

At a 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 6, 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-1679
Ind. No. 3991/18

David Wilson,

Defendant-Appellant.
-----x

Assigned counsel for defendant-appellant having moved to withdraw the appeal taken from the judgment of the Supreme Court, New York County, entered on or about January 14, 2019, as abandoned,

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

It is ordered that the motion is granted and the appeal is deemed withdrawn.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2020.

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

-----X
Jessie Chin,

Plaintiff-Respondent,

-against-

M-1700
Index No. 805184/14

Feroze Khan, M.D. and Richmond
University Medical Center,

Defendants-Appellants.
-----X

An appeal having been taken by Richmond University Medical Center from the order of the Supreme Court, New York County, entered on or about July 11, 2019,

Now, upon reading and filing the correspondence from counsel for defendant-appellant Richmond University Medical Center dated May 12, 2020, and due deliberation having been had thereon,

It is ordered that the appeal is deemed withdrawn in accordance with the aforesaid correspondence.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2020.

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

-----X
In re Dentsply Sirona, Inc., M-1718
Shareholders Litigation Index No. 155393/18
-----X

John Castronovo and Irving Golombeck,
Plaintiffs-Respondents,

Dentsply Sirona, Inc., Jeffrey Slovin,
Bret W. Wise, Christopher T. Clark,
Michael C. Alfano, Eric K. Brandt, Paula
H. Cholmondeley, Michael J. Coleman, Willie
A. Deese, William F. Hecht, Francis J.
Lunger, John L. Miclot, John C. Miles, II,
Thomas Jetter, David Beecken, William K.
Hood, Arthur D. Kowaloff, Harry M. Jansen
Kraemer, Jr., and Timothy P. Sullivan,
Defendants-Appellants.

-----X

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

Now, upon reading and filing the stipulation of the parties hereto, "so ordered" by a Justice of this Court on May 15, 2020, and due deliberation having been had thereon,

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2020.

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

-----X
Jose Agosto,
Plaintiff-Appellant,

-against-

M-1781

Index No. 24548/17E

Metropolitan Transportation Authority,
MTA Bus Company and Lionel Amo,
Defendants,

New York City Transit Authority,
Defendant-Respondent.

-----X

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

Now, upon reading and filing the stipulation of the parties hereto, dated April 3, 2020, and due deliberation having been had thereon,

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2020.

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

-----X
Paul Cameron, Debbie Cameron and
Kyle Cameron,
Plaintiffs-Appellants,

-against-

M-1782
Index No. 650566/17

Christopher Street Owners Corp.,
Board of Directors of Christopher
Street Owners Corp., Keith E. Dunn, and
John & Jane Does 1-10,
Defendants-Respondents.

-----X

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

Now, upon reading and filing the correspondence from counsel for plaintiffs-appellants dated April 8, 2020, and due deliberation having been had thereon,

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 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
Jeffrey Leeds and Elizabeth Leeds,
Petitioners-Appellants,

-against-

M-1783
Index No. 158900/19

The I. Grace Commissioned Private
Residences, Inc.,
Respondent-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 13, 2020,

Now, upon reading and filing the correspondence from counsel for plaintiffs-appellants dated April 8, 2020, and due deliberation having been had thereon,

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2020.

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

-----X
Jeffrey Leeds,

Plaintiff-Appellant,

-against-

M-1784

Index No. 653496/19

The I. Grace Company Commissioned Private Residences, Inc.,

Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 13, 2020,

Now, upon reading and filing the correspondence from counsel for plaintiff-appellant dated April 8, 2020, and due deliberation having been had thereon,

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2020.

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

-----X
Josefina Hurtado and Hamlet Hurtado,
Plaintiffs-Appellants,

-against-

M-1785

Index No. 153083/14

96 Dan Meat Market Inc. individually and
doing business as Dan's Supermarket,
Defendants-Respondents.
-----X

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

Now, upon reading and filing the correspondence from counsel for plaintiffs-appellants filed with this Court on April 8, 2020, and due deliberation having been had thereon,

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2020.

