

At a 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 28, 2015.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr., Justices.

-----X

In the Matter of the Guardianship
of the Person and Custody of

Selvin Adolph F., Jr.,

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

- - - - -

Edwin Gould Services for Children
and Families, et al.,
Petitioners-Respondents,

M-2148
Docket No. B-15494/10

Thelma Lynn W.,
Respondent-Appellant.

- - - - -

Seymour W. James, Jr., Esq., The Legal
Aid Society, Juvenile Rights Division,
Attorney for the Child.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about December 22, 2014, 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 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, Neal D. Futerfas, Esq., 50 Main Street, Suite 1000, White Plains, NY 10606, Telephone No. 914-552-6076, as counsel for purposes of prosecuting the appeal;
(2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City

of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:


CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 28, 2015.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr., Justices.

-----X

In the Matter of

Tracy B., also known as
Tracy Anita B., and
Myah B., also known as
Myah Yvette-Lovely B.,

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

Jewish Child Care Association of
New York, et al.,
Petitioners-Respondents,

M-2150
Docket Nos. B-31130/14
B-40751/14

Carlton B., Jr.,
Respondent-Appellant.

Seymour W. James, Jr., Esq., The Legal
Aid Society, Juvenile Rights Division,
Attorney for the Children.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from orders of the Family Court, New York County, entered on or about March 24, 2015, 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 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, Neal D. Futerfas, Esq., 50 Main Street, Suite 1000, White Plains, NY 10606, Telephone No. 914-522-6076, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the

minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:


CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 28, 2015.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr., Justices.

-----X
In the Matter of

Naveah Karen B., also known as
Nevaeh B., also known as
Naveah B., also known as
Naveah S.,

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

- - - - -
Saint Dominic's Home, et al., M-2204
Petitioners-Respondents, Docket No. B-21268/12

Tamara B.,
Respondent-Appellant.

- - - - -
Seymour W. James, Jr., Esq., The Legal
Aid Society, Juvenile Rights Division,
Attorney for the Child.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about June 13, 2014, 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 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, Saul Zipkin, Esq., The Bronx Defenders, 360 East 161st Street, Bronx, NY 10451, Telephone No. 718-838-7878, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City

of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:



CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 28, 2015.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr., Justices.

-----X
In the Matter of

Jared S.,
A Person Alleged to Be a Juvenile Delinquent,
Respondent-Appellant.
M-2367
Docket No. D-1138/15

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from the Order of Fact-Finding and the Order of Disposition of the Family Court, Bronx County, entered on or about April 20, 2015 and May 8, 2015, respectively, 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 due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Section 35 of the Judiciary Law and Section 1120 of the Family Court Act, Neal D. Futerfas, Esq., 50 Main Street, Suite 1000, White Plains, NY 10606, Telephone No. 914-552-6076, as counsel for purposes of prosecuting the appeals; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the State of New York from funds available therefor;¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) directing appellant to perfect the appeal in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:


CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 28, 2015.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr., Justices.

-----X
In the Matter of a Family Offense
Proceeding Pursuant to Article 8
of the Family Court Act.

Ronnie B., M-2370
Petitioner-Respondent, Docket No. O-32093/15

-against-

Charlene G.,
Respondent-Appellant.
-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about April 30, 2015, 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 due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Steven N. Feinman, Esq., One North Broadway, Suite #412, White Plains, NY 10601, Telephone No. 914-949-8214, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of

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

the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

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 28, 2015.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr., Justices.

-----X
In the Matter of

Talisa K.,
Dianne N.,
Joshua K.,
Neriah K.,
Kennan K.,
and Tireke N.,

M-2743
Docket Nos. NA-40554-9/12

Children Under 18 Years of Age Alleged to be Abused and/or Neglected Under Article 10 of the Family Court Act.

Commissioner of the Administration for Children's Services,
Petitioner-Respondent,

Kim N., also known as Kim K.,
Respondent-Appellant.

Seymour W. James, Jr., Esq.,
The Legal Aid Society,
Juvenile Rights Division,
Attorney for the Children.

-----X
Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from a Permanency Hearing order of the Family Court, New York County, entered on or about May 4, 2015, 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 due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and

§1120 of the Family Court Act, Carol L. Kahn, Esq., 225 Broadway, Suite 1510, New York, NY 10007, Telephone No. (212) 227-0206, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor;¹ **within 30 days (FCS 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of the receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:



CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 28, 2015.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr., Justices.

-----X

In the Matter of

Melanie R.,
Julissa R.,
Joseph R., and
Michael R.,

Children Under 18 Years of Age Alleged
to be Neglected and/or Abused Under
Article 10 of the Family Court Act.

