

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 2, 2019.

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

-----X  
Allyson G.,  
Petitioner-Respondent,

-against-

Jose Joaquin R.,  
Respondent-Appellant.

**CONFIDENTIAL**

M-1095

Docket No. O-483-17

-----X

Petitioner-respondent having moved to dismiss the appeal taken from an order of protection of the Family Court, New York County, entered on or about September 12, 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 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 May 2, 2019.

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

-----X

Karam Malik, et al.,  
Plaintiffs-Appellants,

-against-

M-853  
Index No. 152317/14

Style Management Co. Inc.,  
et al.,  
Defendants,

514 West 44th Street, Inc.,  
Defendant-Respondent.

-----X

Defendant-respondent 514 West 44th Street, Inc., having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on January 22, 2019 (Appeal No. 8029),

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 May 2, 2019.

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

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

-against-

M-383  
Ind. No. 2857/16

James Bellamy,  
Defendant-Appellant.

-----X

An order of this Court having been entered on July 26, 2018 (M-2658) granting defendant leave to prosecute, as a poor person, the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about August 25, 2017, and assigning Robert S. Dean, Esq., Center for Appellate Litigation, as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

It is ordered that the motion is granted to the extent of striking the designation Robert S. Dean, Esq., as assigned counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York, 10007, Telephone No. 212-402-4100, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 180 days from the date of this order or the filing 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 May 2, 2019.

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

-----x  
In the Matter of the Application of  
Jeremy Fulton,  
Petitioner-Appellant,

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

**M-521**  
Index No. 101231/18

-against-

Hon. Charles Solomon, Cyrus Vance Jr.,  
Respondents-Respondents,  
-----x

Petitioner-appellant, pro se, having taken an appeal from a judgment of the Supreme Court, New York County, entered on or about December 4, 2018 which denied and dismissed his Article 78 petition,

And petitioner-appellant having moved for leave to prosecute said appeal as a poor person, for the assignment of 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 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 May 2, 2019.

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

Justice Presiding,  
  
  
  
Justices.

-----x  
Walter N. Iwachiw,  
Petitioner-Appellant,

-against-

**M-767**  
Index No. 100118/19

NYC Board of Elections, Steve Richman Esq., John Zacccone, Maria Guastella, Micheal Ryan, Dawn Sandow, Pamela Perkins, George Kontzamanis, Jose Miguel Araujo, John Flateau, Michael Schulkin, Simon Shamoun, Robert Siano, Frederick Umame, and Roseanna Vargas,  
Respondents-Respondents.

-----x

An appeal having been taken to this Court by petitioner-appellant from an order of the Supreme Court, New York County, entered on or about February 1, 2019,

And petitioner-appellant having moved for leave to prosecute said appeal as a poor person, on the original record and typewritten briefs, for a free copy of the transcript, and for related relief,

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

It is ordered that the motion is denied, with leave to renew, upon submission of documentation detailing the loan to equity value of the marital residence, if any.

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 May 2, 2019.

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

-----X  
Melinda Rios,  
Plaintiff-Respondent,

-against-

M-1014  
Index No. 450325/16E

Oren Sendowski & Marble Hill  
Partners, LLC,  
Defendants-Appellants.

-----X

Defendants-appellants having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about January 16, 2019,

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

It is ordered that the motion is denied and the interim relief granted by an order of a Justice of this Court, dated February 25, 2019, 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 May 2, 2019.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Sallie Manzanet-Daniels  
Barbara R. Kapnick  
Ellen Gesmer  
Jeffrey K. Oing, Justices.

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

- - - - -  
Ginea R.,  
Petitioner-Respondent,

**CONFIDENTIAL**

**M-6687**

Docket Nos. V-15565-17/18C/E/F  
V-16538/17/18C/E/F

-against-

Isaac M.,  
Respondent-Appellant.

- - - - -  
Laura Diewald, Esq.,  
The Children's Law Center,  
Attorney for the Child.

