At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 27, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

----------X

Rimylan Enterprises, LLC, et al.,

Plaintiffs-Appellants,

-against-

M-2097
Index No. 654512/18

No Labels, Inc., et al.,

Defendants-Respondents.

- - - - - - - - - - - - - -

[And a third-party action.]

----------X

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

Now, upon reading and filing the stipulation of the parties hereto, dated March 10, 2020, and due deliberation having been had thereon,

It is ordered that the perfected appeal is withdrawn in accordance with the aforesaid stipulation.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 August 27, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

----------X

Granite State Insurance Company,
Plaintiff-Appellant,

-against-

M-2182
Index No. 158113/18

Moklam Enterprise, Inc., et al.,
Defendants-Respondents.

----------X

An appeal having been taken to this Court by defendants Yuco Builders, Yuco Construction Corp., and Yuco Management, Inc., from an order of the Supreme Court, New York County, entered on or about September 5, 2019, and said appeal having not been perfected,

Now, upon reading and filing the correspondence from counsel for the aforementioned defendants, dated June 29, 2020, and due deliberation having been had thereon,

It is ordered that the appeal filed by said defendants is deemed withdrawn in accordance with the aforesaid correspondence; all other appeals filed in this matter remain extant.

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 August 27, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

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

M-2044
-against- Ind. No. 3387/16

Arnold Conyers,
Defendant-Appellant.
----------X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about November 1, 2018, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, 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 August 27, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

----------X

The People of the State of New York,
Respondent,

-against-

M-2138
Ind. No. 1639/19

Axel Correra-Robles,
Defendant-Appellant.

----------X

An order of the Supreme Court, Bronx County, having been entered on or about April 24, 2020, 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 April 17, 2020,

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.

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 August 27, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

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

M-2164
-against- Ind. No. 2043/15

Melany Pimentel,
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 3, 2018, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTERED:

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 27, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

----------X

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

- - - - - - - - - - - - - -

CONFIDENTIAL

Deibi E.,
Petitioner-Appellant,

M-2161
Docket Nos. V-05635-19
V-10445-19

-against-

Sibelis Michelle D-P.,
Respondent-Respondent.

----------X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, Bronx County, entered on or about February 7, 2020, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and the certification of Katherine Tracey, Esq., dated February 24, 2020, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Steven Feinman, Esq., One North Broadway, 412, White Plains, New York 10601 Telephone No. 914-949-8214, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City

of New York from funds available therefor[1] **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk**; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order**; and (4) directing appellant to perfect this appeal, in compliance with Section 1250.9 of the Practice Rules of the Appellate Division, **within 60 days** of the filing of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTERED:

CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 27, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

----------X

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

- - - - - - - - - - - - - - - - -

Eddie S.,
Petitioner-Appellant,

-against-

Sylvia S.,
Respondent-Respondent.

CONFIDENTIAL

M-2162

Docket Nos. V-27327-10/15B
V-27328-10/15B

----------X

Respondent-respondent, Sylvia S., having moved for leave to respond, as a poor person, to the appeal taken from an order of the Family Court, Bronx County, entered on or about February 26, 2020, and for assignment of counsel, and related relief,

Now, upon reading and filing the papers with respect to the motion, and the certification of Monica S. Eskin, Esq., dated June 15, 2020, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to §1120 of the Family Court Act, Bruce A. Young, Esq., 100 Church Street, # 800, New York, New York, 10007,

Telephone No. 646-775-8994, as counsel for Sylvia S. for purposes of responding to the appeal; (2) permitting said respondent to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for each party to the appeal, and an original and five hard copies, and if represented by counsel, one digital copy of such brief, are filed with this Court, pursuant to 22 NYCRR Section 1250.9.

ENTERED:

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 27, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

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

M-2166
-against- Ind. No. 4919/16

Daheem Salley,
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 January 30, 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 August 27, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

----------X

In the Matter of the Application of
Sheltering Arms Children and Family
Services for the Custody and
Guardianship of the persons

CONFIDENTIAL

M-2198

Briana Kenya R. also known as
Brianna R. also known asBrianna K.,

Kental Ahmed R. also known as
Kental R. also known as Kentai R.,

Mark Bryant-Sean R. also known as
Mark R.,

Docket Nos. B-37426-16
B-22786-17
B-01667-19

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

- - - - - - - - - - - -

Sheltering Arms Children & Family Services,
Petitioner-Respondent,

Bernard R.,
Respondent-Appellant.

- - - - - - - - - - -

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

----------X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal taken from orders of the Family Court, New York County, entered on or about January 31, 2020, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and the certification of Sybren Hoekstra, Esq., dated May 6, 2020, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Carol Kahn, Esq., P.O. Box 1592, New York, New York, 10028, Telephone No. 212-744-7365, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor[1] **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk**; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order**; and (4) directing appellant to perfect this appeal, in compliance with Section 1250.9 of the Practice Rules of the Appellate Division, **within 60 days** of the filing of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTERED:

CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 27, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

----------x

In the Matter of a Family Offense Proceeding Under Article 8 of the Family Court Act.

CONFIDENTIAL

M-2199

Docket No. O-28901-17

- - - - - - - - - - - - - -

Tatyana M.,
Petitioner-Respondent,

-against-

Mark R.,
Respondent-Appellant.

- - - - - - - - - - - - - -

Linda M. Diaz, Esq., Lawyers for Children, Attorney for the Child.

----------x

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, New York County, entered on or about April 20, 2020, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and the certification of Maria M. Curran, Esq., dated May 12, 2020, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Daniel R. Katz, Esq., 339 West 88th Street, New York, New York 10024, Telephone No. 917-886-5620, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City

of New York from funds available therefor[1] **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk**; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order**; and (4) directing appellant to perfect this appeal, in compliance with Section 1250.9 of the Practice Rules of the Appellate Division, **within 60 days** of the filing of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTERED:

CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 27, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

----------X

In the Matter of a Family Offense Proceeding

Stone W.,
Petitioner-Respondent,

-against-

Mohammed S.,
Respondent-Appellant.

----------X

CONFIDENTIAL
M-2270
Docket No. O-3780/19

An order of this Court having been entered on December 5, 2019 (M-8076), granting respondent leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, New York County, entered on or about October 31, 2019, and assigning Andrew J. Baer, Esq., as counsel to prosecute the appeal;

And respondent-appellant having moved to withdraw the appeal and to relieve assigned counsel,

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

Ordered that the motion is granted to the extent of deeming the appeal withdrawn and striking the designation of Andrew J. Baer, Esq., as assigned counsel.

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 August 27, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

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

-against-

M-2132
Ind. No. 2849/16

Marlen Antonio Suazo,
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 30, 2017,

And assigned counsel having moved for dismissal of the aforesaid appeal or to be relieved as counsel,

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 August 27, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

----------X

Bank of America, N.A.,
Plaintiff-Appellant,

-against-

M-2119
Index No. 850150/16

City West Capital, LLC,
Defendant-Respondent,

Hafeez Giwa, etc., et al.,
Defendants.

----------X

Defendant-respondent having moved to dismiss the appeal taken to this Court from an order of the Supreme Court, New York County, entered on or about December 20, 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, without prejudice to the issue being raised on the direct appeal.

ENTERED:

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 27, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

----------X

Seth Mitchell,
Plaintiff-Appellant,

-against-

Cigna Corporation, et al.,
Defendants-Respondents.

----------X

M-2054
M-2271
M-2272
M-2297
Index No. 450989/19

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 28, 2019, and the appeal having been perfected,

And defendants-respondents The Goldman Sachs Group, Inc., Edith Cooper, Gena Palumbo, James Daly, and Katherine O'Neill (M-2054) and defendants-respondents Cigna Corporation, Nicole Jones, John Murabito, Leah Calabria and Melanie Dougherty (M-2297) having separately moved to dismiss the appeal for lack of jurisdiction,

And plaintiff-appellant having moved for leave to amend the appendix on appeal (M-2271) and for partial summary judgment (M-2272),

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

It is ordered that the defendants-respondents' motions to dismiss the appeal (M-2054, M-2297) are granted and the appeal is dismissed. Plaintiff-appellant's motions (M-2271, M-2272) are 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 August 27, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

----------x
W 108 Development LLC,
Petitioner-Respondent,

-against-

M-2013
M-2237
Index No. 155443/19

Nour Foundation,
Respondent-Appellant.
----------x

Appeals having been taken to this Court from an order of the Supreme Court, New York County, entered on or about May 6, 2020, and from a subsequent, superseding order, same Court, entered on or about June 23, 2020,

And petitioner-respondent having moved to dismiss respondent-appellant's appeal from the May 6, 2020 order; to vacate the interim relief granted by an order of a Justice of this Court dated June 12, 2020; and for sanctions (M-2237),

And respondent-appellant having moved for stay of enforcement of the May 6,2020 order (M-2013),

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

It is ordered that that branch of petitioner-respondent's motion (M-2237) to dismiss the appeal from the May 6, 2020 order is granted as that appeal has been superceded by the respondent-appellant's appeal from the June 23, 2020 order; that branch of the motion seeking sanctions is denied, and it is further

Ordered that respondent-appellant's motion (M-2013) to stay enforcement of the May 6, 2020 order is denied as academic.

