

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 10, 2019.

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

-----X
Dorothy Eng as the Executor of the

Estate of Hing May Eng,
Plaintiff-Respondent,

-against-

M-3039

M-3122

Index No. 156810/14

NYU Hospitals Center,
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about April 26, 2018, and said appeal having been heard and decided by this Court by order entered May 30, 2019 (Appeal No. 9494),

And defendant-appellant having moved to resettle the aforesaid order of this Court entered on May 30, 2019 (Appeal No. 9494) [M-3039],

And defendant-appellant having moved to stay the trial in this matter pending hearing and determination of the aforesaid motion (M-3039) [M-3122],

Now, upon reading and filing the papers with respect to the motions, including the correspondence from the attorneys for defendant-appellant dated July 11, 2019 and July 17, 2019, and due deliberation having been had thereon,

It is ordered that the motions are deemed withdrawn in accordance with the aforesaid correspondence [M-3039/M-3122].

ENTERED: September 10, 2019


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 10, 2019.

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

-----X
Lidiana Amorim, et al.,
Plaintiffs-Appellants-Respondents,

-against-

M-3400

Index No. 650008/16

The Metropolitan Club, Inc.,
Defendant-Respondent-Appellant.

-----X
Stuart Button, et al., and all others
similarly situated,
Plaintiffs-Appellants-Respondents,

-against-

Index No. 656625/17

The Metropolitan Club, Inc,
Defendant-Respondent-Appellant.

-----X

An appeal and cross appeal (Cal. No. 2019-1702) having been taken from an order of the Supreme Court, New York County, entered on or about December 13, 2018,

Now, upon reading and filing the notice of withdrawal of appeal from counsel for defendant-respondent-appellant dated July 8, 2019, and due deliberation having been had thereon,

It is ordered that the cross appeal is deemed withdrawn in accordance with the aforesaid notice.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 10, 2019.

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

-----X

Antonio Barbosa,
Plaintiff-Appellant,

-against-

M-3402

Index No. 156905/13

The City of New York,
Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about May 10, 2017,

Now, upon reading and filing the correspondence from the attorney for plaintiff-appellant dated July 2, 2019, and due deliberation having been had thereon,

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 10, 2019.

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

-----X
Rassas Al Ghaithi, as Administrator of
the Estate of Alouf Hassan, Deceased,
Rassas Al Ghaithi, as Father and Natural
Guardian of Afaf Al Ghaithi, an infant,
Lina Alghaithi, an infant, Twka Alhaithi,
an infant, Duaa Alghaithi, an infant, and
Rassas Al Ghathi, Individually, et al.,
Plaintiffs-Appellants,

M-3403
Index No. 114462/07

-against-

NEP West 119th Street, L.P., Deroso
Management, L.L.C., and Consolidated
Edison Company of New York, Inc.,
Defendants-Respondents.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, entered on or about August 16, 2017,

Now, upon reading and filing the correspondence from the attorney for plaintiffs-appellants dated June 28, 2019, and due deliberation having been had thereon,

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 10, 2019.

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

-----X
Courtlandt Corners II Housing
Development Fund Corporation, Courtlandt
Corners II Housing Associates, L.P.,
Courtlandt Crescent Associates, L.P.,
Courtlandt Crescent Housing Development
Fund Corporation, Phipps Houses Services,
Inc. and Monadnock Construction, Inc.,
Plaintiffs-Respondents,

-against-

M-3405
Index No. 305243/13

Harleysville Insurance Company,
Defendant-Appellant,

B&G Electrical Contractors of N.Y. Inc.,
Defendant-Appellant.

-----X

Separate appeals having been taken from an order of the Supreme Court, Bronx County, entered on or about April 2, 2018,

Now, upon reading and filing the correspondence from counsel attorney for defendant-appellant, Harleysville Insurance Company, dated July 9, 2019, and due deliberation having been had thereon,

It is ordered that Harleysville's 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 September 10, 2019.

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

-----X
Courtlandt Corners II Housing
Development Fund Corporation, Courtlandt
Corners II Housing Associates, L.P.,
Courtlandt Crescent Associates, L.P.,
Courtlandt Crescent Housing Development
Fund Corporation, Phipps Houses Services,
Inc. and Monadnock Construction, Inc.,
Plaintiffs-Respondents,

-against-

M-3425
Index No. 305243/13

B&G Electrical Contractors of N.Y. Inc.,
Defendant-Appellant,

Harleysville Insurance Company,
Defendant-Appellant.

-----X

Separate appeals having been taken from an order of the Supreme Court, Bronx County, entered on or about April 2, 2018,

Now, upon reading and filing the correspondence from counsel for defendant-appellant, B&G Electrical Contractors of N.Y. Inc., dated July 9, 2019, and due deliberation having been had thereon,

It is ordered that B&G Electrical's 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 September 10, 2019.

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

-----X
Rosemarie A. Herman, etc., et al.,

Plaintiffs-Respondents,

M-3426

M-3467

-against-

36 Gramercy Park Realty Associates, LLC;
et al.,

Defendants-Appellants.

