

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 September 12, 2017.

Present: Hon. Barbara R. Kapnick, Justice Presiding,  
Marcy L. Kahn  
Ellen Gesmer  
Cynthia S. Kern  
Peter H. Moulton, Justices.

-----X

The People of the State of New York,

Respondent,

**CONFIDENTIAL**

**M-3421**

-against-

Ind. No. 6930/02

Harry Artis,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from the order of the Supreme Court, New York County (Thomas Farber, J.), entered on or about June 7, 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 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.

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

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 September 12, 2017.

Present - Hon. Barbara R. Kapnick, Justice Presiding,  
Marcy L. Kahn  
Ellen Gesmer  
Cynthia S. Kern  
Peter H. Moulton, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

Joan Checo,  
Defendant-Appellant.

M-3368

Ind. Nos. 1005N/14  
1418N/15  
2302N/14

-----X

An appeal having been taken to this Court from the judgment of the Supreme Court, New York County, rendered on or about September 6, 2016,

And defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of resentence of the Supreme Court, New York County, rendered on or about December 2, 2016 under Ind. No. 1005N/14, for leave to prosecute both appeals 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 notice of appeal as timely filed from the judgment of resentence rendered on or about December 2, 2016 under Ind. No. 1005N/14, and permitting both appeals 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, and the judgment of

resentence. 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.

Seymour W. James, Jr., Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeals. The time within which appellant shall perfect the appeals is hereby enlarged until 120 days from the date of filing of the record.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 12, 2017.

Present: Hon. Barbara R. Kapnick, Justice Presiding,  
Marcy L. Kahn  
Ellen Gesmer  
Cynthia S. Kern  
Peter H. Moulton, Justices.

-----X  
Board of Directors of Windsor Owners Corp.,

Plaintiff-Respondent,

**M-3352**

**M-3502**

-against-

Index No. 155985/14

Elaine Platt,

Defendant-Appellant.  
-----X

Separate appeals having been taken from orders of the Supreme Court, New York County, entered on or about January 6, 2016 and June 7, 2017,

And defendant-appellant having moved for an enlargement of time to perfect the appeal taken from the order entered on or about January 6, 2016, and for consolidation of said appeal with the appeal taken from the order entered on or about June 7, 2017 (M-3352),

And plaintiff-respondent having cross-moved for dismissal of all of defendant's appeals (M-3502),

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 defendant's motion, to the extent it seeks an enlargement of time to perfect the appeal taken from the order entered on or about January 6, 2016, is granted to the January 2018 Term, with no further enlargements to be granted. So much of defendant's motion which seeks consolidation of the aforesaid appeals is granted, and the time to perfect the appeals is enlarged to said January 2018 Term. Defendant is permitted to prosecute the consolidated appeals upon 9 copies of one record and one set of appellant's points covering the consolidated appeals. The attention of the parties is directed to 22 NYCRR §600.11 (M-3352). Plaintiff's cross motion is denied (M-3502).

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 September 12, 2017.

Present - Hon. Barbara R. Kapnick, Justice Presiding,  
Marcy L. Kahn  
Ellen Gesmer  
Cynthia S. Kern  
Peter H. Moulton, Justices.

-----X  
Sutton Apartments Corporation  
and the Board of Managers of the  
Sutton Condominium,  
Plaintiffs-Appellants,

**M-3439**  
Index No. 104289/10

-against-

Bradhurst 100 Development LLC  
and West Manor Construction Corp.,  
Defendants-Respondents.

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

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 30, 2017,

And defendant-respondent, Bradhurst 100 Development LLC, having moved to dismiss plaintiff's 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 directing plaintiffs to perfect the appeal on or before November 6, 2017 for the January 2018 Term. The motion is otherwise denied.

ENTERED:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 12, 2017.

Present: Hon. Barbara R. Kapnick, Justice Presiding,  
Marcy L. Kahn  
Ellen Gesmer  
Cynthia S. Kern  
Peter H. Moulton, Justices.

-----X  
BPAC Mechanical Corp., also known as  
The BPAC Group, Inc.,  
Plaintiff-Respondent,

-against-

**M-3217**  
Index No. 155013/15

Travelers Indemnity Company of America,  
Defendant-Appellant,

-and-

Adria Infrastructure LLC,  
Defendant.

-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about January 23, 2017 and May 4, 2017,

And plaintiff-respondent having moved to dismiss the appeals,

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

It is ordered that the motion is granted to the extent of dismissing the appeals unless they are perfected on or before November 6, 2017 for the January 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 September 12, 2017.

Present: Hon. Barbara R. Kapnick, Justice Presiding,  
Marcy L. Kahn  
Ellen Gesmer  
Cynthia S. Kern  
Peter H. Moulton, Justices.

-----X

Lanzuter Benevolent Association,

Plaintiff-Appellant,

-against-

Cassandra Altman, et al.,

Defendants-Respondents.  
-----X

**M-3395**

Index No. 161809/15

Appeals having been taken from three orders of the Supreme Court, New York County, (one order) entered on or about September 23, 2016, and (two other orders) entered on or about April 21, 2017,

And plaintiff-appellant having moved for consolidation of the three appeals and for an enlargement of time to perfect same,

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

It is ordered that the motion is granted, the appeals are consolidated, and the time to perfect the consolidated appeals is enlarged to the January 2018 Term. Plaintiff-appellant is permitted to prosecute the consolidated appeals upon 9 copies of one record and one set of appellant's points covering the consolidated appeals. The attention of the parties is directed to 22 NYCRR §600.11.

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 September 12, 2017.

Present: Hon. Barbara R. Kapnick, Justice Presiding,  
Marcy L. Kahn  
Ellen Gesmer  
Cynthia S. Kern  
Peter H. Moulton, Justices.