-----X

Respondent-appellant father having moved for leave to appeal from a temporary order of visitation of the Family Court, Bronx County, entered on or about December 14, 2018, a stay of the aforesaid order pending the hearing and determination of the appeal, restoration of the visitation order of the same court, entered on or about March 13, 2018, and poor person relief,

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

Ordered that the 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 May 2, 2019.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Sallie Manzanet-Daniels  
Barbara R. Kapnick  
Cynthia S. Kern  
Peter H. Moulton, Justices.

-----X

Intrepid Investments, LLC, etc.,  
Plaintiff-Respondent-Appellant,

**CONFIDENTIAL**

M-6432

M-6059

Index No. 654291/13

-against-

Selling Source, LLC, et al.,  
Defendants,

White Oak Global Advisors, LLC  
Defendant-Appellant-Respondent.

-----X

Defendant-appellant-respondent White Oak Global Advisors, LLC, having moved for reargument of the decision and order of this Court, entered on October 18, 2018 (Appeal No. 7391), (M-6059), and

Plaintiff-respondent-appellant Intrepid Investments, LLC, having moved for clarification and/or reargument of the decision and order of this Court, entered on October 18, 2018 (Appeal No. 7391), (M-6432),

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

It is ordered that the motions (M-6059, M-6432) are 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 May 2, 2019.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Judith J. Gische  
Cynthia S. Kern  
Peter H. Moulton, Justices.

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

-against-

M-6005  
Ind. No. 2599/16

Mohamed Barrie,  
Defendant-Appellant.

-----X

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

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

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

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

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 2, 2019.

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

-----X

Henry Torres, Individually, and as  
Administrator of the Estate of the  
Goods, Chattels and Credits of Nelson  
Torres, Deceased,  
Plaintiff-Respondent-Appellant

**M-874**

Index No. 450603/17

-against-

New York Presbyterian Hospital - Weill  
Cornell Medical Center, New York  
Presbyterian Hospital EMS - Weill  
Cornell Medical Center, Zeus Gonzalez,  
Kevin J. Gynegrowski,  
Defendants-Appellants-Respondents,

City of New York, Fire Department for  
the City of New York, Police Department  
for the City of New York, New York  
Corporation Counsel and New York Health  
and Hospitals Corporation,  
Defendants-Respondents.

-----X

An appeal having been taken by plaintiff-respondent-appellant from an order of the Supreme Court, New York County, entered on or about August 21, 2018,

Now, upon reading and filing the correspondence from counsel for plaintiff-respondent-appellant, dated February 7, 2019, and due deliberation having been had thereon,

It is ordered that the appeal 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 May 2, 2019

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

-----X  
Henry Torres, Individually, and as  
Administrator of the Estate of the  
Goods, Chattels and Credits of Nelson  
Torres, Deceased,  
Plaintiff-Respondent-Appellant,

-against-

New York Presbyterian Hospital - Weill  
Cornell Medical Center, New York  
Presbyterian Hospital EMS - Weill  
Cornell Medical Center, Zeus Gonzalez,  
Kevin J. Gynegrowski,  
Defendants-Appellants-Respondents,

**M-889**  
Index No. 450603/17

City of New York, Fire Department  
for the City of New York,  
Police Department for the City of New  
York, New York Corporation Counsel and  
New York Health and Hospitals  
Corporation,  
Defendants-Appellants.

-----X

An appeal having been taken by defendants-appellants-respondents from an order of the Supreme Court, New York County, entered on or about August 21, 2018,

Now, upon reading and filing the correspondence from counsel for defendants-appellants, dated February 4, 2019, and due deliberation having been had thereon,

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

ENTERED:



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CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 2, 2019.

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

-----X

Consolidated Edison Company of  
New York, Inc.,  
Plaintiff-Respondent,

-against-

**M-876**

Index No. 151486/18

60 Hudson Owner LLC, Colliers  
International NY LLC, et al.  
Defendants,

Bay Crane Service Inc.,  
Defendant-Appellant.

