

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 November 16, 2017.

PRESENT: Hon. Rosalyn H. Richter, Justice Presiding,
Judith J. Gische
Barbara R. Kapnick
Marcy L. Kahn
Cynthia S. Kern, Justices.

-----X

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

CONFIDENTIAL

M-4496

Johnell E. K.,
Petitioner-Respondent,

Docket Nos. V-1771/14
V-30013/13
V-30013-13/14G
V-1771-14/15G
V-30013-13/15H

-against-

Fatima T.,
Respondent-Appellant.

-----X

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

Johnell K.,
Petitioner-Respondent,

-against-

Fatima T.,
Respondent-Appellant.

-----X

Respondent-appellant having moved for an enlargement of time to perfect the consolidated appeals taken from orders of the Supreme Court, Bronx County, entered on or about October 17, 2016 and January 17, 2017, respectively,

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 aforesaid consolidated appeals to the March 2018 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 November 16, 2017.

Present - Hon. Rosalyn H. Richter, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Jeffrey K. Oing
Anil C. Singh, Justices.

-----x
The East Drive Housing Development
Fund Corporation and Vanrea Fearron,
Plaintiffs-Respondents,

-against-

M-5570
Index No. 652641/16

Emily Allen,
Defendant-Appellant.

-----x

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 17, 2017,

And an order of this Court having been entered on October 3, 2017 (M-4356), inter alia, denying defendant-appellant's motion for a stay of eviction pending hearing and determination of the appeal, and for other relief,

And defendant-appellant having moved for an "extended temporary medical stay" pending hearing and determination of the aforesaid appeal, and for related relief,

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

It is ordered that the motion is 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 November 16, 2017.

Present - Hon. Rosalyn H. Richter, Justice Presiding,
Richard T. Andrias
Karla Moskowitz
Barbara R. Kapnick, Justices.

-----X
Greg Waltman,
Plaintiff-Appellant,

The GI Quantum Fund, LLC,
Plaintiff,

M-4628
M-4862

Index No. 156844/14

-against-

Berkshire Hathaway Inc., et al.,
Defendants-Respondents.

-----X

An order of this Court having been entered on August 1, 2017 (M-2426), denying plaintiff-appellant's motion for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on May 4, 2017 (Appeal No. 3918),

And plaintiff-appellant having moved for renewal/reargument of the aforesaid motion order (M-4628),

And defendant-respondent, JPMorgan Chase Bank, N.A., having cross-moved for an order striking plaintiff-appellant's motion for renewal/reargument, and requesting that this Court not accept any additional filings by plaintiff-appellant without prior approval of this Court (M-4862),

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 plaintiff's motion (M-4628) is denied. The cross motion is granted to the extent of directing the Clerk

of the Court to not accept any additional filings from plaintiff-appellant without prior approval of this Court, and otherwise denied (M-4862).

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 November 16, 2017.

PRESENT: Hon. Sallie Manzanet-Daniels, Justice Presiding,
Angela M. Mazzarelli
Karla Moskowitz
Marcy L. Kahn
Peter H. Moulton, Justices.

-----x

Patrick McMahon,
Plaintiff-Respondent,

-against-

New York Organ Donor Network,
Defendant-Appellant.

-----x

CONFIDENTIAL

M-4961

Index No. 156669/12

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about April 7, 2017,

And defendant-appellant having moved to enlarge the record on appeal and 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 granting defendant leave to include the Jaskola Affidavit (Exh. C to the motion papers) in the record on appeal, taking judicial notice of that document; enlarging the time to perfect the appeal to the March 2018 Term and continuing the stay granted by order of this Court (M-2472 [August 15, 2017]), on condition the appeal is perfected for said March 2018 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 November 16, 2017.

PRESENT: Hon. Sallie Manzanet-Daniels, Justice Presiding,
Angela M. Mazzarelli
Karla Moskowitz
Marcy L. Kahn
Cynthia S. Kern, Justices.

-----X
In Re: New York City Asbestos Litigation
-----X

Roger J. Carilli,
Plaintiff-Respondent,

-against-

M-4963
Index No. 190252/15

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

- - - - -

Thomas Gallen, et al.,
Plaintiffs-Respondents,

-against-

Index No. 190343/15

Aerco International, Inc., et al.,
Defendants-Appellants.

- - - - -

Ernest Gilbert,
Plaintiff-Respondent,

-against-

Index No. 190198/15

Air & Liquid Systems Corporation,
etc., et al.,
Defendants-Appellants.

-----X

Defendants-appellants having moved for a stay of all proceedings pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about May 19, 2017,

Now, upon reading and filing the papers with respect to the motion, including the stipulation of the parties hereto dated September 26, 2017, and due deliberation having been had thereon,

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 16, 2017.