-----X

Cynthia Carolina Reyes Orellana and  
Samya I. Moftah, individually and on  
behalf of all similar situated retail  
customers,

Plaintiffs-Respondents-Appellants,

-against-

**M-3459**

**M-3423**

Index No. 453060/15E

Macy's Retail Holdings, Inc., doing  
business as Macy's, formerly known as  
Macy's East, also known as Macy's Inc.,  
Defendant-Appellant-Respondent,

Law Offices of Palmer, Reifler and  
Associates, P.A.,  
Defendant-Respondent.

-----X

An appeal and cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about June 24, 2016,

And defendant-appellant-respondent having moved for an order enlarging the time to perfect the appeal (M-3459),

And plaintiffs-respondents-appellants having cross-moved for an order enlarging the time to perfect the cross appeal (M-3423),

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 and cross motion are granted and the time to perfect the appeal and cross appeal are enlarged to the January 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 September 12, 2017.

Present - Hon. Barbara R. Kapnick, Justice Presiding,  
Marcy L. Kahn  
Ellen Gesmer  
Cynthia S. Kern  
Peter H. Moulton, Justices.

-----X  
Sutton Apartments Corporation  
and the Board of Managers of the  
Sutton Condominium,  
Plaintiffs-Appellants,

**M-3439**  
Index No. 104289/10

-against-

Bradhurst 100 Development LLC  
and West Manor Construction Corp.,  
Defendants-Respondents.

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

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 30, 2017,

And defendant-respondent, Bradhurst 100 Development LLC, having moved to dismiss plaintiff's 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 directing plaintiffs to perfect the appeal on or before November 6, 2017 for the January 2018 Term. The motion is otherwise denied.

ENTERED:

  
\_\_\_\_\_  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 12, 2017.

Present - Hon. Barbara R. Kapnick Justice Presiding,  
Marcy L. Kahn  
Ellen Gesmer  
Cynthia S. Kern  
Peter H. Moulton Justices,

-----X

U.S. Bank N.A. etc.,  
Plaintiff-Appellant,

-against-

M-3821  
Index No. 381315/13

Diana Martinez, et al.,  
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect an appeal from the order of the Supreme Court, Bronx County, entered on or about September 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 January 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 September 12, 2017.

Present - Hon. Barbara R. Kapnick, Justice Presiding,  
Marcy L. Kahn  
Ellen Gesmer  
Cynthia S. Kern  
Peter H. Moulton, Justices.

-----x  
In the Matter of

Zachary Thomas T., and  
Mason Thomas T.,

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

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

**CONFIDENTIAL**

M-3828  
Docket Nos. NN-3113/17  
NN-3112/17

Patricia T.,  
Respondent-Appellant,

Derek T.,  
Respondent.

- - - - -  
Jessica Brown, Esq.,  
Attorney for the Children.

-----x  
An appeal having been taken to this Court from the order of the Family Court, Bronx County, entered on or about June 27, 2017,

And respondent-appellant having moved, pursuant to Family Court Act § 1114(b), for a stay of an order directing unsupervised visitation with the respondent father, 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 September 12, 2017.

Present - Hon. Barbara R. Kapnick, Justice Presiding,  
Marcy L. Kahn  
Ellen Gesmer  
Cynthia S. Kern  
Peter H. Moulton, Justices.

-----X

In the Matter of the Application of

Narmatha, Inc.,  
Petitioner,

**M-3480**

Index No. 100640/17

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

-against-

New York State Liquor Authority,  
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 May 30, 2017, to review a determination of respondent,

And respondent, New York State Liquor Authority, having moved to vacate the current stay of said agency's cancellation of petitioner's liquor licence,

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 stay is vacated.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 12, 2017.

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

-----X  
Patricia McGeean, et al.,  
Plaintiffs-Respondents,

-against-

M-4078X  
Index No. 156388/13

The Howard Hughes Corporation,  
et al.,  
Defendants-Appellants.

- - - - -  
[And a third-party action]

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 6, 2017,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 31, 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 September 12, 2017.

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

-----X  
CitiMortgage, Inc.,  
Plaintiff-Appellant,

-against-

Trevor C. Moran,  
Defendant-Respondent,

M-4360  
Index No. 810292/11

-and-

Board of Managers w/ The Heritage at  
Trump Place, et al.,  
Defendants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 19, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated August 4, 2017, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected, 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 September 12, 2017.

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

-----X  
Mark Dibuno,

Plaintiff-Appellant,

-against-

M-4395X  
Index No. 305616/11

Port Authority of New York  
& New Jersey, et al.,

Defendants-Respondents.

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

-----X

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" August 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 September 12, 2017.

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

-----X  
Hamilton 65<sup>th</sup> Partners, LLC,

Plaintiff-Appellant,

-against-

M-4408

Index No. 652414/15

Smallbone Inc., et al.,

Defendants-Respondents.  
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 13, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated August 14, 2017, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected, 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 September 12, 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,

-against-

M-4422

Ind. No. 5164/14

Ruvioldy Cruz,

Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about September 23, 2015,

Now, upon reading and filing the stipulation of the parties hereto, dated August 7, 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 September 12, 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,

-against-

Rolando Pace,

Defendant-Appellant.

-----X

M-3892

Ind. No. 4977/15

SCI Nos. 3950/15

4143/15

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about February 10, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated July 14, 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 September 12, 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-4392  
Ind. No. 2095/14

Julius Segar,  
Defendant-Appellant.