- - - - -

Administration for Children's Services,
Petitioners-Respondents,

M-2796
Docket Nos. NN-32283/14
NN-32284/14
NN-32285/14
NN-32286/14

Zuleika R.,
Respondent-Appellant.

- - - - -

Seymour W. James, Jr., Esq., The Legal
Aid Society, Juvenile Rights Division,
Attorney for the Children.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about May 19, 2015, 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 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, Shlomit Cohen, Esq., The Bronx Defenders, 360 East 161st Street, Bronx, NY 10451, Telephone No. 718-838-7878, as counsel for purposes of prosecuting the appeal;
(2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the

record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:


CLERK

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

CORRECTED ORDER - April 20, 2016

At a 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 28, 2015.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzairelli
David Friedman
John W. Sweeny, Jr., Justices.

-----X
In the Matter of

Aime O.,

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

- - - - -
Commissioner of Social Services of
the City of New York,
Petitioner-Respondent,

M-2182
Docket No. NN-36455/14

Taeshyralyn R.,
Respondent-Appellant,

Charles O.,
Respondent.

-----X

Non-respondent father having moved for leave to respond, as a poor person, to the appeal from the order of the Family Court, New York County, entered on or about January 6, 2015, 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 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, Neal D. Futerfas, Esq., 50 Main Street, Suite 1000, White Plains, NY 10606, Telephone No. 914-552-6076, 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 respondent-appellant and 8 copies thereof are filed with this Court.

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 28, 2015.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr., Justices.

-----X
In the Matter of

Aime O.,

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

- - - - -
Commissioner of Social Services of
the City of New York,
Petitioner-Respondent,

M-658
Docket No. NN-36455/14

Taeshyralyn R.,
Respondent-Appellant,

Charles O.,
Respondent.

-----X

Non-respondent father having moved for leave to respond, as a poor person, to the appeal from the order of the Family Court, New York County, entered on or about January 6, 2015, 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 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, Neal D. Futerfas, Esq., 50 Main Street, Suite 1000, White Plains, NY 10606, Telephone No. 914-552-6076, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10006, 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 120 days from the date of filing of the record.

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 28, 2015.

Present : Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzairelli
Rolando T. Acosta
Darcel D. Clark
Barbara R. Kapnick, Justices.

-----X
Steven L. Wittels,
Petitioner-Respondent

-against-

David W. Sanford, et al.,
Respondents-Appellants.
-----X

SEALED

M-1838

Index No. 652479/14

Appeals having been taken to this Court from an order of the Supreme Court, New York County, entered on or about December 5, 2014 and from a judgment of said Court, entered on or about February 3, 2015; and leave to appeal to this Court from an order of said Supreme Court, entered on or about March 26, 2015, having been granted by a Justice of this Court on May 21, 2015,

And respondents-appellants having moved to consolidate all appeals, and grant respondents-appellants leave to file 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 portion of the motion seeking leave having previously granted by a Justice of this Court on May 21, 2015 is denied as academic; it is further ordered that the appeals are consolidated and respondents-appellants are granted leave to file a supplemental record on appeal containing that portion of the record underlying the order entered on March 26, 2015, with this Court, provided that this record is filed "under seal".

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 28, 2015.

PRESENT - Hon: Peter Tom, Justice Presiding,
David Friedman
Leland G. DeGrasse
Rosalyn H. Richter
Barbara R. Kapnick, Justices.

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

-against-

M-1617
Ind. No. 2635/08

Jamal Armstead,
Defendant-Appellant.

-----X

An order of this Court having been entered on February 5, 2013 (M-31), inter alia, granting defendant's motion for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, rendered on or about December 12, 2012, and assigning counsel therefor,

And defendant-appellant having moved for an order amending the notice of appeal and the aforementioned order to include the order of said Court entered on or about March 19, 2015 under the same Indictment No. 2635/08,

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 motion papers a timely filed notice of appeal from the aforesaid order of the Supreme Court, New York County entered on or about March 19, 2015, and amending the order of assignment to include the order of said Court entered March 19, 2015, under the same Indictment No. 2635/08, and extending the poor person relief granted to cover same.

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 28, 2015.

Present: Hon. Peter Tom, Justice Presiding,
David Friedman
Diane T. Renwick
Karla Moskowitz
Leland G. DeGrasse, Justices.

-----X
Joseph Raia,
Plaintiff-Respondent,

-against-

M-2501
Index No.113006/09

Hubert Potoschnig,
Defendant-Appellant,

New Century Mortgage Corporation,
et al.,
Defendants.

-----X

Defendant-appellant having moved for reargument of the decision and order of this Court entered on April 21, 2015 (Appeal No. 14870),

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.

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 28, 2015.

Present: Hon. Peter Tom, Justice Presiding,
Rolando T. Acosta
Richard T. Andrias
Karla Moskowitz
Darcel D. Clark, Justices.

