

At a 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 19, 2019.

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

-----X
Charles Griffin, LLC,
Plaintiff-Respondent,

-against-

M-7576
Index No. 650438/16

Anastasia Wincorn and the Law Office
of Anastasia Wincorn,
Defendants-Appellants,

Philip Segal,
Third-Party Defendant-Respondent.

-----X

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

Now, upon reading and filing the stipulation of the parties hereto, dated October 3, 2019, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected, is withdrawn in accordance with the aforesaid stipulation.

ENTERED:


DEPUTY CLERK

At a 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 19, 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

Ymari E. and Arianna E.,

CONFIDENTIAL

M-7629

Children Under the Age of Eighteen
Alleged to be Abused and Neglected by

Docket Nos. NA-11783-19
NA-11784/19

Shatisha L. and Mark E.,
Respondents-Respondents,

Administration for Children's Services,
Petitioner-Appellant,

- - - - -

Janet E. Sabel, Esq.
Attorney for the Children.

-----X

An appeal having been taken from an order of the Family Court, Bronx County, entered on or about May 8, 2019,

Now, upon reading and filing the stipulation of the parties hereto, dated October 8, 2019, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected, is withdrawn in accordance with the aforesaid stipulation.

ENTERED:



DEPUTY CLERK

At a 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 19, 2019.

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

-----X

Adem Arici,
Plaintiff-Appellant,

-against-

M-7631

Index No. 654665/17

Andrew Poma,
Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about June 4, 2019,

And defendant-respondent having moved for an adjournment of the aforementioned appeal to the December 2019 Term,

Now, upon reading and filing the correspondence from counsel for defendant-respondent dated October 21, 2019, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn in accordance with the aforesaid correspondence.

ENTERED:



DEPUTY CLERK

At a 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 19, 2019.

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

-----X
Yahoo, Inc.,
Plaintiff-Respondent,

-against-

M-7633
Index No. 650452/18

Safe Drive Systems, Inc.,
Defendant-Appellant.
-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, entered on or about October 25, 2018,

Now, upon reading and filing the stipulation of the parties hereto, dated September 17, 2019, and due deliberation having been had thereon,

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

ENTERED:



DEPUTY CLERK

At a 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 19, 2019.

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

-----x
Crystal Simmons,

Plaintiff-Respondent,

-against-

M-7707

Index No. 302308/16

River Court Associates, L.L.C.,
Related Management Company, L.P., and
Gerard Court Associates, L.L.C.,
Defendants-Appellants.

-----x

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

Now, upon reading and filing the correspondence from counsel for defendants-appellants, dated September 27, 2019, and due deliberation having been had thereon,

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

ENTERED:



DEPUTY CLERK

At a 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 19, 2019.

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

-----X

Martin Gjeka and Drite Gjeka,
Plaintiffs-Respondents,

-against-

M-7708

Index No. 304692/12

Iron Horse Transport, Inc., Michael
Busch, and 108-110 East 116th Street LLC,
Defendants,

Re-Steel Supply Company, Inc.,
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about October 11, 2018,

Now, upon reading and filing the correspondence from counsel for defendant-appellant, dated October 10, 2019, and due deliberation having been had thereon,

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

ENTERED:



DEPUTY CLERK

At a 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 19, 2019.

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

-----X
In the Matter of the Application of
MHM Sponsors Co.,
Petitioner-Appellant,

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

M-7772
Index No. 156513/18

-against-

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

Bonnie Zucker and Clyde Zucker,
Intervenors-Respondents.

-----X

An appeal having been taken from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about February 8, 2019,

Now, upon reading and filing the correspondence from counsel for petitioner-appellant, dated October 14, 2019, and due deliberation having been had thereon,

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

ENTERED:



DEPUTY CLERK

At a 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 19, 2019.

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

-----X

Trocom Construction Corp.,
Plaintiff-Respondent,

-against-

M-7773

Index No. 652030/11

The City of New York,
Defendant-Appellant,

Consolidated Edison Company
of New York, Inc.,
Defendant.