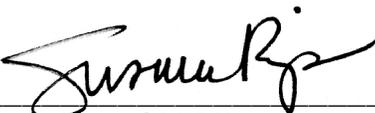
-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, rendered on or about May 20, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated August 7, 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 September 12, 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-4224  
Ind. No. 2121/15

Cleon McHayle,  
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, rendered on or about October 3, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated July 31, 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 September 12, 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,

-against-

M-4483

Ind. No. 3763/12

Anthony Caldwell,

Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about March 20, 2013,

Now, upon reading and filing the stipulation of the parties hereto, dated August 14, 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 September 12, 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,

-against-

M-4498

Ind. No. 1757/15

Anthony Dorsette,

Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about November 12, 2015,

Now, upon reading and filing the stipulation of the parties hereto, dated August 18, 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 September 12, 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,

-against-

M-4453

Ind. No. 2684/16

Lester Walker,

Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about August 3, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated August 11, 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 September 12, 2017.

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

-----X  
Margarita Martinez, As Administratrix  
of the Estate of Louis Martinez,  
Deceased,  
Plaintiff-Respondent,

-against-

M-4108X  
Index No. 13499/07

Edith Szabo,  
Defendant-Appellant,

St. Barnabas Hospital, et al.,  
Defendants.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about October 20, 2016,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" August 2, 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 September 12, 2017.

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

-----X

Madeline Pizarro,

Plaintiff-Respondent,

-against-

Chulon Cab Corp., et al.,

Defendants-Appellants.

-----X

M-4103X  
Index No. 21403/15

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about September 2, 2016,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 31, 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 September 12, 2017.

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

-----X  
Hao Ye,  
Plaintiff-Respondent,

-against-

M-4110X  
Index No. 110724/07

New York City Transit Authority,  
et al.,  
Defendants-Appellants.  
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about September 28, 2016,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" August 2, 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 September 12, 2017.

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

-----X  
Mark Ebanks,  
Plaintiff-Appellant,

-against-

Morris Court Apartments LLC,  
Defendant-Respondent,

M-4166  
Index No. 21448/13E

-and-

Ardsley Management Corp.,  
Defendant.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about August 18, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated July 17, 2017, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected, 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 September 12, 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 Application of  
James Hicks, M.D., Acting Director of  
Clinical Services of Kirby Forensic  
Psychiatric Center,  
Petitioner-Respondent,

-against-

**CONFIDENTIAL**

M-4255

Index No. 530279/17

Joshua B.,  
Respondent-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about February 27, 2017,

Now, upon reading and filing the stipulation of the parties hereto, dated August 7, 2017, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected, 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 September 12, 2017.

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

-----X  
Joan Banach,

Plaintiff-Appellant,

-against-

M-4163

Index No. 600918/09

The Dedalus Foundation, Inc.,

Defendant-Respondent.  
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about December 13, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated July 27, 2017, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected, 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 September 12, 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  
Paternity Under Article 5 of the  
Family Court Act.

-----  
Kerry S.,  
Petitioner-Respondent,

-against-

**CONFIDENTIAL**

M-2937

Docket No. P-21306/12

Avellda B.,  
Respondent-Appellant.

-----x

An appeal having been taken from the order of the Family Court, New York County, entered on or about March 6, 2013, and said appeal having been perfected,

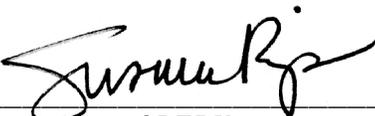
And petitioner-respondent having moved for leave to respond to the appeal as a poor person, for the assignment of counsel, a free copy of the transcript, and for related relief,

And the appeal having been decided by the decision and order of this Court entered on November 6, 2014 (Appeal No. 13438),

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, nunc pro tunc to March 15, 2013, to the extent of assigning, pursuant to Article 18b of the County Law and § 1120 of the Family Court Act, Jo Ann Douglas, Esq., 170 Second Avenue, New York, NY 10003, Telephone No. 212-673-2895, as counsel for purposes of responding to the appeal.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 12, 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,

-against-

M-4518  
Ind. No. 970/16

Michael Conner,

Defendant-Appellant.  
-----X

An order of the Supreme Court, New York County, having been entered on May 10, 2017, inter alia, granting defendant poor person relief with respect to the appeal from the judgment of the Supreme Court, New York County, rendered on or about May 10, 2017,

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

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

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 September 12, 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-4115

-against-

Ind. Nos. 3915/03

4441/12

Joaquin Encarnacion-Diaz,  
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 (Ferrara, J.), entered on or about July 7, 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 Ferrara as yet not transcribed. The 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.

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". The signature is written in a cursive style with a large initial "S" and "R".

---

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 September 12, 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,

-against-

M-4457  
Ind. No. 3793/15

Mitchell Hernandez,

Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on April 20, 2017, inter alia, granting defendant poor person relief with respect to the appeal from the judgment of the Supreme Court, New York County, rendered on or about April 20, 2017,

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

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

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 September 12, 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-4155

-against-

Ind. No. 1168/08

Angel Ortiz,  
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 (Zweibel, J.), entered on or about October 11, 2016, 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 Zweibel 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.

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". 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 September 12, 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-4065

-against-

Ind. No. 1364/07

Jonathan Rodriguez,  
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 (Nuñez, J.), entered on or about April 6, 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 Nuñez 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.

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". 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 September 12, 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,

-against-

M-4473

Ind. No. 3518/15

John Boyer,

Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on April 20, 2017, inter alia, granting defendant poor person relief with respect to the appeal from the judgment of the Supreme Court, New York County, rendered on or about April 20, 2017,

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

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

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28<sup>th</sup> 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.