-----X

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

Now, upon reading and filing the correspondence from counsel for defendant-appellant dated February 12, 2019, and due deliberation having been had thereon,

It is ordered that the appeal 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 May 2, 2019.

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

-----X  
Hartford Fire Insurance Company  
as subrogee of New York Law School,  
Plaintiff-Respondent,

-against-

**M-877**

Index No. 150843/18

Bay Crane Service Inc.,  
Defendant-Appellant,

60 Hudson Owner LLC, Colliers  
International NY LLC, Datagryd  
Data Centers, LLC, et al.,  
Defendants.

-----X

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

Now, upon reading and filing the correspondence received from counsel for defendant-appellant dated February 12, 2019, and due deliberation having been had thereon,

It is ordered that the appeal 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 May 2, 2019.

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

-----X

Ronald Burkhardt,  
Plaintiff-Respondent,

**M-886**

Index No. 653173/14

-against-

XA, The Experiential Agency, Inc.,  
and CMG Holdings Group, Inc.,

Defendants-Appellants.

-----X

An appeal having been taken from an order and a judgment of the Supreme Court, New York County, entered on or about August 21, 2018 and August 27, 2018, respectively,

Now, upon reading and filing the correspondence received from counsel for defendants-appellants dated February 2, 2019, and due deliberation having been had thereon,

It is ordered that the appeal 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 May 2, 2019.

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

-----X

IXIS Real Estate Capital Trust  
2006-HE3, by Computershare Trust  
Company, National Association, solely  
in its capacity as Separate Securities  
Administrator,  
Plaintiff-Appellant,

**M-887**

Index No. 652088/14

-against-

Natixis Real Estate Holdings, LLC,  
successor in interest to Natixis Real  
Estate Capital Inc, formerly known as  
IXIS Real Estate Capital Inc.,  
Defendant-Respondent.

-----X

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

Now, upon reading and filing the correspondence received from counsel for plaintiff-appellant, dated February 4, 2019, and due deliberation having been had thereon,

It is ordered that the appeal 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 May 2, 2019.

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

-----X

IXIS Real Estate Capital Trust  
2007-HE1, by Computershare Trust  
Company, National Association, solely  
in its capacity as Separate Securities  
Administrator,  
                  Plaintiff-Appellant,

**M-888**  
Index No. 652087/14

-against-

Natixis Real Estate Holdings, LLC,  
successor in interest to Natixis Real  
Estate Capital Inc, formerly known as  
IXIS Real Estate Capital Inc.,  
                  Defendant-Respondent.

-----X

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

Now, upon reading and filing the correspondence received from counsel for plaintiff-appellant dated February 4, 2019, and due deliberation having been had thereon,

It is ordered that the appeal 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 May 2, 2019.

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

-----X  
Caryn Eschen and Burt S. Eschen,  
Plaintiffs-Respondents,

-against-

**M-896**

Index No. 160589/13

Luis A. Sierra, Ramon A. Morales,  
Defendants-Appellants,

Gregory K. Ison, Casilda M. Ison,  
Defendants-Respondents,

Kenneth Appelbaum and Keshia Espinal,  
Defendants-Respondents.

-----X

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

Now, upon reading and filing the Correspondence received from counsel for defendants-appellants dated, February 7, 2019, and due deliberation having been had thereon,

It is ordered that the appeal is deemed 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 May 2, 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  
Under Article 4 of the Family Court Act.  
- - - - -

Confidential  
**M-1210**  
Akeemia F., Docket No. F-12291-15/18B  
Petitioner-Respondent,  
  
-against-

Mark C.,  
Respondent-Appellant.  
-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, Bronx County, entered on or about February 26, 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 Lee Coppage, Esq., dated February 27, 2019, 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, Andrew J. Baer, Esq., 299 Broadway, Suite 1415 New York, New York 10007 Telephone No. 212-233-0318, 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 therefor<sup>1</sup> **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 60 days** of the filing of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTERED:

  
CLERK

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<sup>1</sup>Service 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 May 2, 2019.