-----X

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

Now, upon reading and filing the correspondence from counsel for defendant-appellant dated October 15, 2019, and due deliberation having been had thereon,

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

ENTERED:



DEPUTY CLERK

At a 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 19, 2019.

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

-----X
Rafael Sepulveda, individually and
as Administrator of the Estate of
Cinthia Sepulveda, also known as
Cynthia Sepulveda, and as Administrator
of the Estate of Elena Sepulveda,
Plaintiffs-Respondents,

M-7774
Index No. 302249/10

-against-

Joy L. Tun, M.D., Montefiore Medical
Center,
Defendants,

City of New York,
Defendant-Appellant.

-----X

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

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

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

ENTERED:



DEPUTY CLERK

At a 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 19, 2019.

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

-----X
Bayrock Spring Street, LLC and
Bayrock Group, LLC,
Plaintiffs-Appellants,

-against-

M-7775X
Index No. 650921/15

246 Spring Street (Soho NY) Mezz,
LLC and 246 Spring Street (Soho NY)
B, LLC,
Defendants-Respondents.
-----X

An appeal having been taken from an order and a judgment of the Supreme Court, New York County, entered on or about January 25, 2019, and February 4, 2019, respectively,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" October 16, 2019, and due deliberation having been had thereon,

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

ENTERED:



DEPUTY CLERK

At a 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 19, 2019.

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

-----X
Capital One, National Association,
Plaintiff-Respondent,

-against-

M-7776
Index No. 653860/18

Richard Bart,
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about June 4, 2019,

Now, upon reading and filing the correspondence from counsel for defendant-appellant dated October 15, 2019, and due deliberation having been had thereon,

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

ENTERED:



DEPUTY CLERK

At a 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 19, 2019.

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

-----X
Odaine Fyffe,
Plaintiff-Appellant,

-against-

M-7698
Index No. 453194/15

E & M Associates, David Salzman and
Dunbar Portfolio, LLC,
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about April 16, 2019,

Now, upon reading and filing the correspondence from counsel for plaintiff-appellant dated October 10, 2019, and due deliberation having been had thereon,

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

ENTERED:



DEPUTY CLERK

At a 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 19, 2019.

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

-----X

Kawan Jackson,
Plaintiff-Appellant-Respondent,

-against-

M-7777

Index No. 401794/12

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

Sgt. Anthony Demonte et al.,
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 April 15, 2019,

Now, upon reading and filing the correspondence from counsel for plaintiff-appellant-respondent dated October 2, 2019 and from counsel for defendant-respondent-appellant dated October 3, 2019, and due deliberation having been had thereon,

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

ENTERED:



DEPUTY CLERK

At a 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 19, 2019.

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

-----X
Signature Financial LLC,
Plaintiff-Respondent,

-against-

M-7791
Index No. 650765/17

Valentina Zubok,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, entered on or about October 26, 2018,

Now, upon reading and filing the stipulation of the parties hereto, dated October 16, 2019, and due deliberation having been had thereon,

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

ENTERED:



DEPUTY CLERK

At a 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 19, 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-7507
Ind. No. 4504N/17

Juan Rodriguez,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about September 5, 2018,

Now, upon reading and filing the stipulation of the parties hereto, dated September 27, 2019, and due deliberation having been had thereon,

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

ENTERED:



DEPUTY CLERK

At a 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 19, 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-7511

Ind. No. 4482/18

Clifford Taylor,
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 July 24, 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, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete record.

ENTERED:

A handwritten signature in cursive script, appearing to read "Eric Schuck", written in black ink.

DEPUTY CLERK

At a 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 19, 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-7717

-against-

Ind. No. 5474/75

Glenn Stewart,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from the order of the Supreme Court, New York County (Rodney, J.), entered on or about September 16, 2019, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an extension of time in which to perfect the appeal, and for related relief,

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

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

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

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:

A handwritten signature in black ink, appearing to read "Eric Schuck", written in a cursive style.