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 August 27, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

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

-against-

M-1955
Ind. No. 5111/15

William Escalera,
Defendant-Appellant.
----------X

This Court, by order entered on October 31, 2017 (M-4895), granted defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about June 23, 2017, and assigned Christina Swarns, Esq., Office of the Appellate Defender, as counsel to prosecute that appeal; and assigned counsel having moved to be relieved as such counsel or to dismiss the appeal without prejudice to reinstatement,

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

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

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 August 27, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

----------X

Top Grade Excavating New York Inc.,
Plaintiff-Respondent,

-against-

M-1846
M-1887
Index No. 153811/16

Airitan Management Corp.,
Defendant-Appellant,

HDMI Holdings, LLC, et al.,
Defendants.

----------X

Appeals having been taken to this Court from an order of the Supreme Court, New York County, entered on or about December 6, 2019 (Case No. 2020-00781), and from the judgment, same court, entered on or about December 11, 2019 (Case No. 2020-00785),

And plaintiff-respondent have moved, by separate motions, to dismiss the aforesaid appeals on the ground defendant-appellant is not an aggrieved party,

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

It is ordered that the motions are denied.

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 August 27, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

----------X

Barrett Japaning Inc.,
Petitioner-Appellant,

M-1966
Index No. 150031/17

-against-

New York City Loft Board and Anna Bialobroda,
Respondents-Respondents.

----------X

Respondent-respondent Anna Bialobroda having moved to dismiss the appeal taken from an order of the Supreme Court, New York County, entered on or about April 19, 2019, said appeal having been perfected, or in the alternative, to compel petitioner-appellant to enlarge 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 in its entirety.

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 August 27, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

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

-against-

M-1974
Ind. No. 2882/01

Roni Smith,
Defendant-Appellant.
----------X

An order of this Court having been entered on April 24, 2018(M-1315), granting defendant leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about January 2, 2002, and assigning Christina Swarns, Esq., Office of the Appellate Defender, as counsel to prosecute said appeal; and a motion having been made by assigned counsel to be relieved as such counsel, or in the alternative, to dismiss defendant's appeal without prejudice to reinstatement,

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

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

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 August 27, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

----------X

Renaldo Harris,
Plaintiff-Respondent,

-against-

M-2032
Index No. 161359/18

Gerry Cormican,
Defendant-Appellant,

StructureTech New York, Inc. and
Richard Boswell,
Defendants.

----------X

Defendant-appellant Gerry Cormican having moved for an extension of time in which to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about August 21, 2019,

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

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

ENTERED:

CLERK

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

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

----------X

Trinity NYC Hotel, LLC,

Petitioner-Respondent

M-2042

Index No. 150665/20

-against-

LEAVE TO APPEAL TO THIS COURT GRANTED

Metropolitan Transportation Authority and New York City Transit Authority,

Respondents-Appellants.

----------X

In the Matter of the Application of the Metropolitan Transportation Authority,

Petitioner-Plaintiff-Appellant,

-against-

Anthony T. Rinaldi, LLC; the Rinaldi Group, LLC, and Trinity NYC Hotel, LLC,

Respondents-Defendants-Respondents.

----------X

Respondent-Appellant/Petitioner Plaintiff-Appellant Metropolitan Transportation Authority and Respondent-Appellant New York City Transit Authority having moved, pursuant to CPLR 5701(c),for leave to appeal to this Court from the order of the Supreme Court, New York County, entered on or about June 10, 2020.

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. Movants are directed to perfect the appeal for the December Term of this Court in accordance with 22 NYCRR 1250.9.

Dated: New York, New York
August 7, 2020

Associate Justice

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 27, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

----------x

Doron Zanani,
Plaintiff-Appellant,

-against-

M-2037
Index No. 650099/19

Sutton Apartments Corporation, etc.,
Defendant-Respondent.

----------x

Appeals having been taken from an order of the Supreme Court, New York County, entered on or about July 22, 2019; from a judgment, same Court, entered on or about September 17, 2019; and from an amended order and judgment (one paper), same Court, entered on or about September 17, 2019,

And plaintiff-appellant having moved for an extension of time in which to perfect the appeals,

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

It is ordered that the motion is granted to the extent of extending the time to perfect the appeals to the December 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 August 27, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

----------X

Ruben Elberg, etc., et al.,
Plaintiffs-Appellants,

-against-

M-2125
Index No. 653373/16

Crabapple Corp., et al.,
Defendants-Respondents,

-and-

Royal One Real Estate, LLC, et al.,
Nominal Defendants.

----------X

Plaintiffs-appellants having moved for an extension of time in which to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about December 5, 2018,

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

It is ordered that the motion is granted to the extent of extending the time to perfect the appeal to the December 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 August 27, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

----------X
Marshall Broadcasting Group, Inc.,
Plaintiff-Appellant,

-against-

M-2211
Index No. 651943/19

Nexstar Broadcasting, Inc.,
Defendant-Respondent.
----------X

Plaintiff-appellant having moved for an extension of time in which to perfect the appeal taken to this Court from an order of the Supreme Court, New York County, entered on or about October 30, 2019,

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

It is ordered that the motion is granted to the extent of extending the time to perfect the appeal to the December 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 August 27, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

----------X

Yolanda Diaz, as Parent and Natural Guardian of A.E. an Infant,
Plaintiff-Appellant,

M-2248
Index No. 805636/15

-against-

NYU Langone Medical Center,
Defendant-Respondent.

----------X

Plaintiff-appellant having moved for an extension of time in which to perfect the appeal taken from the judgment of the Supreme Court, New York County, entered on or about December 23, 2019,

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

It is ordered that the motion is granted to the extent of extending the time to perfect the appeal to the December 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 August 27, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

----------X

The Hanover Insurance Company,
Plaintiff-Respondent-Appellant,

M-2324
Index No. 651815/17

-against-

E.E. Cruz & Tully Construction Co.,
A Joint Venture, LLC,
Defendant-Appellant-Respondent.

----------X

An appeal and cross appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about August 12, 2019,

And the parties having jointly moved for an extension of time in which to perfect the appeal and cross appeal,

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

It is ordered that the motion is granted to the extent of extending the time to perfect the respective appeals to the December 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 August 27, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

----------X

600-602 10th Avenue Realty Corporation,
Plaintiff-Respondent,

-against-

M-2275
Index No. 650120/17

The Estate of Hy Nusimow and Avi Nusimow, etc., et al.,
Defendants-Counterclaimants-Appellants,

Esther Pinchevsky,
Additional Counterclaim-Defendant-Respondent.

----------X

Defendants-counterclaimants-appellants having moved for an extension of time in which to perfect the appeal taken from an order of the Supreme Court, New York County, entered 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 extending the time to perfect the appeal to the January 2021 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 August 27, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

----------X

In the Matter of the Application of
Clear Channel Outdoor, Inc.,
Petitioner,

M-1361
M-1670
M-1985
Index No. 153537/18

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

-against-

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

----------X

In the Matter of the Application of
Clear Channel Outdoor, Inc.,
Petitioner,

Index No. 153440/19

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

-against-

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

----------X

Article 78 proceedings to review a determination of respondent(s) having been transferred to this Court, pursuant to CPLR 7804(g), by orders of the Supreme Court, New York County, entered on or about October 10, 2018, (Index No. 153537/18) and September 20, 2019 (Index No. 153440/19),

And petitioner having moved for an extension of time to perfect the proceedings (M-1361 & 1370, Index No. 153537/18 and M-1985, Index No. 153440/19),

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

It is ordered that the motions are granted and petitioners' time to perfect the proceedings (Case Nos. 2019-01057 and 2019-04725) is hereby extended to the December 2020 Term, and

It is further ordered, on the Court's own motion, that the proceedings be, and hereby are, consolidated. Petitioners are directed to prosecute the consolidated proceedings upon an original, five hard copies and, if represented by counsel, one digital copy of a single record and brief, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division, for said December 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 August 27, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

----------X

In the Matter of the Application of
Ryan Lee Properties, LLC,
Petitioner,

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

M-1986

-against- Index No. 153406/19

The City of New York, Fidel F. Del Valle,
As Commissioner and Chief Judge of the
New York City Office of Administrative
Trials and Hearings and Thomas Fariello,
as Acting Commissioner of the New York
City Department of Buildings,
Respondents.