ACTION NO. 1

Index No. 652700/12

-----X
36 Gramercy Park Realty Associates, LLC,
et al,

Third-Party Plaintiffs,

Index No. 595783/15

-against-

Ardent Investments LLC, J. Maurice Herman
and Michael Offit,

Third-Party Defendants.

-----X
36 Gramercy Park Realty Associates,
LLC, et al.,

Plaintiffs-Appellants

ACTION NO. 2

Index No. 654067/12

-against-

Rosemarie A. Herman, etc.,
Defendants-Respondents.

-----X

Consolidated appeals having been taken to this Court by defendants/third-party plaintiffs in Action No. 1 and plaintiffs in Action No. 2 from an order of the Supreme Court, New York County, entered on or about April 24, 2017, (Case Nos. 2018-2846 and 2018-2930).

Now, upon reading and filing the correspondence from counsel for defendants/third-party plaintiffs-appellants in Action No. 1 and plaintiffs-appellants in Action No. 2, dated July 8, 2019, and due deliberation having been had thereon,

It is ordered that the appeals 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 September 10, 2019.

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

-----X
Dan Forkosh, individually, and as
assignee of other Minority Shareholders
of DuCool, Ltd.,
Plaintiff-Appellant-Respondent,

-against-

M-3442

Index No. 656735/17

MP Cool Investments Ltd.,
Defendant-Respondent-Appellant,

David Matlin, MatlinPatterson Global
Advisors LLC, MatlinPatterson Global
Opportunities Partners III L.P., etal.,
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 September 25, 2018,

Now, upon reading and filing the joint correspondence of the parties hereto, dated July 8, 2019, and due deliberation having been had thereon,

It is ordered that the appeal and cross appeal are deemed withdrawn in accordance with the aforesaid 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 September 10, 2019.

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

-----X
RG-29th Street Owner I, LLC,

Petitioner-Respondent,

-against-

M-3458
Index No. 650422/19

Ninety-Five Madison Company, L.P.,

Respondent-Appellant.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about February 5, 2019,

Now, upon reading and filing the correspondence from the attorney for respondent-appellant dated July 10, 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 September 10, 2019.

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

-----X
Shirl Wright,
Plaintiff-Respondent,

-against-

New York City Health and Hospitals
Corporation, et al.,
Defendants,

M-3461
Index No. 114344/07

-and-

NYU Hospitals Center, Pascuale G.
Levine, M.D., Joan F. Cangiarella, M.D,
and Haskel Fleishaker, M.D.,
Defendants-Appellants.

-----X

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

Now, upon reading and filing the correspondence from the attorney for defendants-appellants dated July 10, 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 September 10, 2019.

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

-----X

Gullivers Gate, LLC and Irving Langer,
Plaintiffs-Appellants-Respondents,

-against-

M-3463

M-3522

Index No. 162134/18

Elmwood NYT Owner LLC, Oakwood NYT Owner
LLC, Wallkill NYT Owner LLC, Landings
NYT Owner LLC, and Times Square
Associates, LLC,
Respondents-Respondents-Appellants.

-----X

An appeal and cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 28, 2019, (Cal. No. 2019-552),

Now, upon reading and filing the correspondence of counsel for plaintiffs-appellants-respondents, dated July 8, 2019, (M-3463), and the correspondence of counsel for respondents-respondents-appellants, dated July 17, 2019, (M-3522), 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:


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 September 10, 2019.

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

-----X

Dennie Luciano and Jessica Luciano,
Plaintiffs-Respondents,

-against-

M-3625

Index No. 154273/15

One City Block LLC,
Defendant-Appellant,

Benchmark Builders, Inc.,
Defendant.

-----X

Defendant-appellant having moved for a stay of all proceedings in this action, including jury selection and trial, pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about April 3, 2019,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from counsel for defendant-appellant dated August 20, 2019, and due deliberation having been had thereon,

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 10, 2019.

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

-----X
Julio Ortiz,

Plaintiff-Respondent,

-against-

M-3466X
Index No. 302175/15

Thomas F. Greene,

Defendant-Appellant.
-----X

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 11, 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 September 10, 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 LIQUIDATION OF
ATLANTIC MUTUAL INSURANCE COMPANY
-----X
IN THE MATTER OF THE LIQUIDATION OF
CENTENNIAL INSURANCE COMPANY
-----X

M-3515
Index No. 402424/10

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 29, 2018,

Now, upon reading and filing the correspondence of counsel for cross-appellants/respondents, Dale M. Wallis, D.V.M., James L. Wallis and Hygieia Biological Laboratories, Inc., dated July 12, 2019, and due deliberation having been had thereon,

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 10, 2019.

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

-----X
Semsysco GmbH, et al.,

Plaintiffs-Appellants,

-against-

M-3517

Index No. 652719/16

GlobalFoundries Inc., et al.,

Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about March 18, 2019,

Now, upon reading and filing the correspondence from the attorney for plaintiffs-appellants dated July 17, 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 September 10, 2019.

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

-----X

American Stevedoring, Inc.,
Plaintiff-Respondent,

-against-

M-3523
Index No. 651472/12

Red Hook Container Terminal, LLC,
et al.,
Defendants-Appellants.

-----X

Red Hook Container Terminal, LLC,
Third-Party Plaintiff-Appellant,

-against-

JBL Trinity Group, LTD.,
Third-Party Defendant-Respondent.