Present - Hon. Sallie Manzanet-Daniels, Justice Presiding,
Richard T. Andrias
Judith J. Gische
Cynthia S. Kern
Anil C. Singh, Justices.

-----x
Gerald Rosengarten,
Plaintiff-Respondent,

-against-

M-4958
Index No. 651147/14

Richard Born, Sean MacPherson, Eric
Goode, Ira Drukier and Sire Hotel
Company, LLC,
Defendants-Appellants.

-----x
Ruandro, LLC,
Plaintiff-Appellant,

-against-

Index No. 651148/14

Richard Born, Sean MacPherson, Eric
Goode, Ira Drukier and Sire Hotel
Company, LLC,
Defendants-Respondents.

-----x
Gerald Rosengarten, derivatively on
behalf of Three on Third, LLC,
Plaintiff-Appellant,

-against-

Richard Born, Sean MacPherson, Eric
Goode, Ira Drukier and Sire Hotel
Company, LLC, and Woodcutters Realty
Corp.,
Defendants-Respondents,

Index No. 651149/14

-and-

Three on Third, LLC,
Nominal Defendant-Respondent.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about May 25, 2017,

And defendants-appellants having moved for a stay of the damages inquest 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, as moot.

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 November 16, 2017.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Judith J. Gische
Cynthia S. Kern
Anil C. Singh, Justices.

-----X
Raul Marquez,
Plaintiff-Respondent,

-against-

M-5294
Index No. 106616/11

171 Tenants Corp.,
Defendant-Appellant,

David Kleinberg Levin and Kenneth Cook,
Defendants-Respondents.

-----X
Kenneth Cook,
Third-Party Plaintiff-Respondent,

Index No. 590264/14

-against-

Museum Quality Properties, LLC doing business as MQ Restoration Corp. and Philip J. Farley,
Third-Party-Defendants.

-----X
Kenneth Cook,
Second Third-Party Plaintiff-Respondent,

Index No. 590264/14

-against-

Philip J. Farley and Museum Quality Properties, LLC doing business as MQ Restoration Corp.,
Second Third-Party-Defendants.

-----X
171 Tenants Corp.,
Third Third-Party Plaintiff-Appellant,

-against-

Cynthia Cook,
Third Third-Party Defendant-Respondent.

-----X

Defendant/third-party plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about July 21, 2017,

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 March 2018 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 November 16, 2017.

Present - Hon. Richard T. Andrias, Justice Presiding,
Judith J. Gische
Cynthia S. Kern
Jeffrey K. Oing
Anil C. Singh, Justices.

-----x

In the Matter of the Application of Muriel Gould, Petitioner,

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

M-4225
M-4404
Index No. 101179/16

-against-

New York City Loft Board, Respondent,

-and-

Jerrold Lerner and Jaye Nydick, Respondents.

In the Matter of the Application of Jerrold Lerner and Jay Nydick, Petitioners,

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

Index No. 156109/16

-against-

New York City Loft Board and Muriel Gould, Respondents.

-----x

An Article 78 proceeding to review a determination of respondent having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about June 20, 2017 (Index No. 101179/16), and a second Article 78 proceeding to review a determination of respondent having been transferred to this Court, by an order of the same Court and Justice, also entered on or about June 20, 2017 (Index No. 156109/16),

And petitioner Muriel Gould having moved for consolidation of the aforesaid proceedings, and to perfect the proceedings on a single record and set of briefs (M-4225),

And respondents having cross-moved to dismiss the proceeding under Index No. 101179/16 or, in the alternative, to remit that proceeding to the reviewing Court for disposition of the pending motion to dismiss (M-4404),

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 only to the extent of directing the petitioners in both proceedings to perfect the respective proceedings on separate records and rief on or before March 19, 2017 for the June 2018 Term. If both proceedings are so perfected, the Clerk of the Court is directed to calendar both proceedings to be heard on the same date for said June 2018 Term (M-4225). The cross motion to dismiss Proceeding #1 is denied, without prejudice to raising substantive arguments in the respondents' brief (M-4404).

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 November 16, 2017.

Present - Hon. Richard T. Andrias, Justice Presiding,
Judith J. Gische
Cynthia S. Kern
Jeffrey K. Oing
Anil C. Singh, Justices.