----------X

An Article 78 proceeding to review a determination of the New York City Office of Administrative Trials and Hearings Division Appeals Board having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about September 18, 2019,

And petitioner having moved to extend the time in which to perfect the aforementioned proceeding,

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

It is ordered that the motion is granted to the extent of extending the time to perfect this proceeding to the December 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 August 27, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

----------X

Ayse Giray,
Plaintiff-Appellant,

-against-

M-1997
Index No. 652438/19

Hamdi Ulukaya,
Defendant-Respondent.

----------X

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

And plaintiff-appellant having moved to vacate the dismissal of the appeal, and upon reinstatement, for an extension of time in which 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 extended to the December 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 August 27, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

----------X

Renee Smith,
Plaintiff-Appellant,

-against-

M-2019
Index No. 20028/18E

Temco Service Industries, Inc., et al.,
Defendants-Respondents.

----------X

An appeal having been taken to this Court from an order of the Supreme Court, Bronx County, entered on or about July 22, 2019,

And plaintiff-appellant having moved to vacate the dismissal of the appeal and, upon reinstatement, for an extension of time in which 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 extended to the December 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 August 27, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

----------X

Timothy Lloyd Mah, James M. Carter, III and Crystal Cash,
Plaintiffs-Respondents,

-against-

M-2145
Index No. 650927/16

40-44 West 120th Street Associates, LLC, et al.,
Defendants,

Sheryl D. Jassen,
Defendant-Appellant.

----------X

An appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about October 15, 2019,

And defendant-appellant having moved to vacate the dismissal of the appeal and, upon reinstatement, for an extension 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 extended to the December 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 August 27, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

----------X

Tom Viniello,
Plaintiff-Respondent,

-against-

M-2202
Index No. 805054/17

New York City Health and Hospitals Corporation,
Defendant-Appellant.

----------X

An appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about October 2, 2019,

And defendant-appellant having moved to vacate the dismissal of the appeal and, upon reinstatement, for an extension 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 extended to the December 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 August 27, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

----------x
Doran Zanani,
Plaintiff-Respondent,

-against-

M-2395
Index No. 650494/18
Case Nos. 2020-01483
2020-02957

Oriska Corporation, doing business as Oriska Insurance Company,
Defendant-Appellant.
----------x

Appeals having been taken to this Court from the order of the Supreme Court, New York County, entered on or about August 14, 2019 (Case No. 2020-01483), and from the order, same Court, entered on or about January 22, 2020 (Case No. 2020-02957),

And defendant-appellant having moved to vacate the dismissal of the appeal taken from the August 14, 2019 order and, upon reinstatement, for an extension of time to perfect same, and to consolidate said appeal with the appeal taken from the January 22, 2020 order,

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

It is ordered that the motion is granted to the extent that the dismissal of the appeal from the August 14, 2019 (Case No. 2020-01483) order is vacated, the appeal reinstated, and the time to perfect said appeal is extended to the February 2021 Term of this Court. That branch of the motion seeking to consolidate

the aforesaid appeals is denied as the appeal taken from the January 22, 2020 order is taken from a non-appealable 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 August 27, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

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

M-2035
Docket No. F-9556-18/18A

Nicholas A. E. A.,
Petitioner-Appellant,

-against-

Kuska L. C.,
Respondent-Respondent.
----------x

Petitioner-appellant having moved to vacate the dismissal of the appeal taken from the order of the Family Court, Bronx County, entered on or about July 22, 2019, and upon reinstatement, for an extension 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 vacating the dismissal, reinstating the appeal, and extending the time to perfect said appeal to the April 2021 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 August 27, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

----------x

Cedro LLC, et al.,
Plaintiffs-Respondents,

-against-

M-2056
M-2057
Index No. 653182/19

Axia Realty, LLC, The Board of Managers of the 40 East 72nd Street Condominium and Andrew Dafnos,
Defendants-Appellants,

Ionian Management, Inc., Spiros N. Milonas, Antonia K. Milonas,
Defendants.

----------x

Defendants-appellants Axia Realty, LLC and Andrew Dafnos having moved for an order, pursuant to 22 NYCRR 1250.10(c), vacating the dismissal of the appeal taken from the order of the Supreme Court, New York County, entered on or about August 15, 2019 (M-2056), and upon reinstatement, extending the time to perfect said appeal,

And defendant-appellant Axia Realty, LLC having separately moved for an order extending the time to perfect the appeal taken from a judgment, same Court, entered on or about December 4, 2019 (M-2057),

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

It is ordered that the motion (M-2056) is granted to the extent of vacating the dismissal, reinstating the appeal, and extending the time to perfect said appeal to the December 2020 Term of this Court, and it is further

Ordered that the motion (M-2057) is granted to the extent of extending the time to perfect the appeal to the December 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 August 27, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

----------X
Encore Equity Holdings LLC,
Plaintiff-Respondent,

-against-

M-2067
Index No. 25118/16E

JCIL Corp.,
Defendant-Appellant.
----------X

Appeals having been taken to this Court from orders of the Supreme Court, Bronx County, entered on or about January 31, 2019 and on or about September 16, 2019,

And defendant-appellant having moved for an extension of time in which to perfect said appeals to the September 2020 Term,

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

It is ordered that the motion is deemed one seeking to vacate the dismissals of the appeals and, as such, is granted, the dismissals are vacated, the appeals reinstated, and the time in which to perfect said appeals, which may be consolidated as of right, is extended to the December 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 August 27, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

----------x

Joseph Shamilova, as Executor of the Estate of Khava Shamilova,
Plaintiff-Respondent,

-against-

Elissa Berkowitz, Dora Lieberman, Irrevocable Grantor Trust, Judith Sabo, Solomon Sabo and Yeshiva Shaare Torah, Inc.,
Defendants-Appellants.

M-2296
M-2299
Index No. 303939/09

----------x

Appeals having been taken to this Court from an order of the Supreme Court, Bronx County entered on or about June 27, 2019 (Case Nos. 2020-02650 and 2019-04959),

And defendants-appellants Judith Sabo and Solomon Sabo having moved for an order granting all defendants-appellants an extension of time to perfect their respective 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 (M-2296 and M-2299), deemed to include requests to vacate the dismissals of all of the defendants' appeals (22 NYCRR 1250.10[c]), are granted, the dismissals vacated, the appeals reinstated, and the time to perfect the appeals extended to the December 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 August 27, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

----------x

The Board of Managers of the Empire Condominium,
Plaintiff-Respondent,

-against-

M-2389
Index No. 156579/12

Jessica Rosenraich,
Defendant-Appellant,

JPMorgan Chase Bank, NA, et al.,
Defendants.

----------x

Defendant-appellant having moved for an extension of time in which to perfect the appeal taken to this Court from a judgment of the Supreme Court, New York County, entered on or about June 27, 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, deemed to include a request to vacate the dismissal of the appeal (22 NYCRR 1250.10[c]), is granted, the dismissal vacated, the appeal reinstated, and the time to perfect said appeal is extended to the February 2021 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 August 27, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

----------X

Garr Silpe, P.C.,
Plaintiff-Respondent,

-against-

M-2062
Index No. 650247/17

Robyn B. Gorman,
Defendant-Appellant.

----------X

Appeals having been taken to this Court from an order of the Supreme Court, New York County, entered on or about July 29, 2019, and from an order, same Court, entered on or about May 20, 2020,

And defendant-appellant having moved to extend the time to perfect the appeal taken from the July 29, 2019 order and to consolidate that appeal with the appeal taken from the May 20, 2020 order,

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

It is ordered that the motion is deemed one to vacate the dismissal of the appeal taken from the July 29, 2019 order and, as such, is granted, the dismissal vacated, the appeal reinstated, and the time to perfect both appeals is extended to the December 2020 Term of this Court. That branch of the motion seeking to consolidate the aforementioned appeals is denied as unnecessary, as the appeals may be consolidated as of right.

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 August 27, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

----------x

Ivan Dorador,
Plaintiff,

M-2051

Index No. 101992/09

-against-

Trump Palace Condominium,
Defendant-Appellant.

