

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 14, 2019.

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

-----X  
Gertrude Neewhang,

Plaintiff-Respondent,

-against-

**M-7581X**  
Index No. 29863/18

Korkor Otchie-Comfort,

Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about June 21, 2019,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 18, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 November 14, 2019.

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

-----X  
Francis Mozdziak and Celina Mozdziak,  
Plaintiffs-Respondents,

-against-

**M-7669**

Index No. 24825/14E

Star Fitness USA, LLC,  
Defendant-Respondent,

SDC Ferris Associates, LLC and Hutch  
Management, LLC,  
Defendants-Appellants.

-----X

An appeal having been taken from order of the Supreme Court, Bronx County, entered on or about August 2, 2018, and said appeal having been perfected,

Now, upon reading and filing the stipulation of the parties hereto, dated August 30, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 November 14, 2019.

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

-----X  
Julio C. Sanchez Rodriguez,

Plaintiff-Appellant,

-against-

**M-7690X**

Index No. 304064/14

35 Realty LLC, Linkay Assoc. Co. and  
Feliz Gomez,

Defendants-Respondents.  
-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about March 14, 2019,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" October 8, 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 November 14, 2019.

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

-----X  
Donna O'Keefe,

Plaintiff-Appellant,

-against-

M-7587  
Index No. 23667/14E

TJX Companies, Inc. and T.J. Maxx Inc.,

Defendants-Respondents.  
-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about May 29, 2019,

Now, upon reading and filing the correspondence from counsel for plaintiff-appellant dated September 19, 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 November 14, 2019.

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

-----X  
Denise Urguiola,  
Plaintiff-Respondent-Appellant,

-against-

Avraham Henoch, M.D., M-7682  
Defendant-Appellant-Respondent, Index No. 300239/09

-and-

Mosholu Park Radiology, P.C., et al.,  
Defendants.

-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about March 20, 2019,

Now, upon reading and filing the correspondence from counsel for defendant-appellant-respondent and plaintiff-respondent-appellant, dated October 2, 2019 and October 9, 2019, respectively, and due deliberation having been had thereon,

It is ordered that the appeal and cross appeal are 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 November 14, 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-7321  
Ind. No. 2013/18

David Colon,  
Defendant-Appellant.

-----X

Defendant-appellant 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 April 16, 2019, 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 November 14, 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,

**M-7732**

-against-

Ind. No. 862N/18

Juan Del Valle,  
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about July 11, 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 June 12, 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.



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 November 14, 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,

**M-7733**

-against-

Ind. No. 4073/17

Miguel Garcia,  
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about July 16, 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 June 17, 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.

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 November 14, 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.

-----  
Michael R.,  
Petitioner-Respondent,

-against-

Pamela G.,  
Respondent-Appellant.

**CONFIDENTIAL**

M-7497

Docket Nos. V-19315/18  
V-27521/18

-----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 June 5, 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 Ethan J. Steward, Esq., dated July 2, 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, Anne Reiniger, Esq., 801 Second Avenue, 10<sup>th</sup> Floor, New York, NY 10017, Telephone No. 646-627-8875, 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) directing appellant 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 November 14, 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 Family Offense  
Proceeding Under Article 8 of the  
Family Court Act.

- - - - -  
Steven L.,  
Petitioner-Respondent,

**CONFIDENTIAL**

M-7512

Docket No. O-12528/18

-against-

Audrey L.,  
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, New York County, entered on or about September 10, 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 R. Ellen Sigal, Esq., dated September 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 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 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) directing appellant 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 November 14, 2019.

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

-----X

In the Matter of the Guardianship of  
the Person and Custody of

Serenity Keniya T.,

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

- - - - -  
Good Shepherd Services, et al.,  
Petitioners-Respondents,

**CONFIDENTIAL**

M-7517  
Docket No. B-25527/17

Shanisha C. S.,  
Respondent-Appellant,

Kadeem T.,  
Respondent.

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

-----X

Respondent-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 June 6, 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 Robert Rothman, Esq., dated September 26, 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, 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 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) directing appellant 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 November 14, 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

Amari J.,  
Jeniecia B., and  
Deshawn C., Jr.,

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

**CONFIDENTIAL**

M-7935

M-7743

Docket Nos. NN-30543/19

NN-30544/19

NN-30542/19

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

Deshawn C., Sr.,  
Respondent-Respondent,

Jessica D.,  
Respondent.