-----X

An appeal having been taken by defendant, third-party plaintiff Red Hook Container Terminal, LLC from an order of the Supreme Court, New York County, entered on or about September 14, 2017, (Cal No. 2018-3190),

Now, upon reading and filing the Notice of Withdrawal of Appeal of counsel for defendant-appellant Red Hook Container Terminal, LLC, dated July 8, 2019, and due deliberation having been had thereon,

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 10, 2019.

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

-----X

Hearst Communications, Inc., Hearst
Healthcare Holdings II, Inc., Hearst
Indigo Holdings, Inc., and Medhok, Inc.,
Plaintiffs-Appellants,

M-3526
Index No. 650835/18

-against-

Anil Kottoor,
Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 11, 2019, and from a "so ordered" transcript entered on or about January 22, 2019.

Now, upon reading and filing the correspondence of counsel for plaintiffs-appellants, dated July 11, 2019, and due deliberation having been had thereon,

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 10, 2019.

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

-----X
Dilcia Ramos,

Plaintiff-Respondent,

-against-

New York City Transit Authority, et al.,
Defendants-Appellants,

M-3605
Index No. 20874/15E

-and-

"John Doe", etc.,
Defendants.

-----X

An 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 stipulation of the parties hereto, dated July 18, 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:


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 September 10, 2019.

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

-----X

American Stevedoring, Inc.,
Plaintiff,

-against-

M-3610
Index No. 651472/12

Red Hook Container Terminal, LLC, Seneca Insurance Company, Inc., doing business as The Seneca Companies, The Port Authority of New York and New Jersey, Demon Logistics LLC, NAACO Materials Handling Group, Inc., MTC Transportation Company, Beehive Beer, Phoenix Beverages, Windmill Beer and Eugene D'Ablemont,
Defendants,

-and-

The Alex N. Sill Company,
Nominal Defendant.

-----X

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

Now, upon reading and filing the stipulation of the parties hereto, dated June 24, 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 September 10, 2019.

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

-----X
Bruce Yeager,

Plaintiff-Appellant,

-against-

M-3614X
Index No. 651794/18

Media Trust Acquisition, LLC,
et al.,

Defendants-Respondents.
-----X

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 22, 2019, and due deliberation having been had thereon,

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 10, 2019.

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

-----X

Pauline Dickerson,
Plaintiff-Respondent,

-against-

M-3615X
Index No. 302109/15

Methode Ndikumana,
Defendant-Appellant,

Junior Anthony Osbourne and
Desiree Y. Bright,
Defendants-Respondents.

-----X

An appeal having been taken by Dennis Bartling, as Temporary Administrator of the Estate of Methode Ndikumana from an order of the Supreme Court, Bronx County, entered on or about December 27, 2018,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 22, 2019, and due deliberation having been had thereon,

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 10, 2019.

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

-----X
Paulette Smith Butler,

Plaintiff-Respondent,

-against-

M-3616X
Index No. 300163/16

Carmen Kotlowicz, et al.,

Defendants-Appellants.
-----X

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 22, 2019, and due deliberation having been had thereon,

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 10, 2019.

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

-----X
Jonathan Bloostein, et al.,
Plaintiffs-Respondents,

-against-

Morrison Cohen LLP, Brian Snarr,
and Does 1-10,
Defendants-Respondents.

M-3619
Index No. 651242/12

-----X
Morrison Cohen LLP, Brian Snarr, and
Does 1-10,
Third-Party Plaintiffs-Respondents,

-against-

Brown Rudnick LLP,
Third-Party Defendant-Appellant.

-----X

Consolidated appeals (Cal. No. 2018-1401) having been taken from orders of the Supreme Court, New York County, entered on or about June 8, 2017, and August 24, 2018,

Now, upon reading and filing the stipulation of the parties hereto, dated July 18, 2019, and due deliberation having been had thereon,

It is ordered that the consolidated appeals, previously perfected, are 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 September 10, 2019.

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

-----X

Jonathan Bloostein, et al.,
Plaintiffs-Respondents,

-against-

Morrison Cohen LLP and Brian Snarr,
Defendants-Appellants.

M-3621
Index No. 651242/12

-----X

Morrison Cohen LLP and Brian Snarr,
Third-Party Plaintiffs-Appellants,

-against-

Brown Rudnick LLP,
Third-Party Defendant-Respondent.

-----X

An appeal (Cal. No. 2019-2245) having been taken from an order of the Supreme Court, New York County, entered on or about February 19, 2019,

Now, upon reading and filing the stipulation of the parties hereto, dated July 18, 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:


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 September 10, 2019.

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

-----X
American Stevedoring, Inc.,
Plaintiff-Appellant,

-against-

Red Hook Container Terminal, LLC, et al.,
Defendant-Respondent.

M-3633
Index No. 651472/12

-----X

An appeal having been taken from orders of the Supreme Court, New York County, entered on or about December 15, 2017,

Now, upon reading and filing the stipulation of the parties hereto, dated June 24, 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:



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 September 10, 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-2860

Ind. No. 1021/18

Larry Garcia,

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 April 18, 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:


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 September 10, 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-3452
Ind. No. 1630/17

Shawn Folks,

Defendant-Appellant.