----------x

Trump Palace Condominium,
Third-Party Plaintiff,

Index No. 590466/09

-against-

Signature Metal and Marble Maintenance, LLC.
Third-Party Defendants.

----------x

Trump Palace Condominium,
Second Third-Party Plaintiff-Appellant,

Index No. 590297/10

-against-

R&J Company, LLC and The Great Atlantic & Pacific Tea Company, Inc., t/a The Food Emporium, Inc.,
Second Third-Party Defendants-Respondents.

----------x

Trump Palace Condominium,
Third Third-Party Plaintiff-Appellant,

Index No. 595134/16

-against-

Aztec Metal Maintenance Corp.,
Third Third-Party Defendant-Respondent.

----------x

An appeal having been taken by defendant/second third-party plaintiff/third third-party plaintiff, Trump Palace Condominium, from the orders of the Supreme Court, New York County, entered on or about January 28, 2018, which, inter alia, denied its motions for summary judgment against the second and third third-party defendants, and said appeal (Case No. 2019-22520) having been perfected,

And an appeal having been taken by defendant/third third-party plaintiff, Trump Plaza Condominium, from an order of the same court entered on or about February 4, 2020, (Case No. 2020-02667),

And defendant/second third-party plaintiff/third third-party plaintiff-appellant, Trump Plaza Condominiums, having moved for an order consolidating the aforesaid appeals for argument and decision,

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 movants to withdraw the briefs filed in the previously perfected appeal (Case No. 2019-22520) and to consolidate the appeals, which movants shall perfect for the December 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 August 27, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

----------x

Breakaway Courier Corporation doing business as Breakaway Courier Systems,
Plaintiff-Appellant,

M-2078
M-2079
M-2080
Index No. 654806/16

-against-

Berkshire Hathaway Inc., et al.,
Defendants-Respondents.

----------x

Current Lighting & Electric, Inc., et al.,
Plaintiffs-Appellants,

Index No. 652316/17

-against-

Berkshire Hathaway Inc., et al.,
Defendants-Respondents.

----------X

Alternative Fuels Transportation, Inc.,
Plaintiff-Appellant,

Index No. 652702/17

-against-

Berkshire Hathaway Inc., et al.,
Defendants-Respondents.

----------X

Separate appeals having been taken to this Court by each plaintiff from the order of the Supreme Court, New York County, entered on or about August 26, 2019, and from an order, same court, entered on or about May 5, 2020,

And plaintiffs-appellants, in three identical motions, having moved for an order consolidating the aforementioned appeals, and for an extension of time in which to perfect said appeals,

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

It is ordered that the motions are granted and the actions are hereby consolidated for the purposes of appealing the subject orders. The time in which to perfect the consolidated appeals is hereby extended to the December 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 August 27, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

----------X
Stuart Kreisler, Elizabeth Tracy Bonbrest and Kega-SP LTD.,
Plaintiffs-Respondents,

-against-

M-2326
Index No. 161021/14

B-U Realty Corp. and Paul Bogoni,
Defendants-Appellants.
----------X

An appeal having been taken to this Court from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about June 2, 2020,

And defendants-appellants having moved for an order staying the execution on and enforcement of the aforesaid judgment and a return of funds from defendants' bank accounts if already withdrawn by plaintiffs, pending the determination of the appeal,

And an order of a Justice of this Court having been granted on July 14, 2020, staying, pending the determination of the motion, the enforcement of the judgment and temporary restraining notice placed on defendant’s accounts at JP Morgan Chase NA to the extent that the accounts are used by defendants as they are customarily used in the ordinary course of defendants’ business,

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 staying the execution on and enforcement of the judgment, and the temporary restraining notice(s) placed on defendants' account(s), provided that defendants shall make expenditures from its account(s) only in the usual and ordinary course of business.

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 August 27, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

----------x
In the Matter of Criminal Contempt

M-2231

Of SCID No. 30099/19

Robert Walters, Esq.,
Defendant-Appellant.
----------x

An appeal having been taken to this Court from the judgment of the Supreme Court, New York County, rendered on or about November 7, 2019, which convicted defendant of criminal contempt and directed that he be incarcerated for a period of 30 days,

And defendant-appellant, pro se, having moved for an order extending the stay of execution of the judgment, granted by the Hon. Robert Stoltz, Supreme Court, New York County, pending hearing and determination of the aforesaid appeal, and for other relief,

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

It is ordered that the motion is granted to the extent of extending the time to perfect the appeal to the December 2020 Term of this Court, and extending the aforesaid stay of execution of the judgment, upon the original terms and conditions, with leave to seek an additional extension if the underlying 440.10 proceeding is still pending.

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 August 27, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

----------x
Sherly Cadet,
Plaintiff-Appellant-Respondent,

-against-

M-2253
Index No. 100373/19

Joan C. Schwartz & Alliance Nursing Staff of New York, Inc.,
Defendants-Respondents-Appellants.
----------x

An appeal and cross appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about December 2, 2019,

And plaintiff-appellant-respondent having moved for an extension of time in which 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 extending plaintiff's time to perfect the appeal to the December 2020 Term of this Court and, sua sponte, the stay of proceedings granted by this Court, by order entered on February 27, 2020 (M-256) is continued on condition the appeal is perfected for said December 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 August 27, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

----------X
Janet Greenberg Baker and Norman Baker,
Plaintiffs-Respondents,

-against-

M-1484
Index No. 603683/03

40 East 80th Apartment Corporation and
Penmark Realty Corporation,
Defendants-Appellants,

-and-

Selvin R. Silver, et al.,
Defendants.
----------X
[AND THIRD PARTY ACTIONS]
----------X

Separate appeals having been taken from a judgment of the Supreme Court, New York County, entered on or about December 31, 2019,

And defendant-appellant 40 East 80th Apartment Corporation having moved to stay any hearing in the Supreme Court to determine attorney's fees to be awarded to the plaintiffs pending the hearing and determination of the appeal taken from the aforementioned judgment,

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

It is ordered that the motion is 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 August 27, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

----------X
Gustavo Adolfo Giraldo Valencia
also known as Gustavo Giraldo and
Zehra Yazgan,
Plaintiffs-Appellants,

-against-

M-1992
Index No. 102212/11

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

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about May 22, 2020, and plaintiffs-appellants having moved for a stay of that order pending the hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is denied.

ENTERED:

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 27, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

----------X

Rosenberg Feldman Smith, LLC,
Plaintiff-Respondent,

-against-

M-2007
Index No. 653953/18

Ninety-Five Madison Company, L.P.,
Defendant-Appellant.

----------X

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

And an order of this Court having been entered on January 14, 2020 (M-8816) staying all proceedings in this matter pending the hearing and determination of the aforementioned appeal,

And plaintiff-respondent having moved to vacate the stay of proceedings imposed by this Court's January 14, 2020 order, and for related relief,

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

It is ordered that the motion is denied.

ENTERED:

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 27, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

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

-against-

M-1896
Ind. No. 4155/11

John Flores,
Defendant-Appellant.
----------X

A decision and order of this Court having been entered on October 18, 2016 (Appeal No. 15864), unanimously affirming a judgment of resentence of the Supreme Court, New York County (Ronald Zweibel, J.), rendered on June 6, 2014,

And defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate and trial counsel, and for related relief,

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

It is ordered that said application is denied.

ENTERED:

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 27, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

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

-against-

M-1924
Ind. Nos. 4407/07
5375/16

Moustapha Walker,
Defendant-Appellant.
----------X

A decision and order of this Court having been entered on May 21, 2019 (Appeal No. 9378), unanimously affirming a judgment of the Supreme Court, New York County (Michael Obus, J.), rendered on January 11, 2018,

And defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate counsel, and for related relief,

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

It is ordered that said application is denied.

ENTERED:

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 27, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

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

-against-

M-1925
Ind. No. 928/16

Aime Diendere,
Defendant-Appellant.
----------X

A decision and order of this Court having been entered on December 2, 2018 (Appeal No. 7779), unanimously affirming a judgment of the Supreme Court, New York County (Ellen Biben, J.), rendered on November 29, 2016,

And defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of defendant's claim of ineffective assistance of appellate counsel, and for related relief,

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

It is ordered that said application is denied.

ENTERED:

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 27, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

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

-against-

M-2021
Ind. Nos. 27/10
81355C/09

David Delgado,
Defendant-Appellant.
----------X

A decision and order of this Court having been entered on April 15, 2014 (Appeal No. 12216), unanimously modifying a judgment of the Supreme Court, Bronx County (Dominic R. Massaro, J.), rendered on August 1, 2012,

And defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate counsel, and for related relief,

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

It is ordered that 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 August 27, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Sallie Manzanet-Daniels
Judith J. Gische
Barbara R. Kapnick, Justices.

