

At a 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 24, 2019.

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

-----X
Luis Rojas and Rosa Merchan,
Plaintiffs-Respondents,

-against-

Forest Electric Corp.,
Defendant-Appellant,

M-3694
Index No. 155870/12

Cauldwell-Wingate Company, LLC, and
The City of New York,
Defendants.

-----X
Cauldwell-Wingate Company, LLC,
Third-Party Plaintiffs-Respondents,

Index No. 590611/13

-against-

Forest Electric Corp.,
Third-Party Defendant-Appellant

W5 Group LLC and Calvin Maintenance, Inc.,
Third-Party Defendants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about April 24, 2019,

Now, upon reading and filing the Stipulation of Discontinuance of the parties hereto, dated June 20, 2019, and the correspondence from counsel for defendant/third-party defendant-appellant Forest Electric Corp. dated July 24, 2019, and due deliberation having been had thereon,

(M-3694)

-2-

September 24, 2019

It is ordered that the appeal is deemed withdrawn in accordance with the aforesaid stipulation.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 24, 2019.

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

-----X

Jennifer Guzman,
Plaintiff,

-against-

M-3696

Index No. 306486/11

2445 Creston Ave LLC,
Defendant-Appellant,

Gold Star Gift Shop,
Defendant-Respondent,

The City of New York,
Defendant.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about September 20, 2018,

Now, upon reading and filing the correspondence from counsel for defendant-appellant 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It is ordered that the appeal is deemed withdrawn in accordance with the aforesaid correspondence.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 24, 2019.

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

-----X

Nakeesha Annigew,
Plaintiff-Appellant,

-against-

M-3701

Index No. 153481/18

429-441 86th Street, LLC, 429-441 86th
Street Owners Corp. and Wharton
Properties, LLC,
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about February 6, 2019,

Now, upon reading and filing the correspondence from counsel for plaintiff-appellant dated July 16, 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 24, 2019.

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

-----X

Citrin Cooperman & Company, LLP,
Petitioner-Respondent,

-against-

M-3702X

Index No. 650241/18

Skyline Risk Management, Inc.,
Respondent-Appellant.

-----X

An appeal having been taken from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about January 23, 2019,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 18, 2019, and due deliberation having been had thereon,

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 24, 2019.

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

-----X

Guillermina Hernandez,
Plaintiff-Respondent,

-against-

M-3754

Index No. 160759/16

Lyle Brouse, Watson Town Trucking,
Defendants-Appellants,

Carlos Ramos-Morales,
Defendant-Respondent.

-----X

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

Now, upon reading and filing the correspondence from counsel for defendants-appellants dated July 30, 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 24, 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
Volker Berl,
Petitioner-Appellant,

For an Order Quashing Out-of-State
Subpoena Issued by Trident Brands, Inc.,
for documents,

M-3756
Index No. 159211/18

-against-

Trident Brands, Inc.,
Respondent-Respondent.

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

Now, upon reading and filing the correspondence from counsel for petitioner-appellant dated July 19, 2019, and due deliberation having been had thereon,

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 24, 2019.

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

-----X
Iris Couverthier,
Plaintiff-Respondent-Appellant,

-against-

M-3757

Index No. 300478/14

Bay Plaza Community Center, LLC and
Prestige Properties and Development Co.,
Inc.,
Defendants-Appellants-Respondents,

Prestige Bay Plaza Development
Corp. and Bay Plaza Realty Corp, et al.,
Defendants.

-----X

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

Now, upon reading and filing the correspondence from counsel for the cross-appellant dated July 26, 2019, and due deliberation having been had thereon,

It is ordered that the cross 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 24, 2019.

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

-----X
Michael Hedges, As Guardian Ad Litem of
Marion Hedges, An Incapacitated Person,
et al.,
Plaintiffs-Respondents,

-against-

Planned Security Service Inc.,
Defendant-Appellant,

East River Plaza, LLC, Tiago Holding LLC,
et al.,
Defendants-Respondents.

-----X
Tiago Holding, LLC., Blumfeld Development
Group, Ltd., Forest City Enterprise, Inc.,
et al.,
Third-Party Plaintiffs-Respondents,

-against-

Jeovanni Rosario and Raymond Hernandez,
Third-Party Defendants-Respondents.

