

At a 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 13, 2020.

Present - Hon. Judith J. Gische, Justice Presiding,  
Barbara R. Kapnick  
Troy K. Webber  
Peter H. Moulton, Justices.

-----X

Kendall Tracey,  
Plaintiff-Respondent,

**M-1409**

**M-1178**

-against-

Index No. 304532/15

29-33 Convent Avenue Housing  
Development Fund Corporation, et al.,  
Defendants-Appellants.

-----X

Defendants-appellants, 29-33 Convent Avenue Housing Development and Midas Management Assoc., Inc. (M-1409), and defendant-appellant 33 Convent Laundromat Inc., doing business as Express 1 Laundromat (M-1178) having separately moved for reargument and/or renewal 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. 11002),

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 (M-1409 and M-1178) 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 13, 2020.

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

-----X

In re Diet Drug Litigation

- - - - -

Clara Appel-Hole, et al.,  
Plaintiffs-Appellants,

**M-1456**

Index No. 105122/09

-against-

Wyeth-Ayerst Laboratories, et al.,  
Defendants,

Paul J. Napoli, et al.,  
Defendants-Respondents.

-----X

Plaintiffs-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 February 11, 2020 (Appeal No. 10998N),

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 13, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,  
Sallie Manzanet-Daniels  
Barbara R. Kapnick  
Jeffrey K. Oing, Justices.

-----X  
In re John Mooney,  
Petitioner,

Brian Burke  
Petitioner-Appellant,

-against-

M-1480  
Index No. 100413/18

New York City Transit Authority, 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 January 7, 2020 (Appeal No. 10729),

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 13, 2020.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,  
Jeffrey K. Oing  
Anil C. Singh  
Peter H. Moulton, Justices.

-----X

In re Yu Chan Li,  
Petitioner-Appellant,

-against-

M-1636  
Index No. 100241/16

New York City Landmarks Preservation  
Commission,  
Respondent-Respondent.

-----X

Petitioner-appellant having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on April 16, 2020 (Appeal No. 11391),

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 13, 2020.

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

-----X  
In re National Congress of Neighborhood  
Women, Inc.,

Petitioner-Respondent,

-against-

M-1680  
Index No. 151727/18

The Tax Commission of the City of  
New York et al,

Respondents-Appellants.  
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about May 14, 2019,

Now, upon reading and filing the stipulation of the parties hereto, 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 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 13, 2020.

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

-----X  
Biz2Credit Inc., et al.,

Plaintiffs-Appellants,

-against-

M-1702  
Index No. 650861/18

Julio Izaguirre,  
Defendant,

Turtle Bay Enterprises LLC, et al.,

Defendants-Respondents.  
-----X

Appeals having been taken to this Court from orders of the Supreme Court, New York County, entered on or about May 20, 2019, and said appeals having been perfected,

Now, upon reading and filing the stipulation of the parties hereto, dated April 15, 2020, and due deliberation having been had thereon,

It is ordered that the appeals are 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 13, 2020.

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

-----X

Timepayment Corp.,  
Plaintiff-Respondent,

-against-

1 Needs 1, LLC, Simon Kahn and  
Yeonsu Choi,  
Defendants-Appellants.

M-1730  
M-1870  
Index No. 570066/19

-----X

Defendants-appellants Simon Kahn and Yeonsu Choi having moved for leave to appeal to this Court from the decision and order of the Appellate Term, First Department, entered in the office of the Clerk of the Supreme Court, New York County, on or about January 27, 2020, and to continue the stay of the Civil Court 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 motions 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 13, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
Troy K. Webber,  
Angela M. Mazzarelli, Justices.

-----X  
C & J Brothers, Inc.,  
Plaintiff-Respondent,

-against-

M-1762  
Index No. 302074/12

Hunts Point Terminal Produce  
Cooperative Association, Inc.,  
Defendant-Appellant.  
-----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 March 3, 2020 (Appeal No. 11195),

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 13, 2020.

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

-----X  
Donald Mullen,  
Plaintiff-Respondent,

-against-

M-1780  
Index No. 151060/17

Hines 1045 Avenue of the Americas  
Investors, LLC, et al.,  
Defendants-Respondents.