----------X

Center for Independence of the Disabled, et al.,
Plaintiffs-Respondents,

M-2316
Index No. 153765/17

-against-

Metropolitan Transportation Authority, etc., et al.,
Defendants-Appellants.

- - - - - - -

504 Democratic Club, Advocates for Justice, Community Access, Lenox Hill Neighborhood House, National Center for Law and Economic Justice and New York Lawyers for the Public Interest,
Amici Curiae.

----------X

Defendants-Appellants Metropolitan Transportation Authority, Patrick Foye, in his official capacity as Chairman and Chief Executive Officer of the MTA, New York City Transit Authority, and Sarah Feinberg, in her official capacity as interim president of the NYCTA, 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 4, 2020 (Appeal No. 11412),

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 August 27, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Dianne T. Renwick
Troy K. Webber
Ellen Gesmer, Justices.

----------X

Kamelia K. Poppe,
Plaintiff-Appellant,

-against-

William F. Poppe,
Defendant-Respondent.

----------X

CONFIDENTIAL
M-2470
Index No. 300953/19

Plaintiff-appellant, pro se, 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 21, 2020 (Appeal No. 11557N),

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 August 27, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

----------X
The People of the State of New York
ex rel. Aaron Singleton,
Petitioner,

-against-

M-2020
Ind. No. 370/19

Warden, V.C.B.C.,
Respondent.
----------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 this application, and due deliberation having been had thereon,

It is ordered that the application be and the same hereby is granted only to the extent of transferring the proceeding to and to be heard, forthwith, before a Justice of the Supreme Court of the State of New York, Bronx County, 851 Grand Concourse, Bronx, New York 10451, 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, shall be made upon the Warden at V.C.B.C.; the Attorney General of the

State of New York, 120 Broadway, New York, New York 10271; and the District Attorney of Bronx County, such shall be deemed due and sufficient notice.

The application 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 August 27, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

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

-against-

M-1967
Ind. Nos. 1240/16
3784/16

Damon Ash,
Defendant-Appellant.
----------X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about July 14, 2017, and said appeal having been perfected,

And defendant having moved, pro se, for leave to file a supplemental appellant's 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 that defendant-appellant is directed to an original and five copies of his pro se supplemental brief with this Court, and serve one copy upon the New York County District Attorney's Office, for the December 2020 Term of this Court, to which Term the appeal is adjourned.

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 August 27, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

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

-against-

M-2006
Ind. Nos. 3326/17
3542/17

Joshua Rosario,
Defendant-Appellant.
----------X

An order of this Court having been entered on May 7, 2020 (M-626), inter alia, granting defendant's motion for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about October 24, 2019, under Indictment No. 3326/17, and assigning counsel therefor,

And defendant-appellant having moved for an order amending the aforementioned order of assignment to include a second judgment, same Court, also rendered on or about October 24, 2019, under Indictment No. 3542/17,

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

It is ordered that the motion is granted to the extent of amending defendant's notice of appeal and the aforementioned order of assignment to include Indictment No. 3542/17, and

extending the poor person relief previously granted to cover same. The time in which defendant shall perfect this appeal is hereby extended until 120 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 August 27, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

----------X

In the Matter of

CONFIDENTIAL

Athena M.,

M-2106
Docket No. NN-14196/18

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

- - - - - - - - - -

Administration for Children's Services,
Petitioner-Respondent,

-against

Manuel M. T.,
Respondent-Appellant.

- - - - - - - - - -

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

----------X

An appeal having been taken to this Court from an order of the Family Court, New York County, entered on or about March 28, 2019,

And respondent-appellant having moved for an order (i) supplementing the record on appeal to include three exhibits admitted into evidence in the lower court (two of which are annexed as Exhibit C to respondent's moving papers) but excluded from the record on appeal filed in this court and not provided to assigned appellant counsel; and (ii) granting an extension of time in which to file an appellant's brief to 30 days after receipt of said Exhibits by counsel for Appellant,

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

It is ordered that the motion is granted to the extent of enlarging the record on appeal to include the three exhibits at issue, two of which are annexed as Exhibit C to appellant's moving papers, directing the Administration for Children's Services to use its best efforts to locate the missing zip file exhibit, and extending the time to perfect the appeal to the December 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 August 27, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

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

-against-

M-2169
Ind. No. 2647/13

Jaime DeJesus,
Defendant-Appellant.
----------X

Defendant-appellant having moved for leave to file a pro se supplemental brief in connection with the appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about November 19, 2015, and said appeal having been perfected,

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 August 27, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

----------x

Scarola Malone & Zubatov LLP,
Plaintiff-Respondent,

-against-

Andrew Ellner, Lightbox Capital Management, LLC and Lightbox Ventures, LLC.,
Defendants-Appellants-Respondent,

-and-

Brem Moldovsky, LLC,
Defendant-Appellant.

----------x

CONFIDENTIAL
M-2210
Index No. 651324/17

An appeal having been taken to this Court by defendants-appellants from an order of the Supreme Court, New York County, entered on or about July 8, 2019, and the appeal having been perfected,

And an appeal having been taken to this Court by defendant Brem Moldovsky, LLC, pro se, from the aforesaid order entered July 8, 2019, insofar as it denied its motion to disqualify defendants-appellants' counsel,

And defendant Brem Moldovsky, LLC having moved for leave to supplement the record on appeal by taking judicial notice of certain matters allegedly relevant and germane to the disqualification issue that have occurred since the date of the order being appealed,

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 its entirety.

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 August 27, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

----------X

In the Matter of

Avalynn R.,

A Child Under 18 Years of Age Alleged to be Neglected/Abused Under Article 10 of the Family Court Act

CONFIDENTIAL

M-2156

Docket Nos. NN-3153/17
V-13342/17
V-13086/17

- - - - - - - - - - - - - - - - -

Administration for Children's Services,
Petitioner-Respondent,

Karl C. R.,
Respondent-Respondent,

Julianne R.,
Appellant.

- - - - - - - - - - - - - - - - -

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

----------X

An order of this Court having been entered on April 16, 2020, (M-480), granting appellant-mother leave to prosecute, as a poor person, the appeal taken from two orders of the Family Court, New York County, entered on or about December 3, 2019 and on or about December 19, 2019,

And appellant-mother having moved for an order supplementing the aforementioned order to include assignment of counsel, and related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Steven Feinman, Esq. One North Broadway, Suite 412, White Plains, New York, 10601, Telephone No. 914-949-8214, as counsel for purposes of prosecuting the appeal. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 60 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 August 27, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

----------X

Flossie Bowman Rozefort, as Administratrix of the Estate of Ada Perry-Frazier,
Plaintiff-Appellant,

M-2325
Index No. 20054/15E

-against-

Bronx Lebanon Hospital Center, Jewish Home Life Care, and Jewish Home Life Care, Manhattan,
Defendants-Respondents.

----------X

Separate appeals having been taken to this Court from an order of the Supreme Court, Bronx County, entered on or about August 5, 2019 (Case No. 2020-02702), and a from a judgment, same Court, entered on or about August 27, 2019 (Case No. 2020-01860), and the appeal taken from the judgment entered on or about August 27, 2019 (Case No. 2020-01860) having been perfected, the appeal from the order, entered on or about August 5, 2019, having been dismissed,

And defendant-appellant Jewish Home Lifecare, Manhattan, sued herein as Jewish Home Life Care, having moved to dismiss plaintiff's perfected appeal from the August 27, 2020 judgment or, in the alternative, for an extension of time in which to file a respondent's brief until thirty days after entry of a decision on 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 that branch of the motion seeking to dismiss plaintiff's appeal from the judgment (Case No. 2020-01860) is denied; that branch of the motion seeking an extension

of time in which to file a respondent's brief is granted to the extent of adjourning the appeal to the February 2021 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 August 27, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

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

-against-

M-1975
Ind. No. 3131/94

Carlos Rodriguez also known as
Alberto Carrion,
Defendant-Appellant.
----------X

Defendant having moved for an extension of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about July 15, 1996, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied as academic, a notice of appeal having been timely filed on or about September 18, 2006.

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 August 27, 2020.

Present - Hon. David Friedman, Justice Presiding,
Dianne T. Renwick
Sallie Manzanet-Daniels
Angela M. Mazzarelli, Justices.