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

-----X  
Melissa Schnapp,

Plaintiff-Respondent,

-against-

**CONFIDENTIAL**

M-1303

Index No. 302031/17

Allen Schnapp,  
Defendant-Appellant.

-----X

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

Now, upon reading and filing the correspondence from defendant-appellant's counsel, dated February 28, 2019, and due deliberation having been had thereon,

It is ordered that the appeal 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 May 2, 2019.

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

-----x  
Schulman, Blitz & Williamson, LLP,  
Plaintiff-Respondent,

-against-

M-1307  
Index No. 155798/18

VBG 990 AOA LLC,  
Defendant-Appellant.  
-----x

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about August 8, 2018,

Now, upon reading and filing the stipulation of the parties hereto, dated March 5, 2019, and due deliberation having been had thereon,

It is ordered that the appeal is deemed 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 May 2, 2019.

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

-----X

Porfiria Marmol,  
Plaintiff-Respondent,

-against-

M-1376  
Index No. 22004/15

2609 Briggs Realty, LLC and Rosenberg  
Diamond Development Corp. and the  
Diamond Property Group, Inc.,  
Defendants-Appellants.

-----X

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

Now, upon reading and filing the stipulation of the parties hereto, dated February 22, 2019, and due deliberation having been had thereon,

It is ordered that the appeal is deemed 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 May 2, 2019.

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

-----X  
Roxanne Gayle,

Plaintiff-Respondent,

-against-

M-1378

Index No. 805105/14

Janet C. Bodey, DDS and Manhattan Oral  
Facial Surgery LLC,  
Defendants-Appellants.

-----X

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

Now, upon reading and filing the stipulation of the parties hereto, dated January 31, 2019, and due deliberation having been had thereon,

It is ordered that the appeal is deemed 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 May 2, 2019.

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

-----x

Marina Sadanaga,  
Plaintiff-Appellant,

-against-

M-1380  
Index No. 150599/18

Hazumu Suzuki, et al.,  
Defendants-Respondents.

-----x

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

Now, upon reading and filing the Stipulation of Discontinuance of the parties hereto, dated February 14, 2019, and due deliberation having been had thereon,

It is ordered that the appeal is deemed 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 May 2, 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  
Marcus Rogers,  
Petitioner,

For a Judgment Pursuant to Article 78 M-3215  
of the Civil Practice Law and Rules Index No. 155/18

-against-

Hon. Ralph Fabrizio, Justice; Hon.  
Alvin M. Yearwood, Justice; and  
Darcel D. Clark, Bronx County District  
Attorney,  
Respondent.

-----X  
Petitioner having moved, by Order to Show Cause, for an  
appellate injunction staying the underlying criminal trial  
pending hearing and determination of the within Article 78  
proceeding, and for other related relief,

Now, upon reading and filing the Stipulation of  
Discontinuance of the parties hereto, dated January 24, 2019, and  
due deliberation having been had thereon,

It is ordered that the aforementioned motion and proceeding  
are deemed 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 May 2, 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-1246  
Ind. No. 1222/17

Angelo Torres,  
Defendant-Appellant.

-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about February 27, 2018, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 2, 2019.

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

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

Respondent,

**CONFIDENTIAL**

M-1430

-against-

Ind. No. 366/18

Kairy Pantlitz,  
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about February 8, 2019, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about November 2, 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.