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

Respondent,

-against-

M-4167

Ind. No. 12131/91

Rafael Martinez,

Defendant-Appellant.
-----X

An order of this Court having been entered on November 29, 2016 (M-4084) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about February 1, 2016, and assigning Rosemary Herbert, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, to substitute retained counsel on the appeal, and for related relief,

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

It is ordered that the motion is granted to the extent of striking the designation of successor assigned counsel Christina Swarns, Esq., as counsel to prosecute defendant's appeal. The motion, to the extent it seeks to substitute retained counsel on the appeal, is denied, as unnecessary.

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 November 16, 2017.

Present - Hon. Richard T. Andrias, Justice Presiding,
Judith J. Gische
Jeffrey K. Oing
Anil C. Singh, Justices.

-----x

In the Matter of Amy R. Weissbrod
Gurvey,
Petitioner-Appellant,

-against-

M-4247
Index No. 100163/13

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

-----x

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 18, 2017,

And petitioner-appellant having moved, inter alia, for an order transferring the aforesaid appeal from this Court to the Appellate Division, Third Judicial Department, for disposition,

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 November 16, 2017.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Peter Tom
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick, Justices.

-----X
Adalberto Pena,
Plaintiff-Respondent,

-against-

M-5440X
Index No. 305345/12

New York University,
Defendant-Appellant.
-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about August 3, 2016,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" October 16, 2017, and due deliberation having been had thereon,

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 16, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Peter Tom
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick, Justices.

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

- - - - -
Michael B.,
Petitioner-Appellant,

M-5034
Docket Nos.
V-9221-12/16A-17G
V-13381-12/16A-17G

-against-

Lathasha T.-M.,
Respondent-Respondent.

-----X

Petitioner-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 August 4, 2017, 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 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.**

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 November 16, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Peter Tom
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick, Justices.

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

Dajah S.,
Petitioner-Appellant,

M-4972
Docket Nos. V-20083/16
V-12714/17

-against-

New York City Administration for
Children's Services, et al.,
Respondents-Respondents.

-----X
Petitioner-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 August 31, 2017, 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 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.**

ENTERED:



CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 16, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Peter Tom
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick, Justices.

-----X
In the Matter of the Commitment of
Guardianship and Custody of

Janaya T., also known as
Jenae T.,
Janelle Charmelle T., also known as
Janelle T., and
Jashawn Anthony J., also known as
Jashawn J.,

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

- - - - -
The New York Foundling Hospital, et al.,
Petitioners-Respondents,

M-4975
Docket Nos. B-30337/16
B-40380/16
B-30338/16

Sarah Louise T., also known as
Sarah T.,
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 August 29, 2017, 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 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.**

ENTERED:


CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 16, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Peter Tom
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick, Justices.

-----X

In the Matter of

Matthew C.,
Xavier C.,
Mia L., and
Cecily J.,

M-4984
Docket Nos.
NN-17182-85/15

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

- - - - -

Administration for Children's Services,
Petitioner-Respondent,

Joshua L.,
Respondent-Appellant.

-----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 March 7, 2017, 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 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.**

ENTERED:



CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 16, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Peter Tom
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick, Justices.

-----X

In the Matter of

Damaris D., and
Hester D.,

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

- - - - -
Administration for Children's Services,
Petitioners-Respondents,

M-5171
Docket Nos.
NN-51870-71/15

Durven D.,
Respondent-Appellant,

Stephanie D.,
Respondent.

-----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 June 30, 2017, 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 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.**

ENTERED:



CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 16, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Peter Tom
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick, Justices.

-----X

The People of the State of New York,
Respondent,

CONFIDENTIAL

M-5127

-against-

Ind. No. 4808/07

Rafael Santiago,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (Carro, J.), entered on or about September 13, 2017, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice Carro as yet not transcribed. The

(M-5127)

-2-

November 16, 2017

Clerk shall furnish a copy of such transcripts to appellant's counsel, Robert S. Dean, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

ENTERED:

A handwritten signature in black ink, appearing to read "Sumner R. Jones". The signature is written in a cursive style with a prominent initial "S".

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 November 16, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Peter Tom
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick, Justices.

-----X

The People of the State of New York,
Respondent,

CONFIDENTIAL

M-5263

-against-

Ind. No. 185/17

Axel Barahona,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (Jill Konviser, J.), entered on or about August 23, 2017, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice Konviser as yet not transcribed. The

(M-5263)

-2-

November 16, 2017

Clerk shall furnish a copy of such transcripts to appellant's counsel, Seymour W. James, Jr., Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

ENTERED:

A handwritten signature in black ink, appearing to read "Seymour W. James, Jr.", written in a cursive style.

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 November 16, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Peter Tom
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick, Justices.

