

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 28, 2020.

Present: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X

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

- - - - -

Derek P.,
Petitioner-Appellant,

CONFIDENTIAL
M-41
Docket No. V-28262/17

-against-

Nikkhah T.,
Respondent-Respondent.

-----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 May 31, 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 Joseph R. Donahue, Esq., dated November 11, 2019, 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, NY 10007, Telephone No. 646-775-8994, as counsel for purposes of responding to the appeal;

(M-41)

-2-

January 28, 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 January 28, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

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

Jamie Padilla,
Petitioner-Respondent,

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

M-152
M-8859
Index No. 260242/19

-against-

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

-----X

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

And petitioner-respondent having moved, pursuant to CPLR 5519(c), to vacate the automatic stay of the enforcement of the aforementioned Supreme Court order imposed by CPLR 5519(a)(1) (M-8859),

Now, upon reading and filing the correspondence from counsel for respondent-appellant, dated January 3, 2020, and due deliberation having been had thereon (M-152),

It is ordered that the appeal is deemed withdrawn in accordance with the aforesaid correspondence (M-152) and, sua sponte, petitioner-respondent's motion is denied as academic (M-8859).

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 28, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Rosalyn H. Richter,
Sallie Manzanet-Daniels, Justices.

-----X
Ralph Lanza, as Personal Representative
for the Estate of Santo Lanza and Rita
Lanza, as Spouse,
Plaintiffs-Respondents,

M-153
Index No. 190014/14

-against-

American Biltrite Inc., et al.,
Defendant-Appellant,

BASF Catalysts, LLC, et al.,
Defendants.

-----X
An appeal having been taken from an order of the Supreme Court, New York County, entered on or about December 10, 2019,

Now, upon reading and filing the correspondence from counsel for defendants-appellants dated January 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 January 28, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X

Condon & Forsyth LLP,
Plaintiff-Respondent,

-against-

M-154

Index No. 160621/18

Strathmore Development Company
Michigan LLC, doing business as
Strathmore Development Company, Scott A.
Chappelle, Charles W. Crouch, Abbot
Road Commons, L.L.C., and Chappelle
Development Company,
Defendants-Appellants.

-----X

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

Now, upon reading and filing the Notice of Discontinuance of Appeal from counsel for defendants-appellants dated January 3, 2020, as well as the Stipulation of Discontinuance of the parties hereto, dated November 7, 2019, and due deliberation having been had thereon,

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 28, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Rosalyn H. Richter,
Sallie Manzanet-Daniels, Justices.

-----X
Migdalia Diaz, as Administratrix of the
Estate of Felix Colon, Deceased,
Plaintiff-Respondent,

-against-

M-155
Index No. 301016/10

City of New York, P.O. "John Doe",
P.O. "James Roe" and other presently
unknown NYPD Officers, and the New York
City Police Department,
Defendants-Appellants.

-----X

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

Now, upon reading and filing the correspondence from counsel for defendants-appellants dated January 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 January 28, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
Wells Fargo Bank, National Association,
Successor to Wachovia Financial Services,
Inc.,
Plaintiff-Respondent,

M-156
Index No. 651415/16

-against-

Allen Silverman,
Defendant-Appellant,

Andalex Aviation II, LLC,
Defendant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 23, 2019,

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

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 28, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X

Sharon Bryan,
Plaintiff-Respondent,

-against-

Riverbay Corporation,
Defendant-Appellant.

-----X

Confidential
M-159X

Index No. 27108/15E

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 30, 2019, and due deliberation having been had thereon,

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 28, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-8245
Ind. No. 1444/16

Wishart E. Smith,
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, Bronx County, rendered on or about April 17, 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, 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 January 28, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-8535
Ind. No. 1926/17

Samuel McCoy,
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about September 4, 2019, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about August 5, 2019,

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

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

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

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 28, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,
Respondent,

-against- M-8558
Ind. No. 1533/18

Dyrell G.,
Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on or about August 22, 2019, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about August 20, 2019,

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

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

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

(M-8558)

-2-

January 28, 2020

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 January 28, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-8559
Ind. No. 793/17

Wander Reyes,
Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on or about August 29, 2019, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about August 29, 2019,