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 May 2, 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-1443  
Ind. No. 3248/17

Yahkimi Gomezkadawid,  
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about February 7, 2019, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about January 29, 2019,

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

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

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



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

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 2, 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-328  
Ind. No. 66/13

Kaseem Williams,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about October 29, 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 May 2, 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,

**CONFIDENTIAL**

M-1138

-against-

Ind. No. 4588C/09

Alphonso Henry,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from the order of the Supreme Court, Bronx County (Fabrizio, J.), entered on or about January 11, 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 Fabrizio as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Janet E. Sabel, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete record.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 2, 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,

**CONFIDENTIAL**

M-1197

-against-

Ind. No. 2984/11

Lameek Mills,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from the order of the Supreme Court, Bronx County (Bruce, J.), entered on or about January 4, 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 Bruce as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Janet E. Sabel, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete record.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 2, 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,

**CONFIDENTIAL**

M-1211

-against-

Ind. No. 1405/04

Filberto Calix,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from the order of the Supreme Court, Bronx County (Bruce, J.), entered on or about February 1, 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 Bruce as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Janet E. Sabel, Esq., The Legal Aid Society, without charge, the transcripts to be returned to this Court when appellant's brief is filed.



(M-1211)

-2-

May 2, 2019

The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete record.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 2, 2019.

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

-----x  
Joan C. Lipin,  
Plaintiff-Appellant,

-against-

M-1097  
M-1202  
Index No. 150972/14

Danske Bank, David E. Hunt, Ulf Bergquist, Evelyn F. Ellis, Joseph R. Mazziotti, Dana A. Sawyer, Krainin Real Estate, Ann Susan Markatos, Robert Gary Lipin, David A. Berger, Allegaert Berger & Vogel LLP, March K. Anesh, and Deborah Lovewell,  
Defendants-Respondents.

-----x  
An appeal having been taken to this Court from orders of the Supreme Court, New York County, entered on or about January 2, 2019, and said appeal having been perfected,

And defendants-respondents Mark K. Anesh and Joseph R. Manziotti (the "Anesh defendants") having moved for an order (1) striking the appendix filed by plaintiff-appellant and dismissing the appeal or, in the alternative, directing plaintiff-appellant to file a corrected appendix, (2) enlarging the time for defendants-respondents to file a reply brief, and (3) enjoining plaintiff from filing any further appeals or papers without the prior approval of this Court (M-1097),

And plaintiff-appellant having cross-moved for an order dismissing the Anesh defendants' appeal (M-1202),

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

It is ordered that the motion (M-1097) is granted to the extent of directing plaintiff-appellant to file a supplemental appendix containing the movants' Affirmation in Opposition to plaintiff-appellant's motion and in support of the cross motion; and the supporting exhibits set forth in Exhibit C to the moving papers (Documents #646-650). The perfected appeal is adjourned to the September 2019 Term, and the motion, to the extent it seeks sanctions and a filing injunction, is denied, without prejudice to movants' raising the issues in their respondent's brief. The motion is otherwise denied, and

It is further ordered that the cross motion by plaintiff-appellant is denied. (M-1202)

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 May 2, 2019.

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

-----X

Barklee 94 LLC,  
Plaintiff-Appellant,

-against-

M-91  
Index No. 100346/13

Augustus Oliver, et al.,  
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for reargument or renewal of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on December 4, 2018 (Appeal No. 7781/7781A),

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 May 2, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Peter Tom  
Jeffrey K. Oing, Justices.

-----X  
In the Matter of a Paternity Proceeding  
Under Article 5 of the Family Court Act.

- - - - -  
Claudia B.,  
Petitioner-Respondent,

**CONFIDENTIAL**  
**M-1010**  
Docket No. P-09495/17

-against-

Darrin M.,  
Respondent-Appellant,

-----X

Respondent-appellant, in connection with appeals taken from orders of the Family Court, New York County, entered on or about February 15, 2018 and May 24, 2018, having moved for an enlargement of time in which to perfect the aforementioned 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 deeming the motion as one seeking to vacate the automatic dismissal of appeals, pursuant to 22 NYCRR 1250.10(c), and upon vacatur and reinstatement of the appeals, enlarging the time in which to perfect said appeals 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 May 2, 2019.