-----X
Planned Security Service, Inc.,
Second Third-Party
Plaintiff-Appellant,

-against-

Jeovanni Rosario and Raymond Hernandez,
Second Third-Party
Defendants-Respondents.

-----X

M-3758

Index No. 101854/12

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

Now, upon reading and filing the correspondence from counsel for defendant-appellant/second third-party plaintiff-appellant Planned Security Services, Inc., dated July 30, 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 24, 2019.

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

-----X
Sharon Sageman,
Plaintiff-Respondent,

-against-

M-3697
Index No. 805192/16

Dr. John Kennedy and The Hospital for
Special Surgery,
Defendants-Appellants.

-----X

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

Now, upon reading and filing the correspondence from counsel for defendants-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 24, 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- Ind. Nos. **M-2776** 2139/14
50/14
12/15

Taylonn Murphy,
Defendant-Appellant.

-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about June 24, 2016, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard upon 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.

Kenneth M. Tuccillo, Esq., 591 Warburton Avenue, Suite 576, Hastings-on-Hudson, New York, 10706, Telephone No. 914-439-4843, 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 24, 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-3533

-against-

Ind. No. 4014/17

Ronald Davis,
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 May 29, 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 24, 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-3539
Ind. No. 4352/16

Antonio Jimenez,
Defendant-Appellant.

-----X

An order of this Court having been entered on April 16, 2019 (M-6509), deeming defendant-appellant's moving papers a timely filed notice of appeal, from a judgment of the Supreme Court, New York County, rendered on or about November 16, 2017,

And defendant-appellant having moved for leave to prosecute, as a poor person, the aforesaid appeal, 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.

Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete record.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 24, 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-3641

-against-

Ind. No. 6128/02

Juan Reyes,
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 (Michele Rodney, J.), entered on or about June 13, 2019, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

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

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

(M-3641)

-2-

September 24, 2019

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 24, 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-3660
Ind. No. 950/17

Janet Jackson,
Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on or about March 19, 2019, inter alia, granting defendant poor person relief with respect to the appeals taken from the judgment of the Supreme Court, Bronx County, rendered on or about June 15, 2017, and a judgment of **resentence**, rendered on or about March 15, 2019,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and which directed trial counsel to file a notice of appeal on defendant's behalf,

It is ordered that the appeals are 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 appeals. The time within which appellant shall perfect the appeals 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 "Susan R. Jones", written in a cursive style.

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 24, 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-3661
Ind. No. 706/18

Shamel Aldridge,
Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on or about March 22, 2019, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about March 22, 2019,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and which directed trial counsel to file a notice of appeal 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:

A handwritten signature in black ink, appearing to read "Susan R. Jones", written in a cursive style.

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 24, 2019.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Sallie Manzanet-Daniels
Angela M. Mazzarelli
Troy K. Webber
Peter H. Moulton, Justices.

-----x

Craig South,
Plaintiff-Appellant,

-against-

M-6926
Index No. 23369/13E

Metropolitan Transportation Authority,
New York City Transit Authority,
Defendants-Respondents.

Wayne Gavinovich,
Plaintiff-Appellant

-against-

Index No. 23370/13E

Metropolitan Transportation Authority,
New York City Transit Authority,
Defendants-Respondents.

-----x

Consolidated appeals having been taken to this Court by plaintiffs-appellants in the above-captioned actions, from two orders of the Supreme Court, Bronx County, entered on or about July 30, 2018, which denied both plaintiffs' motions for summary judgment, and the consolidated appeals having been perfected,

And plaintiffs-appellants having moved jointly for a stay of the trials in both actions, pending hearing and determination of the aforesaid perfected consolidated appeals,

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

(M-6926)

-2-

September 24, 2019

It is ordered that the motion is granted (see M-6953 and M-6954, decided simultaneously herewith).

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 24, 2019.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Sallie Manzanet-Daniels
Angela M. Mazzarelli
Troy K. Webber
Peter H. Moulton, Justices.

-----x
Craig South,
Plaintiff-Appellant,

-against-

Metropolitan Transportation Authority,
New York City Transit Authority,
Defendants-Respondents.

