

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 16, 2020.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,  
Jeffrey K. Oing  
Anil C. Singh  
Lizbeth González, Justices.

-----X

Scott Emery,  
Plaintiff-Appellant,

-against-

Steinway, Inc., et al.,  
Defendants-Respondents.

- - - - -

[And Third-Party Actions]

-----X

M-1024

Index Nos. 110133/11  
590344/13  
590291/14

Defendants-respondents 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 December 26, 2019 (Appeal No. 10646),

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 July 16, 2020.

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

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

-against-

M-1233  
SCI No. 3197/19

Christopher Barnes,  
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 November 14, 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 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, defendant's indigency and 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 July 16, 2020.

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

-----X

Andrea K. Tantaros, etc., et al.,  
Plaintiffs-Respondents,

**M-1402**

Index No. 650476/18

-against-

Michael Krechmer, also known as  
"Michael Malice," etc.,  
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 February 11, 2020 (Appeal No. 10994),

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 July 16, 2020.

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

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

-against-

**M-1451**  
Ind. No. 670/18

Tyrone George,  
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, Bronx County, rendered on or about January 29, 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 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 July 16, 2020.

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

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

-against-

M-1452  
Ind. No. 1926/16

Eric Cruz,  
Defendant-Appellant.

-----X

An order of this Court having been entered on July 25, 2017 (M-3176), granting defendant leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about November 14, 2016, and assigning Seymour W. James, Jr., Esq., predecessor counsel to Janet E. Sabel, Esq., The Legal Aid Society, as counsel to prosecute the appeal; and assigned counsel having moved to be relieved and to substitute other counsel,

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

It is ordered that the motion is granted to the extent of striking the designation of Janet E. Sabel, Esq., The Legal Aid Society, as assigned counsel and substituting, pursuant to Section 722 of the County Law, 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, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the complete record, whichever is later.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 16, 2020.

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

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

-against-

**M-1470**

Ind. No. 3972/19

Mohamed Zokari,  
Defendant-Appellant.

-----X

Defendant having moved for an extension of time within which to file an untimely notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about January 6, 2020, for leave to prosecute the appeal as a poor person, 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-1470)

-2-

July 16, 2020

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.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 16, 2020.

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

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

-against-

**M-1471**  
Ind. No. 1485/19

Carlos Baez,  
Defendant-Appellant.

-----X

Defendant having moved for an extension of time in which to file an untimely notice of appeal from a judgement of the Supreme Court, Bronx County, rendered on or about November 13, 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 July 16, 2020.

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

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

-against-

**M-1472**

Ind. No. 2096/17

Yael Garnerlawery, also known as  
Loryn Gardner,  
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 19, 2019, for leave to prosecute the appeal as a poor person, 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-1472)

-2-

July 16, 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 July 16, 2020.

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

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

-against-

M-1548  
Ind. No. 2907/18

Thomas McKelvey,  
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 January 9, 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 notarized affidavit, pursuant to CPLR 1101(a) and 22 NYCRR 1250.4(d)(1) and (4), setting forth, inter alia, facts sufficient to establish defendant's indigence.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 16, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,  
Rosalyn H. Richter  
Barbara R. Kapnick  
Angela M. Mazzairelli  
Peter H. Moulton, Justices.

-----X  
Daniel Shatz, etc.,  
Plaintiff-Respondent-Appellant,

-against-

M-1554  
Index No. 655620/18

Douglas Chertok, et al.,  
Defendants-Appellants-Respondents,

Vast Ventures V LP, et al.,  
Defendants,

Vast Ventures VI LLC,  
Nominal Defendant-Appellant-Respondent.

-----X

Defendants having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on February 27, 2020 (Appeal Nos. 10972/10972A),

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 July 16, 2020.

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

-----X  
Tom Holland,  
Plaintiff-Appellant,

-against-

Mahmoud Thiam, et al.,  
Defendants-Respondents,  
-----X

M-1561  
Index No. 162234/18

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

And plaintiff-appellant having moved for leave to file an amended appellant's brief and a supplemental record on appeal,

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

It is ordered that the motion is denied in its entirety.

ENTERED:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 16, 2020.