-----X
Paul O. Hynard,

Plaintiff-Appellant,

-against-

US Bank, Corporate Trust Tax Services,

Defendants-Respondents.
-----X

M-2445

NY County Clerk No.
570021/15

Index No. 1259/14

Plaintiff-appellant having moved for leave to appeal to this Court from an order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about March 11, 2015, or in the alternative, for reargument of said order, and for related relief,

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

It is ordered that the motion is denied.

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 28, 2015.

Present - Hon. Peter Tom, Justice Presiding,
Dianne T. Renwick
Richard T. Andrias
Sallie Manzanet-Daniels
Barbara R. Kapnick, Justices.

-----x
Elizabeth Kay, as Executor of the Estate
of Sylvia Kay,
Plaintiff-Appellant,

-against-

Index No. 160803/14E

Southbridge Towers, Inc., et al.,
Defendants-Respondents.

- - - - -

M-2399

Kevin James Barth, as Executor of the
Estate of Joan Mary Barth,
Plaintiff-Appellant,

-against-

Index No. 650465/15E

Southbridge Towers, Inc., et al.,
Defendants-Respondents.

-----x

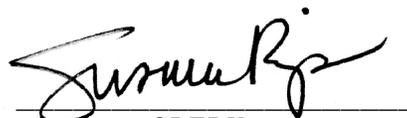
Separate appeals having been taken to this Court by the above-said plaintiffs from orders of the Supreme Court, New York County, both entered on or about April 9, 2015,

And plaintiffs-appellants in the aforesaid cases having moved for consolidation of the aforesaid appeals,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated May 14, 2015, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting appellants to prosecute the consolidated appeals upon 9 copies of one record and one set of appellants' points covering the consolidated appeals.

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 28, 2015.

Present - Hon. Peter Tom, Justice Presiding,
Dianne T. Renwick
Karla Moskowitz
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

-----X
In the Matter of

Mia Veronica B.,

A Child Under 18 Years of Age Pursuant to §384-b of the Social Services Law of the State of New York and/or Article 6 of the Family Court Act.

- - - - -
Catholic Guardian Society & Home Bureau, Docket Nos. B-41887/12
now known as Catholic Guardian Services,
et al.,
Petitioners-Respondents,

Brandy Veronica R., also known as
Brandy R., also known as Veronica R.,
Respondent-Appellant.

- - - - -
Linda Diaz, Esq., Lawyers for Children,
Inc.,
Attorney for the Child.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, New York County, entered on or about October 27, 2014, 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 due deliberation having been had thereon, it is

Ordered that, sua sponte, the notice of appeal submitted with the moving papers is deemed timely filed, and it is further,

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, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, NY 11791, Telephone No. 516-921-8800, as counsel

for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:



CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 28, 2015.

Present - Hon. Peter Tom, Justice Presiding,
Dianne T. Renwick
Karla Moskowitz
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

-----X
In the Matter of

Amilleona D.-C., and
Shaniyah D.-C.,

Children Under 18 Year of Age Alleged M-2122
to be Neglected Under Article 10 Docket Nos. N-9572/14
of the Family Court Act. N-9573/14

- - - - -
Administration for Children's Services,
Petitioner-Respondent,

Olivia C.,
Respondent-Appellant.

-----X

Respondent-appellant mother having moved for leave to prosecute, as a poor person, the appeal from an Order of Fact-Finding and Disposition of the Family Court, Bronx County, entered on or about December 24, 2014, 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 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, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, NY 11791, Telephone No. 516-921-8800, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant

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

to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

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 28, 2015.

Present - Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
Paul G. Feinman
Judith J. Gische
Barbara R. Kapnick, Justices.

-----x
IN RE: New York City Asbestos Litigation

Sarantis Markou and Hariklia Markou,
Plaintiffs-Respondents,

-against-

M-2640
Index No. 190315/13

Air & Liquid Systems, as successor by
merger to Buffalo Pumps, Inc., et al.,
Defendants,

Crane Co.,
Defendant-Appellant.

-----x

Defendant-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about September 11, 2014,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the November 2015 Term. (See M-2641 and M-2642, 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 28, 2015.

Present - Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
Paul G. Feinman
Judith J. Gische
Barbara R. Kapnick, Justices.

-----x
IN RE: New York City Asbestos Litigation Index No. 40000/88

Luis Acevedo and Susan Acevedo,
Plaintiffs-Respondents,

-against-

M-2641
Index No. 116194/02

A.P. Green Industries, Inc., et al.,
Defendants,

Crane Co.,
Defendant-Appellant.

-----x

Defendant-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about August 13, 2013 (mot. seq. no. 002),

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the November 2015 Term. (See M-2640 and M-2642, 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 28, 2015.