----------X
Michael D. Cohen,
Plaintiff-Respondent-Appellant,

-against-

M-1987
Index No. 651377/19

Trump Organization LLC,
Defendant-Appellant-Respondent.
----------X

Defendant-appellant-respondent having moved for an extension of time to perfect the appeal and cross appeal taken from an order of the Supreme Court, New York County, entered on or about August 28, 2019,

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

It is ordered that the motion is granted to the extent of extending the time to perfect the appeal and cross appeal to the December 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 August 27, 2020.

Present - Hon. David Friedman, Justice Presiding,
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels
Angela M. Mazzarelli, Justices.

----------X

In the Matter of the Application of
Ryan Lee Properties, LLC,
Petitioner

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

M-1364
M-1669
Index No. 153526/18

-against-

The City of New York, et al.,
Respondents

----------X

An Article 78 proceeding to review a determination of respondents having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about October 10, 2018,

And petitioner having moved, by separate motions, for an extension of time to perfect the proceeding,

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

It is ordered that the motions are granted to the extent of extending the time to perfect the proceeding to the December 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 August 27, 2020.

Present - Hon. David Friedman, Justice Presiding,
Dianne T. Renwick
Sallie Manzanet-Daniels
Angela M. Mazzarelli, Justices.

----------x

Scarola Malone & Zubatov LLP,
Plaintiff-Respondent/
Plaintiff-Respondent-Respondent,

-against-

CONFIDENTIAL

Andrew Ellner, Lightbox Capital Management, LLC and Lightbox Ventures, LLC.,
Defendants-Appellants,
Defendants-Respondents-Appellants,

M-1885
M-2094

Index No. 651324/17

-and-

Brem Moldovsky, L.L.C.,
Defendant/
Defendant-Appellant-Respondent.

----------x

An appeal have been taken by defendants-appellants Andrew Ellner, Lightbox Capital Management, LLC and Lightbox Ventures, LLC (collectively the Lightbox defendants) from an order of the Supreme Court, New York County, entered on or about July 8, 2019, and the appeal having been perfected for the December 2020 Term of this Court (Case No. 2019-03384),

And an appeal having been taken by the Lightbox defendants and cross appeal having been taken by Brem Moldovsky, L.L.C. from an order of the same court, entered on or about December 18, 2019, and Brem Moldovsky L.L.C. having perfected the cross appeal for the November 2020 Term of this Court, designating itself as defendant-appellant-respondent (Case No. 2019-02350),

And defendant Brem Moldovsky L.L.C. having moved for an order:(1) designating Brem Moldovsky L.L.C. as a respondent to the Lightbox defendants' appeal taken from the July 8, 2019 order (Case No. 2019-03384); (2) consolidating the appeal taken from the July 8, 2019 order (Case No. 2019-03384) with the appeal taken from the December 18, 2019 order (Case No. 2019-02350); (3) declaring the Lightbox defendants' Judiciary Law § 487 claims

impossible and moot, and disqualify Jonathan Miller, Esq. as counsel for the Lightbox defendants or, in the alternative, granting an enlargement of time to perfect the appeal and granting leave to supplement the record on appeal by taking judicial notice of developments in the case and facts since the date of the order appealed from that are allegedly germane to it (M-1885),

And the Lightbox defendants having cross-moved for an order imposing sanctions for frivolous conduct against defendant Brem Moldovsky, L.L.C. and Brem Moldovsky, Esq., personally (M-2094),

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-1885) is granted to the extent directing the Clerk to calendar the perfected appeals from the July 8, 2019 order (Case Nos. 2019-03384) and December 18, 2019 order (Case No 2019-02350), to be heard together on the same date of the December 2020 Term, to which Term the appeal taken from the December 18, 2020 order (Case No. 2019-02350) is adjourned, and the motion is otherwise denied. The motion (M-2094) seeking sanctions for frivolous conduct is denied (see M-2554, 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 August 27, 2020.

Present - Hon. David Friedman, Justice Presiding,
Dianne T. Renwick
Sallie Manzanet-Daniels
Angela M. Mazzarelli, Justices.

----------X

DCCA, LLC,
Plaintiff-Respondent,

M-1876
M-1877
Index No. 650845/20

-against-

Charles S. Cohen, Cohen Brothers Realty Corp., Anderson Hill Road Capital LLC and Anderson Hill Road Loan LLC,
Defendants-Appellants.

----------X

Appeals having been taken to this Court from the orders of the Supreme Court, New York County, entered on or about February 10, 2020, which granted plaintiff-respondent a preliminary injunction enjoining defendants-appellants from "asserting any rights to foreclosure the mortgage on the Arrowood property that is security for [a] Loan" (Case No. 2020-1953, M-1877), and on or about February 25, 2020, which granted plaintiff-respondent a preliminary injunction enjoining defendants-appellants, Charles S. Cohen and Cohen Brothers Realty Corp. from "[a]sserting any rights to foreclose on the mortgage on the Arrowood property that is security for the loan," and denied defendants's cross motion to transfer venue to Westchester County (Case No. 2020-1952, M-1876),

And defendants-appellants having moved for an order pursuant to CPLR 5518 vacating, modifying, and/or limiting the enforcement of the aforementioned orders entered on or about February 25, 2020 (M-1876), and on or about February 10, 2020 (M-1877),

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

It is ordered that the motions are 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 August 27, 2020,

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

----------X

Wells Fargo Bank, N.A., etc.,
Plaintiff-Appellant,

-against-

Donna Ferrato,
Defendant-Respondent,

M-2319
Index Nos. 850034/15
850294/17

The Simon & Mills Building
Condominium Board, et al.,
Defendants.

- - - - -

Wells Fargo Bank, N.A., etc.,
Plaintiff-Respondent,

-against-

Donna Ferrato,
Defendant-Appellant,

Capital One Bank (USA) N.A., et al.,
Defendants.

----------X

Plaintiff-appellant/plaintiff-respondent Wells Fargo Bank, National Association as Trustee for Option One Mortgage Loan Trust 2007-5, Asset-backed Certificates, Series 2007-5, having moved for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on May 28, 2020 (Appeal Nos. 11561-11561A),

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

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

"Was the order of this Court, which affirmed the order of the Supreme Court, entered March 6, 2018 and reversed the order of the Supreme Court, entered August 7, 2018, properly made?"

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

ENTERED:

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 27, 2020.

PRESENT: Hon. David Friedman, Justice Presiding,
Barbara R. Kapnick
Jeffrey K. Oing
Lizbeth González, Justices.

----------X
In re Center on Privacy & Technology,
Petitioner-Appellant,

-against-

M-1664
M-1673
Index No. 154060/17

New York City Police Department,
Respondent-Respondent.
----------X

Petitioner-appellant having moved for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on March 12, 2020 (Appeal No. 11278N) [M-1664],

And the Reporters Committee for Freedom of the Press and 25 media organizations having moved for leave to file a brief amicus curiae in support of petitioner-appellant's motion [M-1673],

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

Ordered that the motion for leave to file a brief amicus curiae in support of the motion [M-1673] is granted and the brief annexed to the moving papers deemed filed, and it is further

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

"Was the order of Supreme Court, as affirmed by the this Court, properly made?"

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

ENTERED:

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 27, 2020.

PRESENT: Hon. David Friedman, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Lizbeth González, Justices.

----------X

Seeking Valhalla Trust formerly known as Carl Deane 2013 Revocable Trust, et al.,
Plaintiffs-Appellants,

M-2038
Index No. 653174/18

-against-

Carol Deane, et al.,
Defendants-Respondents.

----------X

Plaintiffs-appellants having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on April 9, 2020 (Appeal Nos. 11366, 11366A),

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 August 27, 2020.

PRESENT: Hon. David Friedman, Justice Presiding,
Troy K. Webber
Cynthia S. Kern
Lizbeth González, Justices.

----------X

Gregorio Clotter,
Plaintiff-Appellant,

M-1377
Index No. 304009/13

-against-

New York City Housing Authority,
Defendant-Respondent.

----------X

Defendant-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 January 28, 2020 (Appeal No. 10909), and for other relief,

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

It is ordered that the motion is denied.

ENTERED:

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 27, 2020.

PRESENT: Hon. David Friedman, Justice Presiding,
Barbara R. Kapnick
Jeffrey K. Oing
Lizbeth González, Justices.

----------X

In re James C. Russell,
Petitioner-Appellant,

-against-

M-1663
Index No. 155344/16

New York State Insurance Fund,
et al.,
Respondents-Respondents.

