

At a 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 7, 2019.

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

-----x
In the Matter of a Family Offense
Proceeding,

Michelle S.,
Petitioner-Respondent,

-against-

Belinda S.,
Respondent-Appellant.

CONFIDENTIAL

M-818

Docket No. O-13459-18

-----x

A purported appeal having been taken to this Court by respondent-appellant from an order of protection of the Family Court, Bronx County entered, by default, on or about May 22, 2018,

And respondent-appellant having moved for leave to prosecute said appeal as a poor person, on the original record and typewritten briefs, 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 a copy of the order from which respondent is taking her 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 7, 2019.

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

-----X
Fitzgerald Edibles, Inc. doing
business as P.J. Carneys,

Plaintiff-Appellant,

-against-

M-993

Index No. 150625/12

Osborne Tenants Corp., Joseph
Ferrara, Individually and as officer
of Osborne Tenants Corp., and Yunga
Construction Inc.,

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 May 10, 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 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 7, 2019.

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

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

Respondent,

-against-

M-860
Ind. No. 3520/16

Fomdo Drame,

Defendant-Appellant.
-----x

Defendant-appellant having moved for an enlargement of time to perfect the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about March 15, 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 7, 2019.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer
Peter H. Moulton, Justices.

-----x
Panagiotis Salvas,

Plaintiff-Respondent-Appellant,

-against-

The City of New York,
Defendant-Appellant-Respondent,

-and-

M-6359
Index No. 309332/12

Malcolm Pirnie, Inc., et al.,
Defendants-Respondents,

-and-

CSM Engineering, P.C.,
Defendant-Respondent.

- - - - -
[And a third-party action]

-----x

An appeal and cross appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about December 11, 2017,

And plaintiff having moved for a further enlargement of time to perfect his cross appeal,

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

It is ordered that, sua sponte, plaintiff's cross appeal is hereby deemed the direct appeal, and the time to perfect said appeal is enlarged to the October 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 May 7, 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-596
Ind. No. 310/14

Gerson Flores-Arzu,

Defendant-Appellant.
-----X

An appeal having been taken to this Court from a judgment of the Supreme Court, Bronx County, rendered on or about April 4, 2016,

And assigned counsel for defendant having moved to be relieved as counsel for defendant and to dismiss the aforesaid appeal, without prejudice to reinstatement, at such time appellant becomes amenable to the jurisdiction of this Court,

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

It is ordered that the motion is granted to the extent of deeming the 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 7, 2019.

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

-----x
Jansons Associated, Inc.,
Plaintiff-Respondent,

-against-

12 E 72nd LLC and Merrick Real Estate
Group, Inc.,
Defendants-Appellants,

M-535
M-540
Index No. 656755/16

-and-

Steven Croman,
Defendant.

-----x
Plaintiff-respondent having moved to dismiss the appeal taken from the order of the Supreme Court, New York County, entered on or about March 13, 2018, as untimely (M-535),

And defendants-appellants having cross-moved for an enlargement of time to perfect the aforesaid appeal (M-540),

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 to dismiss the appeal (M-535) is denied, and it is further,

Ordered that the cross motion (M-540) is deemed as one seeking to vacate the dismissal of the appeal (22 NYCRR 1250[c]) and, as such, is granted, the appeal is reinstated and the time to perfect the 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 May 7, 2019.

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

-----X
In the Matter of the Application of
Cecelia Antoinette Bruton,
Petitioner,

For a Judgment Pursuant to Article 78 **M-905**
of the Civil Practice Law and Rules, Index No. 157420/16

-against-

New York City Department of Housing
Preservation and Development, et al.,
Respondents.

-----X

An Article 78 proceeding to review a determination of respondent New York City Department of Housing Preservation and Development having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about September 21, 2017,

And an order of this Court having been entered on December 20, 2018 (M-5177), denying petitioner's motion for a stay of eviction proceedings, an enlargement of time to perfect the proceeding, and for poor person relief,

And petitioner, prose, having moved for reargument of the aforementioned order of this Court, entered on December 20, 2018 or, in the alternative, for leave to appeal to the Court of Appeals, for a stay of eviction proceedings pending the determination of this motion, 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 May 7, 2019.