-----X  
Hines 1045 Avenue of the Americas  
Investors, LLC, et al.  
Third-Party Plaintiffs-Respondents,

-against-

Third-Party Index No.  
595563/17

Jacobson & Co., Inc.,  
Third-Party 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 31, 2019,

Now, upon reading and filing the correspondence from counsel for third-party defendant-appellant, dated May 18, 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 13, 2020.

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

-----X  
Daniel Sullivan,  
Plaintiff-Appellant,

-against-

**M-1794**

Index No. 805366/16

Robert Snow, Robert B. Snow, M.D., P.C.,  
The New York and Presbyterian Hospital  
and New York Weill Cornell Medical Center,  
Defendants-Respondents.

-----X

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

Now, upon reading and filing the correspondence from counsel for plaintiff-appellant dated March 27, 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 13, 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-1796**

Index No. 23871/19E

Lionel Amos and New York City Transit Authority,  
Defendants-Respondents.  
-----X

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

Now, upon reading and filing the correspondence from counsel for plaintiff-appellant 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 13, 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  
Wong, Wong & Associates, P.C.,  
Petitioner-Respondent,

**M-1797**  
Index No. 651639/19

For and Order Pursuant to Article 75 of  
the Civil Practice Law and Rules  
Confirming an Arbitration Award

-against-

Yi Hong Li,  
Respondent-Appellant.

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

Now, upon reading and filing the correspondence from respondent-appellant dated April 18, 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 13, 2020.

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

-----X  
Truform Media Group, LLC,  
Plaintiff-Respondent,

-against-

**M-1798**

Index No. 656386/18

Icahn School of Medicine at Mount Sinai,  
The Mount Sinai Hospital, Beth Israel  
Medical Center and the New York Eye and  
Ear Infirmary,  
Defendants-Appellants.  
-----X

An appeal having been taken 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 April 17, 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 13, 2020.

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

-----X  
James F. Drago,  
Plaintiff-Respondent,

-against-

**M-1799**

Index No. 160052/16

Ery South Residential Tower LLC and  
Hudson Yards Construction LLC,  
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 21, 2020,

Now, upon reading and filing the correspondence from counsel for defendants-appellants dated April 16, 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 13, 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-1800**  
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 September 18, 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 13, 2020.

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

-----X  
Ricardo Sanclemente,  
Plaintiff-Appellant,

-against-

**M-1804**

Index No. 157699/12

The New York Racing Association Inc.,  
also known as NYRA Inc., Tutor Perini  
Building Corp., Genting New York LLC,  
Defendants-Respondents,

Navillus Tile Inc., Manafort Brothers  
Incorporated and LVI Demolition Services Inc.,  
Defendants.

-----X  
The New York Racing Association Inc.,  
also known as NYRA Inc., Navillus Tile Inc.  
Tutor Building Building Corp., Genting New York  
LLC, Manafort Brothers Incorporated and  
LVI Demolition Services Inc.,  
Third-Party Plaintiffs,

-against-

Index No. 590243/13

Reliance Restoration, LLC, doing business as  
Reliance Services Group,  
Third-Party Defendant-Respondent.

-----X  
Reliance Restoration, LLC, doing business as  
Reliance Services Group,  
Second Third-Party Plaintiff,

-against-

Index No. 590553/13

Affiliated Environmental Services N.J.  
Inc.,  
Second Third-Party Defendant.

-----X



(M-1804)

-2-

July 23, 2020

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

Now, upon reading and filing the stipulation of the parties hereto, dated April 13, 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 13, 2020.

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

-----X  
L. Raphael NYC C1 Corp., doing  
business as L. Raphael Temple of  
Beauty,  
Plaintiff-Respondent,

-against-

**M-1813**

Index No. 651456/18

Solow Building Company, L.L.C.,  
Defendant-Appellant,

Bergdorf Goodman, Inc.,  
Defendant,

Ronit Raphael Leitersdorf,  
Additional Counterclaim  
Defendant-Respondent.

-----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 August 9, 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 13, 2020.

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

-----X  
Christopher Jones,  
Plaintiff-Respondent,

-against-

**M-1825**

Index No. 155820/16

85 Ryerson Group LLC, 87 Ryerson  
Realty LLC,  
Defendants-Appellants,

PK Interiors Inc.,  
Defendant-Respondent.