-----X

The People of the State of New York,
Respondent,

CONFIDENTIAL

M-5288

-against-

Ind. No. 4411/02

Benjamin Kelly,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (Goldberg, J.), entered on or about September 12, 2017, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice Goldberg as yet not transcribed. The

(M-588)

-2-

November 16, 2017

Clerk shall furnish a copy of such transcripts to appellant's counsel, Robert S. Dean, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

ENTERED:

A handwritten signature in black ink, appearing to read "Sumner R. Jones". The signature is written in a cursive style with a large initial "S".

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 November 16, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Peter Tom
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick, Justices.

-----X

The People of the State of New York,
Respondent,

CONFIDENTIAL

M-5289

-against-

Ind. No. 2239/15

Fabian Soto,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (Farber, J.), entered on or about September 21, 2017, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice Farber as yet not transcribed. The

(M-5289)

-2-

November 16, 2017

Clerk shall furnish a copy of such transcripts to appellant's counsel, Robert S. Dean, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 16, 2017.

Present: Hon. Rolando T. Acosta, Presiding Justice,
Peter Tom
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick, Justices.

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

Areli G.,
Petitioner-Respondent,

M-5173
Docket Nos. V-24667/15
V-04288/16
O-0411/16

-against-

Alexis S.,
Respondent-Appellant.

-----X

Petitioner-respondent having moved for leave to respond, as a poor person, to the appeal from the order of the Family Court, Bronx County, entered on or about August 23, 2017, 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 §1120 of the Family Court Act, Randall S. Carmel, Esq., 410 Jericho Turnpike, Suite #302, Jericho, NY 11753, Telephone No. 516-921-8800, 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.

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 November 16, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Sallie Manzanet-Daniels
Judith J. Gische
Barbara R. Kapnick
Marcy L. Kahn, Justices.

-----X
1625 Market Corp.,

Plaintiff-Appellant,

-against-

49 Farm Market, Inc.,

Defendant-Respondent.
-----X

M-4930
Index No. 650016/14

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about November 23, 2016, and the order and judgment (one paper) entered July 14, 2016,

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 March 2018 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 November 16, 2017.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Sallie Manzanet-Daniels
Judith J. Gische
Barbara R. Kapnick
Marcy L. Kahn, Justices.

-----X
Maria Sutter,
Plaintiff-Respondent,

-against-

M-5128
Index No. 6359/05

Winston Reyes, et al.,
Defendants-Respondents,

-and-

The City of New York,
Defendant-Appellant.

-----X
(And a third-party action)
-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, Bronx County, entered on or about December 8, 2016,

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 April 2018 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 November 16, 2017.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Dianne T. Renwick
Sallie Manzanet-Daniels
Angela M. Mazzarelli
Richard T. Andrias, Justices.

-----X
LNYC Loft, LLC, etc.,
Plaintiff-Appellant,

-against-

Hudson Opportunity Fund I, LLC,
et al.,
Defendants,

M-4664
Index No. 650969/11

Jani Development II, LLC, et al.,
Defendants-Respondents.

-----X

Defendants-respondents having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on August 15, 2017 (Appeal No. 4096),

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 November 16, 2017.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Peter Tom
Rosalyn H. Richter
Sallie Manzanet-Daniels
Marcy L. Kahn, Justices.

-----X
Margaret O' Halloran,
Plaintiff-Respondent,

-against-

M-5212
Index No. 160953/13

Metropolitan Transportation
Authority, et al.,
Defendants-Appellants.

-----X

Defendants-appellants having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on August 22, 2017 (Appeal No. 3299N),

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 November 16, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Sallie Manzanet-Daniels
Angela M. Mazzarelli
Judith J. Gische
Marcy L. Kahn, Justices.

-----x
600 Lexington Owner LLC,
Plaintiff-Respondent,

-against-

M-2967
Index No. 159488/13

Jay M. Kaplowitz, et al.,
Defendants,

Robert S. Wolf, Barry Zone and
David E. Danovitch,
Defendants-Appellants.

-----x

Defendant-appellant David E. Danovitch having moved for reargument of or, in the alternative, for leave to appeal from the Court of Appeals, from the decision and order of this Court, entered on April 20, 2017 (Appeal No. 3782),

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 November 16, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Peter Tom
David Friedman
John W. Sweeny, Jr., Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-4721

Ind. No. 13645/91

Steven Davis,

Defendant-Appellant.

-----X

A decision and order of this Court having been entered on October 1, 1996 (Appeal No. 58577), unanimously affirming a judgment of the Supreme Court, New York County (Antonio Brandveen, J.), rendered on July 16, 1992,

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

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

It is ordered that said application is denied.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 16, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Peter Tom
David Friedman
John W. Sweeny, Jr., Justices.