-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about February 1, 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:


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 September 10, 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-3534
Ind. No. 2584/15

Michele Gantt,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about April 12, 2017, and said appeal having been perfected,

And The People having moved to strike appellant's brief and remove the aforesaid appeal from the Court's calendar,

Now, upon reading and filing the papers with respect to the motion, including the correspondence from Luis Morales, Esq., Assistant District Attorney, dated July 29, 2019, and due deliberation having been had thereon,

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 10, 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-3611
Ind. No. 1292/17

Warren Morris,

Defendant-Appellant.
-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about December 14, 2017,

Now, upon reading and filing the stipulation of the parties hereto, dated July 3, 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 September 10, 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-3612
Ind. No. 1005/18

Sonia Ramsey,

Defendant-Appellant.
-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, rendered on or about December 12, 2018,

Now, upon reading and filing the stipulation of the parties hereto, dated July 3, 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 September 10, 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-3613
Ind. No. 1474/17

Keith Shenery,
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about May 29, 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 May 29, 2019,

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

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

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

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 September 10, 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-3618
Ind. No. 4943N/14

Carlos Reyes,

Defendant-Appellant.
-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about January 4, 2017,

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

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 10, 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-3635

Ind. No. 3546/16

William Prieto,

Defendant-Appellant.
-----X

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

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

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 10, 2019.

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

-----X
Board of Managers of the Modern 23
Condominium,
Plaintiff-Appellant-Respondent,

-against-

M-2388

Index No. 651463/15

350-52 West 23, LLC, Martin Hollander,
Arthur Israel and Erez Itzhaki,
Defendants-Respondents-Appellants.

-----X

Plaintiff-appellant-respondent having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on April 2, 2019 (Appeal Nos. 8878-8878A),

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 in all respects.

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 September 10, 2019.

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

-----X

Kimberly Battocchio, etc., et al.,
Plaintiffs-Respondents,

-against-

M-3050

Index No. 306330/11

Scott V. Paolino, et al.,
Defendants-Appellants,

City of New York, et al.,
Defendants.

-----X

Plaintiffs-respondents having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on April 2, 2019 (Appeal No. 8874),

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 September 10, 2019.

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

-----X

Triadou SPV S.A.,
Plaintiff-Respondent,

-against-

M-3505

Index No. 653462/14

CF 135 Flat LLC, et al.,
Defendants-Appellants.

-----X

Defendants-appellants having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on May 30, 2019 (Appeal No. 9480),

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

It is ordered that the branch of the motion seeking reargument is granted and, upon reargument, the decision and order of this Court entered on May 30, 2019 (Appeal No. 9480) is recalled and vacated and a new decision and order substituted therefor. (See Appeal No. 9480 decided simultaneously herewith.) The motion is otherwise denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 10, 2019.

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

-----X
Michael Djuric and Maria Djuric,
Plaintiffs-Appellants-Respondents,

-against-

M-2921

Index No. 151057/12

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

Shaw Environmental & Infrastructure
Engineering of New York, P.C.,
Defendant-Respondent-Appellant.

-----X
Shaw Environmental & Infrastructure
Engineering of New York, P.C.,
Third-Party Plaintiff-Appellant,

-against-

Bidwell Environmental, LLC,
Third-Party Defendant-Respondent.

-----X

Plaintiffs-appellants-respondents 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 7, 2019 (Appeal No. 9226),

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 September 10, 2019.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Ellen Gesmer
Cynthia S. Kern
Anil C. Singh, Justices.

-----X
The People of the State of New York
ex rel. Diane Word,
Petitioner,

-against-

M-3150
Ind. No. 12241/92

State of New York, Department of
Corrections and Community Supervision,
Respondent.

-----X

An order of this Court entered on June 4, 2019 (M-2130) having denied a motion by the above-named petitioner for, inter alia, a writ of habeas corpus to be issued from this Court,

And petitioner having moved for clarification of the aforementioned order of this Court,

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

It is ordered that the motion is 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 September 10, 2019.

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

-----X

The People of the State of New York,
Respondent,

-against-

M-3292
Ind. No. 3349/12

Wilfred Matthews,
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about June 3, 2013,

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 September 10, 2019.

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

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

-against-

M-3071
Ind. No. 3230/18

Adilson Delarosa,
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 March 29, 2019, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a) and 22 NYCRR 1250.4(d)(1) and (4), setting forth his indigency, including the amount and sources of funds utilized to pay trial counsel, Matthew J. Galluzzo, Esq., the disposition thereof, and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 10, 2019.

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

-----X

Davon Elmore,
Plaintiff-Appellant,

-against-

EPM Electric, Inc., and Corrective
Hydraulics Service,
Defendants-Respondents,

The Raymond Corporation,
Defendant.

-----X

M-3216
Index No. 306040/12

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 August 31, 2018,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the February 2020 Term, with leave to seek further enlargements if necessary.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 10, 2019.