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

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

Respondent,

M-693

Ind. No. 2403/12

-against-

Victor Delgado,

Defendant-Appellant.
-----X

An order of this Court having been entered on September 18, 2014 (M-2543), granting defendant leave to prosecute, as a poor person, the appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about February 18, 2014, and assigning Richard M. Greenberg, Esq., predecessor counsel to Christina Swarns, Esq., Office of the Appellate Defender, as counsel to prosecute the appeal; and a motion having been made by assigned counsel to be relieved or, in the alternative, to have the appeal dismissed without prejudice,

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

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 7, 2019.

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

-----X
New York City School Construction
Authority,
Plaintiff-Respondent,

-against-

Adam's European Contracting, Inc.,
Defendant-Appellant.

- - - - -
Adam's European Contracting, Inc.,
Third-Party Plaintiff-Appellant,

M-671
Index No. 42079/14E

-against-

Phoenix Services Corp., Universal
Testing & Inspection Services Inc.,
Susan Doban, and Susan Doban Architect, PC,
Third-Party Defendants-Respondents.

-----X

An appeal having been taken to this Court by defendant/third-party plaintiff-appellant, Adam's European Contracting, Inc., from an order of the Supreme Court, Bronx County, entered on or about November 18, 2016,

And defendant/third-party plaintiff-appellant, Adam's European Contracting, Inc., having moved for a further enlargement of time to perfect the aforesaid appeal,

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 is denied as academic, as an enlargement of time to perfect the aforesaid appeal to the September 2019 Term, was previously granted by an order of this Court dated February 26, 2019 (M-5511).

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 7, 2019.

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

-----X
30 W.S.L.L.C.,
Plaintiff-Respondent,

-against-

M-1297
Index No. 156112/17

Peter Andrews and Gregory Palmer,
Defendants-Appellants.

-----X

An appeal having been 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, including the correspondence from the attorney for defendants-appellant, dated March 7, 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 May 7, 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-1366
Ind. No. 1756/17

Raheem Mitchell,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about July 31, 2018,

Now, upon reading and filing the stipulation of the parties hereto, dated February 21, 2019, and due deliberation having been had thereon,

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 7, 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-1368
Ind. No. 887/17

Moises Perez,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, Bronx County, rendered on or about November 20, 2017,

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 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 7, 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-1369
Ind. No. 759/16

John Rodriguez Gutierrez,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about September 7, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated February 19, 2019, and due deliberation having been had thereon,

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 7, 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-1370
Ind. No. 5386/15

John Rodriguez Gutierrez,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about September 7, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated February 19, 2019, and due deliberation having been had thereon,

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 7, 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-

Ronny De Los Santos,
Defendant-Appellant.

M-1372
Ind. Nos. 2202/15
2206/15

-----X

Appeals having been taken from judgments of the Supreme Court, New York County, rendered on or about July 18, 2016 and July 11, 2017,

Now, upon reading and filing the stipulations of the parties hereto, dated February 28, 2019, and due deliberation having been had thereon,

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

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 7, 2019.

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

-----X
Henry Rivera,
Plaintiff-Respondent,

-against-

M-1300
Index No. 150993/16

New York City Housing Authority,
Defendant-Appellant,

City of New York,
Defendant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about December 13, 2018,

Now, upon reading and filing the papers with respect to the motion, including the correspondence from the attorney for defendant-appellant New York City Housing Authority, dated February 21, 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 7, 2019.

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

-----X
Ante Vucetic,
Plaintiff-Respondent,

-against-

NYU Langone Medical Center, NYU
Hospitals Center and Lend Lease
(US) Construction LMB Inc.,
Defendants.

-----X
NYU Hospitals Center and Lend Lease
(US) Construction LMB Inc.,
Third-Party Plaintiffs-Respondents,

-against-

Orion Mechanical Systems, Inc.,
Third-Party Defendant-Appellant.

-----X
NYU Hospitals Center and Lend Lease
(US) Construction LMB Inc.,
Second Third-Party Plaintiffs,

-against-

Horizon Contracting, LLC,
Second Third-Party Defendant.

-----X

M-1306
Index No. 161936/14

-----X
 Orion Mechanical Systems, Inc.,
 Third Third-Party Plaintiff,

-against-

Horizon Contracting, LLC,
 Third Third-Party Defendant.