Present - Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
Paul G. Feinman
Judith J. Gische
Barbara R. Kapnick, Justices.

-----x
IN RE: New York City Asbestos Litigation Index No. 40000/88

Dolores Breschard, as Personal
Representative for the Estate of Robert
J. Breschard, and Dolores Breschard,
Individually,
Plaintiffs-Respondents,

-against-

M-2642
Index No. 100564/06

A.O. Smith Water Products Co., et al.,
Defendants,

Crane Co.,
Defendant-Appellant.

-----x

Defendant-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about August 28, 2013),

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the November 2015 Term. (See M-2640 and M-2641, 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 28, 2015.

PRESENT: Hon. Peter Tom, Justice Presiding,
Karla Moskowitz
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

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

-against-

M-2423
Ind. No. 3007/08

Devin Alexander,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about October 20, 2014, 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 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

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.

Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

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 28, 2015.

Present - Hon. Peter Tom, Justice Presiding,
Karla Moskowitz
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

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

-against-

M-2461
Ind No. 1879/10

Darrell Joe,
Defendant-Appellant.

-----x

An order of this Court having been entered on January 20, 2015 (M-6125), granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about September 22, 2014, and assigning Seymour W. James, Jr., Esq., The Legal Aid Society, as counsel to prosecute the appeal,

And defendant-appellant pro se having moved for, inter alia, an order to relieve Seymour W. James, Jr., Esq., The Legal Aid Society, as counsel and substituting other counsel on the appeal or, in the alternative, directing assigned counsel to perfect 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 enlarging the time to perfect the appeal to the November 2015 Term, and the motion is otherwise denied.

ENTER:


CLERK

CORRECTED ORDER - August 14, 2015

At a 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 21, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr., Justices.

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

-against-

M-3041
Index No. 3072/12

Jose Delgado,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, **Bronx** County, rendered on or about November 26, 2013,

Now, upon reading and filing the stipulation of the parties hereto, dated June 23, 2015, and due deliberation having been had thereon,

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

ENTER:



CLERK

File

CORRECTED ORDER - August 14, 2015

At a 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 28, 2015.

Present - Hon. Peter Tom, Justice Presiding,
Karla Moskowitz
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-2238

Ind. No. 1247/08

Anibal Vazquez,

Defendant-Appellant.

-----X

Defendant having renewed the motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, **New York** County, rendered on or about January 21, 2009, 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 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

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.

CORRECTED ORDER - August 14, 2015

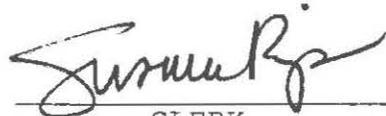
(M-2238)

-2-

July 28, 2015

Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

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 28, 2015.

PRESENT: Hon. Peter Tom, Justice Presiding,
Karla Moskowitz
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-2340

Ind. No. 2948/08

Bevon Burgan,
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about January 10, 2014,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the aforesaid appeal to the November 2015 Term.

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 28, 2015.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Rolando T. Acosta
Dianne T. Renwick
Richard T. Andrias, Justices.

-----x

Miriam Aristy-Farar, et al.,
Plaintiffs-Respondents,

M-2896

-against-

Action No. 1

Index No. 100274/13

The State of New York, et al.,
Defendants-Appellants.

- - - - -

New Yorkers for Students' Educational
Rights (NYSER), et al.,
Plaintiffs-Respondents,

Action No. 2

Index No. 650450/14

-against-

The State of New York, et al.,
Defendants-Appellants.

-----x

An appeal in Action No. 1 having been taken to this Court by defendants from the order of the Supreme Court, New York County, entered on or about April 9, 2014 (mot. seq. no. 003), and said appeal having been perfected [Cal. No. 2896],

And an appeal in Action No. 2 having been taken to this Court by defendants from the order of said Court entered on or about August 13, 2014 (mot. seq. no. 002),

And plaintiffs-respondents in Action No. 1 having moved for consolidation of aforesaid appeals or, in the alternative, for adjournment of 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 adjourning the perfected appeal from the order entered on or about April 9, 2014 (Action No. 1) to the December 2015 Term, and defendants-appellants are directed to perfect their appeal from the order entered on or about August 13, 2014 (Action No. 2) on

or before October 5, 2015 for said December 2015 Term. The Clerk is directed to calendar both appeals for hearing together on the same day in said December 2015 Term.

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 28, 2015.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Rolando T. Acosta
Dianne T. Renwick
Richard T. Andrias, Justices.

-----X
In the Matter of Proceeding for Custody
Under Article 6 of the Family Court Act

Martline C.,
Petitioner-Appellant,

-against-

M-2552
Docket Nos. V-05692-11/14F
V-05692-11/14G

Anthony C.,
Respondent.