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 September 12, 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,

-against-

M-4514  
Ind. No. 5234/13

Jean Andre,

Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on March 3, 2017, inter alia, granting defendant poor person relief with respect to the appeal from the judgment of the Supreme Court, New York County, rendered on or about March 3, 2017,

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

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

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28<sup>th</sup> 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.

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 September 12, 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,

-against-

M-4520  
Ind. No. 550/16

Lonnie Knight,

Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on March 16, 2017, inter alia, granting defendant poor person relief with respect to the appeal from the judgment of the Supreme Court, New York County, rendered on or about March 16, 2017,

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

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

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28<sup>th</sup> 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.

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 September 12, 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,

-against-

M-4524  
Ind. No. 1234/16

Mark Williams,

Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on May 16, 2017, inter alia, granting defendant poor person relief with respect to the appeal from the judgment of the Supreme Court, New York County, rendered on or about May 16, 2017,

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

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

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28<sup>th</sup> 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.

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 September 12, 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,

-against-

M-4516  
Ind. No. 1835/15

Dwight Thomas,

Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on April 28, 2017, inter alia, granting defendant poor person relief with respect to the appeal from the judgment of the Supreme Court, New York County, rendered on or about May 19, 2017,

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

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

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28<sup>th</sup> 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.

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 September 12, 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,

-against-

M-3313  
Ind. No. 3109/14

Jose Beniquez,  
Defendant-Appellant.

-----X

Defendant having moved 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 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, 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.

Marianne Karas, Esq., 980 Broadway, Suite 324, Thornwood, NY 10594-1139, Telephone No. (914) 434-5935 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

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 September 12, 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,

-against-

M-4015  
Ind. Nos. 4339/16  
734/16

Alfonso Rizzuto,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about April 19, 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, 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.

Marianne Karas, Esq., 980 Broadway, Suite 324, Thornwood, NY 10594-1139, Telephone No. (914) 434-5935, 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

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 September 12, 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-3954

-against-

Ind. No. 589/13

Rigoberto Funez,  
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 (Obus, J.), entered on or about April 14, 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 Obus 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.

(M-3954)

-2-

September 12, 2017

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

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 September 12, 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,

**Confidential**

M-3700

-against-

SCI. No. 99051/16

Juan Vazquez,  
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 (Alvarado, J.), entered on or about June 16, 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 Alvarado as yet not transcribed. The 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.

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

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 September 12, 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 Custody/Visitation  
Proceeding Under Article 6 of the  
Family Court Act.

- - - - -  
Lakisha C.,  
Petitioner-Appellant,

**CONFIDENTIAL**

M-2336A  
Docket Nos. V-4558-13/16H  
V-4559-13/16H

-against-

Abraham N.,  
Respondent-Respondent.

- - - - -  
Elizabeth Wilder, Esq.,  
Children's Law Center,  
Attorney for the Children.

-----X  
Respondent-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 February 28, 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 Carmel, Esq., 53 Jackson Avenue, Syosset, NY 11719, Telephone No. (516) 921-6800, 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 petitioner-appellant

and 8 copies thereof are filed with this Court. The order of this Court entered on June 27, 2017 (M-2336) is hereby recalled and vacated.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 12, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Judith J. Gische  
Troy K. Webber, Justices.

-----X

In re Community Related Services,  
Inc. (CRS),  
Petitioner-Respondent,

-against-

M-3605

Index No. 113740/09

New York State Department of Health,  
et al.,  
Respondents-Appellants.

-----X

Respondent-appellant New York State Department of Health 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 June 6, 2017 (Appeal No. 3334),

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 September 12, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
Dianne T. Renwick  
Angela M. Mazzarelli  
Jeffrey K. Oing, Justices.

-----X

James Brady,

Plaintiff-Appellant,

-against-

M-3592

Index No. 157779/13

450 West 31<sup>st</sup> Owners Corp., et al.,

Defendants-Respondents.

-----X

Plaintiff-appellant having moved for resettlement and/or clarification of the decision and order of this Court, entered on February 11, 2010 (Appeal Nos. 2137-2138),

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 September 12, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
Rosalyn H. Richter  
Troy K. Webber  
Marcy L. Kahn, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-3956  
Ind. No. 593/09

Gaetano D'Attore,

Defendant-Appellant.

-----X

Defendant-appellant having moved for reargument of the decision and order of this Court, entered on June 15, 2017 (Appeal Nos. 4295-4296),

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 September 12, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
Sallie Manzanet-Daniels  
Angela M. Mazzarelli  
Troy K. Webber  
Ellen Gesmer, Justices.

-----X

Benjamin Dixon,

Plaintiff-Appellant,

-against-

M-2394

Index No. 159846/14

105 West 75<sup>th</sup> Street LLC, et al.,

Defendants-Respondents.

-----X

Plaintiff-appellant having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on March 30, 2017 (Appeal Nos. 2763-2764),

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 September 12, 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-6538  
Ind. No. 4634/96

John Aponte,

Defendant-Appellant.

-----X

A decision and order of this Court having been entered on November 14, 2006 (Appeal No. 9534), unanimously affirming a judgment of the Supreme Court, Bronx County (Robert Seewald, J.), rendered on February 7, 2000,

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.

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 September 12, 2017.

Present: Hon. Rolando T. Acosta, Presiding Justice  
John W. Sweeny, Jr.  
Sallie Manzanet-Daniels  
Angela M. Mazzarelli  
Troy K. Webber, Justices.