-----X  
85 Ryerson Group LLC, 87 Ryerson  
Realty LLC,  
Third-Party Plaintiffs-Appellants,

-against-

Bluewater Plumbing and Heating, Inc.,  
Third-Party Defendant-Respondent,

All Star Concrete and Mason, Inc.,  
Third-Party Defendant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 14, 2020,

Now, upon reading and filing the correspondence from counsel for defendants/third-party plaintiffs-appellants dated April 15, 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 13, 2020.

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

-----X  
Wylmina Hettinga,  
Plaintiff-Appellant,

Coastal Benefits, LLC and  
Pacific Almaden Investments, LLC,  
Plaintiffs,

-against-

**M-1829**

Index No. 653691/18

Alan T. Nahoum and Alan T. Nahoum, Inc.,  
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about August 14, 2019,

And plaintiff-appellant, pro se, having moved, pursuant to 22 NYCRR 1250.4(a), for leave to file and serve the full 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 granted and the Clerk of the Court is directed to accept for filing plaintiff's record on appeal, previously submitted on May 19, 2020. Sua sponte, the dismissal of the appeal pursuant to 22 NYCRR 1250.10(a) is vacated. The time to perfect the appeal is extended to the December 2020 Term.

ENTERED:

  
CLERK

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

BEFORE: Hon. Jeffrey K. Oing  
Justice of the Appellate Division

-----X

The People of the State of New York,

M-2093

Ind. No. 3228/2007

-against-

ORDER

DENYING LEAVE

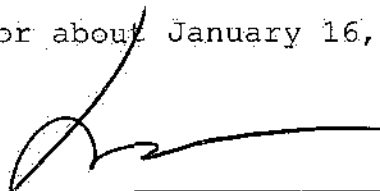
UPON REARGUMENT

Angel Beauchamp,

Defendant.

-----X

I, Jeffrey K. Oing, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application made by the above-named defendant for reargument of my prior order (M-994), entered on April 30, 2020, which denied his motion for a certificate pursuant to Criminal Procedure Law, section 460.15, and no question of law or fact having been misapprehended or overlooked, permission to reargue the denial of leave to appeal from the order of the Supreme Court, Bronx County (Villegas, J.), entered on or about January 16, 2020 is hereby denied.



Hon. Jeffrey K. Oing  
Associate Justice

Dated: July 31, 2020  
New York, New York

ENTERED:

At a 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 13, 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,

-against-

M-1840  
Ind. No. 4078N/18

Ivis Jorge,  
Defendant-Appellant.

-----X

Defendant having moved for an extension of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about February 13, 2020, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted only to the extent of deeming the moving papers a timely filed notice of appeal.

The motion, to the extent that it seeks poor person relief, is denied, with leave to renew, upon defendant's submission of a detailed, notarized affidavit, in compliance with CPLR 1101(a), and 22 NYCRR 1250.4(d)(1) and (4), setting forth, inter alia, defendant's indigency, as well as the amount and sources of funds used to retain trial counsel and an explanation as to why similar funds are not available to prosecute this 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 13, 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,

-against-

M-1845  
Ind. No. 498/18

Eric White,  
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 October 7, 2019, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of deeming the moving papers, dated April 15, 2020, a timely filed notice of appeal and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division,

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

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28<sup>th</sup> 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. The motion brought by papers dated June 22, 2020 is denied as moot; the same relief being sought, and granted herein, in motion papers dated April 15, 2020.

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 13, 2020.

PRESENT: Hon. Sallie Manzanet-Daniels, Justice Presiding,  
Barbara R. Kapnick  
Ellen Gesmer  
Jeffrey K. Oing, Justices.

-----X  
Susan Kuti,  
Plaintiff-Respondent,

-against-

M-1847  
Index No. 303529/13

Sera Security Services, LLC,  
Defendant-Appellant.  
-----X

Defendant-appellant having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on April 2, 2020 (Appeal No. 11149),

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 13, 2020.

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

-----x

In the Matter of the Application of  
Trevis L. Funches,  
Petitioner-Appellant,

-against-

M-1852  
Index No. 101989/16

Cyrus R. Vance, New York County  
District Attorney, et al.,  
Respondents-Respondents.