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

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

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

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 28, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-8560
Ind. No. 263/16

Dentrell Robinson,
Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on or about August 29, 2019, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about August 29, 2019,

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

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

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

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 28, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,
Respondent,

-against- M-8561
Ind. No. 2506/17

Willy Martinez,
Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on or about September 9, 2019, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about September 11, 2019,

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

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

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

(M-8561)

-2-

January 28, 2020

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 January 28, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-8562
Ind. No. 1143/18

Rosario Almonte,
Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on or about September 6, 2019, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about September 4, 2019,

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

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

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

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

ENTERED:



CLERK

Corrected - February 4, 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 January 28, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

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

-against-

M-8563
Ind. No. 1453/18

Antonio Rodriguez Hernandez
Santiago,
Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on or about October 22, 2019, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about October 11, 2019,

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

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

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

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

ENTERED:


CLERK

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

BEFORE: Hon. Rosalyn H. Richter
Justice of the Appellate Division

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

Respondent,

-against-

Derrick White,
Defendant-Appellant.
-----X

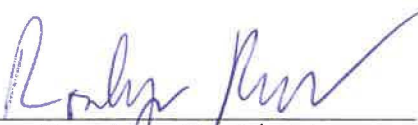
M-8383
Ind. No. 1591/15

CERTIFICATE
GRANTING LEAVE

I, Rosalyn H. Richter, a Justice of the Appellate Division, First Judicial Department, do hereby certify that in the proceedings herein questions of law or fact are involved which ought to be reviewed by the Appellate Division, First Judicial Department, and, pursuant to Section 460.15 of the Criminal Procedure Law, permission is hereby granted to the above-named defendant to appeal to the Appellate Division, First Judicial Department, from the order of the Supreme Court, New York County, dated October 23, 2019.¹

Dated: January 13, 2020
New York, New York





Hon. Rosalyn H. Richter
Associate Justice

NOTICE: Within 15 days from the date hereon, an appeal must be taken, and this certificate must be filed with the notice of appeal. An appeal is taken by filing, in the Clerk's office of the criminal court in which the order sought to be appealed was rendered, a written notice in duplicate that appellant appeals to the Appellate Division, First Judicial Department (Section 460.10, subd. 4, CPL), together with proof that another copy of the notice of appeal has been served upon opposing counsel. The appeal (or consolidated appeals; see footnote) must be perfected within 180 days from the date of this order, unless the time to perfect the appeal(s) is enlarged by the court or a justice thereof.

¹In the event defendant has an existing (direct) appeal from a judgment, such appeal shall be consolidated with the appeal from the aforesaid order; and any poor person relief granted with respect to the appeal from the judgment shall be extended to cover the appeals so consolidated.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 28, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,
Respondent,

-against- M-8564
Ind. No. 1453/18

Jose Muniz,
Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on or about October 22, 2019, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about October 11, 2019,

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

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

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

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 28, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-8566
Ind. No. 3926/18

Anthony Mercado,
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about September 19, 2019, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about September 17, 2019,

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

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

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

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 28, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Cynthia S. Kern
Jeffrey K. Oing, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-8478

Ind. No. 3308/16

Manuel Gordon,
Defendant-Appellant.

-----X

The People having moved for an order dismissing defendant's appeal taken from a judgment of the Supreme Court, New York County, rendered on or about November 2, 2017, 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 dismissed.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in in the County of New York on January 28, 2020.

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

-----X

Paul Iacovacci,
Plaintiff-Respondent,

-against-

M-8628

M-8706

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

Index No. 158735/16

-----X

Brevet Holdings, LLC, Brevet
Short Duration Partners, LLC, formerly
known as Brevet Capital Partners III,
LLC, et al.,
Counterclaim Plaintiffs-Appellants,

-against-

Paul Iacovacci,
Counterclaim Defendant-Respondent.

-----X

Appeals having been taken from three orders of the Supreme Court, New York County, entered on or about May 8, 2019, September 24, 2019 and November 14, 2019,

And defendants-appellants having moved to stay enforcement of (I) the May 8, 2019 order insofar as it imposed sanctions, and (II) the November 14, 2019 order, which fixed the amount of sanctions awarded, pending hearing and determination of the appeals taken therefrom (M-8628),

And defendants-appellants, by separate notice of motion, having moved to stay enforcement of the September 24, 2019 order compelling discovery, pending hearing and determination of the appeal taken therefrom (M-8706),

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 January 28, 2020.