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

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

-against-

M-1786
Index No. 451296/18

Gomez & Sullivan Engineers, DPC.,
Defendant-Appellant,

Atlantic Testing Laboratories, Limited,
Defendant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about August 8, 2019,

Now, upon reading and filing the correspondence from counsel for defendant-appellant dated April 9, 2020, and due deliberation having been had thereon,

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2020.

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

-----X
Anne Monoky, Individually, G.G., An
Infant by his parents and natural
guardians Anne Monoky and Curt Goldman,
W.G., An Infant by his parents and natural
guardians Anne Monoky and Curt Goldman,
J.G., An Infant by his parents and natural
guardians Anne Monoky and Curt Goldman and
Curt Goldman, Individually,
Plaintiffs-Appellants,

-against-

M-1787
Index No. 151690/18

The City of New York, New York City
Department of Parks and Recreation, Central
Park Conservancy, Inc., F.A. Bartlett
Tree Expert Company, Almstead Tree & Shrub
Care Company and Beucler Tree Experts, L.L.C.,
Defendants-Respondents

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 31, 2019,

Now, upon reading and filing the correspondence from counsel for plaintiffs-appellants dated April 10, 2020, and due deliberation having been had thereon,

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2020.

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

-----X

Slattery Advisors, Inc.,
Plaintiff-Respondent,

-against-

M-1788

Index No. 653766/15

Sedona Partners, Inc. and David
Itzkowitz,
Defendants-Appellants.

-----X

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

Now, upon reading and filing the correspondence from counsel for defendants-appellants dated April 3, 2020, and due deliberation having been had thereon,

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2020.

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

-----X
Iris Albstein,
Plaintiff-Respondent,

-against-

Park South Tenants Corporation,
Defendant-Appellant,

200 CPS Retail Holdings LLC,
et al.,
Defendants.

M-1789X
Index No. 152742/15

Park South Tenants Corporation,
Third-Party Plaintiff-Appellant,

-against-

Metropolitan Transit Authority, et al.,
Third-Party Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 22, 2019,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 21, 2020, and due deliberation having been had thereon,

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2020.

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

-----X
Mednax Services, Inc.,
Plaintiff-Appellant,

-against-

M-1792

Index No. 656387/18

Donald Louie, MD, Lucas Terranova, MD,
Ameera Ahmed, MD, Mehtab Bajwa, MD,
et al.,
Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 10, 2019, along with the so ordered transcript entered July 19, 2019, and the order of the same Court entered July 24, 2019,

And a notice of voluntary dismissal and discontinuing appeal solely as to Donald Louie and Lucas Terranova, dated January 22, 2020, having been filed with this Court on January 22, 2020,

Now, upon reading and filing the notice of voluntary dismissal and discontinuing appeal as to all remaining defendants' respondents individually, dated April 6, 2020,

It is ordered that the appeal is deemed withdrawn as against Donald Louie, MD and Lucas Terranova, MD and all remaining defendants individually, in accordance with the aforesaid notices.

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 6, 2020.

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

-----X
Lee Villas,

Petitioner-Appellant,

-against-

M-1938

Index No. 156989/19

Murray House Owners Corp. and Solstice
Residential Group, LLC.,
Respondents-Respondents.

-----X

An appeal having been 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 correspondence from counsel for petitioner-appellant dated June 4, 2020, and due deliberation having been had thereon,

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2020.

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

-----X

Christopher Brummer,
Plaintiff-Respondent,

-against-

M-1939
Index No. 153583/15

Benjamin Wey, and NYG Capital LLC
doing business as New York
Global Group,
Defendants-Appellants.

-and-

FNL Media, LLC,
Defendant.

-----X

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

Now, upon reading and filing the correspondence from counsel for defendants-appellants dated June 3, 2020, and due deliberation having been had thereon,

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2020.

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

-----X
Edgar Lopez,
Plaintiff-Respondent,

-against-

M-1940
Index No. 23654/18E

2264 Morris Avenue Housing Development Fund Corp. and Notias Construction Corp., Inc.,
Defendants-Appellants,

-----X
Notias Construction Corp, Inc.,
Third-Party Plaintiff-Appellant,

-against-

Stams Construction Corp. and AM Crew Contractors, Inc.,
Third-Party Defendant-Respondent.