-----x

A decision and order of this Court having been entered on April 30, 2020, modifying, in part, the judgment of the Supreme Court, New York County, entered October 18, 2018, and remanding the matter to Supreme Court for further proceedings (Appeal No. 11429),

And Petitioner having moved, pro se, directly to this Court, for compassionate relief, releasing him from prison in light of the danger of Covid 19 and his purported underlying medical conditions,

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

It is ordered that the motion is 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 13, 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,

-against-

M-1856  
Ind. No. 3433/18

Renping Ge,  
Defendant-Appellant.

-----X

Defendant having moved for an extension of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about February 21, 2020, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted only to the extent of deeming the moving papers a timely filed notice of appeal.

The motion, to the extent that it seeks poor person relief, is denied, with leave to renew, upon defendant's submission of a detailed, notarized affidavit, in compliance with CPLR 1101(a), and 22 NYCRR 1250.4(d)(1) and (4), setting forth, inter alia, defendant's indigency, as well as the amount and sources of funds used to retain trial counsel, and an explanation as to why similar funds are not available to prosecute this 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 13, 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,

-against-

M-1866  
Ind. No. 50/17

Steven Rivera,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, Bronx County, rendered on or about October 3, 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 deeming the moving papers a timely filed notice of 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 13, 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,

-against-

M-1882  
Ind. No. 1112/19

Jeffery Bryant,  
Defendant-Appellant.

-----X

Defendant having moved for an order deeming the within motion a timely filed notice of appeal, or for an extension of time in which to file a notice of appeal, from the judgment of the Supreme Court, New York County, rendered on or about April 1, 2019, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted only to the extent of deeming the moving papers as a timely filed notice of appeal.

The motion, to the extent that it seeks poor person relief, is denied, with leave to renew, upon defendant's submission of a detailed, notarized affidavit, pursuant to CPLR 1101(a) and 22 NYCRR 1250.4(d)(1) and (4), setting forth, inter alia, his indigency, as well as facts sufficient to establish that defendant has no funds or assets with which to prosecute the 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 13, 2020.

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

-----X  
Country-Wide Insurance Company,  
Plaintiff-Respondent,

-against-

**M-1908**

Index No. 150408/18

Kristen Persad, The Jamaica Hospital  
Medical Center, Diagnostic and Treatment  
Center Corporation, Community Medical  
Imaging P.C., High Level Care Physical  
Therapy P.C., DNA Pharmacy Inc.,  
Defendants,

JAGA Medical Services, P.C., Logic  
Chiropractic, P.C., and VSL Acupuncture P.C.,  
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about June 7, 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 13, 2020.

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

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

-against-

M-1912  
Ind. No. 178/16

William Jacobs,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for reargument of the decision and order of this Court, entered on April 30, 2020 (Appeal No. 11422),

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 13, 2020.

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

-----X  
New Gold Equities Corp.,  
Plaintiff-Appellant,

-against-

**M-1917**

Index No. 652528/13

Valoc Enterprises, Inc., Norman R.  
Berkowitz, etc., et al,  
Defendants-Respondents.

-----X

Plaintiff-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 July 1, 2019,

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

It is ordered that the motion is 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 13, 2020.

PRESENT: Hon. David Friedman, Justice Presiding,  
Judith J. Gische  
Barbara R. Kapnick  
Anil C. Singh, Justices.

-----X  
Francis Nemeth, etc.,  
Defendant-Respondent-Appellant,

-against-

Brenntag North America etc., et al.,  
Defendants,

M-1920  
Index No. 190138/14

Whittaker, Clark & Daniels, Inc.,  
Defendant-Appellant-Respondent.

-----X

Defendant-appellant-respondent 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 No. 9765),

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. Questions of law have arisen which in the opinion of this Court ought to be reviewed (CPLR 5713).

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 13, 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,

-against- M-1922  
Ind. Nos. 816/19  
Jason Sabater, 1952/18  
Defendant-Appellant.

-----X

An order of this Court having been entered on April 30, 2020 (M-861), inter alia, assigning Janet E. Sabel, Esq., The Legal Aid Society, as defendant's counsel to prosecute the appeal, as a poor person, taken from a judgment of the Supreme Court, Bronx County, rendered on or about January 7, 2020, under Indictment No. 816/19, said poor person relief having been granted by an order of the Supreme Court, Bronx County, entered on or about January 7, 2020,

And defendant-appellant having moved to amend the aforementioned order of assignment to include a judgment of the Supreme Court, Bronx County, rendered on or about January 7, 2020, under Indictment No. 1952/18, defendant having been granted poor person relief under that Indictment No. pursuant to a separate order of the Supreme Court, Bronx County, entered on or about January 7, 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 amending the order of assignment entered on April 30, 2020 (M-861) to include Ind. No. 1952/18. The poor person relief granted therein is extended to cover same.