-----X

Petitioner-appellant having moved for leave to appeal from a temporary visitation order of the Family Court, Bronx County, entered on or about May 20, 2015, and for a stay of said order,

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

It is ordered that the motion is denied.

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 28, 2015.

PRESENT - Hon: Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Rolando T. Acosta
Dianne T. Renwick
Richard T. Andrias, Justices.

-----X
Armand Retamozzo,
Claimant-Appellant,

-against-

The State of New York,
Defendant-Respondent.

M-2933
Court of Claims No.
115186

-----X

Claimant-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Court of Claims, New York County, entered on or about April 2, 2015, for leave to have the appeal heard 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 denied.

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 28, 2015.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Rolando T. Acosta
Diane T. Renwick
Richard T. Andrias, Justices.

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

-against-

M-2761

Ind. No. 5971/11

Hector Cora,
Defendant-Appellant.

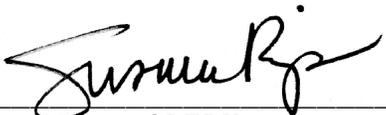
-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about May 24, 2013, 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 denied.

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 28, 2015.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
David B. Saxe
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
Virginia Crawford, et al.,

Plaintiffs,

-against-

M-2643
Index No. 152845/15

Horatio Street Partners LLC,
et al.,

Defendants.
-----X

Defendants having moved, pursuant to CPLR 5704(a), for modification of a temporary restraining order dated April 29, 2015, said relief having been declined by a Justice of the Supreme Court, New York County, on or about May 29, 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 denied.

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 28, 2015.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Rolando T. Acosta
Darcel D. Clark
Barbara R. Kapnick, Justices.

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

-against-

M-2326
Ind. No. 1252/11

Saturino Diaz,
Defendant-Appellant.

-----X

An order of this Court having been entered on October 1, 2013 (M-4019), inter alia, assigning Seymour W. James, Jr., Esq., as counsel to prosecute defendant's appeal from a judgment of the Supreme Court, Bronx County, rendered April 22, 2013,

And counsel for defendant having moved for an order abating the appeal by reason of appellant's death, remanding the matter to the trial court to vacate the judgment of conviction, and dismissing the indictment,

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 dismissing the appeal because of appellant's death on September 23, 2014, and remanding the matter to the Supreme Court, Bronx County, for proceedings to vacate the judgment of conviction and to dismiss the indictment. (See *People v Matteson*, 75 NY2d 745 [1989]).

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 28, 2015.

Present: Hon. David Friedman, Justice Presiding,
David B. Saxe
Leland G. DeGrasse
Judith J. Gische
Barbara R. Kapnick, Justices.

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

-against-

M-2752
Index No. 2865/13

Francisco Fernandez,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time to file a notice of appeal from a judgement of the Supreme Court, Bronx County, rendered on or about November 6, 2014,

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 notice of appeal timely filed.

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 28, 2015.

PRESENT: Hon. David Friedman, Justice Presiding,
David B. Saxe
Leland G. DeGrasse
Judith J. Gische
Barbara R. Kapnick, Justices.

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

-against-

M-2908
Ind. No. 5707/13

Freeman Lovely,
Defendant-Appellant.

-----x

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, Bronx County, rendered on or about January 6, 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 deeming the notice of appeal timely filed.

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 28, 2015.

PRESENT: Hon. David Friedman, Justice Presiding,
David B. Saxe
Leland G. DeGrasse
Judith J. Gische
Barbara R. Kapnick, Justices.

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

-against-

M-2918
Ind. No. 470/14

Harry Hicks,
Defendant-Appellant.

-----X

Defendant, pro se, having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about March 4, 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 deeming the notice of appeal timely filed.

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 28, 2015.

PRESENT: Hon. David Friedman, Justice Presiding,
David B. Saxe
Leland G. DeGrasse
Judith J. Gische
Barbara R. Kapnick, Justices.

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

-against-

M-2941
Ind. No. 2679/13

Maverick Madore,
Defendant-Appellant.

-----X

Defendant, pro se, having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about August 20, 2014,

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.

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 28, 2015.

PRESENT: Hon. David Friedman, Justice Presiding,
David B. Saxe
Leland G. DeGrasse
Judith J. Gische
Barbara R. Kapnick, Justices.

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

-against-
Davon Black,
Defendant-Appellant.

M-2920
Ind. Nos. 3158/14
3462/14

-----x

Defendant, pro se, having moved for an enlargement of time to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about April 14, 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 deeming the moving papers a timely filed notice of appeal.

ENTER:


CLERK

CORRECTED ORDER – August 14, 2015

At a 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 28, 2015.

Present: Hon. David Friedman, Justice Presiding,
David B. Saxe
Leland G. DeGrasse
Judith J. Gische
Barbara R. Kapnick, Justices.