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

-----X

Luciana Costa,
Plaintiff-Appellant,

-against-

Arandia & Arandia and Alexander
Arandia, Esq.,
Defendants-Respondents.

-----X

SEALED
M-8785
Index No. 158085/13

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

And plaintiff-appellant having moved for a stay, pursuant to CPLR 5519(a)(2) (automatic) or CPLR 5519(c) (discretionary) of enforcement of the aforementioned order and to enjoin the nonparty escrowee from complying therewith, 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.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 28, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Rosalyn H. Richter
Barbara R. Kapnick
Angela M. Mazzarelli
Peter H. Moulton, Justices.

-----x
NYCTL 1998-2 Trust and The Bank of
New York Mellon as Collateral Agent and
Custodian,
Plaintiffs-Respondents,

-against-

Reverend C.T. Walker Housing
Development Fund Corporation, et al.,
Defendants-Respondents,

M-39
Index No. 153500/14

-and-

Keith Alfieri,
Non-Party Appellant.

-----x

Appeals having been taken to this Court from the order and amended order of the Supreme Court, New York County, entered on or about December 18, 2018 and February 8, 2019, respectively, and said appeals having been perfected,

And plaintiffs-respondents having moved to dismiss the aforesaid appeals or, in the alternative, to direct non-party appellant to enlarge the record on appeal to include transcripts of the hearings held on February 4, 2019 and February 7, 2019, which resulted in the lower court's amended order dated February 7, 2019, and to strike duplicative superceded documents included therein,

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

It is ordered that the motion is granted to the extent of striking pages 18-32 in the record on appeal, and granting plaintiff leave to file a supplemental record to include the transcripts of the hearings held on February 4, 2019 and February 7, 2019 (Exhibits B & C to the moving paper), with costs to abide the appeals. The appeals are adjourned to the April 2020 Term. 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 January 28, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Rosalyn H. Richter
Barbara R. Kapnick
Angela M. Mazzarelli
Peter H. Moulton, Justices.

-----x
Pensmore Investments, LLC,
Plaintiff-Respondent,

-against-

M-71
Index No. 650002/14

The Jane Michael 1999 Trust, Claire Gruppo
as Trustee for The Jane Michael 1999 Trust,
the Claire Gruppo Trustee, The Trustee for
the Claire Gruppo Trust, January Management,
Inc., Magic Management, LLC, Claire Gruppo,
Hugh Levey, January Partners, L.P., and
Frog Pond Partners, L.P.
Defendants-Appellants,

Gruppo, Levey & Co., et al.,
Defendants.

-----x

Appeals having been taken to this Court from (i) an order of the Supreme Court, New York County, entered on or about May 14, 2019, which directed the Clerk to enter judgment against certain defendants in the amount of \$4,115,067.14 plus interest, awarded attorneys' fees to plaintiff upon submission of legal bills, and held defendant Claire Gruppo in criminal contempt and sentenced her to 30 days in jail to report on June 28, 2019, and (ii) an order of the same court entered June 5, 2019, which directed judgment against defendant Claire Gruppo and certain other defendants in principal amount of \$394,349.89, and judgment of same court, entered June 6, 2019, based on the prior orders; and the appeal from the criminal contempt portion of the order having been perfected,

And defendants-appellants having moved for an order: (i) adjourning the perfected appeal; (ii) granting them leave to withdraw their appellants' brief and to file a substitute brief that addresses the remaining civil portions of the appeal; (iii) an extension of time to file their new brief; and (iv) leave to increase the page limit of their new brief;

And an order of a Justice of this Court, dated January 2, 2020 having adjourned the perfected appeal to the March 2020 Term and having continued the stay of defendant Claire Gruppo's criminal contempt and incarceration, initially granted by order of this Court entered July 11, 2019 (M-3047/3048), pending the determination of the appeal,

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

It is ordered that the motion is granted to the extent of granting defendants-appellants permission to file a supplemental brief solely addressing the civil judgment against defendants for the May 2020 Term, to which term the perfected appeal is adjourned, and continuing the aforesaid stay pending the 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 January 28, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Rosalyn H. Richter
Angela M. Mazzarelli
Peter H. Moulton, Justices.