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

-----X  
In the Matter of

Jane Doe,  
Petitioner-Appellant,  
  
-against-

**SEALED**  
M-1581  
Index No. 158505/18

John Doe,  
Respondent-Respondent.  
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about September 23, 2019, which denied petitioner's motion to vacate the prior order of said Court entered on February 22, 2019, which directed the Clerk of the Court to seal the file in this action in its entirety,

And an order of this Court having been entered on April 23, 2020 (M-1185) denying petitioner-appellant's motion to modify the aforesaid order entered on February 22, 2019 to the extent of allowing certain potential amici curiae confidential access to the record on appeal, with leave to renew after the appeal had been perfected,

And petitioner-appellant, after perfecting the appeal, having renewed its motion to modify the aforesaid order entered on February 22, 2019 to the extent of allowing certain potential amici curiae, identified in the moving papers, confidential access the record on appeal,

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

It is ordered that the motion is granted to the extent of permitting the potential amici curiae identified in the moving papers access to the sealed record and brief. In the event leave is granted to the potential amici curiae to file briefs, such briefs shall be filed under seal in 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 July 16, 2020.

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

-----X  
Maria Cabral,  
Plaintiff-Respondent,

-against-

M-1585  
Index No. 23546/16

Daniel Eric Seidler, et al.,  
Defendants-Appellants.  
-----X

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 20, 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 July 16, 2020.

PRESENT: Hon. Dianne T. Renwick Justice Presiding,  
Judith J. Gische  
Angela M. Mazzarelli  
Troy K. Webber  
Anil C. Singh, Justices.

-----X  
Wilmington Savings Fund  
Society, etc.,  
Plaintiff-Respondent,

-against-

M-1595  
Index No. 850163/15

Hyo Choong Sung, et al.,  
Defendants.

- - - - -

West Fork Capital Equities, LLC, etc.,  
Nonparty Appellant.

-----X

Nonparty appellant having moved for reargument of the decision and order of this Court, entered on March 19, 2020 (Appeal No. 11280),

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 July 16, 2020.

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

-----X  
Allstate Insurance Company, etc.,  
et al.,  
Plaintiffs-Respondents,

-against-

M-1616  
Index No. 157977/14

Utica First Insurance Company,  
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about January 7, 2020,

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

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

BEFORE: Hon. DAVID FRIEDMAN  
Justice of the Appellate Division

-----X

The People of the State of New York,  
Respondent,

M-1578  
Ind. No. 3229/16  
24/17

-against-

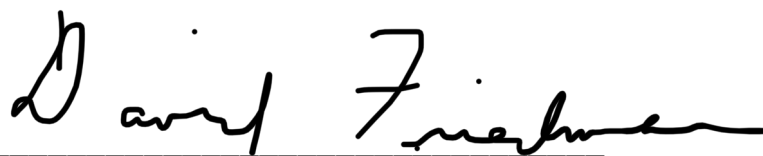
Timothy Buchanan,  
Defendant-Appellant.

CERTIFICATE  
GRANTING LEAVE

-----X

I, DAVID FRIEDMAN, 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, entered on or about March 2, 2020.<sup>1</sup>

Dated: New York, New York  
July 1, 2020



DAVID FRIEDMAN  
Justice of the Appellate Division

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.

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<sup>1</sup>In 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 July 16, 2020.

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

-----X  
Greater New York Mutual Insurance  
Company, etc.,  
Plaintiff-Respondent,

-against-

M-1617  
Index No. 156179/14

Utica First Insurance Company,  
Defendant-Appellant.

- - - - -

Utica First Insurance Company,  
Third-Party Plaintiff-Appellant,

-against-

Index No. 595350/14

Allstate Insurance Company, etc.,  
et al.,  
Third-Party Defendants-Respondents,

Erie Insurance Company, etc., et al.,  
Third-Party Defendants.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about January 7, 2020,

Now, upon reading and filing the stipulation of the parties hereto, dated April 28, 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

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

BEFORE: Hon. DAVID FRIEDMAN  
Justice of the Appellate Division

-----X

The People of the State of New York,  
Respondent,

M-1606  
Ind. No. 4144/17

-against

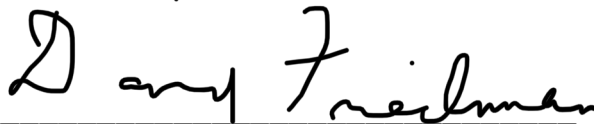
Benjamin Dray,  
Defendant-Appellant.