Metropolitan Transportation Authority,
New York City Transit Authority,
Third-Party Plaintiffs-Respondents,

-against-

Iron Bridge Constructors, Inc.,
Third-Party Defendant-Appellant,
Bilingual Safety Training, LLC,
Third-Party Defendant,

-----X
Wayne Gavinovich,
Plaintiff-Appellant

-against-

Metropolitan Transportation Authority,
New York City Transit Authority,
Defendants-Respondents.

Metropolitan Transportation Authority,
New York City Transit Authority,
Third-Party Plaintiffs-Respondents,

-against-

Iron Bridge Constructors, Inc.,
Third-Party Defendant-Appellant,
Bilingual Safety Training, LLC,
Third-Party Defendant,

-----X

M-6954
M-6953
Index No. 23369/13E

Index No. 23370/13E

Appeals having been taken to this Court by third-party defendant, Iron Bridge Constructors, Inc., from two orders of the Supreme Court, Bronx County in the above captioned actions, both entered on or about April 17, 2019, which denied its motions to dismiss or sever the respective third-party actions; and the appeals having been perfected,

And third-party defendant-appellant, Iron Bridge Constructors, Inc., having separately moved for a stay of the trials in both actions (M-6954 & 6953), pending the hearing and determination of the aforesaid perfected 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 motions are granted (see M-6926, decided simultaneously herewith).

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 24, 2019.

PRESENT: Hon. David Friedman, Justice Presiding,
Dianne T. Renwick
Peter Tom
Ellen Gesmer
Jeffrey K. Oing, Justices.

-----x

Elayne Zinbarg,
Plaintiff-Respondent,

-against-

M-6807
Index No. 653265/16

Professional Business College, Inc.,
doing business as Professional Business
College Corporation, Leon Lee, Howard
Lee, Long Island Business Institute and
Monica W. Foote,
Defendants-Appellants.

-----x

An appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about May 10, 2018, and said appeal having been perfected,

And plaintiff-respondent having moved to supplement the record on appeal,

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

It is ordered that the motion is denied.

ENTERED:


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 24 2019.

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

-----X
Bovis Lend Lease (LMB), Inc.,
Plaintiff,

-against-

Lower Manhattan Development Corporation, M-3193
Defendant. Index No. 603243/09

- - - - -

Bovis Lend Lease (LMB), Inc.,
Third-Party Plaintiff-Appellant,

-against-

Arch Insurance Company,
Third-Party Defendant-Respondent.

-----X

Third-party plaintiff-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on May 28, 2019 (Appeal No. 9429),

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 24, 2019.

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

-----X

In re Arthur L. Gallagher,
Petitioner-Appellant,

-against-

M-3209
Index No. 100300/16

Old Guard of the City of New York,
Respondent-Respondent.

-----X

Petitioner-appellant having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on May 28, 2019 (Appeal No. 9433N),

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 24, 2019.

PRESENT: Hon. David Friedman, Justice Presiding,
Peter Tom
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

-----X

In the Matter of the Inquiry of
Letitia James, Attorney General
of the State of New York,
Petitioner-Respondent,

-against-

M-7041
Index No. 450545/19

iFINEX Inc., BFXNA Inc., BFXWW Inc.,
Tether Holdings Limited, Tether
Operations Limited, Tether Limited,
Tether International Limited,
Respondents-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about August 19, 2019,

And respondents-appellants having moved to stay enforcement of the aforesaid order pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is granted on condition the appeal is perfected on or before November 4, 2019 for 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 24, 2019.

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

-----X

EPF International Limited,
Plaintiff-Respondent,

-against-

M-2296
Index No. 153154/16

Lacey Fashions Inc.,
Defendant-Appellant.

-----X

Defendant-appellant having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on March 26, 2019 (Appeal No. 8779),

Now, upon reading and filing the correspondence from counsel for defendant-appellant, dated June 5, 2019, and due deliberation having been had thereon,

It is ordered that the motion for reargument/leave to appeal to the Court of Appeals, and a subsequent appeal taken from an order of the Supreme Court, New York County entered on or about March 14, 2019, 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 24, 2019.

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

-----X
Julia An-Jung,
Plaintiff-Respondent,

-against-

M-3273
Index No. 152694/18

Rower LLC, et al.,
Defendants-Appellants.