-----x

Romik Eliazarov,
Plaintiff-Appellant,

-against-

CONFIDENTIAL

M-8931

Index No. 312486/12

Bertha Eliazarov,
Defendant-Respondent.

-----x

An appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about September 27, 2019,

And plaintiff-appellant having moved for an order releasing him from confinement, 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 January 28, 2020.

Present - Hon. David Friedman, Justice Presiding,
Barbara R. Kapnick
Cynthia S. Kern
Jeffrey K. Oing, Justices.

-----X
In the Matter of the Application of
Jay Sarkar,
Petitioner-Appellant,

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

M-8801
Index No. 150147/17

-against-

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

-----X

An appeal having been taken from an order and judgment (one paper) of the Supreme Court, entered on or about August 7, 2017, said appeal having been decided by an order of this Court entered on January 2, 2020 (Appeal No. 10531),

And petitioner-appellant having moved to vacate an order of a Justice of this Court entered September 5, 2019 and the order of this Court entered November 8, 2019 (M-7995), or in the alternative, to reargue the November 8, 2019 order or for leave to appeal the aforesaid orders to the Court of Appeals, and for other relief,

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

It is ordered that the motion is denied 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 January 28, 2020.

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

-----X
Anna Lvovsky,
Plaintiff-Respondent,

-against-

Gennady Lvovsky.
Defendant-Appellant.
-----X

Confidential

M-8977

Index No. 300055/14

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

And defendant-appellant having moved, pursuant to 22 NYCRR 1250.10(c) to vacate the dismissal of appeal and, upon vacatur, for an extension of time to perfect the appeal to thirty days from the decision on this motion,

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

It is ordered that the motion is granted to the extent of vacating the dismissal of appeal and upon reinstatement, extending the time to perfect the appeal to the June 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 January 28, 2020.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Cynthia S. Kern
Jeffrey K. Oing
Lizbeth González, Justices.

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

Annette R.,
Petitioner-Respondent,

-against-

Dakiem E. D.,
Respondent-Appellant.

Kenneth M. Tuccillo, Esq.,
Attorney for the Child.

Confidential
M-8904
Docket No. V-274-17/17A

-----X
An appeal having been taken to this Court from the order of the Family Court, New York County, entered on or about April 22, 2019, and said appeal having been perfected,

And petitioner-respondent having moved for leave to file a supplemental brief,

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

It is ordered that the motion is 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 January 28, 2020.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Cynthia S. Kern
Jeffrey K. Oing
Lizbeth González, Justices.

-----x

Miss Jessie's LLC, et al.,

Petitioners,

-against-

M-8914

Index No. 651682/18

D. Reeves Carter, Esq.,

Respondent.

-----x

Petitioners having moved, pursuant to CPLR 5704(a), for an order vacating a sua sponte order of the Supreme Court, New York County, entered on or about November 4, 2019, or, in the alternative, directing Supreme Court to sign an order to show cause, which a Justice of the aforesaid court declined to sign on or about December 11, 2019, and for a stay of proceedings,

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 January 28, 2020.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Angela M. Mazzairelli
Barbara R. Kapnick
Troy K. Webber, Justices.

-----X
Majestic Realty Corp.,
Petitioner-Landlord-Appellant,

Confidential

M-8333

-against-

N.Y. County Clerk
Index No. 570191/18
L&T Index Nos. 69508/16
69509/16

Allen Orgel,
Respondent-Tenant-Respondent,

Orit Orgel,
Respondent-Undertenant.

-----X

Petitioner-Landlord-appellant 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 July 5, 2018,

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

It is ordered that the motion is 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 January 28, 2020.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Angela M. Mazzairelli
Barbara R. Kapnick
Troy K. Webber, Justices.

-----X

Murray House Owners Corp.,
Petitioner-Landlord-Appellant,

-against-

Dr. Barbara Welter,
Respondent-Tenant-Respondent.