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

-----X

Hamad Ali, et al.,
Plaintiffs-Respondents,

-against-

M-3221

Index No. 153074/13

Selim Zherka, Silas Metro Holdings Corp., James G. Dibbini & Associates, P.C. and James G. Dibbini and Signature Bank,
Defendants-Appellants,

-----X

An order of this Court having been entered on April 11, 2019 (M-391 & M-496) enlarging the time of defendant-appellant Silas Metro Holdings Corp. and defendants-appellants James G. Dibbini & Associates, P.C. and James G. Dibbini to perfect their respective appeals taken from an order of the Supreme Court, New York County, entered on or about November 16, 2016, to the September 2019 Term,

And defendant-appellant Silas Metro Holdings Corp. having moved for further enlargement of time to perfect its appeal,

Now, upon reading and filing the correspondence from the attorney for defendant-appellant Silas Metro Holdings Corp. dated August 8, 2019, and due deliberation having been had thereon,

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 10, 2019.

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

-----X

The People of the State of New York,
Respondent,

-against-

M-3223
Ind. No. 2211N/15

Matthew Jackson,
Defendant-Appellant.

-----X

An order of this Court having been entered on February 10, 2017 (M-6451), granting defendant-appellant leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about May 3, 2016, and assigning Seymour W. James, Jr., Esq., predecessor counsel to Janet E. Sabel, Esq., The Legal Aid Society, as counsel to prosecute the appeal; and a motion having been made to dismiss the aforesaid appeal as moot, (Cal. No. 1035),

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 the appeal is deemed withdrawn.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 10, 2019.

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

-----X

Latoya Meaders,
Plaintiff-Respondent,

Nigel Granville, Armando Jackson and
Frank Lento,
Plaintiffs,

-against-

M-3236
Index No. 26937/15E

Elvin Diaz, Jr., DS Services of
America Inc.,
Defendants-Appellants,

Kelly-Amerit Fleet Services, Inc.,
doing business as Amerit Fleet
Solutions,
Defendant-Respondent.

-----X

Defendants-appellants 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 August 15, 2018,

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

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 10, 2019.

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

-----X

The People of the State of New York
ex rel. Dwayne Reid,
Petitioner,

-against-

M-3263

Ind. No. 1736/14

Kisa Smalls, Warden,
Respondent(s).

-----X

The above-named petitioner having moved for, inter alia, a writ of habeas corpus to be issued from this Court,

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

It is ordered that the motion 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, Bronx County, 851 Grand Concourse, Bronx, New York, 10451 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 Warden at Anna M. Kross Correctional Center, 1818 Hazen Street, East Elmhurst, New York, 11370; the Attorney General of the State of New York, 120 Broadway, New York, New York 10271; and the District Attorney of Bronx County, 198 East 161st Street, Bronx, New York, 10451, be deemed due and sufficient notice.

The motion is otherwise denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 10, 2019.

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

-----X

The People of the State of New York,
Respondent,

-against-

M-3293
Ind. Nos. 39/15
4369N/15

Santino Boderick,
Defendant-Appellant.

-----X

Defendant-appellant having moved for a further enlargement of time to perfect the appeal taken from judgments of the Supreme Court, New York County, rendered on or about January 18, 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 September 10, 2019.

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

-----X

Yi Sun,
Plaintiff-Appellant,

-against-

M-3334
Index No. 108013/10

Tsai Chung Chao, M.D. and Naturo-
Medical Health Care, P.C.,
Defendants-Respondents.

-----X

Appeals having been taken from a judgment of the Supreme Court, New York County, entered on or about October 1, 2018 and from an order of the same court, entered on or about January 17, 2019,

And plaintiff-appellant, pro se, having moved for an enlargement of time to perfect the aforesaid appeals,

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

It is ordered that said motion is denied as unnecessary, said relief having been granted by an order of this Court entered on August 13, 2019 (M-3035). Sua sponte, the aforesaid appeals are consolidated pursuant to Rule 1250.9(f)(3) of the Practice Rules of the Appellate Division.

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 September 10, 2019.

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

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

-against-

M-3336
Ind. No. 2482/17

Abdoul Quattra,
Defendant-Appellant.

-----X

An order of this Court having been entered on June 20, 2019 (M-2272), 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 March 1, 2018, under Indictment No. 2482/17, and assigning Janet E. Sabel, Esq., The Legal Aid Society, as counsel therefor,

And defendant having moved for an enlargement of time in which to file a late notice of appeal from a judgment of **resentence** of the Supreme Court, New York County, rendered on or about April 12, 2019, and to amend the order of assignment of this Court (M-2272), entered June 20, 2019, to include the judgment of **resentence**,

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 amending the order of assignment entered June 20, 2019 (M-2272) to include the judgment of **resentence** rendered on or about April 12, 2019.

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 September 10, 2019.

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

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

-against-

Felix Ojeda Flores,
Defendant-Appellant.

CONFIDENTIAL

M-3337

Ind. No. 140/14

-----X

An order of this Court having been entered on June 16, 2016 (M-2519), 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 December 17, 2015, and assigning Seymour W. James, Jr., Esq., predecessor to Janet E. Sabel, Esq., The Legal Aid Society, as counsel to prosecute the appeal; and a motion having been made to 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 Seymour W. James, Jr., Esq., predecessor to Janet E. Sabel, Esq., The Legal Aid Society, as assigned counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, Suite 1601, New York, New York 10007, Telephone No. 212-402-4100, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the complete record, whichever is later.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 10, 2019.