-----X

An appeal having been taken to this Court from an order of the Supreme Court, Bronx County, entered on or about October 30, 2019,

Now, upon reading and filing the correspondence from counsel for defendants/third-party plaintiff-appellants dated April 8, 2020, and due deliberation having been had thereon,

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2020.

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

-----X

Shane Hovorka,
Plaintiff-Respondent-Appellant,

-against-

M-1942
Index No. 24708/15E

Applied Projects Company, Inc.,
Metro North Commuter Railroad, New York
City Transit Authority and Metropolitan
Transportation Authority,
Defendants-Appellants-Respondents,
-----X

An appeal and cross appeal having been taken to this Court from an order of the Supreme Court, Bronx County, entered on or about August 15, 2019,

Now, upon reading and filing the correspondence from counsel for plaintiff-respondent-appellant dated June 2, 2020, and due deliberation having been had thereon,

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2020.

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

-----X
Audthan LLC,
Plaintiff-Respondent, M-1943
M-1944
-against- Index No. 652050/15

Nick & Duke, LLC,
Defendant-Appellant.
-----X

Appeals having been taken to this Court from an order of the Supreme Court, New York County, entered on or about August 9, 2019, (Case Nos. 2020-01814 and 2020-01797),

Now, upon reading and filing the correspondence from counsel for defendant-appellant dated June 9, 2020, and due deliberation having been had thereon,

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2020.

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

-----X
Nouveau Elevator Industries, Inc., et al.,
Plaintiffs-Respondents,

-against-

M-1946
Index No. 653919/18

Travelers Indemnity Company of America,
Defendant-Appellant,

Strand Hotel, LLC, et al.,
Defendants.

-----X

An appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about October 8, 2019,

Now, upon reading and filing the correspondence from counsel for defendant-appellant dated April 6, 2020, and due deliberation having been had thereon,

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2020.

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

-----X

Vanceta Hall,
Plaintiff-Respondent,

-against-

M-1948
Index No. 161358/17

Osazee Osawemwenze,
Defendant-Appellant.

-and-

Red Cap Car & Limousine Service
and New York City Transit Authority,
Defendants.

-----X

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

Now, upon reading and filing the correspondence from counsel for defendant-appellant, and a Stipulation Withdrawing Notice of Appeal of the parties hereto, both dated April 22, 2020, and due deliberation having been had thereon,

It is ordered that the appeal is deemed withdrawn in accordance with the aforesaid correspondence and 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 6, 2020.

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

-----X
Ronald C. Stewart,

Plaintiff-Respondent,

-against-

M-1950

Index No. 151854/14

Joseph Makhani, One 32nd Street
Corporation, One 100 Street Corporation,
Defendants-Appellants,

George Bishop, Charles Simon, John Doe
#1-100 and ABC Corp #1-100, The names
John Doe #1-100 and ABC Corp. #1-100
being fictitious and unknown to plaintiff,
Defendants.

-----X

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

Now, upon reading and filing the correspondence from counsel for defendants-appellants dated May 13, 2020, and due deliberation having been had thereon,

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2020.

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

-----X

Carlos Alberto Vidal
Plaintiff-Respondent,

-against-

M-1994

Index No. 27742/17E

Alan Stolberg,
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about January 16, 2020,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 11, 2020, and due deliberation having been had thereon,

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2020.

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

-----X
Li Rong Hou,
Plaintiff-Respondent,

-against-

M-2011X

Index No. 150518/17

Paul G. Campbell,
Defendant-Appellant,

Ming Yang and Hertz Vehicles LLC,
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 10, 2020,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 15, 2020, and due deliberation having been had thereon,

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2020.

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

-----X
Funding Metrics, LLC, doing business as
Quick Fix Capital,
Plaintiff-Appellant,

M-2022
M-2024

-against-

Index No. 655798/19

Letha's Pies, LLC, Rhonda Glenn, and
Timothy Glenn,
Defendants-Respondents.