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 13, 2020.

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

-----x

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

**CONFIDENTIAL**

M-1923

- - - - -  
Matthew P.,  
Petitioner,

Docket No. O-2892-20

-against-

Linnea W.,  
Respondent.

-----x

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

Docket Nos. V-3036-20  
V-2893-20

- - - - -  
Linnea W.,  
Petitioner,

-against-

Mathew P.,  
Respondent.

-----x

Petitioner (Docket No. O-2892-20)/Respondent (Docket Nos. V-3036-20 and V-2893-20)-father, Matthew P., having moved for an order: (1) granting leave to appeal to this Court from (a) the order of the Family Court, New York County, entered on or about May 28, 2020, under Docket No. O-2892-20, and (b) the Temporary Order of Parenting Time, same court, entered on or about May 28, 2020, under Docket Nos. V-2983-20 and V-3036-20; (2) staying enforcement of the aforementioned orders; and (3) granting respondent supervised parental access, to take place in Suffolk County, where the parties' daughter resides, at EAC or some other such facility,

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 leave to appeal to this Court is granted. That branch of the motion seeking to stay enforcement of the aforementioned orders is granted and the temporary order of protection issued against respondent Linnea W., and the award of temporary custody of the parties' child to Matthew P., are reinstated, pending the hearing and determination of the appeal. The motion is otherwise denied.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 13, 2020.

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

-----x

Marsha Szyszka,  
Plaintiff-Appellant,

-against-

Firas Chaabani, et al.,  
Defendants.

M-1957  
Index No. 152386/16

- - - - -

Krentzel & Guzman, LLP,  
Non-Party Appellant,

Wilson, Bave, Conboy, Cozza &  
Couzens, P.C.,  
Non-Party Respondent.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about June 13, 2019, as amended by the order, same Court, entered on or about July 19, 2019, and said appeal having been perfected,

And non-party respondent having moved for 1) an order striking the record on appeal pursuant to CPLR 5526 and 22 NYCRR 1250.7, 2) dismissing the appeal for failure to submit a complete record, and 3) awarding attorneys' fees and costs for frivolous conduct,

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

It is ordered that the motion is granted to the extent of adjourning the perfected appeal to the December 2020 Term and directing appellant to file a supplemental record on appeal by September 8, 2020, which shall include all evidence admitted at the March 29, 2019 Charging Lien Hearing, and the transcript of said hearing.

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 13, 2020.

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

-----X  
Chrismy Sagaille,  
Plaintiff-Respondent,

-against-

**M-1976**

Index No. 154010/18

Christina Carrega,  
Defendant-Appellant,

New York Daily News Company and  
Daily News, L.P.,  
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 September 9, 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 13, 2020.

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

-----X  
Shane Hovorka,  
Plaintiff-Respondent,

-against-

M-1988  
Index No. 24708/15E

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

-----X

Defendants-Appellants having moved for an extension of time to perfect the appeal taken from an order of the Supreme Court, Bronx County, entered on or about August 15, 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.

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 13, 2020.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,  
Judith J. Gische  
Cynthia S. Kern  
Anil C. Singh, Justices.

-----X  
Favourite Limited, et al.,  
Plaintiffs-Respondents,

-against-

Benedetto Cico, et al.,  
Defendants-Appellants,

151 East Houston Acquisition LLC, et al.,  
Defendants.

**M-1989**  
**M-1990**  
Index No. 652857/16

-----X

Plaintiffs-respondents, in separate motions (M-1989 & M-1990) 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 3, 2020 (Appeal Nos. 11166-11167),

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 13, 2020

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

-----X  
MLRN LLC,  
Plaintiff-Respondent,

-against-

**M-1993**  
Index No. 652712/18

U.S. Bank National Association,  
Defendant-Appellant.  
-----X

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

And the American Bankers Association having moved for leave to file an amicus curiae brief in support of defendant-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 deeming the amicus curiae brief submitted with the moving papers herein as filed.