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

-----x

Municipal Credit Union,
Plaintiff-Respondent,

-against-

Clifton Garrett,
Defendant-Appellant,

M-3350
Index No. 380345/13

New York City Transit Adjudication
Bureau, et al.,
Defendants.

-----x

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about July 31, 2018,

And defendant-appellant having moved for an enlargement of time to perfect the aforesaid appeal, and for an order directing a reconstruction hearing to be held in the Bronx Supreme Court,

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

It is ordered that the motion is 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 September 10, 2019.

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

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

-against-

M-3353
Index No. 850122/15

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

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

-----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 moved to schedule a reconstruction hearing and for an enlargement 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 enlarging the time to perfect the appeal to the December 2019 Term and 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 September 10, 2019.

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

-----X

Mario Fabian,
Plaintiff-Appellant,

-against-

M-3355
Index No. 301408/15

Mohammad A. Quadir and
Sparrow Taxi, Inc.,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for a further enlargement of time to perfect the appeal taken from an order of the Supreme Court, Bronx County, entered on or about April 10, 2018,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the 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 September 10, 2019.

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

-----X
Spectrum News NY1,

Petitioner-Appellant,

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

M-3364

Index No. 150305/16

-against-

New York City Police Department and
James P. O'Neill, in his official
capacity as Commissioner of the New
York City Police Department,
Respondents-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 30, 2019,

And petitioner-appellant having moved for leave to file under seal (1) DVDs containing video recordings of confidential body-worn camera footage, and (2) an exhibit referencing such body-worn camera footage, as part of the record for the aforementioned appeal,

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.

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 September 10, 2019.

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

-----x
Mark Parkinson,

Plaintiff-Appellant,

-against-

Fedex Corporation, et al.,

Defendants-Respondents.
-----x

M-3367
Index No. 158263/15

Plaintiff-appellant having moved for further enlargement of time to perfect the consolidated appeals taken from orders of the Supreme Court, New York County, entered on or about March 20, 2018 and September 25, 2018,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the consolidated appeals to the January 2020 Term, with no further enlargements.

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 September 10, 2019.

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

-----X
Lori Bogin, as Executrix of the
Estate of Heath Bogin, Deceased, and
Lori Bogin, Individually,
Plaintiffs-Appellants-Respondents,

-against-

M-3380
Index No. 805160/16

Yasmin Metz, M.D., Manhattan
Endoscopy, PLLC,
Defendants-Respondents,

Danielle Nicolo, M.D.,
Defendant-Respondent-Appellant,

Weill Cornell Medical Associates,
Yasmin Metz, M.D., Manhattan
Endoscopy, PPLC, James Stulman, M.D.,
Ruben Niesvizky, M.D., and New York
Presbyterian/Weill Cornell Medical
Center,
Defendants-Respondents.

-----X

Plaintiffs-appellants having moved, pursuant to 22 NYCRR 1250.10(c) to vacate the dismissal of the appeal taken from an order of the Supreme Court, New York County, entered on or about December 5, 2018, and upon vacatur, for an enlargement of time to perfect said appeal,

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

It is ordered that the motion is granted, The dismissal vacated, the appeal reinstated, and the time to perfect said appeal is enlarged to the January 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 September 10, 2019.

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

-----X
Board of Hampton House Condominium,

Petitioner-Respondent,

-against-

Rora LLC,

Respondent-Appellant.
-----X

M-3381
Index No. 650287/18

Respondent-appellant having moved for an enlargement of time to perfect the appeal taken from and order and judgment (one paper) of the Supreme Court, New York County, entered on or about July 2, 2018 and from an amended order and judgment (one paper) entered on or about July 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 enlarging the time to perfect the appeal to the December 2019 Term.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 10, 2019.

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

-----x

Magna Equities II, LLC, et al.,
Plaintiffs-Respondents,

-against-

M-3418
Index No. 653808/16

Writ Media Group Inc., et al.,
Defendants-Appellants.

-----x

Defendants-appellants having moved to withdraw, without prejudice, their appeal taken from an order of the Supreme Court, New York County, entered on or about October 11, 2017, or, in the alternative, for a further enlargement of time to perfect said appeal,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the March 2020 Term and 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 September 10, 2019.

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

-----X

Dr. Judith Hellman,
Plaintiff-Appellant,

-against-

M-3435

Index No. 151429/18

The St. Tropez Condominium,
The Board of Managers of The St.
Tropez Condominium and Christopher
Klein,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about October 1, 2018,

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

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 10, 2019.

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

-----X
Center for Specialty Care, Inc. and
50 East 69th Street Corporation,
Plaintiffs-Respondents,

-against-

M-3493
Index No. 653849/16

CSC Acquisition I, LLC, Midtown
Fifth Avenue Management, LLC,
Glen Klee Lau, M.D., Andrew Rosen,
M.D., Douglas Chin, M.D., and
Mark Reiner, M.D.,
Defendants-Appellants.