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

Respondent,

-against-

M-4773
Ind. No. 2801/03

Delroy Pitterson,

Defendant-Appellant.
-----X

A decision and order of this Court having been entered on November 8, 2007 (Appeal No. 1912), unanimously affirming a judgment of the Supreme Court, Bronx County (Judith Lieb, J.), rendered on May 25, 2005,

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

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

It is ordered that said application is denied.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 16, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Peter Tom
David Friedman
John W. Sweeny, Jr., Justices.

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

Respondent,

-against-

M-5265
Ind. No. 5828/05

Yeong Sook Shin,

Defendant-Appellant.
-----X

A decision and order of this Court having been entered on April 23, 2009 (Appeal No. 398), unanimously affirming a judgment of the Supreme Court, New York County (William Wetzell, J.), rendered on October 16, 2006,

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

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

It is ordered that said application is denied.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 16, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Sallie Manzanet-Daniels
Judith J. Gische
Barbara R. Kapnick
Marcy L. Kahn, Justices.

-----x
NYCTL 1998-2 Trust, et al.,
Plaintiffs-Respondents,

-against-

Frederick H. Siemon,
Defendant-Appellant,

M-4940
Index No. 301861/13

Dollar Savings Bank of New York,
now known as Emigrant Savings Bank,
et al.,
Defendants-Respondents.

-----x

An appeal having been taken to this Court from the judgment of the Supreme Court, Bronx County, entered on or about June 22, 2017,

And defendant-appellant having moved for a stay of the foreclosure sale pending hearing and determination of the appeal taken therefrom, for review of the denial of his motion to dismiss the complaint, for the imposition of sanctions for unethical practices, and for other relief,

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

It is ordered that the motion is granted to the extent of staying the foreclosure sale on condition the appeal is perfected on or before January 2, 2017 for the March 2018 Term, and the motion is otherwise denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 16, 2017.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Peter Tom
Troy K. Webber
Ellen Gesmer
Anil C. Singh, Justices.

-----X

Stephanie O.,
Plaintiff-Respondent,

-against-

David O.,
Defendant-Appellant.

-----X

CONFIDENTIAL

M-5302

M-5483

Index No. 350024/13

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about August 9, 2016, and said appeal having been perfected,

And defendant-appellant having moved for a calendar preference for the November 2017 Term and to denominate the appeal as enumerated (M-5302),

And plaintiff-respondent having cross-moved to dismiss the appeal, or in the alternative, to direct defendant to serve respondent with two copies of his brief and appendix, to reproduce and include his appendix and entire record of the proceeding, to strike certain portions of the appendix unrelated to the matter appealed from and for an adjournment of time to file the respondent's brief (M-5483),

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 granting calendar preference for the first week of the January 2018 Term and otherwise denied, without prejudice to letter application for leave to present oral argument with respect to

enumerating the appeal to the Justice presiding on the date of oral argument (M-5302). The cross motion is granted to the extent of adjourning the appeal to said January 2018 Term, granting plaintiff leave to supplement the appendix with the complete hearing transcripts, at her own expense, and otherwise denied (M-5483).

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 November 16, 2017.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Peter Tom
Troy K. Webber
Ellen Gesmer
Anil C. Singh, Justices.

-----X
John Kuzmich, et al.,
Plaintiffs-Respondents,

-against-

M-5325
Index No. 155266/16

50 Murray Street Acquisition LLC,
Defendant-Appellant.

-----X

An appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about July 3, 2017, and said appeal having been perfected,

And the proposed amici curiae The Public Advocate of the City New York and a number of elected officials having moved for leave to submit a brief in support of plaintiffs-respondents, and the parties having stipulated to additional relief on or about September 15, 2017,

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

It is ordered that the motion is granted to the extent of deeming the 9 copies of the amicus brief, included with the motion papers as filed with is Court. The request for leave to argue on behalf of the proposed amicus curiae is denied. The request to file opposition to the briefs of the amici, set forth in paragraphs two and three of the parties' stipulation, 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 November 16, 2017.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
Jeffrey K. Oing Justices.
Anil C. Singh,

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

-against-

M-5264
Ind. No. 89/75

Hopeton Gooden,
Defendant-Appellant.

-----X

The People having moved for dismissal of the appeal taken from an order of the Supreme Court, Bronx County, entered on or about January 11, 2012,

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 November 16, 2017.

PRESENT: Hon. Peter Tom, Justice Presiding,
Dianne T. Renwick
Angela M. Mazzarelli
Jeffrey K. Oing
Anil C. Singh, Justices.