DEPUTY CLERK

At a 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 19, 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-

Chantae Thompson,
Defendant-Appellant.

-----X

M-7734
Ind. No. 1481/18
SCI. No. 296N/18

An order of the Supreme Court, New York County, having been entered on or about June 19, 2019, inter alia, granting defendant poor person relief with respect to the appeal taken from the a judgment of the Supreme Court, New York County, rendered on or about June 4, 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.

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:

A handwritten signature in black ink, appearing to read "Eric Schuck", written in a cursive style. The signature is positioned above a horizontal line.

DEPUTY CLERK

At a 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 19, 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-7748

-against-

Ind. No. 1704/18

Jose Jimenez,
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 August 27, 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, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete record.

ENTERED:

A handwritten signature in cursive script, appearing to read "Eric Schuck", written in black ink.

DEPUTY CLERK

At a 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 19, 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-

Erry Rosas,
Defendant-Appellant.

M-7486
Ind. Nos. 3751/97
9034/97

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about June 22, 2018,

Now, upon reading and filing the stipulation of the parties hereto, dated September 25, 2019, and due deliberation having been had thereon,

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

ENTERED:



DEPUTY CLERK

At a 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 19, 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-7492
Ind. No. 2374/15

Amidu Sall,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, Bronx County, rendered on or about October 10, 2017,

Now, upon reading and filing the stipulation of the parties hereto, dated September 30, 2019, and due deliberation having been had thereon,

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

ENTERED:



DEPUTY CLERK

At a 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 19, 2019.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Peter Tom, Justices.

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

-against-

Tyrone Rolle,
Defendant-Appellant.
-----X

CONFIDENTIAL

M-2862

Ind. No. 3264/05

A decision and order of this Court having been entered on February 3, 2009 (Appeal No. 5164), unanimously affirming a judgment of the Supreme Court, New York County (Bonnie Wittner, J.), rendered on September 8, 2006,

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:



DEPUTY CLERK

At a 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 19, 2019.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Rosalyn H. Richter
Angela M. Mazzarelli
Troy K. Webber
Cynthia S. Kern, Justices.

-----X
2013 Amsterdam Avenue Housing
Association, L.P.,
Petitioner-Landlord-Respondent,

-against-

M-3713
Index No. 570117/18

Darren King,
Respondent-Tenant-Appellant.

-----X

Petitioner-landlord-respondent having moved for leave to appeal to this Court from the decision and order of the Appellate Term, First Department, entered in the office of the Clerk of the Supreme Court, New York County, on or about March 22, 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.

ENTERED:



DEPUTY CLERK

At a 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 19, 2019.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Rosalyn H. Richter
Angela M. Mazzarelli
Troy K. Webber
Cynthia S. Kern, Justices.

-----X
Patricia A. Booth and John M. Booth,
Plaintiffs-Respondents,

-against-

M-7147
Index No. 158604/17

Otis Elevator Company,
Defendant-Appellant,

Memorial Sloan-Kettering Cancer Center,
Defendant-Respondent.
-----X

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

And defendant-respondent having moved to dismiss the aforesaid appeal pursuant to CPLR 5701(a)(2), on the grounds that no appeal lies as of right from the subject Supreme Court 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 motion is granted and the appeal is dismissed.

ENTERED:



DEPUTY CLERK

At a 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 19, 2019.

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

-----X
Nella Manko,
Plaintiff-Appellant,

-against-

Dr. Dana Mannor, et al.
Defendants-Respondents,

M-7525
Index No. 109296/07

Lenox Hill Hospital, etc. et al.,
Defendants.

-----X
Nella Manko,
Plaintiff-Appellant,

-against-

Index No. 113306/06

Dana Mannor, et al.
Defendants-Respondents

"Anesthesiologist" (a fictitious name), et al.,
Defendants.

-----X

Plaintiff-appellant in both actions having moved to vacate and to reconsider, two decisions of this Court, entered on October 28, 2008 (Appeal No. 4425, Index No. 113306/06), and December 10, 2009 (Appeal No. 1720-1721, Index No. 109296/07), and for poor person relief,

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

It is ordered that the motion is denied.