-----X

An appeal having been taken from orders of the Supreme Court, New York County, entered on or about January 8, 2018 and January 16, 2018,

And defendants-appellants having moved to vacate the dismissal of the appeal, pursuant to 22 NYCRR 1250.10(c) and, upon vacatur, for an enlargement of time to perfect same,

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

It is ordered that the motion is granted to the extent of vacating the dismissal and reinstating the aforesaid appeal, and enlarging the time to perfect same to the December 2019 Term (see, 22 NYCRR 1250.10).

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 10, 2019.

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

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

Mariama Amar,
Petitioner-Appellant,

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

M-3542
Index No. 101751/18

-against-

New York City Employees Retirement
System,
Respondent-Respondent.

-----X
Petitioner-appellant, pro se, having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Supreme Court, New York County, entered on or about April 24, 2019, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

Now, upon reading and filing the papers with respect to said 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 September 10, 2019.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern, Justices.

-----X

P360 Spaces LLC,
Plaintiff-Respondent,

-against-

Patricia Orlando, Daren Orlando,
Zoe Campbell and Kevin Campbell,
Defendants-Appellants,

John Doe, et al., etc.,
Defendants.

-----X

M-3267

M-3767

Index No. 156534/15

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about May 8, 2019, which denied defendants-appellants' motion to vacate an order and judgment (one paper) entered on or about September 26, 2018, which, inter alia, awarded plaintiff-respondent sole possession of the basement space appurtenant to its condominium unit and directed the Clerk to issue a warrant of ejectment against defendants-appellants forthwith to remove it from that space,

And defendants-appellants having moved pursuant to CPLR 5518 to stay enforcement of the aforesaid order and judgment entered on or about September 26, 2018, pending the hearing and determination of their appeal from the aforementioned order entered on or about May 8, 2019 (M-3359),

And plaintiff-respondent having cross-moved to dismiss the appeal on the ground that it was taken from a nonappealable order (M-3767),

And an interim stay having been granted by an order of a Justice of this Court, dated June 19, 2019,

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

It is ordered that defendants-appellants' motion (M-3267) is granted to the extent of staying enforcement of the order and judgment entered on or about September 26, 2018, pending the hearing and determination of the appeal taken from the order entered on or about May 8, 2019, on condition that the appeal is perfected for the January 2020 Term. Plaintiff-respondent's cross motion (M-3767) to dismiss the appeal 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 September 10, 2019.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern, Justices.

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

-against-

M-3532
Ind. No. 143/14

Richard Ifill,
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to file a pro se supplemental brief in connection with an appeal taken from a judgment of the Supreme Court, New York County, rendered on or about July 27, 2017, for a copy of the trial transcripts and for an enlargement of time in which to file said pro se supplemental 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 directing defendant to serve and file an original and five copies of his pro se supplemental brief for the February 2020 Term, to which Term the appeal is adjourned. The Clerk of the Court is directed to forward to the Warden at the State correctional facility wherein defendant is incarcerated a transcript of the minutes relating to defendant's appeal, said transcript to be made available to appellant and returned by appellant to this Court when submitting the pro se supplemental brief hereto. The appeal will not be heard unless and until all material furnished to appellant has been returned.

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 September 10, 2019.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern, Justices.

-----X

Harriet Mehler,
Plaintiff-Appellant,

-against-

M-3557

M-3638

Index No. 805469/13

Cheryl D. Jones also known as
Cannon J. Tanner,
Defendant,

Nader Paksima, D.O., NYU Langone
Hospital for Joint Diseases and NYU
Langone Medical Center,
Defendants-Respondents.

-----X

Appeals having been taken from two orders of the Supreme Court, New York County, entered on or about April 25, 2018 and on or about August 16, 2018, and said appeals having been perfected for the September 2019 Term,

And defendant-respondent Nader Paksima, D.O., having moved to dismiss the aforementioned appeals or, in the alternative, to adjourn the appeals to a subsequent term (M-3557),

And defendants-respondents NYU Hospital for Joint Diseases and NYU Langone Medical Center having cross-moved for an extension of time to file their respondent's brief, to direct plaintiff-appellant to file a corrected record on appeal, and to dismiss the appeals if the corrected record is not timely served and filed (M-3638),

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

It is ordered that the motion (M-3557) and cross motion (M-3638) are granted to the extent of adjourning the appeals to the January 2020 Term. Plaintiff-appellant is permitted to serve and file the supplemental record attached as Exhibit B to the Bongiorno Affirmation.

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 September 10, 2019.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern, Justices.

-----X

Phoenix Capital Finance Ltd.,
Plaintiff-Respondent,

-against-

M-3685

Index No. 654934/17

Axia Realty LLC.,
Defendant-Respondent,

Spiros Milonas,
Intervenor-Respondent,

Antonia Milonas,
Proposed Intervenor-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 9, 2019,

And proposed intervenor-appellant having moved for a stay of all proceedings to enforce the judgment by confession entered pursuant to the settlement agreement referenced in the order appealed from, on consent, on the terms and conditions set forth in the stipulation of the parties dated July 26, 2019, pending hearing and determination of 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.

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 September 10, 2019.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern, Justices.