-----X

An appeal having been taken by third-party defendant,
 third/third-party plaintiff-appellant Orion Mechanical Systems,
 Inc. from an order of the Supreme Court, New York County, entered
 on or about August 16, 2018,

Now, upon reading and filing the papers with respect to the
 motion, including the correspondence from the attorney for third-
 party defendant, third/third-party plaintiff Orion Mechanical
 Systems, Inc., dated February 8, 2019, and due deliberation
 having been had thereon,

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

ENTERED:



 CLERK

At a 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 7, 2019.

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

-----X

Christopher Visone,
Plaintiff-Appellant,

-against-

M-1309
Index No. 150978/16

Third & Twenty Eight LLC,
RBG Village LLC, individually
and doing business as Tavern
on Third and Tavern on Third,
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about December 10, 2018,

Now, upon reading and filing the papers with respect to the motion, including the correspondence from the attorney for plaintiff-appellant, 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 7, 2019.

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

-----X
Wilson Evans 50th LLC,
Plaintiff-Appellant,

-against-

M-1310
Index No. 156514/18

936 Second Avenue L.P., Jonis
Realty Management Corp., Jonis
Management Corp., and Citi-Urban
Management Corp.,
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about August 17, 2018,

Now, upon reading and filing the papers with respect to the motion, including the Notice of Withdrawal of Appeal from the attorney for plaintiff-appellant, dated February 26, 2019, and due deliberation having been had thereon,

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

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 7, 2019.

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

-----X
Charlene Lea,
Plaintiff-Respondent,

-against-

M-1327
Index No. 103372/06

New York City Transit Authority,
Defendant-Appellant.
-----X

An appeal having been taken from to this Court an order of the Supreme Court, New York County, entered on or about December 20, 2018,

Now, upon reading and filing the papers with respect to the motion, including the correspondence from the attorney for defendant-appellant dated March 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 7, 2019.

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

-----X
Charlene Lea,
Plaintiff-Respondent,

-against-

M-1328
Index No. 103372/06

New York City Transit Authority,
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 4, 2018,

Now, upon reading and filing the papers with respect to the motion, including the correspondence from the attorney for defendant-appellant, dated March 7, 2019,

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 7, 2019.

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

-----X
Intrepid Investments, LLC,
Petitioner-Appellant,

-against-

M-1329
Index No. 650705/14

Selling Source, LLC,
Respondent-Respondent.
-----X

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

Now, upon reading and filing the papers with respect to the motion, including the correspondence from the attorney for petitioner-appellant, dated March 8, 2019, and due deliberation having been had thereon,

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

ENTERED:


CLERK

At a 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 7, 2019.

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

-----X
Luna Enterprise LLC,
Plaintiff-Respondent-Appellant,

-against-

M-1398
Index No. 162762/14

Only Properties LLC,
Defendant-Appellant-Respondent.
-----X

An appeal and cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 9, 2018,

Now, upon reading and filing the stipulation of the parties hereto, dated February 21, 2019, and due deliberation having been had thereon,

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

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 7, 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-1133

-against-

Ind. No. 30163/18

Damian Bell,
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 (Hong, J.), entered on or about January 3, 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 Hong 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 7, 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-1359

-against-

Ind. No. 30186/18

James Bonczek,
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 (Conviser, J.), entered on or about December 17, 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 Conviser 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 7, 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-1364

-against-

Ind. No. 2548/17

Paulino Camacho,
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 February 7, 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., 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 7, 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

Jamier Emanuel W.,
Avery Jevon G.
Jahkai Darius G.,

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

CONFIDENTIAL

M-903

Docket No. NN-11840-18

NN-11842-18

NN-11841-18

Administration for Children's Services
of the City of New York,
Petitioner-Respondent,

Roberto M.,
Respondent-Appellant.

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

-----X

Respondent-appellant father, Roberto M., having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, New York County, entered on or about January 23, 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 Rebecca Swarm, Esq., dated February 7, 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 therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Section 1250.9 of the Practice Rules of the Appellate Division, **within 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

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 7, 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 Custody/Visitation
Proceeding Under Article 6 of the
Family Court Act.

- - - - -
Maria K.,
Petitioner-Appellant,

-against-

CONFIDENTIAL

M-785
Docket No. V-183-13/18H
V-184-13/18H
V-34266-11/18J
V-34267-11/18J

Christopher B.,
Dimitra L.,
Respondents-Respondents.