CERTIFICATE  
GRANTING LEAVE

-----X

I, DAVID FRIEDMAN, 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, entered on or about February 19, 2020.<sup>1</sup>

Dated: New York, New York  
July 1, 2020



DAVID FRIEDMAN  
Justice of the Appellate Division

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.

---

<sup>1</sup>In 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 July 16, 2020.

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

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

-against-

M-1628  
Ind. No. 896/17

Demetrice Chapman,  
Defendant-Appellant.

-----X

An order of this Court having been entered on April 9, 2020 (M-62), granting defendant leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about August 22, 2019, and assigning Janet E. Sabel, Esq., The Legal Aid Society, as counsel to prosecute the appeal; and assigned counsel having moved to be relieved and to substitute other counsel,

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

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

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 16, 2020.

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

-----X

Gabriel Amaro,  
Plaintiff-Appellant,

-against-

**M-1630**

Index No. 25497/16E

Rufino Valladares,  
Defendant-Respondent.

-----X

Defendant-respondent having moved to dismiss the appeal taken from an order of the Supreme Court, Bronx County, entered on or about January 2, 2020, wherein and whereby the court sua sponte vacated the court's prior order restoring the action to the calendar, dated October 9, 2019, and upon vacatur, dismissed the action,

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 the County of New York on July 16, 2020.

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

-----X

The People of the State of New York,  
Respondent,

-against-

M-1631  
Ind. No. 1616/19

Erick Henderson,  
Defendant-Appellant.

-----X

An order of this Court having been entered on or about March 26, 2020 (M-558), granting defendant leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about September 16, 2019, and assigning Janet E. Sabel, Jr., Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

It is ordered that the motion is granted to the extent of striking the designation of Janet E. Sabel, Esq., as assigned counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, 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, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the complete record, whichever is later.

ENTERED:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 16, 2020.

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

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

-against-

M-1633  
Index No. 159117/15

31 East 1<sup>st</sup> Street Associates, L.P.,  
et al.,  
Defendants-Respondents.

-----X

Appeals having been taken from the order of the Supreme Court, New York County, entered on or about January 3, 2019, and from the judgment of said Court, entered on or about February 20, 2019, and said appeals having been perfected,

Now, upon reading and filing the stipulation of the parties hereto, dated May 5, 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 July 16, 2020.

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

-----X

Turner Construction Company,  
Plaintiff-Respondent,

-against-

M-1634

Index No.652218/17

Nastasi & Associates Inc.,  
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 3, 2020,

And defendant-appellant having moved to stay discovery pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is granted on condition the appeal is perfected for the November 2020 Term of this Court.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 16, 2020.

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

-----X

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

-against-

City West Capital, LLC,  
Defendant-Respondent,

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

-----X

M-1637

M-1684

Index No. 850150/16

An appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about December 20, 2019,

And plaintiff-appellant having moved (M-1637) for an order pursuant to CPLR 2201 and 5519, staying a further transfer of the subject property pending the hearing and determination of the appeal, and other relief,

And an interim order having been granted by a Justice of this Court, dated April 22, 2020, staying the transfer or alienation of the subject property to the extent not already transferred or alienated, and directing that defendant-respondent deposit all proceeds resulting from such acts into its counsel's escrow account, with the funds to remain in escrow until further order of this Court,

And defendant-respondent, City West Capital LLC, having cross moved (M-1684) for an order terminating the injunctive and equitable relief granted by the aforementioned order of a Justice of this Court, dated April 22, 2020, and directing the release of the funds held in escrow,

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

Ordered that the motion (M-1637) is granted to the extent of continuing the escrow of the sale proceeds, as directed by the aforementioned order of a Justice of this Court, dated April 22, 2020, pending the hearing and determination of the appeal, and is otherwise denied, and it further

Ordered that the cross motion (M-1684) is granted to the extent of lifting the injunction barring further transfer of the subject property, imposed by the aforementioned order of a Justice of this Court, dated on April 22, 2020, 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 July 16, 2020.

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

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

-against-

**M-1644**

Ind. No. 2004/18

Johnny Lopez,  
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, Bronx County, rendered on or about January 31, 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 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 July 16, 2020.