-----X

Respondent-respondent having moved for leave to respond, as a poor person, to the appeal taken from the order of the Family Court, Bronx County, entered on or about October 3, 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 correspondence from counsel for petitioner-appellant dated October 20, 2019, and due deliberation having been had thereon,

It is ordered that the appeal is deemed withdrawn pursuant to the aforesaid correspondence from counsel for petitioner-appellant (M-7935). The motion for assignment of counsel is denied, as moot.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on November 14, 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-7624  
Ind. No. 56/11

Jimmy Delgado,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of resentence of the Supreme Court, Bronx County, rendered on or about August 22, 2019, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of resentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28<sup>th</sup> Floor, New York, New York 10006, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete record.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 14, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
Dianne T. Renwick  
Sallie Manzanet-Daniels  
Anil C. Singh, Justices.

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

-against-

**M-7211**  
Ind. No. 1319/19

Joshua Bartolome,  
Defendant-Appellant.  
-----X

Defendant having moved for an enlargement of time in which to file an untimely notice of appeal from a judgment of the Supreme Court, Bronx County, rendered on or about August 1, 2019,

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

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

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 14, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
Dianne T. Renwick  
Sallie Manzanet-Daniels  
Anil C. Singh, Justices.

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

Ilana Rothbein,  
Petitioner-Appellant,

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

-against-

**M-7303**  
Index No. 151073/18

City of New York, New York City  
Department of Education, Carmen Farina,  
Chancellor of the New York City  
Department of Education, Community  
School District 75, Ketler Loussaint,  
Superintendent District 75, Jeanne  
Bradley, Principal P94/Spectrum School,  
Julia McCrosson, Assistant Principal  
P94/Spectrum School,  
Respondents-Respondents.

-----X

Petitioner-appellant having moved for an enlargement of time in which to perfect the appeal taken from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about December 18, 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 extending the time to perfect the appeal to the March 2020 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 November 14, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
Dianne T. Renwick  
Sallie Manzanet-Daniels  
Anil C. Singh, Justices.

-----X  
Eric Rowe,  
Plaintiff-Respondent-Appellant,

-against-

**M-7630**

Index No. 155902/12

Strike Force of New Jersey, Inc.,  
Defendant-Appellant-Respondent,

-and-

AEG Live LLC, AEG Live Productions, LLC,  
AEG Live NY, LLC, Mariel's Tours,  
LLC, Mariel's Tours, Inc., and Armando  
Perez, also known as Pitbull,  
Defendants-Respondents.

-----X

An appeal and cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about June 5, 2018,

And defendant-appellant-respondent having moved for an extension of time to perfect the appeal,

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

It is ordered that the motion is granted to the extent of extending the time to perfect the appeal and cross appeal to the April 2020 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 November 14, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
Dianne T. Renwick  
Sallie Manzanet-Daniels  
Anil C. Singh, Justices.

-----X  
Anastasia Xenias, as Administrator of  
the Estate of Mike S. Xenias,  
Plaintiff-Appellant,

-against-

**M-7640**

Index No. 100960/16

Mount Sinai Health System, Inc.,  
et al.,  
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeals taken from two orders of the Supreme Court, New York County, entered on or about October 1, 2018 and July 2, 2019, and for consolidation of the aforesaid 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 extending the time to perfect the appeals to the April 2020 Term and is otherwise denied as unnecessary as the appeals may be consolidated as of right (See, 22 NYCRR 1250.9[f][3]).

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 14, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
Dianne T. Renwick  
Sallie Manzanet-Daniels  
Anil C. Singh, Justices.

-----X  
Sonara E. Suprien,  
Plaintiff-Appellant,

-against-

**M-7623**

Index No. 650489/18

Ambiorix Rodriguez,  
New York City Department of  
Education and New York City  
Board of Education,  
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an extension of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about January 8, 2019,

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

It is ordered that the motion is granted to the extent of extending the time to perfect the appeal to the May 2020 Term, with leave to seek further extensions as necessary.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 14, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
Dianne T. Renwick  
Sallie Manzanet-Daniels  
Anil C. Singh, Justices.

-----x  
Marc Schulder,

Plaintiff-Respondent,

-against-

Alison Mitzner Schulder,

Defendant-Appellant.  
-----x

**CONFIDENTIAL**

M-7626

Index No. 306128/16

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about September 13, 2019, which granted certain interim educational decision making authority to plaintiff,

And defendant-appellant having moved for an order staying enforcement of the aforesaid order pending hearing and determination of the appeal taken therefrom, and enforcing a provision of the parties' April 26, 2017 Stipulation of Settlement relating to educational decisions,

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 November 14, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
Dianne T. Renwick  
Sallie Manzanet-Daniels  
Anil C. Singh, Justices.