ENTERED:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 13, 2020.

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

-----X  
In the Matter of the Application of  
West 147 and 150 LLC,  
Petitioner-Appellant,

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

-against-

**M-1998**  
Index No. 101612/17

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

-and-

Victor Kim,  
Intervenor-Respondent-Respondent.

-----X

An appeal having been taken from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about November 18, 2019, and said appeal having been perfected,

And petitioner-appellant having moved to amend its appellant's brief in light of a recent Court of Appeal's decision in Regina Metro. Co., LLC v. New York State Division of Housing and Community Renewal, 2020 NY Slip Op 02127 [April 2, 2020] and to adjourn the hearing of this appeal so that the amended brief may be filed,

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

(M-1998)

-2-

August 13, 2020

It is ordered that the motion is granted and the Clerk of the Court is directed to adjourn the appeal to the December 2020 Term of this Court. Petitioner-appellant is directed to serve and file its amended brief on or before the deadline for that 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 13, 2020.

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

-----X  
37 East 50th Street Corporation,  
Plaintiff-Appellant,

-against-

**M-2003**

Index No. 653067/13

Restaurant Group Management  
Services, LLC.,  
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for an extension of time in which to perfect the appeal taken from an order and judgment, and a separate judgment, of the Supreme Court, New York County, both of which were entered on or about May 7, 2019,

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

It is ordered that the motion is granted to the extent of 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 13, 2020.

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

-----x  
Yimmy Jimenez,

Plaintiff-Respondent,

-against-

Greyhound Lines, Inc., et al.,

Defendants-Appellants.  
-----x

M-2004  
Index No. 28467/18

Defendants-appellants having moved for an extension of time to perfect the appeal taken from the order of the Supreme Court, Bronx County, entered on or about August 26, 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 April 2021 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 13, 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,

**CONFIDENTIAL**  
**M-2012**

-against-

Ind. No. 730/15

Angel Figueroa,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from the order of the Supreme Court, New York County (Pickholz, J.), entered on or about May 7, 2020, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

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

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



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

ENTERED:

  
CLERK

At a 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 13, 2020.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,  
Jeffrey K. Oing  
Anil C. Singh  
Peter H. Moulton, Justices.

-----X

Judy Craig, as adoptive mother  
of M.C.,

Plaintiff-Appellant,

-against-

M-2023

Index No. 302768/11

TC Ambulance Corporation,  
Defendant-Respondent,

New York City Health and Hospitals  
Corporation (Jacobi Medical Center),  
Defendant.

-----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 April 16, 2020 (Appeal No. 11385),

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 13, 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-2045

Ind. No. 4457/18

Jamal Hicks,  
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about June 10, 2020, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about April 25, 2019,

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

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

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

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

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 13, 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-2046

Ind. No. 4340N/17

Melvuin Griffin,  
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about June 10, 2020, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about December 11, 2019,

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

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

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

Abraham J. Mayers, Esq., 30 Wall Street, 8th Fl., New York, NY 10005-2205, Telephone No. 212-227-9220, 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 13, 2020.

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

-----X  
Jeremy Wiesen, also known as  
Jeremy Weisen,  
Plaintiff-Appellant,

-against-

M-2061  
Index No. 654956/16

Verizon Communications, Inc.,  
Defendant-Respondent.

-----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 May 21, 2020 (Appeal No. 11533),

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 13, 2020.

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

-----X  
Milton Goya,  
Plaintiff,

-against-

Longwood Housing Development Fund  
Company, Inc., et al.,  
Defendants-Respondents,

M-2068  
Index No. 23359/14E

Melcara Corp.,  
Defendant.

-----X  
Longwood Housing Development Fund  
Company, Inc.,  
Third-Party Plaintiff-Respondent,

-against-

Third-Party  
Index No. 43017/16E

Triboro Maintenance Corporation,  
Third-Party Defendant-Respondent,

AIM Construction of NY Inc.,  
Third-Party Defendant-Appellant.

-----X  
(And other actions)  
-----X

An appeal having been taken to this Court from an order of the Supreme Court, Bronx County, entered on or about June 5, 2019, and said appeal having been perfected,

And counsel for third-party defendant-appellant have moved for leave to withdraw as counsel and to adjourn the appeal for a period of time to allow defendant-appellant to seek alternative counsel,



Now upon reading and filing the papers submitted on the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted and the perfected appeal is adjourned to 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 13, 2020.