----------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 March 12, 2020 (Appeal No. 11268),

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 August 27, 2020.

PRESENT: Hon. David Friedman, Justice Presiding,
Judith J. Gische
Angela M. Mazzarelli
Ellen Gesmer, Justices.

----------X

Thomas Caso,
Plaintiff-Respondent,

M-1828
Index No. 159192/15

-against-

Miranda Sambursky Slone Sklarin Verveniotis LLP, et al.,
Defendants-Appellants,

"John Doe," et al.,
Defendants.

----------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 February 27, 2020 (Appeal No. 10920),

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 August 27, 2020.

PRESENT: Hon. David Friedman, Justice Presiding,
Dianne T. Renwick
Sallie Manzanet-Daniels
Anil C. Singh
Lizbeth González, Justices.

----------X

Al Rushaid Parker Drilling Ltd.,
Plaintiff-Appellant,

M-1978
M-1980

-against- Index No. 652375/11

Byrne Modular Buildings L.L.C.,
Defendant-Respondent.
- - - - - - - - - - -
Rasheed Al Rushaid, et al.,
Plaintiffs-Appellants,

-against- Index No. 652369/12

Pictet & Cie, et al.,
Defendants-Respondents.
----------X

Plaintiffs-appellants Rasheed Al Rushaid, Al Rushaid Petroleum Investment Corp., and Al Rushaid Parker Drilling, Ltd. having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on February 25, 2020 (Appeal Nos. 10939, 10940, 1940A),

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

It is ordered that the motions are 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 August 27, 2020.

Present - Hon. David Friedman, Justice Presiding,
Dianne T. Renwick
Sallie Manzanet-Daniels
Angela M. Mazzarelli, Justices.

----------X

The People of the State of New York,

Respondent,

M-1118
M-1928
M-7736
Ind. No. 12521/93

-against-

Shawn Catlett,

Defendant-Appellant.

----------X

A decision and order of this Court having been entered on October 27, 1998 (Appeal No. 2443), unanimously affirming a judgment of the Supreme Court, New York County (Berkman, J.), rendered on December 2, 1994,

And defendant-appellant having moved, pro se, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate counsel, and for related relief (M-7736), for leave to prosecute, as a poor person, for assignment of counsel and assignment of a "special master" to investigate a purported fraud by the People upon this Court on the present application for coram nobis, and for trial transcripts and other relief (M-1118 and M-1928),

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

It is ordered that the application (M-7736) and motions (M-1118 and M-1928) are denied in their entirety.

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 August 27, 2020.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Judith J. Gische
Troy K. Webber
Jeffrey K. Oing
Peter H. Moulton, Justices.

----------X

Yahaira Lugo,
Plaintiff-Appellant,

M-2291
Index No. 25583/15E

-against-

Daytona Auto Sales, Inc.,
Defendant,

Ramy A. Alsadi,
Defendant-Appellant,

Evergreen Mechanical Corp.,
et al.,
Defendants-Respondents.

----------X

Plaintiff-appellant having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on June 4, 2020 (Appeal No. 11620),

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 August 27, 2020.

Present - Hon. Sallie Manzanet-Daniels, Justice Presiding,
Barbara R. Kapnick
Cynthia S. Kern
Jeffrey K. Oing, Justices.

----------X

Jean Henriquez-Rodriguez,
Plaintiff-Respondent-Appellant,

M-1243
M-1270

-against-

Index #23380/14

160 West 118th Street Corp.,
Defendant-Appellant-Respondent,

-and-

Scott Metzner,
Defendant.

----------X

And Third-Party Action

----------X

Appeals having been taken by defendant-appellant-respondent from an order of the Supreme Court, Bronx County, entered on or about July 2, 2019, and from a judgment, same court, entered on or about August 21, 2019, and plaintiff-respondent-appellant having taken a cross appeal from the aforesaid judgment,

And defendant-appellant-respondent having moved, pursuant 22 NYCRR 1250.10(c), to vacate the dismissal of its appeals from the July 2, 2019 order and August 21, 2019 judgment, and for an extension of time to perfect the appeals (M-1243),

And plaintiff-respondent-appellant having cross-moved, pursuant to CPLR 5519(c), to vacate the stay defendant-appellant-respondent obtained pending its appeal of the August 21, 2019 judgment on the grounds that the appeal on which the stay was based has been dismissed, and for related relief (M-1270),

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 (M-1243) is granted, the appeals from the July 2, 2019 order and August 21, 2019 judgment reinstated, and the time to perfect same is enlarged to the December 2020 Term. The cross motion (M-1270) 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 August 27, 2020.

PRESENT: Hon. Sallie Manzanet-Daniels, Justice Presiding,
Angela M. Mazzarelli
Cynthia S. Kern
Jeffrey K. Oing, Justices.

----------X

In re Wimbledon Fund, SPC (Class TT),
Petitioner-Respondent,

-against-

Weston Capital Partners Master Fund II, Ltd.,
Respondent-Appellant,

Wimbledon Financing Master Fund Ltd.,
Respondent.

----------X

M-2305
M-2396
Index No. 160576/17

Petitioner-respondent having moved (M-2305) for reargument of the order of this Court, entered on June 11, 2020 (Appeal No. 11635), and other relief (M-2305),

And respondent-appellant having moved (M-2396) for leave to appeal to the Court of Appeals from the aforementioned order of this Court, entered on June 11, 2020 (Appeal No. 11635),

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 (M-2305 & M-2396) are 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 August 27, 2020.

PRESENT: Hon. Sallie Manzanet-Daniels, Justice Presiding,
Ellen Gesmer
Jeffrey K. Oing
Peter H. Moulton
Lizbeth González, Justices.

----------X

U-Trend New York Investment L.P., etc.,
Plaintiff-Appellant-Respondent,

M-1012
M-1656
Index Nos. 652082/14
650498/15

-against-

US Suite LLC et al.,
Defendants,

Aura Investments Ltd.,
Defendant-Respondent-Appellant,

Hospitality Suite International,
S.A. et al.,
Nominal Defendants.

----------x

U-Trend New York Investment L.P., etc.,
Plaintiff-Appellant-Respondent,

-against-

Aura Investments Ltd.,
Defendant-Respondent-Appellant,

Yaacov Atrakchi, et al.,
Defendants-Respondents,

Hospitality Suite International,
S.A., et al.,
Nominal Defendants.

- - - - - - - - - - - - - - -

[And other actions].

----------X

Plaintiff-appellant-respondent (M-1012) and defendant-respondent-appellant (M-1656) having separately 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 January 21, 2020 (Appeal Nos. 10819, 10819A),

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, insofar as they seek reargument, are granted and, upon reargument, the decision and order of this Court entered on January 21, 2020 (Appeal Nos. 10819 and 10819A) is recalled and vacated and a new decision and order substituted therefor. (See Appeal Nos. 10819 and 10819A) decided simultaneously herewith.) The motions, insofar as they seek leave to appeal to the Court of Appeals, are 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 August 27, 2020.

PRESENT: Hon. Judith J. Gische, Justice Presiding,
Barbara R. Kapnick
Jeffrey K. Oing
Lizbeth González, Justices.

----------X

Jose Silverio,
Plaintiff-Appellant,

-against-

M-2321
Index No. 302990/12

Ford Motor Company, et al.,
Defendants-Respondents.

----------X

Plaintiff-appellant having moved for reargument of the decision and order of this Court, entered on May 14, 2020 (Appeal No. 11530N),

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 August 27, 2020.

PRESENT: Hon. Barbara R. Kapnick, Justice Presiding,
Cynthia S. Kern
Anil C. Singh
Peter H. Moulton
Lizbeth González, Justices.

----------x

Ruth Bavers and Daniel Samuel Katan, as co-trustees of the Aki Katan Irrevocable Trust, individually and derivatively on behalf of U&I Realty, Inc., and I&A Realty, Inc.; Daniel Samuel Katan, individually and derivatively on behalf of U&I Realty, Inc., and I&A Realty, Inc., and Aki Katan, Individually,
Plaintiffs-Respondents,

-against-

M-2329
Index No. 653002/17

Allyson Sheppard, individually and as Trustee of the Isaac Zubli Family Trust; Ari Zubli, individually and as former trustee of the Aki Katan Irrevocable Trust; Edna Zubli, in her capacity as representative for the Estate of Isaac Zubli; The Isaac Zubli Family Trust (by and though Allyson Shepherd); NYC Five Star Service Corp.; Javits Center Parking Corp.; New York Custom Advertising Corp.; Guardian Brokerage, Inc.; Jet Ware Corp.; Jesder Management LLC;
Defendants-Appellants,

Does 1-10,
Defendants.