-----x  
In the Matter of a Proceeding for  
Custody Under Article 6 of the Family  
Court Act and a Demand for the  
Return of the Child Pursuant to  
21 U.S.C.A. § 9003.

**CONFIDENTIAL**

M-7694

- - - - -  
Luis Alberto Q.,  
Petitioner-Appellant,

Docket No. V-6924/18

-against-

Sarah S.,  
Respondent-Respondent.

-----x  
An appeal having been taken to this Court from the order of the Family Court, New York County, entered on or about August 21, 2019,

And petitioner-appellant having moved for a stay of the aforesaid order pending hearing and determination of the appeal taken therefrom,

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 November 14, 2019.

Present - Hon. David Friedman, Justice Presiding,  
Barbara R. Kapnick  
Cynthia S. Kern  
Anil C. Singh, Justices.

-----X  
Frank Mazzocchi,  
Plaintiff-Appellant,

-against-

**M-7521**

Index No. 154922/18

Vivienne Gilbert, Esq., Howard J. Lazarus, Esq., Thomas M. Curtis, Esq., Deborah B. Koplovitz, Esq., Morrell I. Berkowitz, Esq., Alan M. Goldberg, Esq., Bruce A. Cholst, Esq., and Andrew J. Wagner, Esq., Jointly and Severally,  
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 25, 2019,

And plaintiff-appellant having moved to enlarge the record on appeal to include, inter alia, certain findings and rulings made in *Mazzocchi v Windsor Owners Corp., et al*, 11 CV 7914 (RA), S.D.N.Y., all of which post-date the order appealed herein; and 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 enlarging the time to perfect the appeal to the March 2020 Term, and is otherwise denied.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 14, 2019.

Present - Hon. David Friedman, Justice Presiding,  
Barbara R. Kapnick  
Cynthia S. Kern  
Anil C. Singh, Justices.

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

-against-

**M-7491**  
Ind. No. 4821/16

Erin Wicomb,  
Defendant-Appellant.

-----X

An appeal having been taken to this Court from the judgment of the Supreme Court, New York County, rendered on or about March 21, 2019,

And an order of a Justice of this Court having been entered on March 28, 2019, granting defendant a stay of execution of judgment and bail, pending hearing and determination of the appeal,

And defendant-appellant having moved for an order extending the stay of execution of judgment and bail pending appeal, and for an enlargement of time to perfect the appeal,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the February 2020 Term, and continuing the stay of execution of judgment and bail pending appeal previously granted upon the original terms and conditions, and upon further condition the appeal be perfected for said February 2020 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 November 14, 2019.

Present - Hon. David Friedman, Justice Presiding,  
Barbara R. Kapnick  
Cynthia S. Kern  
Anil C. Singh, Justices.

-----X  
Paul Kelly,  
Plaintiff-Respondent-Appellant,

-against-

**M-7520**  
Index No. 21525/13E

Port Authority of New York and New Jersey, 3 World Trade Center, LLC, Tishman Construction Corporation, and Prince Contracting,  
Defendants-Appellants-Respondents.

-----X

An appeal and cross appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about January 10, 2019

And plaintiff, Paul Kelly having moved, pursuant to 22 NYCRR 1250.10(c) to vacate the dismissal of his cross appeal, and upon vacatur, for an extension of time to perfect said appeal as the direct appellant,

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

It is ordered that the motion is granted, the dismissal vacated, plaintiff's cross appeal reinstated, and the time to perfect said appeal, now designated the direct appeal, is extended to the March 2020 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 November 14, 2019.

Present - Hon. David Friedman, Justice Presiding,  
Barbara R. Kapnick  
Cynthia S. Kern  
Anil C. Singh, Justices.

-----X

The People of the State of New York  
ex rel. Haji Duncan,  
Petitioner,

-against-

Brian Belfi, Director of Kirby  
Forensic Psychiatric Center,  
Respondent.

**CONFIDENTIAL**

**M-7518**

Ind. No. 4657/16

-----X

The above-named petitioner having commenced this proceeding seeking a writ of habeas corpus to be issued from this Court, and having moved for leave to prosecute said proceeding as a poor person,

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 be and the same hereby is granted only to the extent of transferring the proceeding to be heard before a Justice of the Supreme Court of the State of New York, New York County, 60 Centre Street, New York, New York 10007, forthwith, and

It is further ordered that service by mail of a copy of this writ of habeas corpus, petition and supporting papers, by the Clerk of this Court, contemporaneous with the entry hereof, upon the Commissioner of the Office of Mental Health at 330 5th Ave, New York, NY 10001; the Attorney General of the State of New York, 120 Broadway, New York, New York 10271; and the District Attorney of New York County, 1 Hogan Pl, New York, NY 10013, be deemed due and sufficient notice.