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

-----X

Ital Associates, et al.,  
Plaintiffs-Appellants,

-against-

Thomas Axon, et al.,  
Defendants-Respondents,

Salvatore Sommella, et al.,  
Additional Defendants-Respondents.

M-683

Index Nos. 153449/14

-----  
Ital Associates, et al.,  
Plaintiffs,

650163/14

-against-

Thomas Axon, et al.,  
Defendants,

Stephen J. Lovell, et al.,  
Additional Defendants-Respondents/  
Appellants-Respondents,

Lorraine Buetti,  
Additional Defendant-Respondent,

Samuel Goldman & Associates,  
Nonparty Appellant/Respondent-Appellant.

-----X

Additional defendants-respondents Salvatore Sommella and Eugene Karol 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 Nos. 7974N/7975N/7976N),

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 May 2, 2019.

Present - Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Rosalyn H. Richter  
Jeffrey K. Oing  
Peter H. Moulton, Justices.

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

-against-

M-476  
Ind. No. 3337/16

Bobby Eli,  
Defendant-Appellant.

-----X

Assigned counsel for defendant, Christina Swarns, Esq., Office of the Appellate Defender, having moved to be relieved as counsel, or in the alternative, for an order dismissing defendant's appeal which was taken from a judgment of the Supreme Court, New York County, rendered on or about January 24, 2017, without prejudice to reinstatement at such time appellant becomes amenable to the jurisdiction of this Court, or for 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 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 May 2, 2019.

Present - Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Rosalyn H. Richter  
Jeffrey K. Oing  
Peter H. Moulton, Justices.

-----X

The People of the State of New York,  
Respondent,

**CONFIDENTIAL**

M-685

-against-

Ind. No. 9179/91

Gary Jacques,  
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 (Rodney, J.), entered on or about November 29, 2018, 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 Rodney as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Janet E. Sabel, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

(M-685)

-2-

May 2, 2019

The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete record.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 2, 2019.

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

-----X  
In the Matter of the Application of  
Trevis L. Funches,  
Petitioner-Appellant,

For a Judgment Pursuant to Article 78 **M-878**  
of the Civil Practice Law and Rules Index No. 101989/16

-against-

Cyrus Vance, New York County District  
Attorney, New York City Police Department,  
Respondents-Respondents.

-----X

Petitioner-appellant, pro se, having moved for leave to prosecute, as a poor person, the appeal taken from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about September 14, 2018, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, for the assignment of counsel, and for other relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the attorney for respondent and files an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the

original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record. That branch of the motion which seeks the assignment of counsel 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 May 2, 2019.

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

-----X  
Bayview Loan Servicing, LLC,  
Plaintiff-Appellant,

Goldstein Group Holding, Inc.,  
Nonparty-Appellant,

-against-

**M-930**  
Index No. 810056/11

Alleyne Sylvester, Celeste  
Wenegieme, The New York City  
Department of Finance,  
Defendants-Respondents,

-and-

New York City Environmental Control  
Board, Cypress Financial Recoveries  
LLC, Josue Toro, Gary Doe and  
Orlando Pinto,  
Defendants.

-----X

An appeal having been taken by plaintiff, through assignee nonparty appellant Goldstein Group Holding, Inc., from an order of the Supreme Court, New York County, entered on or about August 8, 2017,

And appellants having moved, pursuant to 22 NYCRR 1250.10, to vacate the dismissal of appeal and upon vacatur, for an enlargement of time to perfect the aforementioned appeal,

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

It is ordered that the motion is granted to the extent of vacating the dismissal of the appeal, reinstating same, and 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 May 2, 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-

Aaron Hand,  
Defendant-Appellant.

M-5619  
Ind. Nos. 3578/09  
4807/11

-----X

A decision and order of this Court having been entered on June 28, 2016 (Appeal Nos. 1605 and 1606), unanimously affirming the judgments of the Supreme Court, New York County (Carol Berkman, J.), rendered on September 21, 2010, as amended September 20, 2010, and on February 6, 2012, as amended February 17, 2012,

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 May 2, 2019.