----------x

Appeals having been taken to this Court from the orders of the Supreme Court, New York County, entered December 18, 2018 (Case No. 2019-20483, Cal. No. 2019-366) and July 29, 2019 (Case No. 2019-3732), and said appeals having been perfected,

And appeals having been taken to this Court from the order of the Supreme Court, New York County, entered on or about

October 28, 2019 (Case No. 2019-4689) and the judgment, same court, entered on or about November 13, 2019 (Case No. 2020-4690),

And defendants-appellants having moved for an order (i) supplementing the record in the perfected appeals (Case No. 2019-20483, Cal. No. 2019-366 and Case No. 2019-3732) to include the subsequent referee's order and judgment that are the basis for the unperfected appeals (Case Nos. 2019-4689 and 2020-4690), (ii) adding Case Nos. 2019-4689 and 2020-4690 to the caption of the aforesaid perfected appeals, and (iii) granting a calendar preference for the perfected appeals for the September 2020 Term,

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 restoring the perfected appeals (Case No. 2019-20483, Cal. No. 2019-366 and Case No. 2019-3732) to the calendar for the February 2021 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 August 27, 2020.

PRESENT: Hon. Barbara R. Kapnick, Justice Presiding,
Cynthia S. Kern
Anil C. Singh
Peter H. Moulton
Lizbeth González, Justices.

----------X

Kathryn Casey, et al.,
Plaintiffs-Respondents,

M-2475
M-2535

Pamela Renna,et al.,
Intervenor-Plaintiffs-Respondents,

Index No. 111723/11

-against-

Whitehouse Estates, Inc., et al.,
Defendants-Appellants.

----------X

Whitehouse Estates, Inc., Eastgate Whitehouse LLC and William W. Koeppel,
Third-Party Plaintiffs-Respondents,

Third-Party Index No. 595472/17

-against-

Roberta L. Koeppel, et al.,
Third-Party Defendants-Appellants.

----------X

Separate appeals by defendants-appellants and third-party defendants-appellants having been taken to this Court from an order of the Supreme Court, New York County, entered on or about March 28, 2017,

And third-party defendants-appellants having moved for an extension of time in which to perfect their appeal (M-2475),

And plaintiffs-respondents having cross-moved to dismiss third-party defendants-appellants' appeal (M-2535),

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 third-party defendant-appellants' motion is granted and the time to perfect their appeal is extended to the March 2021 Term of this Court (M-2475); plaintiffs-respondents' cross motion to dismiss said appeal is denied (M-2535).

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 August 27, 2020.

Present - Hon. Barbara R. Kapnick, Justice Presiding,
Cynthia S. Kern
Anil C. Singh
Peter H. Moulton
Lizbeth González, Justices.

----------x

In the Matter of a Proceeding under Article 70 of the CPLR for a Writ of Habeas Corpus and Order to Show Cause

The Nonhuman Rights Project, Inc. on behalf of Happy,
Petitioner-Appellant,

-against-

James J. Breheny, etc., et al.,
Respondents-Respondents.

M-2387
M-2442
M-2466
Index No. 260441/19

----------x

An appeal having been taken to this Court from an order of the Supreme Court, Bronx County, entered on or about February 19, 2020, and said appeal having been perfected,

And Gary Comstock, Ph.D., G.K.D. Crozier, Ph.D., Andrew Fenton, Ph.D., Tyler John, L. Syd M Johnson, Ph.D., Robert C. Jones, Ph.D., Letitia Meynell, Ph.D., Nathan Nobis, Ph.D., David Peña-Guzmán, Ph.D., James Rocha, Ph.D., Bernard Rollin, Ph.D., and Jeff Sebo, Ph.D (collectively Philosophers) having moved for leave to file a brief amici curiae in connection with the aforesaid appeal (M-2442),

And Philosophers having moved for leave to file a brief amici curiae in connection with the aforesaid appeal (M-2442),

And Justin Marceau and Samuel Wiseman having moved for leave to file a brief amici curiae in connection with the aforesaid appeal (M-2466),

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 by Laurence H. Tribe, Esq. (M-2387), Philosophers (M-2442), and Justin Marceau and Samuel Wiseman (M-2466) are granted, and the six copies of the brief amicus curiae submitted to this Court with the moving papers for each movant are deemed 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 August 27, 2020.

PRESENT: Hon. Barbara R. Kapnick, Justice Presiding,
Cynthia S. Kern
Anil C. Singh
Peter H. Moulton
Lizbeth González, Justices.

----------X

Mark Caputo, Sean Coughlin, Independent Renal Associates Holdings, Inc., Clarence Waltrous, M.D.,
Petitioners-Respondents,

-against-

M-2484
Index No. 656772/19

Robert Stack, Onyekachi Ifudu, M.D., Chika Oguagha, M.D., Brooklyn Dialysis LLC, Westbury Medical Group, P.C.,
Respondents-Appellants,

Midwood Chayim Aruchim Dialysis Associates, Inc., Gennady Kiselman, Ilana Kiselman & Michael Shtern,
Respondents-Respondents.

----------X

Appeals having been taken from a judgment of the Supreme Court, New York County, entered on or about July 13, 2020 (Case No. 2020-03135), and from an order, same court, entered on or about March 16, 2020 (Case No. 2020-02961),

And respondents-appellants having moved to consolidate the aforesaid appeals, and to stay all further proceedings in this matter, including enforcement of the money judgment entered on or about July 13,2020, 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 branch of the motion seeking a discretionary stay pending appeal, without the posting of an undertaking, is denied, and the interim relief granted by an order of a Justice of this Court, dated July 24, 2020, is hereby vacated. The appeals are consolidated as of right (see 22 NYCRR 1250.9[f][3]).

ENTERED:

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 27, 2020.

Present - Hon. Barbara R. Kapnick, Justice Presiding,
Cynthia S. Kern
Anil C. Singh
Peter H. Moulton
Lizbeth González, Justices.

----------X

Liz Martinez, Heather Schoonmaker,
Donna L. Taylor Sanders, et al.,
Petitioners-Appellants,

-against-

M-2407
Index No. 160806/17

Janet DiFiore, in her official Capacity
as Chief Judge of the State of New York
and Chief Judicial Officer of the Unified
Court System, et al.,
Respondents-Respondents.

----------X

Appeals having been taken to this Court from two orders of the Supreme Court, New York County, entered on or about February 14, 2020 and February 20, 2020, and said appeals having been perfected,

And non-party By Her Justice, Inc., having moved for leave to file an amicus curiae brief in support of petitioner-appellant,

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

It is ordered that the motion is granted and the movant shall serve the amicus curiae brief on the parties and file one original, five hard copies, and a digital copy of the amicus curiae brief in accordance with any applicable rules 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 August 27, 2020.

Present - Hon. Barbara R. Kapnick, Justice Presiding,
Cynthia S. Kern
Anil C. Singh
Peter H. Moulton
Lizbeth González, Justices.

----------x

Scarola Malone & Zubatov LLP,
Plaintiff-Respondent-Respondent,

-against-

CONFIDENTIAL
M-2554
Index No. 651324/17

Andrew Ellner, Lightbox Capital Management, LLC and Lightbox Ventures, LLC.,
Defendants-Respondents-Appellants,

-and-

Brem Moldovsky, L.L.C.,
Defendant-Appellant-Respondent.

----------x

An appeal having been taken by defendants Andrew Ellner, Lightbox Capital Management, LLC and Lightbox Ventures, LLC (collectively the Lightbox defendants), and cross appeal having been taken by Brem Moldovsky, L.L.C. from an order of the Supreme Court, New York County, entered on or about December 18, 2019, and Brem Moldovsky L.L.C. having perfected the cross appeal, designating itself as defendant-appellant-respondent (Case No. 2019-02350),

And the Lightbox defendants having moved for an order striking Brem Moldovsky, LLC's record as defective and incomplete, and directing it to prepare, file and serve a corrected record that includes certain documents listed in the moving papers and to divide the record properly into sealed and unsealed volumes,

And the appeal (Case No. 2019-02350) having been adjourned to the November 2020 Term by order of a Justice of this Court, dated August 5, 2020,

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 Lightbox defendants leave to file a supplemental record containing the documents specified in the moving papers and otherwise denied. The perfected appeal (Case No. 2019-02350) is adjourned to the December 2020 Term. (See M-1985/M-2094, decided simultaneously herewith).

ENTERED:

CLERK