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

-against-

M-2912
Index No. 2008/13

Celso J. Green,
Defendant-Appellant.

-----X
Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about September 9, 2014, and for leave to prosecute the appeal as a poor person on the original record and upon a reproduced appellant's brief, and for assignment of counsel,

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

It is ordered that the motion is granted to the extent of deeming the notice of appeal timely filed, 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 reproduced **8** copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts 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.

CORRECTED ORDER – August 14, 2015

(M-2912)

-2-

July 28, 2015

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

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 28, 2015.

Present - Hon. David Friedman, Justice Presiding,
David B. Saxe
Leland G. DeGrasse
Judith J. Gische
Barbara R. Kapnick, Justices.

-----x
Macy's, Inc., et al.,

Plaintiffs-Appellants,

-against-

M-2964
Index No. 650197/12

Martha Stewart Living Omnimedia, Inc.,
et al.,

Defendants-Respondents.
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about June 11, 2015 (mot. seq. no. 019),

And plaintiffs-appellants having moved for a stay of all proceedings 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.

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 28, 2015.

Present - Hon. David Friedman, Justice Presiding,
David B. Saxe
Leland G. DeGrasse
Judith J. Gische
Barbara R. Kapnick, Justices.

-----x
Phillip Gootee,

Plaintiff-Respondent,

-against-

M-2619
Index No. 651553/10

Global Credit Services, LLC,

Defendant-Appellant.
-----x

An appeal having been taken to this Court by defendant from the order of the Supreme Court, New York County, entered on or about July 31, 2014, and said appeal having been perfected,

And defendant-appellant having moved, pursuant to CPLR 5519(c), for a stay of entry of judgment and enforcement of an order with respect to the assessment of damages against them dated May 20, 2015, 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 defendant-appellant posts an undertaking in the amount of \$378,250.

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 28, 2015.

Present: Hon. David Friedman, Justice Presiding,
David B. Saxe
Leland G. DeGrasse
Judith J. Gische
Barbara R. Kapnick, Justices.

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

-against-

Kareem Hendricks,
Defendant-Appellant.

M-2917
M-2763
Index No. 2139/14

-----X

Defendant having moved for an enlargement of time to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about December 3, 2014 (M-2917),

And by separate motion, defendant having moved for leave to prosecute the aforesaid appeal as a poor person on the original record and upon a reproduced appellant's brief, and for assignment of counsel (M-2763),

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

It is ordered that motion (M-2917) is granted to the extent of deeming the moving papers a timely filed notice of appeal, and that motion (M-2763) 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 reproduced copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

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

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

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 28, 2015.

PRESENT: Hon. David Friedman, Justice Presiding,
David B. Saxe
Leland G. DeGrasse
Judith J. Gische
Barbara R. Kapnick, Justices.

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

-against-

M-2910
Ind. No. 409N/07

Wilson G. Burgos,
Defendant-Appellant.

-----X

Defendant, pro se, having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about May 14, 2013, 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 in its entirety.

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 28, 2015.

PRESENT: Hon. David Friedman, Justice Presiding,
David B. Saxe
Leland G. DeGrasse
Judith J. Gische
Barbara R. Kapnick, Justices.

-----X
Yousef Yahudaii,
Plaintiff-Appellant,

-against-

M-2751
Index No. 103449/08

Nourallah Baroukhian, et al.,
Defendant-Respondent-Appellant.
-----X

Defendant-respondent-appellant having moved for an enlargement of time to perfect the cross-appeal from an order of the Supreme Court, New York County, entered on or about April 5, 2012, and said appeal having been perfected, for leave to file an additional supplemental appendix and for leave to file an amended 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 enlarging defendants' time to perfect the cross-appeal to the December 2015 Term; leave to file a supplement appendix limited to the minutes of the reconstruction hearing and an amended brief limited to matters raised in the minutes. Plaintiff is granted leave to file a response brief thereto.

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 28, 2015.

PRESENT: Hon. David Friedman, Justice Presiding,
David B. Saxe
Leland G. DeGrasse
Judith J. Gische
Barbara R. Kapnick, Justices.

-----X
In the Matter of the Proceedings
of Carlos M. Calderon-Homs,

As Co-Guardian of the Property of M-2951
George Rincon, also known as George Index No. 90993/99
Richardson,

An Incapacitated Person,

Ricardo E. Oquendo, Esq.,
Respondent-Appellant.

-----X

Respondent-appellant having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, Bronx County, on or about October 2, 2013,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the February 2016 Term.

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 28, 2015.

Present - Hon. David Friedman, Justice Presiding,
David B. Saxe
Leland G. DeGrasse
Judith J. Gische
Barbara R. Kapnick, Justices.