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

-----X

The People of the State of New York,  
Respondent,

-against-

M-92

Index No. 101286/16

John Horn,  
Defendant,

Financial Casualty & Surety, Inc.,  
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 November 27, 2018 (Appeal No. 7706),

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 May 2, 2019.

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

-----X

The People of the State of New York,  
Respondent,

-against-

M-6465  
Ind. Nos. 2940/17  
4682N/17

Wayman Paskins,  
Defendant-Appellant.

-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeals taken from two separate judgments of the Supreme Court, New York County, both rendered on or about March 1, 2018, for leave to have the appeals 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 appeals to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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

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 May 2, 2019.

Present - Hon. David Friedman, Justice Presiding,  
Judith J. Gische  
Troy K. Webber  
Marcy L. Kahn  
Jeffrey K. Oing, Justices.

-----x  
Leading Insurance Group Insurance  
Company, Ltd. (U.S. Branch) and  
Leading Insurance Services, Inc.,  
Plaintiffs-Respondents,

-against-

M-1487  
Index No. 651049/15

Friedman LLP,  
Defendant-Appellant.

-----x

An appeal having been taken to this Court from a conference order of the Supreme Court, New York County, entered on or about August 29, 2018, and said appeal having been perfected,

And plaintiffs-respondents having moved for an order: (1) dismissing the appeal; and (2) sealing certain portions of the record on appeal on the grounds that they contain confidential information,

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 taken to this Court from a conference order of the Supreme Court, New York County, entered on or about August 29, 2018, and directing that the Clerk of this Court shall cause pages R254-R272 of the record on appeal to be sealed, and the above-referenced material shall remain sealed.

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 May 2, 2019.

PRESENT: Hon. David Friedman, Justice Presiding,  
Judith J. Gische  
Troy K. Webber  
Marcy L. Kahn  
Jeffrey K. Oing, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

John F.,  
Defendant-Appellant.

-----X

SEALED

M-1522

Ind. No. 1278/14

A timely appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about April 10, 2017,

And defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of **resentence** of the Supreme Court, New York County, rendered on or about July 2, 2018 under Ind. No. 1278/14, and for leave to prosecute the appeal from the April 10, 2017 judgment and the July 2, 2018 judgment of resentence 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 motion papers a timely filed notice of appeal from the July 2, 2018 judgment of **resentence** and permitting the appeals to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division,

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

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28<sup>th</sup> Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeals. 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 May 2, 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 a Paternity Proceeding  
Under Article 5 of the Family Court Act.

**CONFIDENTIAL**  
**M-784**

Jethro C.,  
Petitioner-Appellant,

Docket Nos. P-3035-18  
P-3044-18  
P-3045-18

-against-

Beyonce L.K.-C. and Shawn C.C.,  
Respondents-Respondents.

-----X

Petitioner-appellant, pro se, having renewed his motion for leave to prosecute, as a poor person, the appeal taken from three orders of dismissal of the Family Court, New York County, entered on or about March 21, 2018, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is denied as moot, said relief, to the extent warranted, having been granted by an order of this Court entered on November 20, 2018 (M-4676), and which was reaffirmed by an order of this Court entered on January 10, 2019 (M-5733).

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 May 2, 2019.

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

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

-against-

Christian B.,  
Defendant-Appellant.

**SEALED**

M-480

Ind. No. 1169/18

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, Bronx County, rendered on or about December 11, 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 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 May 2, 2019.

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

-----X  
Maurice P. Ingram, by his Guardian,  
Maxine Cole,  
                  Plaintiff-Appellant,

-against-

Association for Metroarea Autistic  
Children, Inc.,  
                  Defendant-Respondent.

**M-673**  
Index No. 301522/08

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, Bronx County, entered on or about April 6, 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 May 2, 2019.