(M-7518)

-2-

November 14, 2019

The motion for leave to prosecute the within proceeding as a poor person is denied, without prejudice to petitioner seeking such relief in future 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 November 14, 2019.

Present - Hon. David Friedman, Justice Presiding,  
Barbara R. Kapnick  
Cynthia S. Kern  
Anil C. Singh, Justices.

-----x  
135 West Broadway LLC, et al.,

Plaintiffs-Appellants,

-against-

M-3746  
Index No. 152353/19

137 West Broadway Owners Corp.,

Defendant-Respondent.  
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about July 25, 2019,

And plaintiffs-appellants having moved for a stay of enforcement of the aforesaid order, which, inter alia, directed plaintiff to remove certain equipment, materials and other property from the shaft located on defendant's property, pending hearing and determination of the appeal taken therefrom,

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 on condition the appeal is perfected for the March 2020 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 November 14, 2019.

PRESENT: Hon. David Friedman, Justice Presiding,  
Judith J. Gische  
Jeffrey K. Oing  
Anil C. Singh  
Peter H. Moulton, Justices.

-----X

Francesco Bellucia,  
Plaintiff-Respondent,

-against-

CF 620, et al.,  
Defendants-Appellants-Respondents,

M-3622  
Index Nos. 150207/11  
154546/12  
155764/12  
155973/13

Building Service 32BJ Health Fund,  
et al.,  
Defendants-Respondents-Appellants,

Robinson Elevator LLC, et al.,  
Defendants-Respondents.

- - - - -

Jesus Rivera, et al.,  
Plaintiffs-Respondents,

-against-

CF 620 Owner One, et al.,  
Defendants-Appellants-Respondents,

Building Service 32BJ Health Fund, et al.,  
Defendants-Respondents-Appellants,

Robinson Elevator Group, LLC, et al.,  
Defendants-Respondents,

Schimenti Construction Company, et al.,  
Defendants.

- - - - -

Brian Christian,  
Plaintiff,

-against-

Building Service 32BJ Health Fund, et al.,  
Defendants-Respondents-Appellants,

Robinson Elevator Group, LLC, et al.,  
Defendants-Respondents.

- - - - -

Efrain Hernandez,  
Plaintiff,

-against-

CF 620 Owner One, et al.,  
Defendants-Appellants-Respondents,

Building Service 32BJ Health Fund, et al.,  
Defendants-Respondents-Appellants,

Robinson Elevator Group, LLC, et al.,  
Defendants-Respondents.

- - - - -

Phillip Nicholas, et al.,  
Plaintiff,

-against-

CF 620 Owner One, et al.,  
Defendants-Appellants-Respondents,

Building Service 32BJ Health Fund, et al.,  
Defendants-Respondents-Appellants,

Robinson Elevator Group, LLC, et al.,  
Defendants-Respondents.

- - - - -

Glen Gerisch,  
Plaintiff,

-against-

CF 620 Owner One, et al.,  
Defendants-Appellants-Respondents,

Building Service 32BJ Health Fund, et al.,  
Defendants-Respondents-Appellants,

Robinson Elevator Group, LLC, et al.,  
Defendants-Respondents.

- - - - -

Joseph Marandola, et al.,  
Plaintiffs-Respondents-Appellants,

-against-

CF 620 Owner One, et al.,  
Defendants-Appellants-Respondents,

Building Service 32BJ Health Fund, et al.,  
Defendants-Respondents-Appellants,

Newmark Knight Frank Global Management  
Services, LLC,  
Defendants-Respondents.

- - - - -

David Kwarta,  
Plaintiff,

Robinson Elevator LLC, et al.,  
Defendants-Respondents,

-against-

Henegan Construction Co., Inc., et al.,  
Defendants-Respondents-Appellants,

CF 620 Owner One, et al.,  
Defendants-Appellants-Respondents.

- - - - -

Joseph DeSimone,  
Plaintiff-Respondent,

-against-

Bonjour 620 I, LLC, et al.,  
Defendants-Appellants-Respondents,

Newmark Knight Global Management  
Services, LLC, et al.,  
Defendants-Respondents.

Henegan Construction Co., Inc.,  
Defendant-Respondent-Appellant.

- - - - -

Jose Molina, et al.,  
Plaintiffs-Respondents,

-against-

CF 620 Owner One, LLC, et al.,  
Defendants-Appellants-Respondents,

Henegan Construction Co., Inc.,  
Defendant-Respondent-Appellant,

Robinson Elevator LLC, et al.,  
Defendants-Respondents.