-----X
Patricia Wolff Schaen and Estate of
Ernst Wolff,
Petitioners-Appellants,

-and-

Elizabeth Murov,
Petitioner,

M-4841
M-5358
Index No. 450762/16

-and-

Estate of Edna Brandes,
Respondent-Appellant,

-against-

Helen A. Brandes, et al.,
Respondents-Respondents,

-and-

480 Park Avenue Corp.,
Respondent-Stakeholder-Respondent.

-----X
Estate of Edna Brandes,
Cross-Petitioner-Appellant,

-against-

Helen A. Brandes and Estate of
Bernard E. Brandes,
Cross-Respondents-Respondents.

-----X

Respondents having moved for dismissal of the appeal taken from an order of the Supreme Court, New York County, entered on or about May 25, 2017 (M-4841),

And appellants having cross-moved for a enlargement of time to perfect the aforesaid appeal, and to disqualify Stroock & Stroock & Lavan from representing respondent (M-5358),

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 to dismiss the appeal is granted unless the appeal is perfected for the March 2018 Term (M-4841). The cross motion is granted to the extent of enlarging the time to perfect the appeal to the March 2018 Term and otherwise denied, without prejudice to raising substantive arguments on direct appeal (M-5358).

ENTERED:

A handwritten signature in black ink, appearing to read "Susan R. [unclear]", written in a cursive style.

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 November 16, 2017.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzairelli
Jeffrey K. Oing
Anil C. Singh, Justices.

-----X

The People of the State of New York
ex rel. Julio Arce,
Petitioner-Appellant,

M-4983
Index No. 340626/16

-against-

Superintendent, Livingston Correctional
Facility,
Respondent-Respondent.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Supreme Court, Bronx County, entered on or about May 29, 2017, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, for the assignment of counsel, and for other relief,

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

It is ordered that the motion is denied.

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 November 16, 2017.

PRESENT: Hon. Peter Tom, Justice Presiding,
Sallie Manzanet-Daniels
Angela M. Mazzarelli
Jeffrey K. Oing
Anil C. Singh, Justices.

-----X
Bonnie Ingram,
Plaintiff-Appellant,

-against-

M-5075
Index No. 101740/16

32nd Precinct, NYPD,
Respondent-Respondent.
-----X

Plaintiff-appellant, pro se, having moved for leave to prosecute, as a poor person, the purported appeal taken from an order of the Supreme Court, New York County, entered on or about July 14, 2017, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that the motion is considered one seeking CPLR 5701(a) relief and, sua sponte, the purported appeal is dismissed. The motion is otherwise denied as academic.

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 November 16, 2017.

PRESENT: Hon. Peter Tom, Justice Presiding,
Sallie Manzanet-Daniels
Angela M. Mazzarelli
Jeffrey K. Oing
Anil C. Singh, Justices.

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

-against-

M-4970
Ind. No. 849/13

Ming Guang Huang,
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, New York County, rendered on or about January 11, 2017,

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 November 16, 2017.

PRESENT: Hon. Peter Tom, Justice Presiding,
Dianne T. Renwick
Angela M. Mazzaelli
Jeffrey K. Oing
Anil C. Singh, Justices.

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

-against-

M-5170
Index No. 2373/14

Keith Goodman,
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about November 16, 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 enlarging the time to perfect the appeal to the April 2018 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 November 16, 2017.

PRESENT: Hon. Peter Tom, Justice Presiding,
Dianne T. Renwick
Angela M. Mazzarelli
Jeffrey K. Oing
Anil C. Singh, Justices.

-----X
In the Matter of

Moriba K.,
Makoya K.,
Mariama K.,
Fanta K.,
and Sadik K.,

CONFIDENTIAL

M-5145
Docket Nos.
NA-28380-84/15

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,
Petitioner-Respondent,

Djiba K.,
Respondent-Appellant.

Stacy-Ann Suckoo, Esq.,
Attorney for the Children.

-----X
Respondent-appellant having moved for an enlargement of time to perfect the appeal taken from the Order of Fact-Finding and the Order of Disposition of the Family Court, Bronx County, entered on or about March 23, 2017 and March 28, 2017,

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 June 2018 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 November 16, 2017.

PRESENT: Hon. Peter Tom, Justice Presiding,
Sallie Manzanet-Daniels
Angela M. Mazzarelli
Jeffrey K. Oing
Anil C. Singh, Justices.

-----X
710 Madison Avenue LLC,
Petitioner-Landlord,

-against-

M-4969
Index No. 570077/17

Christopher Hicks,
Respondent-Tenant,

"John Doe" and "Jane Doe,"
Respondents-Tenants.
-----X

Petitioner-landlord having moved for leave to appeal to this Court from the decision and order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about July 3, 2017,

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 November 16, 2017.