-----X  
Plaza Collectibles Corp.,  
Plaintiff-Appellant,

-against-

Lee Rosenbloom,  
Plaintiff,

Directors Guild of America, Inc.,  
Defendant-Respondent.  
-----X

**M-3983**  
**M-4006**  
Index No. 156627/14

An appeal having been taken from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about November 1, 2016,

And defendant-respondent having moved to vacate the conditional stay previously granted by an order of this Court entered on March 9, 2017 (M-6282) [M-3983],

And plaintiff-appellant having cross-moved to modify the aforesaid conditional stay to make it conditional upon plaintiff perfecting the appeal for a Term to be determined by this Court [M-4006],

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 defendant-respondent's motion is denied [M-3983]. Plaintiff-appellant's cross motion is granted and the stay is conditioned on the appeal being perfected for the January 2018 Term [M-4006].

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 September 12, 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-2948  
Ind. No. 1348/06

Albert Javier,

Defendant-Appellant.

-----X

A decision and order of this Court having been entered on May 14, 2015 (Appeal Nos. 15105-15105A), unanimously modifying a judgment of the Supreme Court, New York County, rendered on January 16, 2007, as amended January 25, 2011,

And an order of this Court having been entered on May 18, 2017, denying defendant's prior application for a writ of error coram nobis (M-885),

And defendant-appellant having again 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 September 12, 2017.

Present - Hon. Peter Tom, Justice Presiding,  
Sallie Manzanet-Daniels  
Angela M. Mazzarelli  
Troy K. Webber, Justices.

-----X

Getty Properties Corp., et al.,  
Plaintiffs-Respondents-Appellants,

-against-

M-3220

M-3221

Getty Petroleum Marketing, Inc.,  
Defendant,

Action No. 1

Index No. 651762/12

1314 Sedgwick Ave. LLC, et al.,  
Defendants-Appellants-Respondents,

1714 New York Ave., LLC, et al.,  
Defendants-Respondents.

-----

One Pleasantville Road LLC,  
Plaintiff-Appellant,

-against-

Action No. 2

Index No. 401074/13

Getty Properties Corp.,  
Defendant-Respondent.

-----

1224 Route 22 LLC, et al.,  
Plaintiffs-Appellants,

-against-

Action No. 3

Index No. 401313/13

Getty Properties Corp.,  
Defendant-Respondent.

-----

857 RT 6 Mahopac LLC, et al.,  
Plaintiffs-Appellants,

-against-

Action No. 4

Index No. 401438/13

Getty Properties Corp.,  
Defendant-Respondent.

-----X

Defendants-appellants in Action No. 1 having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on May 18, 2017 (Appeal Nos. 4053-4054) [M-3220],

And plaintiffs-appellants in Action Nos. 2, 3, and 4 having separately moved for the aforesaid relief [M-3221],

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

It is ordered that the motions are denied.

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 September 12, 2017.

Present - Hon. David Friedman, Justice Presiding,  
Dianne T. Renwick  
Sallie Manzanet-Daniels  
Barbara R. Kapnick  
Ellen Gesmer, Justices.

-----x

Terrastone Audubon, L.P.,  
Plaintiff,

-against-

Blair Ventures, LLC,  
Defendant-Appellant,

M-2708  
Index No. 108948/10

Arthur Fein, et al.,  
Defendants,

-and-

Mont York Associates, L.P.,  
Defendant-Intervenor.

-----x

Appeals having been taken to this Court from orders of the Supreme Court, New York County, entered on or about July 1, 2016 and August 23, 2015; and an appeal having been taken from a judgment of said Court, entered on or about August 25, 2016,

And defendant-appellant having moved for consolidation of the aforesaid appeals or, in the alternative, dismissal of the appeal from the order entered on or about July 1, 2016 or, in the alternative, to withdraw the appeal from the order entered on or about July 1, 2016, 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 deeming the appeals from the orders entered on or about July 1, 2016 and August 23, 2016, as subsumed in the appeal from the judgment entered on or about August 25, 2016. The time to perfect the appeal from the judgment entered on or about August 25, 2016 is enlarged to the January 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 September 12, 2017.

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

-----X

In the Matter of the petition to set aside the Election of Trustees of The China Buddhist Association held on October 28, 2012.

M-2943  
Index No. 151656/13

-----  
Mew Fung Chen, Ming Yee and Chih Chen Ma,  
Petitioners-Appellants-Respondents,

-against-

Ming Tung, Wai Ching Chen, Ming Xin Shi and The China Buddhist Association,  
Respondents-Respondents-Appellants.

-----X

Appeals having been taken to this Court from orders of the Supreme Court, New York County, entered on or about August 11, 2016 and December 12, 2016, and a cross appeal having been taken from the order of said Court, entered on or about August 11, 2016,

And the parties having moved for consolidation of the aforesaid appeals and cross appeal, and for an enlargement of time to perfect the consolidated appeals,

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

It is ordered that the motion is granted to the extent of permitting appellants and cross appellant to prosecute the consolidated appeals upon 9 copies of one record and one set of appellants' points covering the consolidated appeals. The attention of the parties is directed to 22 NYCRR § 600.11. The time to perfect the consolidated appeals and cross appeal is enlarged to the January 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 September 12, 2017.

Present - Hon. Peter Tom, Justice Presiding,  
Sallie Manzanet-Daniels  
Angela M. Mazzarelli  
Richard T. Andrias  
Troy K. Webber, Justices.

-----X  
Tanya Gonzalez,  
Plaintiff-Appellant,

-against-

**CONFIDENTIAL**

M-3182

Riverbay Corporation, et al.,  
Defendants-Respondents,

Index Nos. 302579/10  
84027/11

William Thomas,  
Defendant.

- - - - -  
[And a third-party action]

-----X

Defendants-respondents, Marion Scott Real Estate, Inc., and Riverbay Corporation, having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on May 18, 2017 (Appeal No. 3839),

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 September 12, 2017.