-----X

Appeals having been taken from two orders of the Supreme Court, New York County, both entered on or about November 7, 2019 (Motion Seq. Nos. 001 and 006),

Now, upon reading and filing the correspondence from counsel for plaintiff-appellant, both dated June 4, 2020, and due deliberation having been had thereon,

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2020.

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

-----X

Paul Iacovacci,
Plaintiff-Respondent,

M-2025
M-2026

-against-

Index No. 158735/16

Brevet Holdings, LLC, a Delaware Limited Liability Company, Brevet Short Duration Partners, LLC, formerly known as Brevet Capital Partners III, LLC, etc., et al.,
Defendants-Appellants,

-----X

Brevet Holdings, LLC, a Delaware Limited Liability Company, Brevet Short Duration Partners, LLC, formerly known as Brevet Capital Partners III, LLC, etc., et al.,
Counterclaim-Plaintiffs-Appellants,

-against-

Paul Iacovacci,
Counterclaim-Defendant-Respondent.

-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about July 30, 2019 and September 24, 2019,

Now, upon reading and filing the correspondence from counsel for defendants/counterclaim-plaintiffs-appellants, both dated June 9, 2020, and due deliberation having been had thereon,

(M-2025 & M-2026)

-2-

August 6, 2020

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2020.

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

-----X

OP Solutions, Inc.,
Plaintiff-Respondent,

M-2027

Index No. 655151/17

-against-

Buchanan Ingersoll & Rooney P.C.,
Defendant-Appellant.

-----X

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

Now, upon reading and filing the correspondence from counsel for defendant-appellant, dated June 11, 2020, and due deliberation having been had thereon,

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2020.

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

-----X
Eileen DiFrancesco,
Plaintiff-Appellant,

-against-

M-2033X

Index No. 155470/19

18 East 63rd Street Owners Corp. and
Paley Management Corp.,
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about November 12, 2019,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 17, 2020, and due deliberation having been had thereon,

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 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.

- - - - -

Christie E. R.,
Petitioner-Appellant,

-against-

CONFIDENTIAL
M-1835
Docket Nos.
V-7282-11/18B
V-7282-11/18A

Pedro J. D.,
Respondent-Respondent,

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

-----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 May 12, 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 Joseph V. Moliterno, Esq., dated May 19, 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, Larry Bachner, Esq., 39 Broadway, Suite 1610, New York, New York, 10006, Telephone No. 917-674-9516, 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 therefor¹ **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

¹Service 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 6, 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

Stefan R.
Petitioner-Appellant,

-against-

Confidential
M-1949
Docket No. O-08564/19

Yesenia R.,
Respondent-Respondent.

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

-----X

Petitioner-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 May 29, 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 Rosemary Riviuccio, Esq., dated June 9, 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, Rosemary Riviuccio, Esq., 299 Broadway, Suite 1700, New York, New York 10007 Telephone No. (212) 233-0318, as counsel for purposes of prosecuting the appeal;

(2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **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

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

CORRECTED ORDER - AUGUST 11, 2020

At a 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 6, 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

Confidential
M-2014

Tylaeya C.,
Petitioner-Respondent,

Docket No. V-18987/17

-against-

Karl S.,
Respondent-Appellant.

-----X

Petitioner-respondent having moved for leave to respond, as a poor person, to the appeal taken from the order of the Family Court, New York County, entered on or about December 5, 2019, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and the certification of Karen A. Webb, Esq., dated April 14, 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, **Kenneth Tuccillo, Esq., 591 Warburton Avenue #576, Hastings on Hudson, NY 10701, Telephone No. (914) 439-4843**, as counsel for purposes of responding to the appeal;

(M-2014)

-2-

August 6, 2020

(2) permitting movant 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 6, 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

CONFIDENTIAL
M-2015

Dionisio L.,
Petitioner-Appellant,

-against-

Docket Nos. V-43310-14/16A
V-43487-14/16A
V-43310-14/16B
V-43487-14/16B

Albania L.,
Respondent-Respondent.