-----X

Defendants-respondents Robinson Elevator LLC, Robinson Elevator Group LLC and MJR Elevator Consulting Group LLC 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 May 16, 2019 (Appeal No. 8055/M-4980 & M-5186),

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 November 14, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,  
Peter Tom  
Angela M. Mazzarelli  
Jeffrey K. Oing  
Anil C. Singh, Justices.

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

-against-

M-7011  
Ind. No. 2328/16

Fatir Bowie,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, Bronx County, rendered on or about March 5, 2019, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

Richard M. Weinstein, Esq., 3 Columbus Circle, Suite 1500, New York, New York, 10019-8760, Telephone No. (212) 404-2726, is assigned as counsel for defendant-appellant for purposes of prosecuting 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 November 14, 2019.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Judith J. Gische  
Troy K. Webber  
Peter H. Moulton, Justices.

-----X

Estate of Margaret  
Kainer, etc., et al.,  
Plaintiffs-Appellants,

-against-

M-7135  
Index No.

650026/13  
UBS AG, etc., et al.,  
Defendants-Respondents,

John Does 1-X, et al.,  
Defendants.

-----X

Plaintiffs-appellants having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on August 6, 2019 (Appeal No. 9182),

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 November 14, 2019.

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

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

**CONFIDENTIAL**

M-7284

Hector Manuel P.,  
Petitioner-Respondent,

Docket Nos. V-20414-13/18G  
V-29626-13/18F

-against-

Jennifer C.,  
Respondent-Appellant.

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

Docket Nos. V-29626-13/16F  
V-20414-13/16E  
V-20414-13/16G  
V-20414-13/15D  
V-29626-13/15D  
V-20414-13/14A  
V-20414-13/16F  
V-29626-13/14A

Jennifer C.,  
Petitioner-Appellant,

-against-

Hector Manuel P.,  
Respondent-Respondent.

-----X  
Appeals having been taken to this Court by respondent/petitioner-appellant, Jennifer C., from orders of the Family Court, New York County, entered on or about March 1, 2018,

And an order of this Court having been entered on June 7, 2018 (M-1636), corrected April 29, 2018 (M-1636A), inter alia, granting respondent/petitioner-appellant, Jennifer C., poor person relief and assigning Michael F. Dailey, Esq., as counsel to prosecute the appeals from the orders entered on or about March 1, 2018, under all docket numbers,

And an order of this Court having been entered on August 23, 2018 (M-2979), inter alia, granting petitioner/respondent-respondent, Hector Manuel P., poor person relief and assigning Lewis S. Calderon, Esq., as counsel to respond to the appeals

from the orders entered on or about March 1, 2018, under all docket numbers,

And an appeal having been taken to this Court by respondent-appellant, Jennifer C., from an order of the Family Court, New York County, entered on or about October 30, 2018, under Docket No. V-29626-13, in *Matter of Hector Manuel P. v Jennifer C.*,

And an order of this Court having been entered on February 28, 2019 (M-6193), inter alia, granting respondent-appellant, Jennifer C., poor person relief and assigning Salihah R. Denman, Esq., as counsel to prosecute the appeal from the order entered on or about October 30, 2018, under Docket No. V-29626-13, in *Matter of Hector Manuel P. v Jennifer C.*,

And assigned counsel for respondent/petitioner-appellant, Jennifer C., Michael F. Daily, Esq., having moved to vacate the orders of assignment with respect to the appeals taken from the orders, entered March 1, 2018, to the limited extent that they require any further activity on his part subsequent to the submission of this motion,

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

It is ordered that the motion is granted to the extent of relieving Michael F. Dailey, Esq., as counsel for respondent/petitioner-appellant Jennifer C., Michael Daily, Esq., to prosecute the appeals from the orders entered on or about March 1, 2018, under all docket numbers, and

It is further ordered that, on the Court's own motion, the appeals from the orders entered on or about March 1, 2018, are hereby dismissed, and Lewis S. Calderon, Esq., is relieved as assigned counsel for petitioner/respondent-respondent, Hector Manuel P., to respond to the appeals therefrom, and reassigned as counsel to Hector Manuel P., to respond to the appeal from the order entered on or about October 30, 2018, under Docket No. V-29626-13, in *Matter of Hector Manuel P. v Jennifer C.*; The poor person relief granted to Hector Manuel P. (M-2979) shall continue.

ENTERED:



---

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 14, 2019.

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

-----X

The People of the State of New York,

Respondent,

-against-

**M-7506**

Ind. No. 1839/18

David McCall,

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 February 5, 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-appellant's submission of a detailed notarized affidavit, in compliance with CPLR 1101(a) and 22 NYCRR 1250.4(d)(1) and (4), including a statement setting forth his indigency and detailing the amount and sources of his income and listing his property with its value.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 14, 2019.