- - - - -
Daniel Robles, Esq., Attorney for
the Child Krystyna B.,

- - - - -
Thomas R. Villecco, Esq., Attorney for
Subject Child, Matthew B.

-----X
Lauren M. Friend, Esq., court attorney for the subject child Matthew B., having moved on said child's behalf for leave to respond, as a poor person, to the appeal taken from an order of the Family Court, New York County, entered on or about January 7, 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 Lauren M. Friend, Esq., dated January 16, 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, Thomas R. Villecco, Esq., 366 N. Broadway, Suite 410, Jericho, New York, 11753, Telephone No.: 516-942-4221, 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 May 7, 2019.

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

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

- - - - -
Dyani Iris O.,
Petitioner-Respondent,

CONFIDENTIAL

-against-

M-870
Docket Nos. V-4391-17/17B
V-4391-17/17A

Roberto R.,
Respondent-Respondent.

- - - - -
Andrew J. Baer, Esq., Attorney
for the Subject Appellant-Child.

-----X
Jo Ann Douglas, Esq., court attorney for the subject child, having moved on the child's behalf for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about January 31, 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 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, NY 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

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

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 7, 2019.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Sallie Manzanet-Daniels
Barbara R. Kapnick
Marcy L. Kahn
Jeffrey K. Oing, Justices.

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

-against-

M-640
Ind. No. 4616/17

Vishal Budhrum,
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 November 9, 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.

Janet E. Sabel, Esq., The Legal Aid Society, 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete record.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 7, 2019.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Sallie Manzanet-Daniels
Ellen Gesmer
Anil C. Singh, Justices.

-----X
Kirsys Gallardo,

Plaintiff-Respondent,

-against-

M-1704

Index No. 805199/12

Akuezunkpa Oliaku Ude, M.D. and The
New York and Presbyterian Hospital,
Defendants-Appellants.

-----X

Defendants-appellants having moved for a stay of all proceedings, including the trial, pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about July 19, 2018,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties hereto, dated March 26, 2019, 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 May 7, 2019.

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

-----x

Anthony Smith,
Plaintiff-Appellant,

-against-

M-1098
Index No. 154726/13

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

-----x

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about October 5, 2017,

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

It is ordered that the motion, deemed one seeking to vacate the dismissal of the appeal, is granted, and the time to perfect the appeal is enlarged to the September 2019 Term (see, 22 NYCRR 1250.10), 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 May 7, 2019.

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

-----x

In the Matter of the Application of

Cynthia Rodriguez,
Petitioner,

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

-against-

M-1041
M-1159
Index No. 161182/17

Maria Torres-Springer, Commissioner,
New York City Department of Housing
Preservation and Development, and
Lindsay Park Housing Corp.,
Respondents.

-----x

This Article 78 proceeding having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about August 6, 2018, to review a determination of respondents,

And respondents having moved to dismiss the proceeding for failure to timely perfect (M-1041), and

Petitioner having cross-moved, pursuant to 22 NYCRR 1250.10(c), to vacate the dismissal of the proceeding and for an enlargement of time to perfect same (M-1159),

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

It is ordered that the cross-motion (M-1159) is granted, the proceeding reinstated and the time to perfect same is enlarged to the September 2019 Term, and

It is further ordered that the motion to dismiss the proceeding (M-1041), is granted unless the proceeding is perfected for the September 2019 Term.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 7, 2019.

PRESENT: Hon. David Friedman, Justice Presiding,
Judith J. Gische
Peter Tom
Cynthia S. Kern
Anil C. Singh, Justices.

-----X

Epiphany Community Nursery School,
Plaintiff-Appellant,

-against-

M-1347

Index No. 654655/16

Hugh W. Levey, Claire Gruppo, Gruppo,
Levey & Co., Gruppo, Levey Holdings
Inc., January Management, Inc., Frog
Pond Partners L.P. and Davie Kaplan
CPA, P.C.,
Defendants-Respondents.

-----X

Defendants-Respondents Hugh W. Levey, Claire Gruppo, Gruppo, Levey & Co., Gruppo, Levey Holdings Inc., January Management, Inc., Frog Pond Partners L.P. having moved for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on February 15, 2019 (Appeal No. 6695), insofar as it reinstated plaintiff's claims for fraud and related causes of action as against them,

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

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

"Was the order of this Court, which inter alia modified the Order of the Supreme Court to the extent of denying defendant Hugh W. Levey's motion to dismiss as to the claims for fraud and breach of fiduciary duty, and denying defendants Claire Gruppo, Gruppo, Levey & Co., Gruppo, Levey Holdings Inc., January Management, Inc., Frog Pond Partners L.P.'s motion to dismiss as to the claims for aiding and abetting fraud for the bank transfers, properly made?"