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

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

-against-

**M-1645**

Ind. No. 2408/11

Jose Jerez,  
Defendant-Appellant.

-----X

An order of this Court having been entered on April 17, 2018(M-576) 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 23, 2014, and assigning Christina Swarns, Esq., Office of the Appellate Defender, as counsel to prosecute that appeal; and assigned counsel having moved for an order to be relieved as counsel or, in the alternative, to dismiss defendant's appeal without prejudice to reinstatement at such time as appellant becomes amenable to the jurisdiction of this Court,

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

It is ordered that the motion is granted to the extent of deeming the appeal withdrawn 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 July 16, 2020.

PRESENT: Hon. Rosalyn H. Richter, Justice Presiding,  
Jeffrey K. Oing  
Peter H. Moulton  
Lizbeth González, Justices.

-----X  
Linda Macklowe,  
Plaintiff-Appellant,

-against- M-1652  
Index No. 350044/16

Harry Macklowe,  
Defendant-Respondent.  
-----X

Plaintiff-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on March 12, 2020 (Appeal No. 11217N & M-1290),

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 July 16, 2020.

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

-----X  
John Eisner,  
Claimant-Appellant,

-against-

M-1653  
Claim No. 133649

The State of New York,  
Defendant-Respondent.

-----X

An appeal having been taken from the order of the Court of Claims of the State of New York, entered on or about February 5, 2020,

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

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

ENTERED:

  
\_\_\_\_\_  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 16, 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.

- - - - -

**CONFIDENTIAL**

Ivan R.,  
Petitioner-Appellant,

M-1666  
Docket Nos. V-11687-06/16H  
V-11688-06/16H  
V-11687-06/17I  
V-11688-06/17I

-against-

Lisandra F.,  
Respondent-Respondent.

-----X

Respondent-respondent having moved for leave to respond, as a poor person, the appeal taken from an order of the Family Court, New York County, entered on or about August 23, 2018, and for assignment of counsel, a free copy of the transcript, and for related relief, and the appeal having been perfected,

Now, upon reading and filing the papers with respect to the motion, and the certification of D. Philip Schiff, Esq., dated March 8, 2020, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of  
(1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Hani Moskowitz, Esq., 225 Broadway, Suite 715, New York, New York 10007 Telephone No. 212-227-8208, as counsel for purposes of responding to the appeal;  
(2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for each party to the appeal, and

an original and five hard copies, and if represented by counsel, one digital copy of such brief, are filed with this Court, pursuant to 22 NYCRR Section 1250.9.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 16, 2020.

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

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

10 West 57th Street Realty LLC,  
Petitioner-Appellant,

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

-against-

M-1668  
Index No. 150485/18

Board of Standards and Appeals of the  
City of New York,  
Respondent-Respondent.

-----X

Petitioner-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 May 21, 2019,

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

It is ordered that the motion is granted and the time to perfect the appeal is extended to the November 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 July 16, 2020.

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

-----X  
Terence Josiah,  
Plaintiff-Appellant,

-against-

Shawmut Design & Construction,  
et al.,  
Defendants-Respondents.

M-1674  
Index No. 22590/16

- - - - -  
Shawmut Design & Construction,  
et al.,  
Third-Party Plaintiffs-Respondents,

-against-

Cord Contracting, et al.,  
Third-Party Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about January 30, 2020, and said appeal having been perfected,

Now, upon reading and filing the stipulation of the parties hereto, dated May 8, 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 July 16, 2020.

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

-----x  
801-803, LLC,  
Plaintiff-Appellant,

-against-

M-1676  
Index No. 151845/19

805 Ninth Avenue Realty Group, LLC,  
Abselet Contracting Corp. and  
Israel Abselet,  
Defendants-Respondents.  
-----x

Consolidated appeals having been taken to this Court (Case No. 2019-4669 and Case No. 2020-0705) from orders of the Supreme Court, New York County, entered on or about May 22, 2019 and on or about July 9, 2019, the consolidated appeals having been perfected,

And defendant-respondent 805 Ninth Avenue Realty Group, LLC, having moved for an order allowing The Abramson Law Group, PLLC, to submit a separate brief on its behalf in Case No. 2019-4669,

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

It is ordered that the motion is granted.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 16, 2020.