-----X

M-8536
N.Y. County Clerk
Index No. 571196/18
N.Y. County Civil Court
Index No. 76539/16

Petitioner-landlord 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 June 25, 2019,

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

It is ordered that the motion is denied.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 28, 2020.

PRESENT: Hon. Rosalyn H. Richter, Justice Presiding,
Sallie Manzanet-Daniels
Troy K. Webber
Ellen Gesmer, Justices.

-----X

In the Matter of the Application of
Wayne C. James,
Petitioner-Appellant,

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

M-1384

-against-

Index No. 260295/17

Kathleen King, Counsel New York State
Board of Parole, et al.,
Respondents-Respondents.

-----X

Petitioner-appellant, pro se, having moved to renew his motion to prosecute, as a poor person, the appeal taken from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about September 25, 2018, insofar as his request for the assignment of counsel was denied (see Order, M-5366, entered January 10, 2019),

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

It is ordered that the motion is denied.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 28, 2020.

Present - Hon. Rosalyn H. Richter, Justice Presiding,
Judith J. Gische
Angela M. Mazzarelli
Ellen Gesmer, Justices.

-----X
Mandeep Singh,
Plaintiff-Respondent,

-against- **M-8747**
Index No. 20334/16

New York City Housing Authority,
Defendant-Appellant.
-----X

Plaintiff-respondent having moved to dismiss the appeal taken from an order of the Supreme Court, Bronx County, entered on or about April 12, 2019,

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

It is ordered that the motion is denied without prejudice to addressing the issue in the respondent's brief on 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 January 28, 2020.

Present - Hon. Rosalyn H. Richter, Justice Presiding,
Judith J. Gische
Angela M. Mazzarelli
Ellen Gesmer, Justices.

-----X
U.S. Bank, National Association, not in its individual capacity, but as trustee for Merrill Lynch Mortgage Investors Trust, Series 2006-RM4, and Merrill Lynch Mortgage Investors Trust, Series 2006-RM5,

Plaintiff-Respondent-Appellant,

-against-

M-8827

Index No. 654403/12

Merrill Lynch Mortgage Lending, Inc.,
and Bank of America, National Association,

Defendants-Appellants-Respondents.
-----X

Defendants-appellants-respondents having moved for an extension of time to perfect the appeal and cross appeal taken from an order of the Supreme Court, New York County, entered on or about May 16, 2018,

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

It is ordered that the motion is granted to the extent of extending the time to perfect the appeal and cross appeal to the November 2020 Term, with leave to seek further extensions, if necessary.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 28, 2020.

Present - Hon. Rosalyn H. Richter, Justice Presiding,
Judith J. Gische
Angela M. Mazzarelli
Ellen Gesmer, Justices.

-----X
Michael Valentine,
Plaintiff-Appellant-Respondent,

-against-

2147 Second Avenue, LLC and Shan
Home Improvement, Inc.,
Defendants-Respondents,

M-8921
Index No. 302488/10

Sunshine Quality Construction, Inc.
and Gary Silver Architects, P.C.,
Defendants-Respondents-Appellants.

-----X
2147 Second Avenue, LLC,
Third-Party Plaintiff,

-against-

Third-Party
Index No. 83773/14

Shan's Construction, Inc.,
Third-Party Defendant.

-----X
Sunshine Quality Construction, Inc.,
Second Third-Party Plaintiff,

Second Third-Party
Index No. 8397/15

-against-

Shan's Construction, Inc.,
Second Third-Party Defendant.

-----X

Appeals having been taken from orders of the Supreme Court, Bronx County, entered on or about October 2, 2017 and October 26, 2017,

And defendant Gary Silver Architects, P.C., having moved to extend the time to perfect the appeals to the May 2020 Term and to continue the stay of trial granted by order of this Court, entered September 13, 2018 (M-3476), extended by orders entered March 12, 2019 (M-6705) and September 17, 2019 (M-3265), pending hearing and determination of said 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, deemed an application to vacate the dismissal of appeals, is granted, the appeals reinstated, and the time to perfect same is enlarged to the June 2020 Term. The stay of trial is continued pending the hearing and determination of the aforesaid appeals.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 28, 2020.