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 7, 2019.

PRESENT: Hon. David Friedman, Justice Presiding,
Judith J. Gische
Peter Tom
Cynthia S. Kern
Anil C. Singh, Justices.

-----X

Epiphany Community Nursery School,
Plaintiff-Appellant,

-against-

M-1404

Index No. 654655/16

Hugh W. Levey, Claire Gruppo, Gruppo,
Levey & Co., Gruppo, Levey Holdings
Inc., January Management, Inc., Frog
Pond Partners L.P. and Davie Kaplan
CPA, P.C.,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on February 15, 2019 (Appeal No. 6695), insofar as it affirmed the dismissal of plaintiff's claims against defendant-respondent David Kaplan CPA, P.C., as time barred,

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 7, 2019.

Present - Hon. David Friedman, Justice Presiding,
Dianne T. Renwick
Sallie Manzanet-Daniels
Peter Tom, Justices.

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

Respondent,

-against-

Greg Poirier,

Defendant-Appellant.
-----X

CONFIDENTIAL

M-6310

Ind. Nos. 1453/11
3242/09

A decision and order of this Court having been entered on March 3, 2015 (Appeal Nos. 14394-14395), unanimously affirming the judgments of the Supreme Court, New York County, rendered on August 6, 2012 (Cassandra M. Mullen, J.) And April 21, 2010 (Maxwell Wiley, J.), respectively,

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 7, 2019.

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

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

Respondent,

-against-

M-634
Ind. No. 722/17

Kevin Spruill,

Defendant-Appellant.

-----X

Defendant having filed a late notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about October 16, 2018,

Now, upon reading and filing the papers herein, and due deliberation having been had thereon,

It is ordered that the notice of appeal is deemed as 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 7, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Sallie Manzanet-Daniels
Cynthia S. Kern
Anil C. Singh, Justices.

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

-against-

M-867
Ind. No. 1630/17

Shawn Folks,
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to prosecute, as a poor person, the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about February 1, 2019, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), and 22 NYCRR 1250.4(d)(1) and (4), setting forth his indigency, including the amount and source(s) of his income, and listing his property with its value and facts sufficient to establish that defendant has no funds or assets with which to prosecute the 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 7, 2019.

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

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

Respondent,

-against-

M-6739
Ind. No. 1947/15

Julio Infante,

Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about December 21, 2016, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew, upon defendant's submission of a detailed notarized affidavit setting forth his indigency, in compliance with CPLR 1101(a), and 22 NYCRR 1250.4(d)(1) and (4), including the amount and sources of funds utilized for trial counsel's fee and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit delineating the sources 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 7, 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-907
Ind. No. 3182/16

Joseph Petrucelli,
Defendant-Appellant.

-----X

An order of this Court having been entered on June 14, 2018 (M-1758), inter alia, assigning Seymour W. James, Jr., Esq., The Legal Aid Society, predecessor counsel to Janet E. Sabel, Esq., as assigned counsel to prosecute defendant's appeal from a judgment of the Supreme Court, New York County, rendered on October 31, 2017,

And assigned 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 October 15, 2018, 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 May 7, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Sallie Manzanet-Daniels
Cynthia S. Kern
Anil C. Singh, Justices.

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

- - - - -
Dustin G.,
Petitioner-Appellant,

CONFIDENTIAL

M-1094

Docket No. F-5247-19/18L

-against-

Commissioner of Social Services, on
behalf of Juanita J.,
Respondent-Respondent.

-----X

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

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

It is ordered that the motion is denied.

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 7, 2019.

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

-----X
Chanmattie Persaud,

Plaintiff-Respondent,

-against-

M-816
Index No. 27041/17E

Transdev Services, Inc., et al.,

Defendants-Appellants.
-----X

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

And defendants-appellants having moved for an order vacating the dismissal of the appeal pursuant to Rule 1250.10(a) and, upon vacatur, for an enlargement of time to perfect same,

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

It is ordered that the motion is granted to the extent of vacating the dismissal of the appeal, and enlarging the time to perfect same to the September 2019 Term.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 7, 2019.