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

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

-against-

Wali Jackson,  
Defendant-Appellant.

**M-7311**

Ind. No. 4303/16  
SCI No. 2713/18

-----X

An order of this Court having been entered on April 11, 2019 (M-6206), inter alia, granting defendant's 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 October 1, 2018, under Supreme Court Information No. 2713/18, and assigning counsel therefor,

And defendant-appellant having moved for an order amending the notice of appeal and the order of assignment to include the judgment, same Court, rendered on or about October 1, 2018 under Indictment No. 4303/16, and to deem the moving papers a timely filed notice of appeal from said judgment,

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

It is ordered that the motion is granted to the extent of amending defendant's notice of appeal and the aforementioned order of assignment to include the judgment rendered under Indictment No. 4303/16, and extending the poor person relief previously granted to cover same. The time within which appellant shall perfect this appeal is hereby enlarged to the March 2020 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 November 14, 2019.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Troy K. Webber  
Ellen Gesmer  
Jeffrey K. Oing, Justices.

-----X  
Federal National Mortgage Association  
("Fannie Mae"), a Corporation Organized  
and Existing Under the Laws of the  
United States of America,  
Plaintiff-Respondent,

-against-

Alphonse Delgado, also known as  
Apolonio Delgado,  
Defendant-Appellant,

Radek Smejkal, New York City Department  
of Housing Preservation and Development,  
et al.,  
Defendants.

**M-7385**

Index No. 35546/15E

-----X

Plaintiff-respondent having moved to dismiss the appeal taken from an order of the Supreme Court, Bronx County, entered on or about March 12, 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, with leave to renew upon proof of service of the motion upon defendant-appellant's current counsel, Jose Quesada, Esq., 1424 Williamsbridge Road, Bronx, New York 10461.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 14, 2019.

Present - Hon. Rosalyn H. Richter, 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-7358**  
Ind. No. 1055/18

Elliott Allen,  
Defendant-Appellant.

-----X

Defendant having moved for leave to file a late notice of appeal, or in the alternative, to deem the moving papers a timely filed notice of appeal, from a judgment of the Supreme Court, Bronx County, rendered on or about August 7, 2019, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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



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 November 14, 2019.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Troy K. Webber  
Ellen Gesmer  
Jeffrey K. Oing, Justices.

-----X  
In the Matter of

Athena M.,

**CONFIDENTIAL**  
**M-7612**

Docket No. NN-14196/18

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

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

-against

Manuel M. T.,  
Respondent-Appellant.

- - - - -  
Michael Moorman, Esq.,  
Lawyers for Children,  
Attorney for the Child.

-----X

An order of this Court having been entered on June 20, 2019(M-2405) granting respondent-appellant leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, New York County, entered on or about March 28, 2019, and assigning Steven N. Feinman, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

It is ordered that the motion is granted to the extent of striking the designation of Steven N. Feinman, Esq., as assigned counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Susan G. Barrie, Esq., 401 Broadway, Suite 1902, New York, New York 10013, Telephone No. 917-612-5999, as such counsel.

The poor person relief previously granted is continued, and appellant is directed to perfect the appeal, in compliance with Section 1250.9 of the Practice Rules of the Appellate Division, within 60 days of receipt of the transcripts. Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 14, 2019.

Present: Hon. Rosalyn H. Richter, Justice Presiding,  
Troy K. Webber  
Ellen Gesmer  
Jeffrey K. Oing, Justices.

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

Respondent,

-against-

Anonymous,

Defendant-Appellant.  
-----X

**CONFIDENTIAL**

**M-7342**

Ind. No. 4967/14

Defendant-appellant having moved for an order granting movant anonymity of the records in connection with an appeal taken from a judgment of the Supreme Court, New York County, rendered on or about August 18, 2016, designating the case as *People v Anonymous*, and sealing the Supreme Court record and the record on appeal, including the minutes of the proceedings and the appellate briefs and motions, all briefs and orders, and all future filings in the appeal and other 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. The Clerk is directed to calendar the appeal under *People v Anonymous*.

ENTERED:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 14, 2019.

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

-----x  
Raphael DeNiro,

Plaintiff-Respondent,

-against-

Claudine DeNiro,

Defendant-Appellant.  
-----x

**CONFIDENTIAL**

M-7298

Index No. 312334/16

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about September 13, 2019,

And defendant-appellant having moved, pursuant to CPLR 5519(c), for a stay of enforcement of the aforesaid order pending hearing and determination of the appeal taken therefrom,

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 November 14, 2019.