PRESENT: Hon. Rosalyn H. Richter, Justice Presiding,
Judith J. Gische
Angela M. Mazzarelli
Ellen Gesmer, Justices.

-----X

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

CONFIDENTIAL

M-8954

Deserie D. G.,
Petitioner-Respondent,

Docket Nos. V-09236-15
V-22474-15
V-31155-13-15D

-against-

Jonathan C.,
Respondent-Appellant.

-----X

An appeal having been taken from an order of the Family Court, Bronx County, entered on or about March 31, 2017, and said appeal having been perfected,

And petitioner-respondent having moved for leave to respond to the aforesaid appeal as a poor person, for the 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 due deliberation having been had thereon, it is

Ordered that the motion is denied, with leave to renew, upon petitioner's submission of a notarized affidavit, in compliance with 22 NYCRR 1250.4(d)(1), which shall include an explanation why similar funds to those used to retain Wayne F. Crowe, Esq., as counsel in the Family Court, are not available to pursue this appeal. The appeal, sua sponte, is adjourned to the June 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 January 28, 2020.

Present - Hon. Rosalyn H. Richter, Justice Presiding,
Barbara R. Kapnick
Anil C. Singh
Peter H. Moulton
Lizbeth González, Justices.

-----X

The People of the State of New York,
Respondent,

M-8659

-against-

Ind. No. 709/17

Jonathan Deleon,
Defendant-Appellant.

-----X

An order of this Court having been entered on November 21, 2019 (M-7605) granting defendant leave to prosecute, as a poor person, the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about June 21, 2019, and assigning Robert S. Dean, Esq., Center for Appellate Litigation, as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

It is ordered that the motion is granted to the extent of striking the designation of Robert S. Dean, Esq., Center for Appellate Litigation Esq., as assigned counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, Suite 1601, New York, New York 10007, Telephone No. 212-402-4100 as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the receipt of the complete record, whichever is later.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 28, 2020.

Present - Hon. Rosalyn H. Richter, Justice Presiding,
Barbara R. Kapnick
Anil C. Singh
Peter H. Moulton
Lizbeth González, Justices.

-----X
Amanda Donovan,
Plaintiff-Respondent,

-against-

M-8857
Index No. 151718/13

New York City Transit Authority,
Defendant-Appellant.
-----X

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

And defendant-appellant having moved to vacate the dismissal of appeal and upon vacatur, to adjourn the appeal to the April 2020 Term, or in the alternative to withdraw said appeal,

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

It is ordered that the motion is granted to the extent of vacating the dismissal of appeal and upon reinstatement, extending the time to perfect same to the September 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 January 28, 2020.

Present - Hon. Rosalyn H. Richter, Justice Presiding,
Barbara R. Kapnick
Anil C. Singh
Peter H. Moulton
Lizbeth González, Justices.

-----X
L. A., an infant by her Mother
and Natural Guardian Elaina Parra,
and Elaina Parra, Individually,

Plaintiffs-Appellants,

-against-

M-8934

Index No. 159081/14

New York City Mission Society, AMC
Entertainment Holdings, Inc.,
Commonwealth Local Development Corp.,
HUSA Management Company, LLC. and
City of New York,

Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about May 8, 2018,

And plaintiffs-appellants having moved to vacate the dismissal of the appeal and upon reinstatement, for an extension of time to perfect said appeal,

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

It is ordered that the motion is 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 January 28, 2020.

Present - Hon. Sallie Manzanet-Daniels, Justice Presiding,
Judith J. Gische
Angela M. Mazzarelli
Troy K. Webber
Ellen Gesmer, Justices.

-----x

ACC Construction Corporation, 370
Seventh Avenue Associates, LLC. and
Comscore, Inc.,
Plaintiffs-Respondents,

M-8414
Index No. 654508/16

-against-

Merchants Mutual Insurance Company and
Premier Electric, Inc.,
Defendants-Appellants.

-----x

Defendants-appellants having moved for an extension of time to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about October 17, 2018,

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

It is ordered that the motion is granted to the extent of extending the time to perfect the appeal to the June 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 January 28, 2020.