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

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

Elizabeth Renner,  
Petitioner,

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

M-1678  
Index No. 100503/17

-against-

Office of Children and Family Services,  
The New York State Register of Child  
Abuse and Maltreatment and The New  
York City Administration of Children's  
Services,  
Respondents.

-----X

An Article 78 proceeding to review a determination of respondent Office of Children and Family Services having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about January 8, 2019,

And petitioner-appellant having moved to vacate the dismissal of the aforesaid proceeding and, upon reinstatement, for an extension of time to perfect same,

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

It is ordered that the motion is granted, the dismissal vacated, the proceeding reinstated, and the time to perfect said proceeding is extended to the November 2020 Term of this Court.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 16, 2020.

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

-----x  
Nina Izhaky,  
Plaintiff-Appellant,

-against-

M-1683  
Index No. 307951/11

Dan Izhaky, also known as Daniel  
Izhaky,  
Defendant-Respondent.

-----x

Plaintiff-appellant having moved for an extension of time in which to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about July 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 extending the time to perfect the appeal to the November 2020 Term of this Court.

ENTERED:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 16, 2020.

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

-----X  
The Travelers Indemnity Company and  
Its Property Casualty Affiliates and  
Subsidiaries,  
Plaintiff-Appellant,

-against-

M-1692  
M-1693  
Index No. 654949/18

Dr. Jamie Gutierrez, Englewood  
Orthopedics Group P.C., Ambulatory  
Surgical Center of Englewood LLC and  
Arthur Avenue Medical Services P.C.,  
Defendants-Respondents.

-----X

Appeals having been taken from an order of the Supreme Court, New York County, entered on or about June 5, 2019 and from a judgment, same court entered on or about June 26, 2019,

And plaintiff-appellant having moved, by separate, identical motions, for an extension of time to perfect the aforesaid appeals,

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

It is ordered that the motions are granted to the extent of extending the time to perfect the appeals to the November 2020 Term of this Court (M-1692/M-1693).

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 16, 2020.

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

-----X  
Deutsche Bank National Trust Company,  
as Indenture Trustee, for New Century  
Home Equity Loan Trust 2005-2,  
Plaintiff-Respondent,

-against-

M-1695  
Index No. 380266/11

Wendell Chung,  
Defendant-Appellant,

Internal Revenue Service-United States  
of America, et al.,  
Defendants.

-----X

Defendant-appellant having renewed his motion for a stay of all proceedings, including the sale of the subject premises, pending hearing and determination of the appeal taken from an order of the Supreme Court, Bronx County, entered on or about May 14, 2019, and for an extension of time to perfect said appeal to the September Term,

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

It is ordered that the motion is granted, the foreclosure proceedings stayed, including the sale of the subject premises, and defendant-appellant's time to perfect the appeal is extended to the November 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 July 16, 2020.

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

-----X

Tribeca Space Managers, Inc.,  
Plaintiff-Appellant,

-against-

Tribeca Mews Ltd., Harold Thurman,  
Brad Thurman and 25 Myrentco, LLC,  
Defendants-Respondents.

-----X

**M-1696**

**M-1697**

Index No. 653292/13

Plaintiff-appellant, by six separate notices of appeal (Mot. Seq. Nos. 007-012), appeals from an order of the Supreme Court, New York County, entered on or about August 19, 2019 and by a separate notice of appeal, from an order, same court and Justice, entered on or about December 17, 2019,

And plaintiff-appellant having moved, by two separate motions, for an extension of time to perfect the aforementioned appeals,

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

It is ordered that the motions are granted to the extent of extending the time to perfect the appeals to the December 2020 Term of this Court.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 30, 2020.

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

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

-against-

Saif Reid,  
Defendant-Appellant.

**M-1703**

Ind. Nos. 3884/14  
438/15

-----X

Defendant having moved for an extension of time to perfect the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about December 15, 2015,

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 defendant's time to perfect the appeal to the February 2021 Term, with leave to seek further enlargements 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 July 16, 2020.

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

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

-against-

**M-1705**

Ind. No. 2125/18

Anthony Debellis,  
Defendant-Appellant.