-----X

Plaintiff-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 June 11, 2019 (Appeal No. 9586),

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 24, 2019.

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

-----X

Marina Getts, individually and on behalf of all other persons similarly situated who were employed by Premier Home Health Care Services, Inc.,
Plaintiff-Respondent,

M-3327
Index No. 155081/16

-against-

Premier Home Health Care Services, Inc.,
Defendant-Appellant.

-----X

Defendant-appellant having moved for a further enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about March 2, 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 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 24, 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
ex rel. John Doe also known as
Anthony Williams,
Petitioner,

M-3387
Ind. No. 3426/18
B&C #3491809135
NYSID 4309521L

-against-

Warden C-95, A.M.K.C.,
Respondent.

-----X

The above-named petitioner having moved for, inter alia, a writ of habeas corpus to be issued from this Court, 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 be and the same hereby is granted only to the extent of transferring the proceeding to and be heard before a Justice of the Supreme Court of the State of New York, New York County, 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 Manhattan Psychiatric Center, Kirby Forensic Psychiatric Center, 5 West, Wards Island Complex, New York, New York 10035-6095; the Attorney General of the State of New York, 120 Broadway, New York, New York 10271; and the District Attorney of New York County, Cyrus R. Vance, Jr., One Hogan Place, New York, New York 10013, be deemed due and sufficient notice.

(M-3387)

-2-

September 24, 2019

The motion for poor person relief is denied, without prejudice, in the event petitioner's assigned counsel in the underlying criminal matter does not represent him in the habeas proceeding.

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 24, 2019.

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

-----X
Marie Saez and William Saez,
Plaintiffs-Appellants,

-against-

M-3412
Index No. 112424/10

Sapir Realty Management Corp.,
et al.,
Defendants-Respondents.

-----X

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

And plaintiffs-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 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 24, 2019.

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

-----X
Christopher Hudak, as Administrator
of the Estate of Michelle Lynn Hudak
and Mark S. Tulis, as Trustee of the
Estate of the Debtor, Christopher Hudak,
Plaintiffs-Respondents,

-against-

M-3424

Index No. 101448/10

Good Samaritan Hospital of Suffern,
N.Y., Ramapo Valley OB/GYN, P.C.,
Carrie Frances Panoff, D.O.,
Defendants-Appellants

Daniel Edward Vinick, M.D.,
Defendant.

-----X
Good Samaritan Hospital,
Third-Party Plaintiff-Appellant,

-against-

Guy Salomon, M.D. and Ramapo
Anesthesiologists, P.C., doing
business as Ramapo Anesthesia,
Third-Party Defendants-Appellants.

-----X

Appeals having been taken from a judgment of the Supreme Court, New York County, entered on or about April 26, 2019,

And plaintiffs-respondents having moved to strike the notice of appeal filed by third-party defendants-appellants from the aforementioned judgment on the grounds that they are not aggrieved parties,

(M-3424)

-2-

September 24, 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 24, 2019.

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

-----X
Mukul Arya,
Plaintiff-Respondent-Appellant,

-against-

Neha Arya,
Defendant-Appellant-Respondent.

-----X

CONFIDENTIAL

M-3446

Index No. 314039/13

Defendant-appellant having moved for an order (1) pursuant to 22 NYCRR 1250.10(c), vacating the dismissal of her appeal taken from a Judgment of Divorce of the Supreme Court, New York County, entered on or about December 29, 2016, and upon vacatur, enlarging the time to perfect said appeal; (2) dismissing plaintiff's cross appeal from the same judgment as untimely taken or, in the event the cross appeal is not dismissed, directing plaintiff to cooperate in preparing a joint record on appeal and to share in the costs thereof pursuant to 22 NYCRR 1250.9(f)(1)(ii); and (3) directing that service of all filings in this appeal made on plaintiff's prior attorneys or plaintiff pro se be deemed to be good and proper service,

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 dismissal of defendant's appeal is vacated, the appeal reinstated, and the time to perfect the appeal and cross appeal is enlarged to the January 2020 Term. The motion is otherwise denied. Plaintiff is directed to advise defendant's counsel within 10 days of the entry of this order of the identity of his appellate counsel or whether he will proceed pro se.

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 24, 2019.