-----x
Jason Wimberly,

Petitioner,

-against-

M-3691
Index No. 156794/18

Automotive Mastermind, Inc.,

Respondent.
-----x

Petitioner having moved, pursuant to CPLR 5704(a), for certain relief denied by a Justice of the Supreme Court, New York County, on or about May 2, 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:



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 September 10, 2019.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern, Justices.

-----X

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

CONFIDENTIAL
M-3717

Deserie D. G.,
Petitioner-Respondent,

Docket No. V-9236-15
V-22474-15
V-31155-13-15D

-against-

Jonathan C.,
Respondent-Appellant.

-----X

An appeal having been taken by respondent-appellant from two orders of the Family Court, Bronx County, both entered on or about March 31, 2017, and said appeal having been perfected for the September 2019 Term,

And the Law Firm of Wayne F. Crowe, Jr. P.C., having moved for an order relieving it as counsel for petitioner-respondent and staying all proceedings for a period of thirty days following the determination 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 granting the Law Firm of Wayne F. Crowe, Jr. P.C. leave to withdraw as counsel for petitioner-respondent and adjourning the perfected appeal to the January 2020 Term. Movant shall serve a copy of this order on petitioner-respondent within ten (10) days of the date hereof.

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 September 10, 2019.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern, Justices.

-----x
Amanda Ungaro,
Plaintiff,

CONFIDENTIAL

-against-

Paolo Zampolli,
Defendant-Appellant,

M-3553
Index No. 301822/18

-and-

Aronson Mayefsky & Sloan, LLP,
Non-Party Respondent.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about December 3, 2018, and said appeal having been perfected,

And non-party respondent having moved for dismissal of the appeal upon the grounds that the record on appeal is incomplete, and to stay the time to file a respondent's brief pending hearing and determination of this motion or, in the alternative, should the motion to dismiss be denied, to extend the time to file a respondent's brief until 30 days after a complete record is filed, and for costs, attorney's fees and sanctions,

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 December 2019 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 September 10, 2019.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

Pedro Hernandez,
Defendant-Appellant,

The Legal Aid Bureau of Buffalo, Inc.,
Amicus Curiae.

-----X

CONFIDENTIAL

M-6801

Ind. No. 4863/12

An appeal having been taken to this Court from a judgment of the Supreme Court, New York County, rendered on or about April 18, 2017, and said appeal having been perfected,

And The Legal Aid Bureau of Buffalo, Inc., having moved for leave to file a brief amicus curiae in connection with 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 deeming the amicus curiae briefs submitted with the moving papers herein as filed.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 10, 2019.

Present - Hon. Angela M. Mazzarelli, Justice Presiding
Barbara R. Kapnick
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern, Justices.

-----x

Aleida E. Casanas,
Plaintiff-Appellant,

-against-

M-3824
Index No. 153156/16

The Carlei Group, LLC and
Richard M. Casanas,
Defendants-Respondents.

-----x

An appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about January 17, 2018, and the appeal having been perfected,

And defendants-respondents having moved for an order: (i) striking the entirety of the record on appeal except for the papers associated with defendants-respondent's motion for summary judgment (pp. 4-46; 870-1202); (ii) striking the entirety of the preliminary statement in plaintiff-appellant's brief to the extent that it contains factual statements for which no record citations are provided, including without limitation, the section entitled "where we came from" (pp. 10-18), as well as any other factual assertion in the brief for which a record citation is not provided; and (iii) adjourning the aforesaid appeal,

And an order of a Justice of this Court, dated August 6, 2019, denied defendants-respondents' interim relief motion to strike certain portions of the brief and record,

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 September 10, 2019.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern, Justices.

-----x

Koya Abe,
Plaintiff-Appellant,

-against-

CONFIDENTIAL

M-3785

M-6764

New York University, David W. McLaughlin,
Nancy Barton, Ken Castronuovo, Joseph
Giovannelli, Roger Ho, Mary Brabeck, Index No. 105985/10
Barbara Cardeli-Arroyo, and Cathleen Dawe,
Defendants-Respondents.

-----x

Consolidated appeals having been taken to this Court from the judgment of the Supreme Court, New York County, entered on or about March 6, 2019, and from orderS, same Court, entered on or about February 4, 2019 and February 13, 2019, and said consolidated appeals having been perfected,

And plaintiff-appellant having moved to enlarge the record on appeal, and to deem the electronic copy as the filed, enlarged record (M-3785),

And defendants-respondents having cross-moved to enlarge the record on appeal to include certain exhibits, with such exhibits that are designated "Confidential" to be filed under seal, to deny plaintiff-appellant's motion to enlarge the record on appeal, and to seal the documents designated "Confidential" that plaintiff did not file under seal, and for other relief (M-6764),

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

It is ordered that the motion (M-3785) is granted to the extent of enlarging the record on appeal to include plaintiff-appellant's Exhibits 1-8, 12, 15, 17-23, 27, 29-57, as well as defendants-respondents' Exhibits A-Z, AA-EE, GG-ZZ, and AAA-BBB, and it is further,

Ordered that the cross motion (M-6764) is granted to the extent of designating the appeal "Confidential", and directing defendants-respondents to file a supplemental record on or before September 30, 2019 for the December 2019 Term, to which Term the appeal is adjourned. The motion and cross motion are otherwise denied.

ENTERED:


CLERK