-----X

An order of this Court having been entered on March 3, 2020 (M-6), granting defendant leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about October 3, 2019, and assigning Janet E. Sabel, Esq., The Legal Aid Society, 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 assigned counsel Janet E. Sable, Esq., The Legal Aid Society, as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, 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, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the complete record, whichever is later.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 16, 2020.

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

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

-against-

Roderick Covlin,  
Defendant-Appellant.

**CONFIDENTIAL**  
**M-1706**

Ind. No. 4339/15

-----X

Defendant having moved for an extension of time to perfect the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about April 10, 2019,

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

It is ordered that the motion is granted to the extent of extending the time to perfect the appeal to the 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 July 16, 2020.

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

-----X  
In the Matter of the Application of  
Board of Managers of the 825 West End  
Condominium,  
Petitioner-Appellant,

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

M-1717  
Index No.657450/19

-against-

Sarah Grunstein,  
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 February 13, 2020,

And petitioner-appellant having moved to stay arbitration pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is denied.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 16, 2020.

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

-----X

Alexis Berger,  
Petitioner-Appellant,

-against-

M-1764  
Index No. 651165/20

Signac Investments Ltd.,  
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 March 26, 2020,

And petitioner-appellant having moved to stay arbitration pending hearing and determination of the aforesaid appeal and for a review, pursuant to CPLR 5704, of Supreme Court's April 21, 2020 decision in which it declined to sign petitioner's order to show cause which sought to stay arbitration,

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 July 16, 2020.

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

-----X

Robert L. Pritsker,  
Plaintiff-Appellant,

**M-1766**

Index No. 154320/19

-against-

Zamansky LLC and Jacob Zamansky,  
Defendants-Respondents.

-----X

Defendants-respondents having moved to dismiss the appeal taken from an order of the Supreme Court, New York County, entered on or about September 18, 2019, or in the alternative, to strike the appendix, direct plaintiff-appellant to file a revised appendix, and to extend defendants-respondents' time to file their respondents' brief.

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

It is ordered that the motion is granted to the extent of striking the appendix and directing plaintiff-appellant to file a revised appendix by September 8, 2020 for the November 2020 Term, to which Term the perfected appeal is adjourned. Plaintiff-appellant's replacement appendix shall include all papers and exhibits filed by both sides on the defendants' motion to dismiss the complaint and exclude all documents not previously submitted to Supreme Court on the motion. Defendants-respondents are to file their respondents' brief by October 8, 2020.

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 July 16, 2020.

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

-----X  
Betty Cohen and Martin Cohen,  
Plaintiffs-Appellants,

-against-

M-1769  
Index No. 154650/13

Sive, Paget & Riesel, P.C.,  
Defendant-Respondent.

-----X

An appeal having been taken to this Court from a judgment of the Supreme Court, New York County, entered on or about April 2, 2019; and from an order of the same court, entered on or about April 4, 2019, and the appeal having been perfected,

And defendant-respondent having moved, for an order (1) striking the documents submitted with plaintiffs-appellants' May 8, 2020 correspondence as de hors the record; and (2) striking those portions of plaintiffs-appellants' Reply Brief which are based on materials de hors the record,

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

It is ordered that the motion is granted to the extent of that the documents submitted with plaintiffs-appellants' May 8, 2020 correspondence, and any reference thereto in appellant's reply brief, are hereby deemed stricken.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 16, 2020.

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

-----X  
201 Avenue A Corp.,  
Petitioner-Landlord,

-against-

Suzanne M. Rizzo and Susan Stark,  
Respondents-Tenants.

**M-1771**

Index No. 570604/19  
L&T No. 63136/18

-----X

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 February 3, 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 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 July 16, 2020.

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

-----X  
Mprosiemo Limited,

Plaintiff-Respondent,

-against-

M-1795

Index No. 654565/17

Arkady Vaygenberg,  
Defendant-Appellant,

Leonid Tatarchuck, et al,  
Defendants.

-and-

BB NY Operations 357th St. LLC,  
Nominal Defendant.

- - - - -  
[And a Third-Party Action]

-----X  
Defendant-appellant, Arkady Vaygensberg, having moved to vacate the dismissal of the appeal taken from the order of the Supreme Court, New York County, entered on or about October 7, 2019, and upon vacatur, for an enlargement of time to perfect said appeal,

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

It is ordered that the motion is granted to the extent of vacating the dismissal, reinstating the appeal, and enlarging the time to perfect same to the November 2020 Term.