-----x
Minsun Kim,

Petitioner-Respondent,

-against-

M-3222

Index No. 100386/15

Korean American Association of Greater
New York, Inc. ("KAAGNY"), et al.,
Respondents-Appellants.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about July 2, 2015 (mot. seq. no. 002),

And respondents-appellants having moved for a stay of all proceedings pending hearing and determination of the aforesaid appeal, for a stay of that portion of the order granting disqualification of respondent-appellants' counsel, and for a preference in hearing 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 staying the trial and that portion of the order granting disqualification pending hearing and determination of the appeal. Respondents-appellants are directed to perfect their appeal on or before August 17, 2015 for the October 2015 Term.

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 28, 2015.

Present: Hon. Richard T. Andrias, Justice Presiding,
Karla Moskowitz
Leland G. DeGrasse
Judith J. Gische
Barbara R. Kapnick, Justices.

-----X
Katherine Priestley,
Plaintiff-Respondent,

-against-

M-1557

Index No. 114874/10

Panmedix Inc., et al.,
Defendants-Appellants,

Halket Weitz, et al.,
Defendants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 28, 2015,

And the law firm Ballon Stoll Bader & Nader, P.C., as counsel for defendant-appellant, Panmedix Inc., having moved to be relieved as appellate counsel and to stay 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 relieving the movant firm as appellate counsel and otherwise denied.

ENTER:


CLERK

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

BEFORE: Hon. Richard T. Andrias,
Associate Justice

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

M-1104
Ind. No. 1114/75

-against-

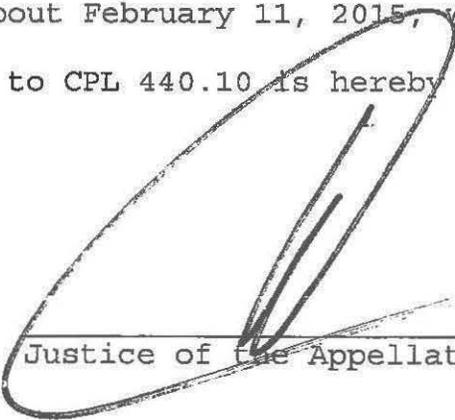
CERTIFICATE
DENYING LEAVE

David Bryant,

Defendant.
-----X

I, Richard T. Andrias, 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 Section 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, Bronx County (Seth L. Marvin, J.), entered on or about February 11, 2015, which denied defendant's motion, pursuant to CPL 440.10 is hereby denied.

Dated: New York, New York
June 30, 2015



Justice of the Appellate Division

ENTERED

JUL 28 2015

STATE OF NEW YORK
APPELLATE DIVISION : FIRST DEPARTMENT

BEFORE: Hon. Richard T. Andrias,
Associate Justice

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

M-2530
Ind. No. 3720/14

-against-

Terrence Wright,

Defendant.
-----X

I, Richard T. Andrias, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon motion made by the above-named defendant, deemed to be an application for a certificate granting leave to appeal and for related relief, and upon the record and proceedings herein, there is no appealable order or question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the decision on the record of the Supreme Court, New York County, (Laura Ward, J.), dated May 7, 2015, which denied defendant's motion to suppress, is hereby denied.

Dated: New York, New York
June 30, 2015


Justice of the Appellate Division

ENTERED

JUL 28 2015

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

BEFORE: Hon. Karla Moskowitz
Justice of the Appellate Division

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

M-1885
Ind. No. 5023/13
and 2001/14

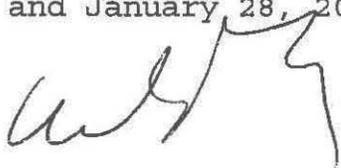
-against-

CERTIFICATE
DENYING LEAVE

Isa Bako,

Defendant.
-----X

I, Karla Moskowitz, 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, §§ 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 orders of the Supreme Court, New York County, entered on or about January 9, 2015 and January 28, 2015 are hereby denied.



Hon. Karla Moskowitz
Associate Justice

Dated:

June 30, 2015
New York, New York

ENTERED:

JUL 28 2015

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,

M-2540
Ind. No. 514/05

-against-

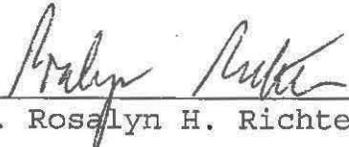
CERTIFICATE
DENYING LEAVE

Luis Morales,

Defendant.

-----X

I, Rosalyn H. Richter, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon the 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, entered on or about March 19, 2015, is hereby denied.



