ought to be reviewed by the Appellate Division, First Judicial Department, and, pursuant to Section 460.15 of the Criminal Procedure Law, permission is hereby granted to the above-named defendant to appeal to the Appellate Division, First Judicial Department, from the order of the Supreme Court, New York County {Roger S. Hayes, J.}, entered on or about April 10, 2019.¹

Dated: June 4, 2019
New York, New York

JUL 16, 2019



Hon. Troy K. Webber
Associate Justice

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

: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.

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-2302
Ind. No. 5950/1999

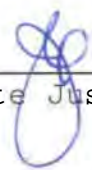
-against-

CERTIFICATE
DENYING LEAVE

Alexis Vega,

Defendant.

-----X
I, Hon. Judith J. Gische, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County, (Alvin M. Yearwood, J.) entered on or about March 22, 2019, is hereby denied.



Associate Justice

Dated: June 6, 2019
New York, New York

ENTERED:

JUL 16 2019