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

-----X

The People of the State of New York,  
Respondent,

-against-

Henry Wachtel,  
Defendant-Appellant.

-----X

**CONFIDENTIAL**

M-3708

Ind. No. 1669/12

Defendant-appellant having moved, pursuant to CPL. § 330.20 (21)(a)(ii), for leave to appeal to this Court, from the decision and order of the Supreme Court, New York County, (Konviser, J.) entered on or about September 28, 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.

ENTERED:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 14, 2019.

Present - Hon. Sallie Manzanet-Daniels, Justice Presiding,  
Peter Tom  
Barbara R. Kapnick  
Ellen Gesmer  
Anil C. Singh,  
Justices.

-----x  
Kalman Kaspiev,

Plaintiff-Appellant,

-against-

Irina Pankova, M.D., et al.,

Defendants-Respondents.  
-----x

M-7741  
Index No. 800008/14

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about September 22, 2017, and said appeal having been perfected,

And plaintiff-appellant having moved for an order striking certain documents produced by defendant-respondent Irina Pankova, M.D., from the record, for an adjournment of the appeal, 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 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 November 14, 2019.

Present - Hon. Sallie Manzanet-Daniels, Justice Presiding,  
Peter Tom  
Barbara R. Kapnick  
Ellen Gesmer  
Anil C. Singh, Justices.

-----x  
Marek Krzyzanowski,  
Plaintiff-Respondent,

-against-

M-7637  
Index No. 157165/16

The City of New York, The Comptroller  
of the City of New York, Rockmore  
Contracting Corp. and STV  
Construction Inc.,  
Defendants-Appellants.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about April 17, 2019, and said appeal having been perfected,

And defendants-appellants having moved for a stay of trial 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 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 November 14, 2019.

Present - Hon. Judith J. Gische, Justice Presiding,  
Peter Tom  
Barbara R. Kapnick  
Cynthia S. Kern  
Peter H. Moulton, Justices.

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

-against-

**M-7489**  
Ind. No. 1355/13

Jahaziha Pough,  
Defendant-Appellant.

-----X

An order of this Court having been entered on February 28, 2017(M-6653), granting defendant leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about March 30, 2015, and assigning Rosemary Herbert, Esq., predecessor counsel to Christina Swarns, Esq., Office of the Appellate Defender, as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, or, in the alternative, to dismiss the appeal, without prejudice to reinstatement,

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 and is otherwise denied.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 14, 2019.

Present - Hon. Judith J. Gische, Justice Presiding,  
Peter Tom  
Barbara R. Kapnick  
Cynthia S. Kern  
Peter H. Moulton, Justices.

-----X  
Omar Herrera,  
Plaintiff-Appellant,

-against-

**M-7302**  
Index No. 302090/15

Carlos Vargas,  
Defendant-Respondent.  
-----X  
(And a third-party action)  
-----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 September 29, 2017,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the March 2020 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 November 14, 2019.

Present - Hon. Judith J. Gische,  
Peter Tom  
Cynthia S. Kern  
Peter H. Moulton,

Justice Presiding,  
Justices.

-----X  
The Bank of New York Mellon, formerly  
known as The Bank of New York, etc.,  
Plaintiff-Respondent,

-against-

Geraldine Golden, as Administratrix  
of the Estate of Steven Golden, etc.,  
Defendant-Appellant,

J.P. Morgan Chase Bank, N.A., et al.,  
Defendants.

**M-7611**  
Index No. 850122/15

-----X  
An appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 28, 2018,  
And defendant-appellant having renewed her application to schedule a reconstruction hearing and for an extension of time to perfect 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 granted to the extent of extending the time to perfect the appeal to the March 2020 Term, and is otherwise denied.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 14, 2019.

Present - Hon. Judith J. Gische, Justice Presiding,  
Peter Tom  
Barbara R. Kapnick  
Cynthia S. Kern  
Peter H. Moulton, Justices.

-----X  
Mackenzie-Childs of New York, LLC,  
Plaintiff-Respondent,

-against-

**M-7344**

Index No. 650014/18

20 West 57<sup>th</sup> Street Realty LLC,  
Defendant-Appellant.

-----X

Defendant-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 March 14, 2018, and to consolidate said appeal with the appeal taken from the order and transcript, same Court, entered on or about July 31, 2019 and August 5, 2019, respectively,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal taken from the order entered on or about March 14, 2018 to the March 2020 Term. That branch of the motion seeking to consolidate the aforementioned appeals is denied as unnecessary, as the appeals may be consolidated as of right (See, 22 NYCRR 1250.9[f][3]).