Present - Hon. Angela M. Mazzairelli, 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-3469
Ind. No. 1735/17

Daniel Adams,
Defendant-Appellant.

-----X

Defendant-appellant having moved to enlarge the record on appeal to include certain documents and reports annexed to his motion papers, and for an enlargement of time to perfect the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about July 10, 2019,

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

It is ordered that the motion is granted to the extent of enlarging the record to include the annexed exhibits to the motion and 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 24, 2019.

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

-----X
David H. Storper, David Wax and
Pamela K. Wilson, derivatively on
behalf of WLR Recovery Associates, II,
LLC, WLR Recovery Associates, III, LLC,
and WLP Recovery Associates IV, LC,
Plaintiffs-Appellants,

M-3544
Index No. 656932/17

-against-

WL Ross & Co., LLC, WL Ross Group,
L.P., and Wilbur L. Ross,
Defendants-Respondents.

-----X

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

And plaintiffs-appellants having moved to vacate the dismissal of the aforesaid appeal for failure to timely perfect and for an enlargement of time to perfect the appeal,

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

It is ordered that the motion is 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 24, 2019.

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

-----X
Nasean Bonie,
Petitioner-Appellant,

-against-

M-3552
Index No. 24635/13

City of New York,
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, Bronx County, entered on or about September 27, 2018, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for assignment of counsel and other relief,

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

It is ordered that said motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the attorney for respondent and file an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record. 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 24, 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-

Edwin Morel,
Defendant-Appellant.

Confidential
M-3575
Ind. No. 807/16

-----X

An order of this Court having been entered on December 22, 2016(M-5089), 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 4, 2016, and assigning Rosemary Herbert, Esq., predecessor counsel to Christina Swarns, Esq., Office of the Appellate Defender as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, to dismiss the appeal as abandoned, 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 appeal withdrawn.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 24, 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-

Christopher Collins,
Defendant-Appellant.

CONFIDENTIAL

M-3589

Ind. No. 2144/15

-----X

An order of this Court having been entered on April 23, 2019 (M-381) granting defendant leave to prosecute, as a poor person, the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about September 29, 2016, and assigning Steven N. Feinman, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

It is ordered that the motion is granted to the extent of striking the designation of Steven N. Feinman, Esq., as assigned counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, 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 24, 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,

CONFIDENTIAL

M-3590

-against-

Ind. No. 2144/15

Christopher Collins,
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 (Carro, J.), entered on or about April 23, 2019, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

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

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

Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, Suite 1601, New York, New York 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete record.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 24, 2019.

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

-----x
IN RE: NEW YORK CITY ASBESTOS LITIGATION Index No. 40000/88

This Document Relates To:
William Gerard Slattery and Joanne Cornell,
as Executrix of the Estate of Rebecca
Jean Slattery, Deceased, M-3606
Plaintiffs-Appellants, Index No. 190090/16

-against-

Colgate-Palmolive Company,
Defendant-Respondent.

-----x
This Document Relates To:
Sharon Ward,
Plaintiff-Appellant, Index No. 190091/16

-against-

Colgate-Palmolive Company,
Defendant-Respondent.

-----x
This Document Relates To:
Gerald Lindsey, Individually and as
Administrator of the Estate of Venus L.
Lindsey, Index No. 190145/16
Plaintiffs-Appellants,

-against-

Colgate-Palmolive Company,
Defendant-Respondent.

-----x

Consolidated appeals having been taken to this Court by plaintiffs-appellants from orders of the Supreme Court New York County, entered on or about July 13, 2018 (Index No. 190090/16), July 25, 2018 (Index No. 190091/16) and July 25, 2018 (190145/16),

And plaintiffs-appellants having moved for a further enlargement 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 enlarging the time to perfect the consolidated appeals 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 24, 2019.

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

-----x

Canon Solutions America, Inc.,
Plaintiff-Appellant,

-against-

M-3617

Index No. 656395/18

Starnet Business Solutions, Inc.,
Defendant-Respondent.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about July 8, 2019 which, inter alia, granted defendant-respondent's motion to consolidate the instant action with Suffolk County Supreme Court action Starnet Business Solutions Inc. v Canon USA, Inc., et al., (Index No. 603676/19), and to transfer the action from New York County to Suffolk County,

And plaintiff-appellant having moved to stay the aforesaid order pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is granted to the extent that the consolidation and transfer of this action is stayed pending hearing and determination of the appeal from the July 8, 2019 order, on condition the appeal is perfected for the January 2020 Term. Defendant-respondent is directed to serve an answer to the complaint within 10 days of this order.