ENTERED:

A handwritten signature in black ink, appearing to read "Eric Schuck". The signature is written in a cursive style with a prominent initial "E".

DEPUTY CLERK

At a 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 19, 2019.

Present - Hon. David Friedman, Justice Presiding,
Dianne T. Renwick
Peter Tom
Jeffrey K. Oing,, Justices.

-----x
Estate of Theodore Lipin, Robert G.
Lipin and Ann Susan Markatos,
Plaintiffs-Respondents,

M-7768
Index No. 153731/18

-against-

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

Appeals having been taken to this Court by defendant-appellant from the orders of the Supreme Court, New York County, entered on or about July 12, 2019, June 17, 2019 and January 4, 2019, and the appeals having been perfected (Case Nos. 2019-1394 and 2019-1313),

And an appeal having been taken to this Court by defendant-appellant from the judgment of the same court entered on or about October 15, 2019 (Case No. 2019-4195), and,

And defendant-appellant having moved to consolidate (1) the perfected appeals (Case Nos. 2019-1394 and 2019-1313) with the unperfected appeal (Case No. 2019-4195), and (2) the aforesaid appeals in this action with the perfected appeals taken from the orders of the Supreme Court, New York County, entered on or about June 13, 2019, March 22, 2019 and January 2, 2019 in *Lipin v Danske Bank, et al.*, Index No. 150972/14 (Case Nos. 2019-1302, 2019-1096, 2019-314),

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 that defendant is directed to perfect the appeal from the judgment entered on or about October 15, 2019 (Case No. 2019-4195) for the March 2020 Term, to which term the perfected appeals (Case Nos.

2019-1394 and 2019-1313) in this action are adjourned. The motion to consolidate the aforementioned appeals in this action is denied as unnecessary (see 22 NYCRR 1250.9(f)(3), and

It is further ordered that the aforementioned perfected appeals in *Lipin v Danske Bank, et al.*, Index No. 150972/14 (Case Nos. 2019-1302, 2019-1096, 2019-314) are adjourned to the March 2020 Term and the Clerk is directed to calendar all the appeals in both actions on the same date in said March 2020 Term.

ENTERED:

A handwritten signature in black ink, appearing to read "Eric Schuck", written in a cursive style. The signature is positioned above a horizontal line.

DEPUTY CLERK

At a 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 19, 2019.

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

-----X

In the Matter of a Family Offense
Proceeding under Article 6 of the
Family Court Act

Confidential

Frederick D. T.,
Petitioner-Respondent,

M-3296

M-3297

M-3328

Docket Nos. V-13887/18

V-12284/18

-against-

Maria A. B.,
Respondent-Appellant.

-----X

In the Matter of a Custody and/or
Visitation Proceeding Under Article 6
of the Family Court Act

Frederick D. T.,
Petitioner-Respondent,

-against-

Maria A.B.,
Respondent-Appellant.

-----X

Appeals having been taken from two orders of the Family Court, New York County entered on or about May 29, 2019 and June 24, 2019,

And respondent-appellant having moved for an order staying all proceedings in the Family Court pending hearing and determination of the appeal taken from the May 29, 2019 order; and staying enforcement of the June 24, 2019 Family Court order pending hearing and determination of the appeals taken from both of the aforementioned orders (M-3296),

And petitioner-respondent having cross-moved to dismiss the aforementioned appeals (M-3297),

And respondent-appellant having moved for leave to appeal two orders of the Family Court, New York County, entered on or about May 29, 2019 and June 24, 2019 (M-3328),

And an interim order having been entered on July 2, 2019 which, pending the determination of the within motion, stayed that portion of the June 24, 2019 Family Court order which directed the mother to file a relocation petition,

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

It is ordered that the cross motion is granted and the appeals are dismissed (M-3297). Respondent-appellant's motion for a stay is denied as academic (M-3296) and the application for leave to appeal the orders of the Family Court, New York County entered on or about May 29, 2019 and June 24, 2019 is denied (M-3328). The interim relief granted by an order of a Justice of this Court, dated July 2, 2019, is hereby vacated.