Present - Hon. Peter Tom, Justice Presiding,
Karla Moskowitz
Judith J. Gische
Barbara R. Kapnick, Justices.

-----X
John Pirraglia,

Plaintiff-Respondent,

M-3514

Index No. 23247/15E

-against-

Jofsen, Inc., et al.,

Defendants-Appellants.

-----X

Defendants-appellants having moved for clarification of the decision and order of this Court, entered on March 30, 2017 (Appeal Nos. 3566-3568), for leave to have the case reassigned to a different Justice, for a stay of all trial court proceedings, and for related relief,

And plaintiff-respondent, through his affirmation in opposition to the motion, having "cross-moved" for the imposition of sanctions as against defendants-appellants for frivolous conduct,

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

It is ordered that the motion is denied in its entirety, and the request for relief in the nature of sanctions against defendants-appellants 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 November 16, 2017.

PRESENT: Hon. David Friedman, Presiding Justice,
Judith J. Gische
Barbara R. Kapnick
Marcy L. Kahn
Peter H. Moulton, Justices.

-----X

In the Matter of a Proceeding for Support Under Article 4 of the Family Court Act.

CONFIDENTIAL

Carmen R.,
Petitioner-Appellant,

M-4781
M-5355
M-5499

Docket No. F-4968-15/16D

-against-

Luis I.,
Respondent-Respondent.

-----X

An appeal having been taken from the order of the Family Court, Bronx County, entered on or about June 5, 2017, and said appeal having been perfected,

And Her Justice and Sanctuary for Families having moved for leave to file an amicus curiae brief (M-4781),

And respondent having moved to dismiss the appeal as moot, and/or on the ground that the interim order is not an order that is appealable as of right (M-5355),

And petitioner-appellant having cross-moved for appellate preference to the extent of maintaining the appeal on this Court's calendar for the December 2017 Term (M-5499),

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

It is ordered that the motion seeking leave to file an amicus curiae brief is granted to the extent of deeming the briefs submitted as filed (M-4781). The motion by respondent for dismissal of the appeal is denied, without prejudice to

respondent raising arguments directly on appeal (M-5355). The cross motion is granted only to the extent of adjourning the appeal to the February 2018 Term and ordering that the appeal be maintained on this Court's calendar for the February 2018 Term (M-5499).

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 November 16, 2017.

Present - Hon. David Friedman, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

-----x
Patricia Thompson-Shepard, as
Administratrix of the Estate of
William Shepard, deceased, and
Patricia Shepard,
Plaintiffs-Appellants,

-against-

M-5343
Index No. 153404/13

Lido Hall Condominiums and Veritas
Management,

Defendants-Respondents.
-----x

Plaintiffs-appellants having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, New York County, entered on or about August 25, 2016,

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 March 2018 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 November 16, 2017.

Present - Hon. David Friedman, Presiding Justice,
Barbara R. Kapnick
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

-----X
Alberto Galue,

Plaintiff-Appellant,

-against-

M-5344
Index No. 303246/11

Independence 270 Madison LLC, 270
Madison Avenue LLC, ABS Partners
Real Estate LLC and J. Spaccarelli
Construction Co. Inc.,

Defendants-Respondents.
-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from a judgment of the Supreme Court, Bronx County, entered on or about December 21, 2016,

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 September 2018 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 November 16, 2017.

PRESENT: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Judith J. Gische
Barbara R. Kapnick, Justices.

-----X
Paul Giordano,
Plaintiff-Appellant-Respondent,

Rachel Giordano, M-4567
Plaintiff, Index No. 305060/10

-against-

Tishman Construction Corp.,
Defendant-Respondent-Appellant.
-----X

Plaintiff-appellant-respondent having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on July 25, 2017 (Appeal No. 3616),

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 November 16, 2017.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Barbara R. Kapnick
Cynthia S. Kern
Peter H. Moulton, Justices.

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

Wilda C., **CONFIDENTIAL**
Petitioner-Appellant, M-4272
Docket No. V-1465-08/17F

-against-

Miguel R.,
Respondent-Respondent.
-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, New York County, entered on or about July 11, 2017, 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, Leslie S. Lowenstein, Esq., 567 Sunset Drive, Woodmere, NY 11598, Telephone No. (516) 374-1962, 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

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

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.**

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 November 16, 2016.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Barbara R. Kapnick
Cynthia S. Kern
Peter H. Moulton, Justices.