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

-----x
Efrain Lopez,
Plaintiff-Appellant,

-against-

M-682
Index No. 303820/13

Lefrak Organization and Peru Leasing LP,
Defendants-Respondents,

-and-

GMJC Construction Corporation,
Defendant.

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

-----x
Plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from the order of the Supreme Court, Bronx County, entered on or about April 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 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 7, 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-1226
Ind. No. 1450/15

Robert DePalo,

Defendant-Appellant.
-----x

Defendant-appellant having moved for an enlargement of time to perfect the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about September 4, 2018,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the December 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 7, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Sallie Manzanet-Daniels
Cynthia S. Kern
Anil C. Singh, Justices.

-----x

In the Matter of

Jonathan H.,

CONFIDENTIAL

M-1093

Docket No. D-19930/17

A Person Alleged to be a Juvenile
Delinquent,

Respondent-Appellant.

-----x

Respondent-appellant having moved for an enlargement of time to perfect the appeal taken from the order of the Family Court, Bronx County, entered on or about June 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 deemed one seeking vacatur of the dismissal of the appeal and, as such, is granted, and the time to perfect the appeal is enlarged to the October 2019 Term (see, 22 NYCRR 1250.10).

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 7, 2019.

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

-----x
Jacob Ivancev,
Plaintiff-Appellant,

-against-

M-1143
Index No. 150434/15

Roe Garrido,
Defendant-Respondent.

-----x

Plaintiff-appellant having moved to vacate the dismissal of his appeal (22 NYCRR 1250.10[a] and [c]) and for an enlargement of time to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about April 5, 2018,

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

It is ordered that the motion is granted, and the time to perfect the appeal is enlarged to the October 2019 Term (see, 22 NYCRR 1250.10[c]).

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 7, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Sallie Manzanet-Daniels
Peter Tom
Barbara R. Kapnick
Peter H. Moulton, Justices.

-----x

The People of the State of New York
ex rel. Israel T. Appel, Esq., on
behalf of K.R.,
Petitioner-Appellant,

-against-

CONFIDENTIAL
M-1597
Index No. 260108/19

David A. Hansell, Commissioner, New York
City Administration for Children's
Services,
Respondent-Respondent.

-----x

An appeal having been taken to this Court by petitioner from the order of the Supreme Court, Bronx County, entered on or about March 15, 2019, which denied and dismissed petitioner's application for a writ of habeas corpus,

And petitioner-appellant having moved for an order restoring petitioner to after care release status pending determination of petitioner's aforesaid appeal; for expedited hearing of the appeal, and for poor person relief and the assignment of counsel,

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

It is ordered that that branch of the motion seeking to restore petitioner-appellant to aftercare release status pending determination of the appeal is denied, and

It is ordered that petitioner's request to expedite the appeal is granted, and counsel is directed to perfect said appeal on or before July 8, 2019 for the September 2019 Term of Court; the Clerk of this Court is directed to calendar, and maintain, the appeal in that Term, and it is further,

Ordered that so much of the motion requesting poor person relief is granted to the extent of permitting the appeal be heard on the original record, and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said County, as well as all of the respondents, 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. Petitioner is permitted to dispense with payment of the required fee for the subpoena and filing of the 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 7, 2019.

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

-----X
Allyson Gray,

Plaintiff-Respondent,

-against-

M-650

Index No. 159750/16

The Walton Condominium, and the Board
of Managers of the Walton Condominium,
Defendants,

-and-

264 H20 Borrower, LLC.,
Defendant-Appellant.

-----X

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

And, defendant-appellant having moved pursuant to 22 NYCRR 1250.10(c), to vacate the dismissal of appeal and upon reinstatement, to withdraw 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 of appeal, reinstating said appeal, and 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 7, 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-

Joseph Brooks,

Defendant-Appellant.
-----X

M-717

Ind. No. 4133/18

Defendant having moved for leave to file a late notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about December 5, 2018,

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

It is ordered that the motion is granted to the extent of 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 7, 2019.

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

-----X

The People of the State of New York,

Respondent,

-against-

M-726

Ind. No. 171N/18

Gabarri Findley,

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 October 30, 2018,

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

It is ordered that the motion is granted to the extent of 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 7, 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-450

Ind. No. 1636/17

Jorge Adorno,

Defendant-Appellant.