ENTERED:



DEPUTY CLERK

At a 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 19, 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-

Ronny Rocha,
Defendant-Appellant.

M-7320
Ind Nos. 2088/14
1923/17

-----X

An order of this Court having been entered on November 15, 2018 (M-4621) 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 October 16, 2017, and by order entered August 20, 2019 (M-2988) Christina Swarns, Esq., Office of the Appellate Defender, having been substituted as assigned counsel as counsel to prosecute said 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 Christina Swarns, Esq., as assigned counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Janet E. Sabel, Esq., The Legal Aid Society, 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688 as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the receipt of the complete record, whichever is later.

ENTERED:



DEPUTY CLERK

At a 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 19, 2019.

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

-----x
Kevin McGookin,
Plaintiff-Appellant,

-against-

Antoneta Berishai,
Defendant-Respondent.
-----x

CONFIDENTIAL

M-7324

Index No. 21904/17E

Plaintiff-appellant having moved to consolidate the appeal taken from the order of the Supreme Court, Bronx County, entered on or about January 15, 2019 (Index No. 21904/17E) with the appeal taken from the order, same Court, entered on or about July 19, 2019 in Kevin McGookin v Nationwide Mutual Ins. Company (Index No. 21737/19), and for an extension of time to perfect the consolidated 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 consolidating the appeals and directing plaintiff to prosecute the same upon an original and five hard copies of one reproduced full record, and an original and five hard copies of one appellant's brief and, if represented by counsel, one digital copy of the record and brief, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division. The time in which to perfect the consolidated appeals is extended to the March 2020 Term of this Court.

ENTERED:



DEPUTY CLERK

At a 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 19, 2019.

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

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

- - - - -
Horace W.,
Petitioner-Appellant,

-against-

Tameeka S.,
Respondent-Respondent.

CONFIDENTIAL
M-7488
Docket Nos. F-24583-06/17K
F-8792/17
F-33079/16
P-24583/06
F-24583/06

-----X

Petitioner-appellant having moved for an extension of time to perfect the appeal taken from the order of the Family Court, Bronx County, entered on or about July 23, 2018,

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 denied.

ENTERED:



DEPUTY CLERK

At a 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 19, 2019.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Judith J. Gische
Angela M. Mazzarelli, Justices.

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

-against-

M-2724
Ind. No. 3024/03

Edgar Ortega,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on January 17, 2008 (Appeal Nos. 2550 & 2550A), unanimously affirming a judgment of the Supreme Court, New York County (Gregory Carro, J.), rendered on November 3, 2005, and an order, same Court and Justice, entered on December 20, 2006,

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:


DEPUTY CLERK

At a 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 19, 2019.

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

-----X
Suttongate Holdings Limited,
Plaintiff-Appellant,

-against-

Laconm Management N.V. et al., M-3692
Defendants-Respondents. M-3693
- - - - -
Index No. 652393/15
Laconm Management N.V. et al.,
Third-Party Plaintiffs-Respondents,

Barbery Group, Ltd., et al.,
Nominal Third-Party Plaintiffs-
Respondents,

-against-

Waverly Investments, Ltd., et al.,
Third-Party Defendants-Appellants.
-----X

Defendants/counterclaim-plaintiffs/third-party plaintiffs-respondents Laconm Management N.V., Samir Andrawos, Kashmire Investments Ltd., Immo Kashmire Development Inc., Sedna Group Ltd., Kuiper Group Ltd., Ourista N.V. and Barbery Group Ltd. 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 June 27, 2019 (Appeal No. 9745) [M-3692],

And defendant-respondent Virginia Iglesias having moved for reargument of the decision and order of this Court, entered on June 27, 2019 (Appeal No. 9745) [M-3693],

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

It is ordered that the motions are denied [M-3692/M-3693].