-----X

Counsel for the respondent-respondent having moved on the respondent's behalf for leave to respond, as a poor person, to the appeal taken from the order of the Family Court, New York County, entered on or about December 26, 2019, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion and certification of Karen A. Webb, Esq., dated April 14, 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, Geoffrey Berman, Esq., 2005 Palmer Avenue, #176, Larchmont, New York, 10538, Telephone No. 914-419-8407, as counsel for purposes of responding to the appeal;

(2) permitting movant 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 6, 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 Proceeding
Pursuant to Article 6 of the Family
Court Act

Eddie S.,
Petitioner-Appellant,

-against-

Confidential
M-2016

Docket Nos. V27327-10/15B
V27328-10/15B

Sylvia S.,
Respondent-Respondent.

-----X

Richard L. Herzfeld, Esq.,
Attorney for the Children,

-----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 26, 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 Carole M. Levy, 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 Article 18b of the County Law and §1120 of the Family Court Act, Steven P. Forbes, Esq., 155-03 Jamaica Avenue, Jamaica, New York 11432 Telephone No. 718-791-8444, 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 therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;**

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

(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.** (See M-2121 and M-2162, released 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 6, 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 Child Custody Proceeding
Pursuant to Article 6 of the Family
Court Act

Eddie S.,
Petitioner-Appellant,

-against-

CONFIDENTIAL
M-2121
Docket Nos. V-27327-10/15B
V-27328-10/15B

Sylvia S.,
Respondent-Respondent.

-----X
Richard L. Herzfeld, Esq.,
Attorney for the Children,
-----X

Katherine Tracey, Esq., court attorney for the subject children, having moved on the childrens' behalf for leave to respond, as poor persons, to the appeal taken from the order of the Family Court, Bronx County, entered on or about February 26, 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 June 23, 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, Richard L. Herzfeld, Esq., 112 Madison Avenue, 8th Floor, New York, New York 10016, Telephone No. 212-818-9019, as counsel for purposes of responding to the appeal;

(M-2121)

-2-

August 6, 2020

(2) permitting movants to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon each of the parties to this action, and an original, five hard copies and, if represented by counsel, one digital copy of such brief be filed with this Court, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division. (See M-2016 and M-2162, released 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 6, 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 Proceeding
Pursuant to Article 6 of the Family
Court Act

Eddie S.,
Petitioner-Appellant,

-against-

Confidential
M-2162
Docket Nos. V27327-10/15B
V27328-10/15B

Sylvia S.,
Respondent-Respondent.

-----X
Richard L. Herzfeld, Esq.,
Attorney for the Children,
-----X

Respondent-respondent having moved for leave to respond, as a poor person, to the appeal taken from the order of the Family Court, Bronx County, entered on or about February 26, 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 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, Suite 800, New York, New York 10007, Telephone No. 646-775-8994, as counsel for purposes of responding to the appeal;

(M-2162)

-2-

August 6, 2020

(2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon each of the parties to this action and an original, five hard copies and, if represented by counsel, one digital copy of such brief be filed with this Court, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division. (See M-2016 and M-2121, released 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 6, 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-1834
Ind. No. 1180/18

Luis Medina,
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about November 14, 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 6, 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-1839
Ind. No. 2301/17

Elcires Cruz,
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about September 24, 2019, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 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-1843
Ind. No. 1063/19

Luis Martinez-Vasquez,
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about June 5, 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 6, 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-1849
Ind. No. 1285/16

Darnell Riddles,
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about April 19, 2017, 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.

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2020.

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

-----X

ECD NY Inc., etc.,
Plaintiff-Respondent,

-against-

M-1996
Index No. 650725/18

616 First Avenue, LLC, et al.,
Defendants,

American General Life Insurance Company,
The Variable Annuity Life Insurance
Company and the United States Life
Insurance Company in the City of New
York,
Defendants-Appellants.