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 24, 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 the Application of
Karen Jackson,
Petitioner-Appellant,

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

-against-

M-3626
Index No. 653255/17

The Department of Education of the
City of New York, et al.,
Respondents-Respondents.

-----X

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

And petitioner-appellant having moved to reinstate said appeal and 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, 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 24, 2019.

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

-----X
Kenneth Linn and Hadassah Diaz Linn,
Plaintiffs-Appellants,

-against-

M-3627
Index No. 800017/11

NYC Health and Hospitals Corporation
and Nirmal Tejwani, M.D.,
Defendants-Respondents,

-and-

Bellevue Hospital Ctr, et al.,
Defendants.

-----X

Plaintiffs-appellants having moved for an enlargement of time to perfect the appeals taken from orders of the Supreme Court, New York County, entered on or about September 20, 2018 and on or about May 7, 2019,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeals 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 24, 2019.

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

-----X
John McLeod,
Petitioner-Appellant,

-against-

M-3636
Index No. 101065/17

Department of Sanitation,
Respondent-Respondent.
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about September 28, 2017,

And petitioner-appellant 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, reinstating the aforesaid appeal, and enlarging the time to perfect same 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 24, 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 the Application of
Charles Thomas Michelsen,
Petitioner-Appellant,

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

M-3637
Index No. 100112/18

-against-

The City University of New York, The
Hunter College School of Education,
Respondents-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 October 5, 2018,

And pro-se petitioner-appellant having moved for leave to prosecute the appeal as a poor person, upon the original record and reproduced petitioner's brief, and for an extension of time within which to perfect his 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 permitting the appeal to be heard on the original record and upon a reproduced petitioner's brief, on condition that petitioner-appellant serves one copy of such brief upon the attorney for the respondents-respondents and files an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division. Petitioner is permitted to dispense with payment of the required fee for the subpoena and filing of the record.

(M-3637)

-2-

September 24, 2019

It is further ordered that petitioner-appellant's time to perfect the appeal is enlarged to the January 2020 Term.

ENTERED:



A handwritten signature in black ink, appearing to read "Susan R. Jones", is written over a horizontal line.

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 24, 2019.

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

-----X
Kristi Allan,
Plaintiff-Appellant,

-against-

M-3640
Index No. 159117/15

31 East 1st Street Management, L.P.
and Big Apple Management,
Defendants-Respondents.

-----X

Appeals having been taken from an order of the Supreme Court, New York County, entered on or about January 3, 2019 and from a judgment, same Court and Justice, entered on or about February 20, 2019,

And plaintiff-appellant having moved to vacate the dismissal of the appeal, which was deemed dismissed pursuant to 22 NYCRR 1250.10(a) and, upon vacatur, for an enlargement of time to perfect same,

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

It is ordered that the motion is granted, the dismissal is vacated, the appeal reinstated and the time to perfect same 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 24, 2019.

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

-----X
Alda Lizzett Bonilla Arzu,
Plaintiff-Appellant,

-against-

M-3647
Index No. 300168/18

Kevin Dana Gratt Associates,
Defendant-Respondent.

-----X

Plaintiff-appellant 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 June 19, 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 said motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the attorney for respondent and file an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 24, 2019.

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

-----x
Nina Wager as Executrix of the Estate of
Sally Cordaro, Deceased and Michael Cordaro
as Administrator of the Estate of Giacomo
Cordaro, Deceased, Individually,
Plaintiffs-Respondents,

-against-

M-3742
Index No. 21072/12

Narasinga Rao, M.D.,
Defendant,

Michael Swirsky, M.D., and St. Barnabas
Hospital,
Defendants-Appellants.