Present - Hon. Sallie Manzanet-Daniels, Justice Presiding,
Judith J. Gische
Angela M. Mazzarelli
Troy K. Webber
Ellen Gesmer, Justices

-----X

The People of the State of New York,
Respondent,

-against-

M-8508
Ind. Nos. 4159/16
2329/17

Kevin Nelson,
Defendant-Appellant.

-----X

An order of this Court having been entered on February 19, 2019 (M-6368), inter alia, granting defendant's motion for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about August 2, 2018, under Indictment No. 4159/16, and assigning counsel therefor,

And defendant-appellant having moved for an order amending the aforementioned order of assignment to include the judgment, same court, rendered on or about August 2, 2018 under Indictment No. 2329/17,

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

It is ordered that the motion is granted to the extent of amending this Court's February 19, 2019 order of assignment to include Indictment Nos. 4159/16 and 2329/17, and extending the poor person relief previously granted to cover same. Appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the complete record, whichever is later.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 28, 2020.

Present - Hon. Sallie Manzanet-Daniels, Justice Presiding,
Judith J. Gische
Angela M. Mazzairelli
Troy K. Webber
Ellen Gesmer, Justices.

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

-against-

Abigail Torres,
Defendant-Appellant.

M-8521
SCI. Nos. 231/18
23IN/18

-----X
Defendant-appellant having moved for leave to file a late notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about February 23, 2018, and for poor person relief,

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

It is ordered that the motion is denied, pursuant to CPL 460.30, with leave to seek review, via a writ of error corum nobis.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 28, 2020.

Present - Hon. Sallie Manzanet-Daniels, Justice Presiding,
Judith J. Gische
Angela M. Mazzarelli
Troy K. Webber
Ellen Gesmer, Justices

-----X

The People of the State of New York,
Respondent,

-against-

M-8767
Ind. Nos. 3755/16
217/18

Shamon Dilligard,
Defendant-Appellant.

-----X

An order of this Court having been entered on May 14, 2019 (M-1618), inter alia, granting defendant's motion for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about February 6, 2019, under Indictment No. 3755/16, and assigning counsel therefor,

And defendant-appellant having moved for an order amending the aforementioned order of assignment to include the judgment, same court, rendered on or about February 6, 2019 under Indictment No. 217/18,

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

It is ordered that said motion is granted to the extent of amending this Court's May 14, 2019 order of assignment to include Indictment Nos. 3755/16 and 217/18, and extending the poor person relief previously granted to cover same. Appellant's time in which to perfect the appeal is extended until 120 days from the date of this order or the filing of the complete record, whichever is later.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 28, 2020.

Present - Hon. Sallie Manzanet-Daniels, Justice Presiding,
Judith J. Gische
Angela M. Mazzarelli
Troy K. Webber
Ellen Gesmer, Justices.

-----X

Maura O'Neill,
Plaintiff-Appellant,

-against-

M-8817
Index No. 101599/17

Rick Steiner Fell & Benowitz LLP,
Publishers Clearing House, Plethora
Mobile, LLC,
Defendants-Respondents.

-----X

Plaintiff-appellant, pro se, having moved for an extension of time to perfect the appeals taken from orders of the Supreme Court, New York County, entered on or about July 29, 2019 and on or about August 7, 2018; and for leave to proceed on the original record,

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

It is ordered that the motion is granted to the extent of extending the time to perfect the appeal to the June 2020 Term, and is otherwise denied.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 28, 2020.

Present - Hon. Sallie Manzanet-Daniels, Justice Presiding,
Barbara R. Kapnick
Cynthia S. Kern
Peter H. Moulton, Justices.

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

-against-

M-3752
Ind. No. 2901/12

Robert McCray,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on October 30, 2018 (Appeal No. 7382), unanimously affirming a judgment of the Supreme Court, Bronx County, rendered on November 6, 2014,

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

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

It is ordered that said application is denied.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 28, 2020.

PRESENT: Hon. Judith J. Gische, Justice Presiding,
Angela M. Mazzarelli
Troy K. Webber
Ellen Gesmer, Justices.