Present - Hon. David Friedman, Justice Presiding,  
Judith J. Gische  
Barbara R. Kapnick  
Lizbeth González, Justices.

-----X

Luke Nash,  
Plaintiff-Appellant,

-against-

M-2069  
Index No. 100274/16

Martin Druyan,  
Defendant-Respondent.

-----X

Plaintiff-appellant, pro se, having moved for reargument of the decision and order of this Court, entered on May 14, 2020 (Appeal No. 11528),

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 13, 2020.

PRESENT: Hon. David Friedman, Justice Presiding,  
Judith J. Gische  
Barbara R. Kapnick  
Lizbeth González, Justices.

-----X  
In re Jacob Frydman, et al.,  
Petitioners-Respondents,

John Does 1-5, M-2098  
Petitioners, Index No. 652796/18

-against-

EVUNP Holdings LLC, et al.,  
Respondents-Appellants.  
-----X

Respondents-appellants having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on May 14, 2020 (Appeal No. 11519),

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 13, 2020.

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

-----X  
Garthon Business Inc. and Crestguard  
Limited,  
Plaintiffs-Appellants,

-against-

M-2105  
Index No. 653715/14

Kirill Ace Stein, et al.,  
Defendants-Respondents.

-----X

Appeals having been taken to this Court from orders of the Supreme Court, New York County, entered on or about August 9, 2019 and August 14, 2019, and said appeals having been perfected,

Now, upon reading and filing the stipulation of the parties hereto, dated February 26, 2020, and due deliberation having been had thereon,

It is ordered that the appeals, previously perfected, are 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 13, 2020.

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

-----X  
Alan Johnson, et al.,  
Plaintiffs-Respondents,

-against-

M-2107  
Index No. 152587/14

Kaplana Rao, et al.,  
Defendants-Appellants.  
-----X

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

Now, upon reading and filing the stipulation of the parties hereto dated March 9, 2020, and due deliberation having been had thereon,

It is ordered that the perfected appeals are 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 13, 2020.

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

-----X

Hemant Shah, Varsha Shah,  
Plaintiffs-Appellants-Respondents,

**M-2108**  
**M-2404**  
**M-2434**

-against-

Index No. 156305/15

20 East 64th Street LLC,  
Defendant-Respondent-Appellant,

Urban Foundation/Engineering, LLC,  
Tri Star Construction Corp.,  
Abelow Sherman Architects LLC,  
RA Consultants LLC,  
Defendants.

-----X

An appeal and cross appeal having been taken by plaintiffs-appellants-respondents and by defendant-respondent-appellant from a judgment of the Supreme Court New York County, entered on or about June 13, 2019, and the appeal of plaintiffs-appellants having been perfected,

And appeals having been taken by defendant-respondent-appellant from orders of the same court, entered on or about May 10, 2019,

And defendant Tri Star Construction Corp. having moved for an order (1) dismissing plaintiff's perfected appeal from the aforesaid judgment entered on or about June 13, 2019, on the ground that it is not a final judgment and cannot bring up for review an order of the same court entered on or about November 30, 2018; or (2) staying plaintiffs' appeal; or (3) directing plaintiffs to file a supplemental appendix and permitting Tri Star to file a respondent's brief with two weeks of service thereof (M-2108),

And plaintiffs-appellants-respondents having moved for an award of sanctions and attorneys fees against Tri Star (M-2404),

And defendant Urban Foundation/Engineering, LLC having moved for an order (1) dismissing plaintiffs' perfected appeal from the aforesaid judgment entered on June 13, 2019, as taken from a non-final judgment in an attempt to appeal from nonappealable orders, consolidating all appeals arising from the three-part trial of the action, and striking plaintiffs' March 16, 2020 appellate filings; or (2) staying plaintiffs' appeal and the cross-appeal of defendant 20 East 64th Street, LLC; or (3) directing plaintiffs to file a supplemental appendix containing essential record materials, and permitting Urban to file a respondent's brief within two weeks of service thereof,

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 (M-2108 and M-2424) are granted to the extent of permitting defendants Tri Star and Urban to file respondents' briefs and a supplemental appendix, with costs to abide the appeal, and adjourning the appeal to the December 2020 Term, without prejudice to raising the issues of appealability in their briefs, and are otherwise denied; and it is further,

Ordered that the motion (M-2404) is denied.