Hon. Rosalyn H. Richter

Dated: June 30, 2015
New York, New York

ENTERED:

JUL 28 2015

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,

M-2055
Ind. No. 2947N/04

-against-

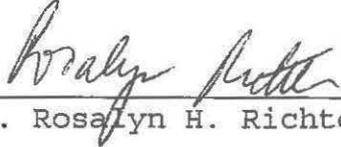
CERTIFICATE
DENYING LEAVE

William Candelario,

Defendant.

-----X

I, Rosalyn H. Richter, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon the 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, entered on or about August 13, 2012, is hereby denied.



Hon. Rosalyn H. Richter

Dated: June 30, 2015
New York, New York

ENTERED: **JUL 28 2015**

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

BEFORE: Hon. Paul G. Feinman
Justice of the Appellate Division

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

M-1429
Ind. No. 3088-1996

-against-

CERTIFICATE
DENYING LEAVE

David Way

Defendant.

-----X
I, Paul G. Feinman, 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 (Anthony J. Ferrara, J.), entered on or about February 11, 2015, is hereby denied.

Paul G. Feinman

Associate Justice

Dated: June 30, 2015
New York, New York

Entered: **JUL 28 2015**

P.M ORDERS
FOR JULY 28,
2015

At a 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 28, 2015.

Present - Hon. Peter Tom, Justice Presiding,
Rolando T. Acosta
Richard T. Andrias
Karla Moskowitz
Darcel D. Clark, Justices.

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

Velda Clarke,
Petitioner,

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

-against-

M-2528A
Index No. 400760/14

New York State Office of Children
and Family Services,
Respondent.

-----X

An Article 78 proceeding having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about August 28, 2014, to review a determination of respondent,

And petitioner having moved for leave to prosecute the proceeding as a poor person, upon the original record and reproduced petitioner's brief and for an enlargement of time to perfect her transferred proceeding,

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

It is ordered that the motion is granted to the extent of permitting the proceeding to be heard on the original record and upon a reproduced petitioner's brief, on condition that petitioner serve one copy of such brief upon the attorney for the respondent and file 9 copies of such brief, together with the original record, with this Court. Petitioner is permitted to dispense with payment of the required fee for the subpoena and filing of the record. That portion of the motion seeking an enlargement of time to perfect the proceeding is granted, the proceeding to be perfected for the October 2015 Term. The order of this Court entered on July 9, 2015 (M-2528) is hereby recalled and vacated.

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 28, 2015.

Present - Hon. David Friedman, Justice Presiding,
David B. Saxe
Leland G. DeGrasse
Judith J. Gische
Barbara R. Kapnick, Justices.

-----x

Grand Jury Investigation Into
A Larceny

M-3250
Index No. 279049/15

-----x

The Office of the New York County District Attorney, by Cyrus Vance, Chief Counsel (Alona Katz, of counsel), having submitted an application to this Court on July 13, 2015, for an order pursuant to Judiciary Law § 509(a), unsealing records related to the identity of a grand juror #16 impaneled in the Office of the Special Narcotics Prosecutor's Grand Jury 1N of the 5th Term, 2015, on May 4, 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.

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 28, 2015.

Present: Hon. David Friedman, Justice Presiding,
David B. Saxe
Leland G. DeGrasse
Judith J. Gische
Barbara R. Kapnick, Justices.

-----X
Taberna Preferred Funding II, Ltd.,
et al.,

Plaintiffs-Appellants-Respondents,

-against-

M-3333

Index No. 652884/13

Advance Realty Group LLC, now known
as Metrogate LLC, et al.,

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

An appeal and cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 3, 2014,

And plaintiffs-appellants-respondents having moved for an enlargement of time to perfect the direct 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 enlarging the time to perfect the appeal and cross appeal to the February 2016 Term.

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 28, 2015.

Present: Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Leland G. DeGrasse
Judith J. Gische
Darcel D. Clark, Justices.

-----X
Ming Tung, et al.,
Petitioners-Respondents,

-against-

M-2586
Index No. 110149/11

China Buddhist Association, et al.,
Respondents-Appellants.
-----X

Petitioners-respondents having moved for leave to appeal to the Court of Appeals from a decision and order of this Court entered November 13, 2014 (Appeal No. 11572), and for an extension of the interim stay granted by an order of a Justice of this Court, dated June 1, 2015, pending determination by the Court of Appeals,

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

It is ordered that the motion, to the extent it seeks leave to appeal to the Court of Appeals, is granted. This Court, pursuant to CPLR 5713, certifies that the following question of law, decisive of the correctness of its determination, has arisen, which in its opinion ought to be reviewed by the Court of Appeals:

"Was the order of Supreme Court, as reversed by the decision and order of this Court, a disposition of the appeal properly made?"

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

So much of the motion which seeks an extension of the interim stay granted by an order of a Justice of this Court, dated June 1, 2015, pending determination by the Court of Appeals, is granted.

ENTER:


CLERK