-----x
Nick Voulkoudis,
Plaintiff-Respondent,

-against-

M-8913
Index No. 154460/15

George Frantzeskakis, et al.,
Defendants-Appellants.
-----x

Appeals having been taken to this Court from an order of the Supreme Court, New York County, entered on or about June 12, 2018, from a judgment of the same court and justice, entered on or about June 18, 2018, and from a so-ordered transcript of the same Court, entered on or about June 22, 2019,

And plaintiff-respondent having moved to dismiss defendant's appeals upon the ground that defendant failed to timely perfect the appeal from the order entered on or about June 12, 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 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 January 28, 2020.

Present - Hon. Barbara R. Kapnick, Justice Presiding,
Jeffrey K. Oing
Anil C. Singh
Peter H. Moulton, Justices.

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

-against-

M-8938
Ind. No. 2060/17

Shakim Pierce,
Defendant-Appellant.

-----X

Defendant having moved for an extension of time in which to file an untimely notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about June 12, 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 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.

(M-8938)

-2-

January 28, 2020

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

STATE OF NEW YORK
APPELLATE DIVISION: FIRST DEPARTMENT

BEFORE: Hon. David Friedman
Justice of the Appellate Division

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

Ind. No. 4041/18
Motion No. 8646

-against-

Maxwell Hare,
Defendant.

ORDER DENYING
BAIL PENDING
APPEAL

-----X


An appeal having been taken to this Court by the above-named defendant from the judgment of the Supreme Court, New York County, rendered on October 22, 2019, and defendant having moved, pursuant to CPL 460.50, 510.30 and 530.50, to be admitted to bail pending hearing and determination of the aforesaid appeal,

Now, upon reading and filing the notice of motion, with proof of due service thereof, and the papers filed in support of said motion, and further papers filed in relation thereto; and due deliberation having been had thereon,

It is ordered that the motion be and the same hereby is denied.

Dated: New York, New York
January 16, 2020

ENTERED
JAN 28 2020



David Friedman
Justice of the Appellate Division

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

BEFORE: Hon. Judith J. Gische
Justice of the Appellate Division

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

M-8781
Ind. No. 1623/2002

-against-

CERTIFICATE
DENYING LEAVE

Hafiz Hayes,

Defendant.

-----X

I, Hon. Judith J. Gische, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, (Robert M. Stolz, J.) entered on or about September 10, 2019, is hereby denied.



Associate Justice

Dated: January 10, 2020
New York, New York

ENTERED: **JAN 28 2020**

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

BEFORE: Hon. Rosalyn H. Richter
Justice of the Appellate Division

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

M-8949
Ind. No. 2975/14

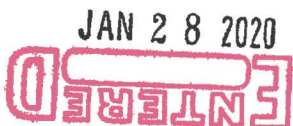
-against-

CERTIFICATE
GRANTING LEAVE

Ricky Alston,
Defendant-Appellant.
-----X

I, Rosalyn H. Richter, a Justice of the Appellate Division, First Judicial Department, do hereby certify that in the proceedings herein questions of law or fact are involved which ought to be reviewed by the Appellate Division, First Judicial Department, and, pursuant to Section 460.15 of the Criminal Procedure Law, permission is hereby granted to the above-named defendant to appeal to the Appellate Division, First Judicial Department, from the order of the Supreme Court, New York County, dated November 22, 2019.¹

Dated: January 13, 2020
New York, New York



Hon. Rosalyn H. Richter
Associate Justice

NOTICE: Within 15 days from the date hereon, an appeal must be taken, and this certificate must be filed with the notice of appeal. An appeal is taken by filing, in the Clerk's office of the criminal court in which the order sought to be appealed was rendered, a written notice in duplicate that appellant appeals to the Appellate Division, First Judicial Department (Section 460.10, subd. 4, CPL), together with proof that another copy of the notice of appeal has been served upon opposing counsel. The appeal (or consolidated appeals; see footnote) must be argued within 120 days from the date of the notice of appeal, unless the time to perfect the appeal(s) is enlarged by the court or a justice thereof.

¹In the event defendant has an existing (direct) appeal from a judgment, such appeal shall be consolidated with the appeal from the aforesaid order; and any poor person relief granted with respect to the appeal from the judgment shall be extended to cover the appeals so consolidated.