ENTERED:



A handwritten signature in black ink, appearing to read 'Susan R. Jones', is written over a horizontal line. Below the line, the word 'CLERK' is printed in a simple, sans-serif font.

CLERK

At a 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 13, 2020.

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

-----X  
Laura Alaverdi, an Incapacitated  
Person, by her Guardian, Rudyard  
Whyte, Esq.,  
Plaintiff,

-against-

M-2118  
Index No. 159549/17

Huey Bui and Jenny Ymoui Chev,  
Defendants,

Roseann Birrittella,  
Defendant-Respondent,

Ralph Lauren 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 November 1, 2019, and said appeal having been perfected,

Now, upon reading and filing the stipulation of the parties hereto, dated January 29, 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 13, 2020.

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

-----X  
M.A., an infant by her mother and  
natural guardian Brenda Ambers,  
Petitioner-Respondent,

-against-

The City of New York,  
Respondent-Appellant,

M-2131  
Index No. 152069/19

-and-

The New York City Housing Authority,  
Respondent.

-----X  
An appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 1, 2019,

Now, upon reading and filing the stipulation of the parties hereto, dated June 24, 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 13, 2020.

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

-----X  
Patricia Crichlow,

Petitioner-Appellant,

-against-

M-2141

Index No. 100893/19

The New York State Division  
of Human Rights and Blue 449, Inc.,  
Respondents-Respondents.

-----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 September 16, 2019,

Now, upon reading and filing the stipulation of the parties hereto, dated 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 13, 2020.

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

-----X  
Jianming Lyu, Individually and on  
Behalf of All Others Similarly Situated,  
Plaintiffs-Respondents,

-against-

**M-2218**  
Index No. 655420/19

Ruhnn Holding Limited, Xiaocao Xu,  
Citigroup Global Markets Inc., and  
UBS Securities LLC  
Defendants-Appellants,

-and-

Min Feng, 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 April 22, 2020,

And defendants-appellants having moved to stay all proceedings in the Supreme Court 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 13, 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  
by Letitia James, Attorney General  
of the State of New York, et al.,  
Petitioners-Respondents,

-against-

Northern Leasing Systems, Inc.,  
et al.,  
Respondents-Appellants.

M-2220  
M-2151  
Index No. 450460/16

-----X

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

And respondents-appellants Northern Leasing Systems, Inc., Lease Finance Group LLC, MBF Leasing LLC, Lease Source-LSI, LLC, Golden Eagle Leasing LLC, Pushpin Holdings LLC, Jay Cohen, and Neil Hertzman (M-2220) and respondents-appellants Joseph I. Sussman, P.C, Joseph Sussman and Eliyahu R. Babad (M-2151) having separately moved for a stay of enforcement of the aforesaid order pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is 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 13, 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 Timothy J. White, Esq., on  
behalf of David Garrido,  
Petitioner-Appellant,

-against-

M-2343  
Index No. 30114/20

Cynthia Brann, Commissioner, New  
York City Department of Correction,  
Respondent-Respondent.

-----x

An appeal having been taken to this Court from the judgment of the Supreme Court, New York County, entered on or about July 13, 2020, which denied petitioner's application for a writ of habeas corpus,

And petitioner-appellant having moved to stay his extradition to the State of New Jersey, pending hearing and determination of the appeal.

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

Ordered that the motion is denied. The interim relief granted by order of a Justice of this Court, dated July 24, 2020, is hereby vacated.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 13, 2020.

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

-----X  
Quik Park 808 Garage LLC,  
Plaintiff-Appellant,

-against-

808 Columbus Commercial Owner LLC,  
Defendant-Respondent.  
-----X

**M-2290**

Index No. 159396/19

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about November 25, 2019, which, inter alia, denied plaintiff's motion for a Yellowstone injunction, said appeal having been perfected,

And defendant-respondent having moved to vacate the conditional stay tolling the cure period, pending the hearing and determination of the aforesaid appeal, granted by an order of this court entered on January 9, 2020 (M-8784),

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's January 9, 2020 appellate injunction tolling the running of the cure period is vacated.

ENTERED:

  
CLERK