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 14, 2019.

Present - Hon. Judith J. Gische, Justice Presiding,  
Troy K. Webber  
Cynthia S. Kern  
Peter H. Moulton, Justices.

-----x  
Food First Housing Development Fund  
Company, Inc.,  
Plaintiff,

-against-

M-7723  
Index No. 653147/15

Federal National Mortgage Association  
and L&M Affordable Asset Management  
LLC,  
Defendants.

-----x

Defendant Federal National Mortgage Association having moved, pursuant to CPLR 5704(a), for an order vacating the purported ex parte order of a Justice of the Supreme Court, New York County, dated October 4, 2019, which declined to sign an order to show cause, granting the proposed order to show cause, and directing Supreme Court to decide movant's motion, or, in the alternative, granting movant leave to appeal therefrom pursuant to CPLR 5701(a)(3),

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 remanding the matter to Supreme Court, New York County for the scheduling of a return date for the hearing and determination of defendant's underlying motion brought by order to show cause, and otherwise denied.

Defendant shall serve a copy of this order on the Ex Parte Office of the Supreme Court, New York County.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 14, 2019.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Barbara R. Kapnick  
Ellen Gesmer  
Peter H. Moulton, Justices.

-----x  
Matthew Maurice, individually and as  
sole shareholder, and an officer and  
director of Babe Realty, Inc., etc.,  
Plaintiff-Appellant,

M-7812  
Index No. 21084/14E

-against-

Irene D. Maurice, also known as  
Irene D. Bachtler, et al.,  
Defendants-Respondents.

-----x  
An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about March 14, 2019, and said appeal having been perfected,

And defendants-respondents having moved to dismiss the appeal or, in the alternative, to compel plaintiff-appellant to withdraw the appellant's brief and record on appeal and to re-file a complete record on appeal and an appellant's brief with citations to the complete record, and to adjourn the appeal and extend the time to file a respondents' brief,

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 adjourning the appeal to the February 2020 Term, and is otherwise denied.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 14, 2019.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Barbara R. Kapnick  
Ellen Gesmer  
Peter H. Moulton, Justices.

-----x  
Ke'Andrea Nelson,  
Plaintiff-Respondent,

-against-

M-7763  
Index No. 160417/13

New York City Transit Authority and  
MTA Bus Company,  
Defendants-Appellants.  
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about March 22, 2019, and said appeal having been perfected,

And defendants-appellants having moved for a stay of trial 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 granted.

ENTERED:

  
CLERK

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

BEFORE: Hon. DAVID FRIEDMAN  
Justice of the Appellate Division

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

M-7306  
Ind. No. 2356/07

-against-

CERTIFICATE  
DENYING LEAVE


Gadiel Padilla,  
Defendant.  
-----X

I, DAVID FRIEDMAN, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, section 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the Order of the Supreme Court, Bronx County, entered on or about October 5, 2018, is hereby denied.

Dated: New York, New York  
October 25, 2019

ENTERED

NOV 14 2019

  
\_\_\_\_\_  
DAVID FRIEDMAN  
Justice of the Appellate Division



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 14, 2019.

PRESENT: Hon. David Friedman, Justice Presiding,  
Jeffrey K. Oing  
Anil C. Singh  
Peter H. Moulton, Justices.

-----X  
In the Matter of the Application of  
People of the State of New York ex  
rel. Martin J. LaFalce on behalf of  
Bill Ayala,  
Petitioner,

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

-against-

**SEALED**  
M-7918  
Ind. No. 869/19  
Case No. 2019-4290

Hon. Abraham Clott, etc.  
Respondent.

-----X

Petitioner having filed an original proceeding with this Court seeking a writ of mandamus or, in the alternative, a writ of prohibition, overturning the order of the Supreme Court, New York County (Clott, J.), dated October 18, 2019, and ordering respondent Justice to sever the hearings and trial of petitioner and his co-defendant and extend the protective order issued on September 26, 2019, which barred the People from providing certain evidence to petitioner's co-defendant,

And an order by a Justice of this Court having been entered on October 21, 2019, granting petitioner's application for an interim extension of the aforesaid protective order and leave to supplement the proceeding with a hand-written filing,

And petitioner having moved for an order granting a further extension of the aforesaid protective order pending the hearing and determination of the instant Article 78 proceeding and for leave to present oral argument on said Article 78 proceeding, and to file the instant motion under seal,

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 in its entirety. The papers filed with the Clerk of the Court in connection with the motion are sealed, and any additional papers filed in the proceeding shall be filed under seal and shall remain sealed upon filing.

ENTERED:

  
\_\_\_\_\_  
CLERK