-----X

Defendant having moved, pro se, for leave to file a late notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about August 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 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 7, 2019.

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

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

-against-

M-374
Ind. No. 1286/16

Jerry Anderson,
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 7, 2017, 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 7, 2019.

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

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

Respondent,

-against-

Ruddy Arnoat,

Defendant-Appellant.
-----X

CONFIDENTIAL

M-76

Ind. No. 2751/16

Defendant having moved, by retained counsel, for limited poor person relief regarding the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about October 19, 2017, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and 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 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.

Defendant-appellant's time in which to perfect the appeal is enlarged until 180 days from the date of receipt of the complete record.

ENTERED:


CLERK

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

BEFORE: Hon. Sallie Manzanet-Daniels
Justice of the Appellate Division

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

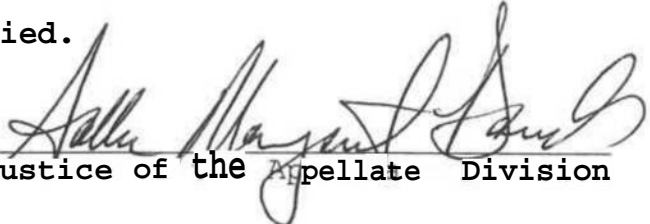
-against-

Donald McLaurin,
Defendant.

M-1167
Ind. No. 1160/13

ORDER DENYING LEAVE
UPON REARGUMENT

-----X
I, Sallie Manzanet-Daniels, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application made by the above-named defendant for reargument of the order of a Justice of this Court (M-113), entered on January 31, 2019, which denied his motion for a certificate pursuant to Criminal Procedure Law, section 460.15, and no question of law or fact having been misapprehended or overlooked, permission to reargue the denial of leave to appeal from the order of the Supreme Court, New York County, entered on or about December 4, 2018, is hereby denied.


Justice of the Appellate Division

Dated: March 26, 2019
New York, New York

ENTERED: MAY 7, 2019

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

BEFORE: Hon. John W. Sweeny, Jr.
Associate Justice of the Appellate Division

-----X
David Molner
Plaintiff,

M-978
Ind. No. 301261/12

-against-

CONFIDENTIAL

Naomi Molner,
Defendant.

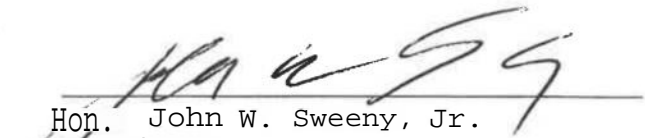
-----X

Defendant having moved, pursuant to CPLR 5701(c), for leave to appeal to the Appellate Division, First Department, from the order of the Supreme Court, New York County (Michael L. Katz, J.) entered on or about January 29, 2019, directing the payment of certain funds from plaintiff's 401(k) account to the court-appointed forensic evaluator, and for a stay of the order or, in the alternative, CPLR 5704(a) review of an order of the same court, entered on or about January 28, 2019, which declined to sign an order to show cause seeking to vacate the order,

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

Ordered that the application for leave to appeal is denied. **The** motion is otherwise denied, as moot.

Dated: March 22, 2019
New York, New York


Hon. John W. Sweeny, Jr.
associate Justice

ENTERED: MAY 7, 2019

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

BEFORE: Hon. John W. Sweeny, Jr.
Justice of the Appellate Division

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

M-826
Ind. No. 4598/12

-against-

CERTIFICATE
DENYING LEAVE

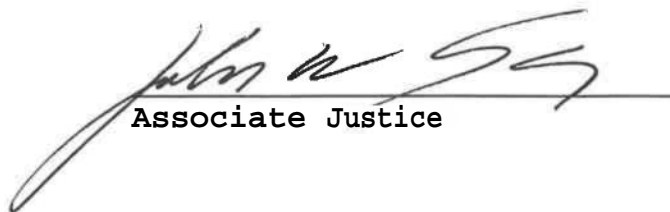
Johnny Blanding

Defendant.

-----X

I, John W. Sweeny, Jr., a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, dated on or about October 29, 2018 (A. Kirke Bartley, J.) is hereby denied.

Dated: March 25, 2019
New York, New York


Associate Justice

ENTERED: MAY 7, 2019