ENTERED:

A handwritten signature in black ink, appearing to read "Eric Schuck". The signature is written in a cursive style with a horizontal line underneath it.

DEPUTY CLERK

At a 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 19, 2019.

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

-----X
Luis Ramirez,
Plaintiff-Respondent,

-against-

M-6827
Index No. 154988/13

A.W. & S. Construction Co., Inc.,
Empire State Building Associates L.L.C.
and W5 Group, LLC, doing business as
Waldorf Demolition,
Defendants-Appellants.

-----X

Appeals having been taken from an order of the Supreme Court, New York County, entered on or about March 29, 2018 and from an order of the same Court entered on or about March 25, 2019, and the appeal from the order entered on or about March 25, 2019, having been perfected,

And defendants-appellants having moved for an extension of time to perfect the appeal from the order entered on or about March 29, 2018, to consolidate the appeals, and for a stay of trial, including jury selection, pending hearing and determination of the appeals,

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

It is ordered that the motion is denied.

ENTERED:



DEPUTY CLERK

At a 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 19, 2019.

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

-----X
Lam Pearl Street Hotel LLC,
Plaintiff-Appellant,

-against-

Golden Pearl Construction LLC, CNY
Group LLC, Kenneth M. Colao, and
Steven Colao,
Defendants-Respondents.

M-6825
Index No. 657487/17

-----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 November 9, 2018,

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

It is ordered that the motion is granted to the extent of extending the time to perfect the appeal to the March 2020 Term.

ENTERED:



DEPUTY CLERK

At a 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 19, 2019.

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

-----X
Hudson-Spring Partners, L.P., now known
as Connection Partners, LLC,
Plaintiff-Respondent-Appellant,

-against-

M-7096
Index No. 652229/10

P+M Design Consultants, Inc., Poulin+
Morris, Inc., John Does and John Doe
Companies,
Defendants-Appellants-Respondents.

-----X

A purported appeal and cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about April 3, 2019,

And plaintiff-respondent-appellant having moved, pursuant to CPLR 5512(a), to dismiss the appeal taken from the aforesaid 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 motion is granted, the purported appeal and cross appeal are dismissed without prejudice to appeal from an appealable paper (CPLR 5512[a]).

ENTERED:



DEPUTY CLERK

At a 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 19, 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-7493

Ind. No. 1561/16

Joseph Urgitano,
Defendant-Appellant.

-----X

Defendant having moved for an extension of time to perfect the appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about November 7, 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:



DEPUTY CLERK

At a 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 19, 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-7496
Ind. No. 4895/17

Sharon Lashley,
Defendant-Appellant.

-----X

Defendant-appellant having moved for an extension of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about June 6, 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.

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

ENTERED:

A handwritten signature in black ink, appearing to read "Eric Schuck", written in a cursive style. The signature is positioned above a horizontal line.

DEPUTY CLERK

At a 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 19, 2019.

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

-----X
The City of New York,
Plaintiff,

-against-

M-7742
Index No. 451883/17

Hank Freid, et al.,
Defendants.
-----X

Plaintiff having moved, pursuant to CPLR 5704(a), to temporarily enjoin defendants from using or advertising their buildings for transient occupancy, or in the alternative, for leave to appeal to this Court from the order of Supreme Court, New York County, entered on or about September 26, 2019, declining to sign an Order to Show Cause seeking the aforesaid injunctive 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 denied.

ENTERED:



DEPUTY CLERK

At a 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 19, 2019.

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

-----X

In the Matter of a Support Proceeding

Keia Leronda W.,
Corporation Counsel-New York City
Petitioners-Respondents,

Confidential
M-7745

Docket No.U-8792/18

-against-

William Henry P.,
Respondent-Appellant.

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

-----X

Respondent-appellant father 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 February 19, 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 denied, without prejudice to respondent-appellant making an application to vacate the dismissal of his appeal pursuant to 22 NYCRR 1250.10(c).

ENTERED:



DEPUTY CLERK