Present - Hon. Peter Tom, Justice Presiding,  
Dianne T. Renwick  
Ellen Gesmer  
Peter H. Moulton, Justices.

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

Respondent,

-against-

M-3503

Ind. No. 2090/10

Christopher Montanez,

Defendant-Appellant.  
-----X

Defendant-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on February 17, 2017 (Appeal Nos. 3003-3005),

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 September 12, 2017.

Present - Hon. David Friedman, Justice Presiding,  
Dianne T. Renwick  
Richard T. Andrias  
Karla Moskowitz  
Ellen Gesmer, Justices.

-----X

The People of the State of New York  
ex rel. Joseph Griffin, Esq., on  
behalf of Juan Carlos Arias Reyes,

Petitioner,

**M-2953**

Ind. No. 924/17  
B&C No. 3601700080

-against-

Commissioner of the New York State  
Department of Corrections, et al.,

Respondents.

-----X

The above-named petitioner having moved for, inter alia, a writ of habeas corpus to be issued from this Court,

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

It is ordered that the motion be and the same hereby is granted only to the extent of transferring the proceeding to be heard before a Justice of the Supreme Court of the State of New York, New York County, forthwith, and

It is further ordered that service by mail of a copy of this writ of habeas corpus, petition and supporting papers, by the Clerk of this Court, contemporaneous with the entry hereof, shall be made upon the Warden at OBCC, 16-00 Hazen Street, East

Elmhurst, NY; the Attorney General of the State of New York, 120 Broadway, New York, New York 10271; and the District Attorney of New York County, and as such shall be deemed due and sufficient notice.

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 September 12, 2017.

Present - Hon. David Friedman, Justice Presiding,  
Dianne T. Renwick  
Sallie Manzanet-Daniels  
Barbara R. Kapnick  
Ellen Gesmer, Justices.

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

-against-

M-2600  
Ind. No. 4006N/12

Julio Genao Alba, also known as  
Julio Genoa Alba,,

Defendant-Appellant.  
-----x

Assigned counsel for defendant having moved to be relieved as counsel in connection with the appeal from the judgment of the Supreme Court, New York County, rendered on or about November 26, 2012 or, in the alternative, for dismissal 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 to the extent of deeming the appeal 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 September 12, 2017.

Present - Hon. David Friedman, Justice Presiding,  
Dianne T. Renwick  
Sallie Manzanet-Daniels  
Ellen Gesmer, Justices.

-----X

Valeron Holding, B.V., on behalf of  
itself and as assignee of OJSC  
Russian Machines,  
Plaintiff-Appellant,

-against-

M-3910  
Index No. 652944/14

Morgan Stanley, et al.,  
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on June 20, 2017 (Appeal No. 4313),

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 September 12, 2017.

Present - Hon. David Friedman, Justice Presiding,  
Sallie Manzanet-Daniels  
Karla Moskowitz  
Barbara R. Kapnick  
Troy K. Webber, Justices.

-----X

In re Marisol Rodriguez,  
Petitioner,

-against-

M-3003  
Index No. 101914/15

Shola Olatoye, etc.,  
Respondent.

-----X

Petitioner having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on May 11, 2017 (Appeal No. 3978), and for a stay of holdover proceedings pending hearing and determination of this motion, and pending appeals to 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 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 September 12, 2017.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,  
Angela M. Mazzarelli  
Richard T. Andrias  
Karla Moskowitz  
Judith J. Gische, Justices.

-----x

The People of the State of New York  
ex rel. Roy Taylor,

Petitioner-Appellant,

-against-

M-2783

Index No. 101990/16

Warden Ada Pressley,

Respondent-Respondent.

-----x

Petitioner-appellant having moved for appellate relief with respect to the appeal from the order of the Supreme Court, New York County, entered on or about February 7, 2017, which dismissed a habeas corpus proceeding,

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

It is ordered that said motion is deemed one for poor person relief and, as such, is granted only to the extent of directing that the appeal 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 Attorney General of the State of New York and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record.

ENTERED:

  
CLERK



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 is directed to forward to the Warden of the State Correctional Facility wherein defendant is incarcerated a transcript of the minutes relating to defendant's appeal, the transcript to be made available to appellant, without charge, and returned by him to this Court when submitting his pro se appellate brief.

The time in which appellant shall perfect this appeal is enlarged until 120 days from the date of filing the record or the date of this order, whichever is later. Appellant is advised that the appeal will not be heard unless and until all material furnished to him has been returned to this Court. The order of this Court entered on June 1, 2017 (M-1284) is hereby recalled and vacated.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 12, 2017.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,  
Richard T. Andrias  
Barbara R. Kapnick  
Marcy L. Kahn, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

**SEALED**  
**M-2761**

Ind. No. 3756/14

Anonymous,  
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, Bronx County, rendered on or about January 6, 2016,

And defendant-appellant having moved: to enlarge the record on appeal to include the transcription of the minutes of certain adjourn dates in the Supreme Court, Bronx County, delineated in the moving papers; to grant defendant anonymity and designate the appeal as *People v Anonymous*; to seal the record on appeal, including the minutes of the proceedings and all briefs and motions and future filings under Bronx County Ind. No. 3756/14,

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 Chief Court Reporter of the Supreme Court, Bronx County, is directed to transcribe, as expeditiously as possible, the minutes of the adjourn dates set forth in detail in the moving papers and any other minutes related to defendant's appeal that have not yet been transcribed, and

It is further ordered that the Clerk of this Court is directed to designate defendant's appeal as *People v Anonymous*, and to designate the record on appeal and all briefs, motions and minutes presently filed and yet to be filed as **SEALED**.