-----x
Appeals having been taken to this Court from orders of Supreme Court, Bronx County, entered on or about March 6, 2018,

And plaintiffs-respondents having moved (1) to enlarge the record on appeal to include (a) a one page letter to Justice Wilma Guzman, dated February 27, 2018, which enclosed certain originals and courtesy copies of their opposition to defendants' respective motions for summary judgment, including an unredacted version of plaintiffs' expert physician's affidavit, and (b) an affidavit of personal service of the opposition papers and unredacted affidavit, and (2) for an extension of time to file their respondents' brief,

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

It is ordered that the motion is 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 24, 2019.

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

-----X
IN RE: NEW YORK CITY ASBESTOS LITIGATION
-----X

This document relates to:

Richard Carlstrand and Anna Carlstrand,
Plaintiffs-Respondents,

-against-

M-3841
Index No. 190194/17

Burnham, LLC,
Defendant-Appellant,

AERCO International, Inc., et al.
Defendants.

-----X

Defendant-appellant, Burnham LLC, having moved for a stay of all proceedings in this matter pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about August 1, 2019,

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

It is ordered that the motion is 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 24, 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

Toussaint T. E.,

A Child Subject of a Termination of Parental Rights Proceeding Pursuant to §384-b of the Social Services Law of the State of New York.

CONFIDENTIAL

M-6800

Docket No. B-40381-16

Allen E.,
Respondent-Appellant.

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

-----x

An order of this Court having been entered on June 25, 2019 (M-2752), inter alia, granting respondent-appellant leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, New York County, entered on or about March 26, 2019, and assigning Bruce A. Young, Esq., as counsel to prosecute the appeal; and assigned counsel having moved to be relieved as 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 Bruce A. Young, Esq., as assigned counsel to prosecute respondent-appellant's appeal, and substituting, pursuant to Article 18b of the County Law and § 1120 of the Family Court Act, Tennille M. Tatum-Evans, Esq., 260 Convent Avenue, Suite #34, New York, NY 10031, Telephone No. (347)645-6660, as such counsel.

The poor person relief previously granted is continued, and the time to perfect the 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 24, 2019.

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

-----X
Manhattan Telecommunications
Corporation, doing business as Mettel,
Plaintiff-Appellant,

-against-

M-3712
Index No. 158026/18

Intrepid USA Healthcare Services, Inc.,
Defendant-Respondent.
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about May 17, 2019,

And plaintiff-appellant having moved to stay the "remote/video" depositions of defendant ordered by Supreme Court pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is denied and the interim relief granted by an order of a Justice of this Court, dated July 30, 2019, is hereby vacated.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 24, 2019.

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

-----x
Pedro Gutierrez,
Plaintiff-Respondent,

-against-

451 Lexington Realty LLC, et al.,
Defendants-Respondents.

M-3753
Index No. 305823/13

- - - - -
451 Lexington Realty LLC et al.,
Third-Party Plaintiffs-Respondents,

-against-

Vortex Electric Co. and Sigma Electric Inc.,
Third-Party Defendants-Appellants.

-----x

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about February 21, 2018, and said appeal having been perfected,

And defendants/third-party plaintiffs-respondents having moved to (i) dismiss the aforesaid appeal as one taken from a non-appealable paper or on the ground that the record is incomplete, or (ii) conditionally dismiss the appeal unless appellants file a supplemental record by a date certain, or (iii) adjourn the appeal to the next available term of this Court,

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

It is ordered that the motion is granted to the extent of 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 24, 2019.

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

-----X
Philip Shawe,
Plaintiff-Appellant,

-against-

Elizabeth Elting,
Defendant-Respondent.

M-3769
Index No. 155890/14

-----X

Appeals having been taken from orders of the Supreme Court, New York County entered on or about February 7, 2018 and on or about February 16, 2019, and a consolidated appeal having been perfected for the October 2019 Term,

And defendant-respondent having moved to dismiss the aforesaid appeal as moot, or, in the alternative, to adjourn 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, insofar as it seeks to dismiss the appeal, is denied, without prejudice to defendant raising her substantive arguments in her respondent's brief. The appeal is adjourned 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 24, 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-

Kalieh McMorris,
Defendant-Appellant.

M-3858

Ind. Nos. 3783/08

3190/08

1821/12

27538C/12

-----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, Bronx County, rendered on or about March 15, 2013, for a copy of the trial transcripts, for an extension of time in which to file said pro se supplemental brief, and for other relief,

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

It is ordered that the motion is granted to the extent of directing defendant to serve and file an original and five hard copies of his pro se supplemental brief on or before December 30, 2019 for the March 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 24, 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-6843
Ind. No. 870/18

Octaviano Muniz-Cayetano,
Defendant-Appellant.