-----X

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

And defendants-appellants having moved for calendar preference in hearing of the aforesaid appeal to the September 2020 Term of this Court,

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

It is ordered that the motion is 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 6, 2020.

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

-----X

In Re Irma Zelig,
Petitioner-Appellant,

M-2052

Index No. 101153/18

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

-against-

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

Aspenly Company LLC,
Intervenor-Respondent.

-----X

Appeals having been taken from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about May 21, 2019, and from an order of the same court entered on or about November 25, 2019,

And intervenor-respondent, Aspenly Company LLC, having moved for an order directing petitioner-appellant to pay past due and ongoing use and occupancy at the rate payable under her last lease agreement to intervenor-respondent, pending hearing and determination of the aforementioned perfected appeals,

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

It is ordered that the motion is granted.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2020.

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

-----X

Jean-Pascal Simon,
Plaintiff-Respondent-Appellant,

M-2058

M-2059

-against-

Index No. 162867/14

FrancInvest, S.A., JJS Group, Inc.,
Nominal Defendants,

French-American Surgery Center, Inc.,
French-American Clinic, Inc.,
Jean-Francois Simon,
Defendants-Appellants-Respondents,

Fifth Avenue Surgery Center, LLC, VCC,
Inc. doing business as Cicero Consulting
Associates, Charles Rabb,
Defendants.

George Kessler and Lynn Rosenberg,
Defendants-Respondents.

-----X

An appeal having been taken by defendants-appellants-respondents from an order of the Supreme Court, New York County entered on or about November 14, 2019 (Case No. 2020-1665),

And an appeal and cross appeal having been taken by plaintiff-respondent-appellant and defendants-appellants-respondents from an order of the same court entered on or about April 13, 2020 (Case No. 2020-2519),

And the appeals (Case Nos. 2020-1665 and 2020-2519) having been perfected on a purported joint record,

And plaintiff-respondent-appellant have moved (M-2058 and M-2059) to strike i) the brief, record, Notice of Issue, and all other Appeal filings under Case No. 2020-2519; and ii) those portions of the Brief, Record, Notice of Issue filed under Case

No. 2020-1665 pertaining to, referencing and in support of defendants-appellants-respondents' appeal of the April 13, 2020 order,

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 to the extent of striking defendants-appellants-respondents' brief and purported joint record on appeal in Case Nos. 2020-1665 and 2020-2519, adjourning the appeal in Case No. 2020-1665 to the December 2020 Term, and directing defendants-appellants-respondents to file a new brief and record for that Term, limited solely to Case No. 1665.

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 6, 2020.

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

-----X
American Home Assurance Company,
Plaintiff-Appellant,

-against-

M-2134
Index No. 651096/12

The Port Authority of New York
and New Jersey, et al.,
Defendants-Respondents,

Mario & DiBono Plastering Co., Inc.,
et al.
Defendants

-----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 August 1, 2019,

And plaintiff-appellant having moved 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 deemed as one seeking to vacate the dismissal of the appeal and, as such, 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 6, 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 Commitment of the Guardianship and Custody of

Xavier Blade Lee Billy Joe S.,
also known as Xavier S.,
Claudia Kathleen Rosa Storm S.,
also known as Claudia S.,

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

CONFIDENTIAL
M-2149
Docket No. B-7087-88/14

The Children's Aid Society,
Petitioner-Appellant,

Josefina S.,
Respondent-Respondent.

Thomas R. Villecco, Esq.,
Attorney for the Child Claudia S.,

Larry S. Bachner, Esq., P.C.,
Attorney for the Child Xavier S.

-----x

Larry Bachner, Esq., court attorney for the subject child, Xavier S., having moved on said child's behalf for leave to serve and file a supplemental brief, nunc pro tunc, on the appeal taken from an order of the Family Court, Bronx County, entered on or about January 10, 2019,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated June 15, 2020, and due deliberation having been had thereon, it is

(M-2149)

-2-

August 6, 2020

Ordered that the motion is granted and counsel for Xavier S. is directed to file five hard copies and one digital copy of the replacement brief with this Court, and to serve one hard copy of said replacement brief upon the attorney for each party to the appeal, 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 6, 2020.