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 September 12, 2017.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Sallie Manzanet-Daniels  
Angela M. Mazzarelli  
Karla Moskowitz  
Troy K. Webber, Justices.

-----X  
In the Matter of

Kyel G.,  
and Cristalyn G.,

**CONFIDENTIAL**  
**M-2981**

Docket Nos. NA-41840/14  
NS-41841/14

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

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

Elvis S.,  
Respondent-Appellant.

- - - - -  
Seymour W. James, Jr., Esq.,  
The Legal Aid Society,  
Juvenile Rights Division.

-----X

An order of this Court having been entered on October 27, 2016 (M-4250), granting respondent-appellant 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 6, 2016, and assigning Steven N. Feinman, Esq., as attorney to prosecute the appeal on respondent's behalf,

And the afore-named Steven N. Feinman, Esq., assigned counsel for respondent-appellant, having moved to be relieved as appellate counsel for respondent-appellant,

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

Ordered that the motion is denied, with leave to renew upon a showing of further efforts having been made by assigned counsel to locate respondent father, and that respondent father has received assigned counsel's correspondence and moving papers at his place of incarceration.

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 September 12, 2017.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Sallie Manzanet-Daniels  
Angela M. Mazzarelli  
Karla Moskowitz  
Troy K. Webber, Justices.

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

**CONFIDENTIAL**

M-3283

-against-

Ind. No. 99085/16

Baudilio Morales,  
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 (Raymond L. Bruce, J.), entered on or about March 31, 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 Bruce 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.

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

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 September 12, 2017.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Sallie Manzanet-Daniels  
Angela M. Mazzarelli  
Karla Moskowitz  
Troy K. Webber, Justices.

-----X

NYCTL 2013-A Trust and The Bank of  
New York Mellon, as Collateral Agent  
and Custodian,  
Plaintiffs-Respondents,

**M-1855**  
**M-2558**

-against-

Index No. 260477/14

Beverly E. Williamson, also known as  
Beverly Williamson-Rhode, also known  
as Beverly Williamson Rhoden,  
Defendant-Appellant,

Hugh L. Williamson; New York City  
Environmental Control Board; The  
Ursuline School of New Rochelle;  
New York City Parking Violations  
Bureau; Jane Doe #1 and Jane Doe #2,  
Defendants.

-----X

Defendant-appellant pro se having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Supreme Court, Bronx County, entered on or about August 26, 2016, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, to stay eviction and to consolidate the eviction orders with the appeal, and for related relief (M-1855),

And defendant-appellant pro se having moved by separate motion for the same relief (M-2558),

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

It is ordered that the motions (M-1855/M-2558) are denied in their entirety.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 12, 2017.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Sallie Manzanet-Daniels  
Angela M. Mazzarelli  
Karla Moskowitz  
Troy K. Webber, Justices.

-----X

In the Matter of a Custody/Visitation and Family Offense Proceeding Under Article 6 and Article 8 of the Family Court Act.

**CONFIDENTIAL**

M-3125

- - - - - Docket Nos. V-7942/17, 17A  
V-7947/17, 17A  
Ericka M. R., V-7955/17, 17A  
V-7957/17, 17A  
Petitioner-Respondent, O-7920/17, 17A, 17B  
O-7931/17, 17A-D

-against-

Donald R. R., Jr.,  
Respondent-Appellant.

-----x

Respondent moves for leave to appeal to this Court from the interim order of the Family Court, New York County, entered on or about June 6, 2017, for a stay of the aforesaid order and any further proceedings pending hearing and determination of the appeal, 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 September 12, 2017.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Sallie Manzanet-Daniels  
Angela M. Mazzarelli  
Karla Moskowitz  
Troy K. Webber, Justices.

-----X  
HYK-273 W. 138<sup>th</sup> Street LLC, and Aaron  
Lebovits,  
Petitioners-Appellants,

**M-2962**

For a Judgment Pursuant to Article 78 Index No. 101554/15  
of the Civil Practice Law and Rules,

-against-

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

-and-

Emily Sherman,  
Respondent.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, entered on or about June 3, 2016,

And petitioners having moved for an order correcting the notice of 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 indicating that the date of the notice of appeal is July 8, 2016, and the time to perfect the appeal is enlarged to the January 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 September 12, 2017.

Present: Hon. Rosalyn H. Richter, Justice Presiding,  
Sallie Manzanet-Daniels  
Angela M. Mazzarelli  
Karla Moskowitz  
Troy K. Webber, Justices.

-----X  
Carlos Lopez-Gonzalez,  
Plaintiff-Respondent,

-against-

**M-3203**

**M-3204**

Index No. 151085/13

1807-1811 Park Avenue Development Corp.,  
ESF Property Inc., and Eastside Floor  
Services Ltd.,  
Defendants-Appellants.

-----  
1807-1811 Park Avenue Development Corp.,  
ESF Property Inc., and Eastside Floor  
Services Ltd.,  
Third-Party Plaintiffs-Appellants,

-against-

Third-Party

Index No. 595189/14

Navac Construction Corp.,  
Third-Party Defendant-Appellant.

-----  
Navac Construction Corp.,  
Second Third-Party Plaintiff-  
Appellant,

-against-

Second

Third-Party

Index No. 595013/15

Lurig Construction Inc., and Calim Ferris,  
Second Third-Party Defendants-  
Appellants.

-----X

Separate appeals having been taken to this Court from the order of the Supreme Court, New York County, entered on or about August 29, 2016,

And the "Eastside" defendants having moved for an enlargement of time to perfect their appeal (M-3203),

And third-party defendant "Navac" having moved for an enlargement of time to perfect its appeal (M-3204),

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 parties' appeals to the January 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 September 12, 2017.