-----X
Hamad Ali, et al.,
Plaintiffs-Respondents,

-against-

M-4162

M-4342

Index No. 153074/13

Selim Zherka, Silas Metro Holdings Corp., James G. Dibbini & Associates, P.C., James G. Dibbini and Signature Bank,
Defendants-Appellants.

-----X

Defendants-appellants James G. Dibbini & Associates, P.C. and James G. Dibbini having moved for an enlargement of time to perfect their appeal taken from an order of the Supreme Court, New York County, entered on or about November 16, 2016 (M-4162),

And defendant-appellant Silas Metro Holdings Corp. having moved separately for an enlargement of time to perfect its respective appeal taken from the aforesaid order (M-4342),

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 enlarging the time to perfect the appeal to the March 2018 Term (M-4162/M-4342).

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 November 16, 2017.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Angela M. Mazzarelli
Marcy L. Kahn
Peter H. Moulton, Justices.

-----X
Lisa Kurcias and Allan Garcia,
Plaintiffs-Respondents,

-against-

M-5449
Index No. 158267/13

1043 Rest. Corp. and "John Doe,"
Defendants-Appellants.

-----X

Plaintiffs-respondents having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about October 14, 2016,

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 as moot, said appeal having been heard on October 31, 2017.

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 November 16, 2017.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Angela M. Mazzarelli
Marcy L. Kahn
Peter H. Moulton, Justices.

-----X

Arch Insurance Company, et al.,
Plaintiff-Respondent,

-against-

M-5556
Index No. 652835/14

Nationwide Property & Casualty
Insurance Company, et al.,
Defendants,

S&J Industrial Co.,
Defendant-Appellant.

-----X

Defendant-appellant having moved for a stay of a bench trial pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about October 24, 2017,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from counsel for defendant-appellant dated November 8, 2017, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 16, 2017.

Present - Hon. Rosalyn H. Richter, Justice Presiding,
Angela M. Mazzarelli
Marcy L. Kahn
Peter H. Moulton, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-5307

Ind. No. 4375/15

Wilfredo Sosa Campana,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about January 25, 2017, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 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, 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.

ENTERED:

A handwritten signature in black ink, appearing to read "Susan R. Jones", written in a cursive style.

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 November 16, 2017.

Present - Hon. Rosalyn H. Richter, Justice Presiding,
Angela M. Mazzarelli
Marcy L. Kahn
Peter H. Moulton, Justices.

-----X

The People of the State of New York,
Respondent,

CONFIDENTIAL

M-5425

-against-

Ind. No. 2392/13

Melvin Santiago,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County (John W. Carter, J.), entered on or about September 27, 2017, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice Carter as yet not transcribed. The

Clerk shall furnish a copy of such transcripts to appellant's counsel, Seymour W. James, Jr., Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

ENTERED:

A handwritten signature in black ink, appearing to read "Seymour W. James, Jr.", written in a cursive style.

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 November 16, 2017.

Present - Hon. Rosalyn H. Richter, Justice Presiding,
Troy K. Webber
Cynthia S. Kern
Peter H. Moulton, Justices.

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

-against-

M-5195
Ind. No. 1343/16

Jamal Mateen,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal taken from a judgment of the Supreme Court, New York County, rendered on or about October 4, 2016, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of deeming the moving papers as 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 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.

Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4112, 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.

ENTERED:



CLERK

CORRECTED ORDER - February 7, 2018

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 November 16, 2017.

PRESENT: Hon. Rosalyn H. Richter, Justice Presiding,
Angela M. Mazzairelli
Marcy L. Kahn
Peter H. Moulton, Justices.

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

-against-

M-5404
Ind. No. 702/15

Sandro Castro,
Defendant-Appellant.

-----X
An order of this Court having been entered on October 10, 2017 (M-4616) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about May 4, 2016, and assigning **Robert S. Dean, Esq., Center for Appellate Litigation**, as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

It is ordered that the motion is granted to the extent of striking the designation of assigned counsel, **Robert S. Dean, Esq., Center of Appellate Litigation**, as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, **Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York, 10007, Telephone No. 212-402-4112**, 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 record, whichever is later.

ENTERED:


CLERK

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

BEFORE: Peter H. Moulton
Justice of the Appellate Division

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

M-4753
Ind. No. 5544/87

-against-

CERTIFICATE
DENYING LEAVE

Kevin Clark,
Defendant.

-----X

I, Peter H. Moulton, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application 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, Bronx County (April A. Newbauer, J.) entered on or about July 21, 2017 is hereby denied. The motion is otherwise denied as academic.

Dated: October 24, 2017
New York, New York



Hon. Peter H. Moulton
Associate Justice

ENTERED: NOV 16 2017