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

-----x

Robyn Gorman,
Plaintiff-Appellant,

-against-

Albert Gorman,
Defendant-Respondent.

-----x

CONFIDENTIAL

M-2154

Index No. 312525/10

An appeal having been taken to this Court from the judgment of divorce of the Supreme Court, New York County, entered on or about March 11, 2019, the appeal having been perfected,

And plaintiff-appellant having moved for an order sealing each party's Appendices and Briefs, and all other papers submitted to the court,

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

It is ordered that the motion is denied, the appeal having been designated "confidential" pursuant to 22 NYCRR 1250.1(e)(2)(ii).

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 6, 2020.

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

-----X

The Committee for Environmentally
Sound Development and the Municipal
Art Society of New York,
Petitioners-Respondents,

M-2187
M-2391

-against-

Index No. 157273/19

Amsterdam Avenue Redevelopment
Associates LLC, New York City Board of
Standards and Appeals and New York City
Department of Buildings,
Respondents-Appellants.

-----X

Appeals having been taken to this Court from an order of the Supreme Court, New York County, entered on or about February 27, 2020,

And petitioners-respondents having moved for an order vacating the current automatic stay, pursuant to CPLR 5519(c), and directing the respondent-appellant Amsterdam Avenue Redevelopment Associates LLC to immediately halt all construction at the site (M-2187),

And petitioner-respondent's application for interim relief having been denied by order of a Justice of this Court, dated June 24, 2020, "except that in accordance with the Order of the NYS Attorney General's Office, Respondents [were] directed to cease all marketing and sales in the subject building until the hearing and determination of the underlying appeal on this matter. This directive includes, but is not limited to, its website",

And respondent-appellant Amsterdam Avenue Redevelopment Associates LLC having moved for an order granting a calendar preference in the hearing of the appeal, pursuant to CPLR 5521(a) and 22 NYCRR 1250.15(a)(2), for this Court's September 2020 Term (M-2391),

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-2187) seeking to vacate the automatic stay is denied, except to the extent of continuing the interim relief granted by an order of a Justice of this Court dated June 24, 2020, directing respondents-appellants to cease all marketing and sales in the subject building pending the hearing and determination of the underlying appeal, and it is further,

Ordered that the motion for a preference (M-2391) is granted to the extent of directing the Clerk of this Court to calendar the argument of the appeal for the October 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 6, 2020.

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

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

-against-

M-2188
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 non-party Philip C. Segal, former New York State Family Court Judge, having moved for leave to file an amicus curiae brief in connection with the aforesaid appeal,

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

It is ordered that the motion is granted and the electronic copy of the proposed amicus curiae brief submitted with the motion is 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 6, 2020.

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

-----X

Sandy Estrella,
Plaintiff-Appellant,

-against-

M-1761
Index No. 300610/14

Rex Realty of Connecticut, Inc. and
United Realty, Inc.,
Defendants-Respondents.

-----X

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about June 25, 2019, and said appeal having been perfected,

And defendants-respondents having moved to strike plaintiff-appellant's record on appeal and brief, or in the alternative, to strike plaintiff's sur-reply from the record on appeal, as well as all related arguments made in plaintiff's appellant's brief; and for an extension of time in which to file a respondent'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 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 6, 2020.

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

-----X
240 W 35, LLC,
Petitioner-Respondent

-against-

M-1808
Index No. 153031/20

243 West 34th Street, LLC,
Respondent-Appellant.
-----X

An appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about May 5, 2020,

And respondent-appellant having moved for an order staying the underlying proceeding in this matter, and the enforcement of the aforementioned order, entered on or about May 5, 2020, pending the hearing and determination of the appeal,

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

It is ordered that the motion is 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 6, 2020.

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

-----X

Omega Diagnostic Imaging PC and H.P.M.L.
Realty Corporation,
Plaintiffs-Appellants,

M-1857
M-1977
M-2000

-against-

Index No. 154562/19

Attica Construction Corp. and Siemens
Medical Solutions USA, Inc.,
Defendants-Respondents.