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

-----X

The People of the State of New York,  
Respondent,

-against-

M-783  
Ind. No. 1900/16

Donald Lee,  
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 October 25, 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 May 2, 2019.

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

-----X

In re Marisol Caminero,  
Petitioner-Appellant,

-against-

M-1006  
Index No. 153740/17

Metropolitan Transportation Authority,  
Respondent-Respondent.

-----X

Petitioner-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on January 22, 2019 (Appeal No. 8169),

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 May 2, 2019.

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

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

-against-

M-449  
Ind. No. 699/18

Angel Ortiz,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, Bronx County, rendered on or about September 27, 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 May 2, 2019.

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

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

-against-

David Coleman,  
Defendant-Appellant.

**CONFIDENTIAL**

M-950

Ind. No. 3007/16

-----X

Defendant-appellant having moved for leave to file a pro se supplemental brief in connection with the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about September 15, 2017, 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 premature, the appeal not having been perfected.

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 May 2, 2019.

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

-----X  
Anthony Didato and Hector Feliciano,  
on behalf of themselves and all others  
similarly situated,  
Plaintiffs-Appellants,

-against-

M-1142  
Index No. 160114/16

MCM Capital Partners, LLC, et al.,  
Defendants-Respondents.

-----X

Defendant-respondent MCM Capital Partners, LLLP, formerly known as and sued herein as MCM Capital Partners, LLC, having moved for dismissal of the appeal taken from an order of the Supreme Court, New York County, entered on or about January 8, 2018, for failure to timely perfect, and because subsequent events have rendered the appeal moot,

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

It is ordered that the motion is granted and the appeal is 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 May 2, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,  
Judith J. Gische  
Peter Tom  
Ellen Gesmer  
Anil C. Singh, Justices.

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

-against-

M-1911  
Ind. Nos. 3872/14  
1435/15

Janice Bar,  
Defendant-Appellant.

-----X

Defendant-appellant having moved, inter alia, for a further enlargement of time to perfect the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about July 29, 2016,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the September 2019 Term, and the bail previously granted by a Justice of this Court, by amended order entered July 21, 2016, is continued under the same terms and conditions, and on the further condition that the appeal is perfected for said September 2019 Term.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 2, 2019.

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

-----X

Foday Bajaha,  
Plaintiff-Respondent,

-against-

M-382  
Index No. 304970/15

Mercy Care Transportation Inc.,  
Primary Care Ambulance Corporation  
and Robert Rivera,  
Defendants-Appellants.

-----X

Defendants-appellants 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 June 20, 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 May 2, 2019.

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

-----X  
Avilon Automotive Group, et al.,  
Plaintiffs-Appellants,

-against-

Sergey Leontiev, et al., M-643  
Defendants-Respondents, Index No. 656007/16

Leonid Leontiev, et al.,  
Defendants.

-----X

Defendant-respondent Sergey Leontiev having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on January 3, 2019 (Appeal Nos. 6631-6632),

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 May 2, 2019.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,  
Rosalyn H. Richter  
Peter Tom  
Barbara R. Kapnick  
Cynthia S. Kern, Justices.

-----X  
Eliezer Vazquez,  
Plaintiff-Respondent,

-against-

M-1155  
Index No. 301727/13

Jerome Gas Corp.,  
Defendant-Appellant,

Jerome Petrol Realty, LLC.,  
Defendant.

-----X

Defendant-appellant Jerome Gas Corp., 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 July 5, 2018, and said appeal having been perfected,

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

**The Following Motion Order Was Entered and Filed 4/29/19**

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 29, 2019.

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

-----X  
HSBC Mortgage Corporation,  
Plaintiff-Respondent,

-against-

M-2018  
Index No. 101869/09

Jsang Kei Lau,  
Defendant-Appellant,  
-----X

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

And defendant-appellant, pro se, having moved for a stay of foreclosure sale of a certain condominium apartment, 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: April 29, 2019

  
CLERK