-----X

An appeal having been taken to this Court from a judgment of the Supreme Court, New York County, rendered on or about March 27, 2019,

And an order of a Justice of this Court having been entered on April 25, 2019 (M-2151), inter alia, granting a stay of execution of sentence and continuing defendant's bail fixed in the sum of \$20,000 insurance company bond or \$10,000 cash, pending the hearing and determination of the appeal, on condition that the appeal be perfected within 120 days thereof,

And defendant have moved for an order extending the stay of execution of sentence and continuing the current bail conditions,

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 continuing the stay of execution of sentence and bail previously granted by an order of a Justice of this Court, entered April 25, 2019 (M-2151), upon the original terms and conditions, and upon the further condition that the appeal is perfected for the March 2020 Term of this Court.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 24, 2019.

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

-----X

Norma Knopf and Michael Knopf,
Petitioners-Respondents,

-against-

M-3840

M-6877

Index No. 153821/19

Feldman & Associates, PLLC, As Escrow Agent and Attorney for Pursuit Holdings, LLC; Edward Feldman, As Escrow Agent and Attorney for Pursuit Holdings, LLC, Respondents,

Esposito, PLLC, doing business as Esposito Partners, PLLC and Frank Esposito, Respondents-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 11, 2019, directing the turnover of legal fees paid to respondents-appellants,

And respondents-appellants having moved for a stay of execution of the aforesaid order pending hearing and determination of the appeal taken therefrom (M-3840),

And petitioners-respondents having cross-moved for an order (1) requiring respondents-appellants, as an alternative to posting a bond pursuant to CPLR 5519(a)(2), to increase the deposit paid into escrow with the Chapter 7 trustee for Pursuit Holdings, LLC from \$50,000 to \$66,000, and (2) directing that the aforesaid funds deposited with the trustee remain in escrow pending determination of the appeal (M-6877),

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 for a stay of execution of the order entered on July 11, 2019 is granted on condition that the appeal is perfected for the January 2020 Term and respondents-appellants deposit an additional \$16,000 with the Chapter 7 Trustee within 10 days of the entry of this order (M-3840). The cross motion is granted to the extent that the original \$50,000 deposited with the trustee, along with the additional \$16,000 to be deposited pursuant to this order, shall remain in escrow pending the hearing and determination of the appeal (M-6877).

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 24, 2019.

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

-----X
Timothy Simon Spicer, Jeffrey Paul
Arnold Day, Mark Andrew Bullough,
Dominic Edward McCausland Armstrong,
Lord Peter Anthony Inge, John Allan
Birch and James William Marriot Ellery,
Plaintiffs-Appellants,

-against-

Gardaworld Consulting (UK) Limited,
Defendant-Respondent.

SEALED
M-6861
Index No. 655352/17

-----X
Gardaworld Consulting (UK) Limited,
Counterclaim Plaintiff-Respondent,

-against-

Timothy Simon Spicer, Jeffrey Paul
Arnold Day and Mark Andrew Bullough,
Counterclaim Defendants-Appellants.

-----X

An appeal having been taken from an amended order of the Supreme Court, New York County, entered on or about August 13, 2019, which granted defendant-respondent's motion to compel plaintiffs-appellants to produce all documents listed in a privilege log,

And plaintiffs-appellants having moved to stay enforcement of the aforesaid amended order pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is granted on condition the appeal is perfected for 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 24, 2019.

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

-----X
JPMorgan Chase Bank, N.A.,
Plaintiff-Appellant,

-against-

Daisy Rosario, sued herein
as Daisy Castro,
Defendant-Respondent,

M-2992
Index No. 380668/12

-and-

Luis Castro, etc., et al.,
Defendants.

-----X

Appeals having been taken from orders of the Supreme Court, Bronx County, entered on or about January 25, 2018 and August 8, 2018, respectively,

And plaintiff-appellant having moved to vacate the dismissal of the appeals 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 appeals, which are, sua sponte, consolidated and enlarging the time to perfect same to the January 2020 Term.

ENTERED:


CLERK