-----X

An appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about January 8, 2020,

And defendants-respondents Siemens Medical Solutions USA, Inc., (M-1857) and Attica Construction Corp., (M-1977) having moved separately to dismiss said appeal,

And plaintiffs-appellants having cross-moved for leave to appeal from the subsequent judgement entered on or about January 23, 2020 (M-2000),

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

It is ordered that the motions to dismiss the appeal are denied (M-1857 and M-1977); the cross-motion is granted to the extent of deeming plaintiffs' notice of appeal to have been taken from the judgment entered subsequent to the order initially appealed from (M-2000).

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 6, 2020.

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

-----X

Aviation Distributors, Inc. - Formed
May 1945 and Diane Haslett,
Plaintiffs-Respondents,

-against-

M-1879
Index No. 155301/15

Aviation Distributors, Inc. Formed
February 2014 and Kojo Global Property
Development, Inc.,
Defendants-Appellants.

Community Preservation Neighborhood Inc.,
et al.,
Defendants,

- - - - -

[And Other Actions.]

-----X

Defendants-appellants having moved for leave to prosecute, as poor persons, the appeals taken from the order and judgment (one paper), of the Supreme Court, New York County, entered on or about June 12, 2019, and an order, same Court, entered on or about October 23, 2019, and for an extension of time to perfect same,

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

It is ordered that that branch of the motion seeking poor person relief is denied; that branch of the motion seeking an

(M-1879)

-2-

August 6, 2020

extension of time to perfect the appeals is granted and appellants time to perfect the aforementioned appeals 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 6, 2020.

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

-----X
Qazim B. Krasniqi,
Plaintiff-Respondent,

-against-

M-1886
Index No. 158520/13

Schindler Elevator Corporation,
Defendant-Appellant,

Korpenn LLC, et al.,
Defendants.

-----X

Defendant-appellant 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 October 26, 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 deemed one seeking to vacate the dismissal of the appeal and, as such, is granted, the dismissal vacated, the appeal reinstated, and the time in which 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 6, 2020.

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

-----x
Board of Managers of the Carriage House
Condominium,
Plaintiff-Respondent,

-against-

M-1971
Index No. 150491/19

Valeria C. Healy, et al.,
Defendants-Appellants.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about May 11, 2020,

And defendants-appellants having moved for a stay of said order pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is granted and the aforesaid order, entered on or about May 11, 2020, is stayed pending the hearing and determination of the appeal taken therefrom, on condition the appeal is perfected for the November 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 6, 2020.

PRESENT: Hon. David Friedman, Justice Presiding,
Dianne T. Renwick
Cynthia S. Kern
Jeffrey K. Oing, Justices.

-----X
Medical Building Associates, Inc.,
Plaintiff-Appellant,

-against-

M-1677
Index No. 105724/11

Abner Properties Company,
Defendant-Respondent.
-----X

Plaintiff-appellant having moved for clarification of the decision and order of this Court, entered on February 11, 2020 (Appeal No. 10997N),

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 decision and order of this Court entered on February 11, 2020 (Appeal No. 10997N) is recalled and vacated and a new decision and order substituted therefor. (See Appeal No. 10997N, 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 6, 2020.

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

-----X
Alfredo Guante,
Plaintiff-Respondent,

-against-

M-1918
Index No. 25684/17E

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

Emilio Del Villar, et al,
Defendants-Appellants.

-----X

Defendants-appellants having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on or about April 9, 2020, (Appeal No. 11363),

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 6, 2020.

PRESENT: Hon. David Friedman, Justice Presiding,
Angela M. Mazzarelli
Ellen Gesmer
Anil C. Singh
Lizbeth González, Justices.

-----X

The People of the State of New York,
Respondent,

CONFIDENTIAL

M-1164

-against-

Ind. No. 10513/97

Darryl Phelps,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on May 3, 2001 (Appeal No. 4055), unanimously affirming the judgment of the Supreme Court, New York County (Carol Berkman, J.), rendered on May 20, 1998,

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