ENTERED:

  
\_\_\_\_\_  
CLERK

**Corrected Order - July 17, 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 July 16, 2020.

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

-----x  
Live Nation Marketing, Inc., et al.,  
Plaintiffs-Appellants-Respondents,  
  
-against-

SEALED  
M-1812  
Index No. 655784/16

Greenwich Insurance Company, et al.,  
Defendants-Respondents-Appellants.  
-----x

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 24, 2018, and an appeal having been taken from an order of the same court entered on or about June 17, 2019, and said appeals having been perfected,

And plaintiffs-appellants-respondents having moved to strike **defendants-respondents-appellant's** reply brief filed on May 8, 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 striking **defendants-respondents-appellant's** reply brief.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 16, 2020.

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

-----X  
Tina S. Weisenfeld and David J.  
Weisenfeld, derivatively on  
behalf of 165 Iskay Associates, L.P..  
Plaintiffs-Appellants,

-against-

M-1823  
Index No. 652184/18

Sameh S. Iskander, et al.,  
Defendants-Respondents,

-and-

165 Iskay Associates, L.P.,  
Nominal Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about August 20, 2019,

And plaintiffs-appellants having moved for an extension of time to perfect the aforesaid appeal,

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

It is ordered that the motion is granted 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 July 16, 2020.

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

-----x  
IN RE: Dentsply Sirona, Inc.  
Shareholders Litigation

-----x  
John Castronovo et al., M-1890  
Plaintiffs-Appellants-Respondents, Index No. 155393/18

Dentsply Sirona, et al.,  
Defendants-Respondents-Appellants.

-----x

Plaintiffs-appellants-respondents having taken appeals from the order of the Supreme Court, New York County, entered on or about September 26, 2019, from the subsequent judgment, same court, entered on or about September 30, 2019, and from the order, same court, entered on or about February 6, 2020; and defendants-respondents-appellants having taken a cross-appeal from the order entered on or about September 26, 2019,

And plaintiffs-appellants-respondents and defendants-respondents-appellants having jointly moved for an order consolidating the appeals and cross appeal and extending the time to perfect the appeals and cross appeal,

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

It is ordered that the motion is granted to the extent of extending the time to perfect the appeals and cross appeal to the December 2020 Term. The motion, to the extent it seeks consolidation of the appeals and cross appeal, is denied as unnecessary as the appeals may be consolidated as of right (See, 22 NYCRR 1250.9[f][1] and [3]).

ENTERED:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 16, 2020.

PRESENT: Hon. Judith J. Gische, Justice Presiding,  
Troy K. Webber  
Ellen Gesmer  
Cynthia S. Kern, Justices.

-----X  
Jeffrey Attilio,  
Plaintiff-Respondent,

-against-

M-1959  
Index No. 302985/14

Gerardo Torres, et al.,  
Defendants-Appellants.

-----X

Defendants-appellants having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on March 10, 2020 (Appeal No. 11228),

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 July 16, 2020.

Present - Hon. Dianne T. Renwick, Justice Presiding,  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Anil C. Singh  
Peter H. Moulton, Justices.

-----x

The People of the State of New York,  
Respondent.

M-2036  
Ind. No. 2922/09

-against-

Rabindra Singh,  
Defendant-Appellant.

-----x

A decision and order of this Court having been entered in this matter on May 28, 2020 (Appeal No. 11582),

Now, upon the Court's own motion,

It is ordered that the aforesaid decision and order is hereby recalled and vacated and a new decision and order substituted therefor. (See Appeal No. 11582, decided simultaneously herewith.)

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 16, 2020

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

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

-against-

Reuben Abreu,  
Defendant-Appellant.

**M-8941**

Ind. Nos. 4499/00  
2502/05

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about September 16, 2016,

And defendant-appellant having moved for an order holding the appeal in abeyance and remitting the matter to the trial court for a reconstruction hearing to determine the substance of the missing plea proceedings held on April 4, 2001 in the Supreme Court, New York County (Soloff, J.), and for an extension of time to perfect the appeal until 120 days from the date of appellant's receipt of the reconstruction court's findings,

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 defendant's time to perfect the aforesaid appeal is extended to the January 2021 Term.

ENTERED:

  
CLERK