Present: Hon. Sallie Manzanet-Daniels, Justice Presiding,  
Richard T. Andrias  
Karla Moskowitz  
Jeffrey K. Oing, Justices.

-----x

Danielle Biton, etc., et al.,  
Claimants,

M-2906

-against-

Claim Nos. 118003  
118004

State of New York, et al.,  
Defendants.

- - - - -

Danielle Biton, etc.,  
Claimant,

-against-

Claim No. 118086

State of New York, et al.,  
Defendants.

- - - - -

Saphyre Redford, et al.,  
Claimants,

-against-

Claim No. 118087

AG Cuomo, et al.,  
Defendants.

- - - - -

[And another action]

-----x

Claimants having moved for leave to prosecute, as poor persons, the purported appeals from orders of the Court of Claims of the State of New York, entered on or about May 11, 2010, December 12, 2010, March 18, 2011 and November 19, 2012, and for related relief,

And an order of this Court having been entered on May 23, 2013 (M-1443), denying claimants' motion for poor person relief,

And by this motion, claimants having renewed their request for poor person relief,

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

It is ordered that the motion is denied.

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 September 12, 2017.

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

-----X  
Gregory Remington, et al.,

Plaintiffs-Respondents,

-against-

M-3709  
Index No. 157113/15

Windermere Owners LLC,

Defendant-Appellant.  
-----X

Defendant-appellant having moved for a stay of execution and enforcement of the order of the Supreme Court, New York County, entered on or about June 22, 2017, pending the hearing and determination of the appeal from that order,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties hereto dated August 1, 2017, and due deliberation having been had thereon,

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

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 12, 2017.

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

-----x  
Samuel Pfeiffer,

Plaintiff-Appellant,

-against-

M-3992  
Index No. 452996/15

Edward G. Imperatore, et al.,

Defendants-Respondents.  
-----x

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, New York County, entered on or about June 29, 2016, and for other relief,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from Jeffrey M. Eilender, Esq., attorney for plaintiff-appellant, dated August 9, 2017, and due deliberation having been had thereon,

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

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 12, 2017.

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

-----x  
Samuel Pfeiffer,

Plaintiff-Appellant,

-against-

Mid-Town Development Limited  
Partnership, et al.,

Defendants-Respondents.  
-----x

M-3987  
Index No. 452464/15

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, New York County, entered on or about June 21, 2016, and for other relief,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated August 14, 2017, and due deliberation having been had thereon,

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

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 12, 2017.

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

-----x

Taylor Dunham,

Plaintiff-Respondent,

-against-

M-3715

Index No. 157824/15

Windermere Owners LLC,

Defendant-Appellant.

-----x

Defendant-appellant having moved for a stay of execution and enforcement of the order of the Supreme Court, New York County, entered on or about June 22, 2017, pending the hearing and determination of the appeal of that order,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties hereto dated July 12, 2017, and due deliberation having been had thereon,

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

ENTERED:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 12, 2017.

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

-----X  
Iris Morales,  
Plaintiff-Appellant,

-against-

M-3948  
Index No. 21639/12E

Omar R. Ramos, et al.,  
Defendants,

-and-

Ratamanegre Zeida and Foxwood  
Leasing, Inc.,  
Defendants-Respondents.

-----X

Defendants-respondents having moved for dismissal of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about May 11, 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 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 September 12, 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-4017  
Ind. No. 2997/14

Jorge Soriano also known as  
Jorge Soriano Dajer,  
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 November 17, 2016, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

The motion, to the extent that it seeks poor person relief, is denied, with leave to renew upon defendant's submission of a notarized affidavit, in compliance with CPLR 1101, setting forth the terms of defendant's retainer agreement with trial counsel, John Silvestri, Esq., as well as the amount and sources of funds for trial counsel's fee, and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

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 September 12, 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 a Proceeding for  
Custody and/or Visitation Under  
Article 6 of the Family Court Act.

- - - - -  
Elisa N.,  
Petitioner-Respondent,  
  
-against-

**CONFIDENTIAL**  
**M-4001**  
Docket Nos. V-30766/14  
V-30767/14

Yoav I.,  
Respondent-Appellant.

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

-----X

An appeal having been taken from an order of the Family Court, New York County, entered on or about January 20, 2016,

And an order of this Court having been entered on April 25, 2017 (M-1033), granting respondent-appellant poor person relief and assigning Steven N. Feinman, Esq., as counsel on said appeal,

And respondent-appellant having moved for an order relieving assigned counsel, Steven N. Feinman, Esq., and assigning new counsel on respondent-appellant's behalf,

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 previously assigned counsel Steven N. Feinman, Esq., and substituting Bruce A. Young, Esq., 100 Church Street, Suite #800, New York, NY 10007. Telephone No. (212) 965-0050, as counsel for respondent-appellant.

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 September 12, 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 a Proceeding for  
Support Under Article 4 of the  
Family Court Act.

**CONFIDENTIAL**

M-3564

- - - - -  
Rita F. H.,  
Petitioner-Appellant-Respondent,

Docket No. F-2657-93/10E

-against-

Jesse M. H.,  
Respondent-Respondent-Appellant.

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

- - - - -  
Jesse M. H.,  
Petitioner-Appellant-Respondent,

Docket No. F-2657-93/11G

-against-

Rita F. H.,  
Respondent-Respondent-Appellant.

-----X

Appeals and cross appeals having been taken from a judgment of the Support Magistrate of the Family Court, New York County, entered on or about October 27, 2015, under Docket No. F-2657-93/11G; and from orders of the same Support Magistrate, entered on October 27, 2015, under Docket No. F-2657-93/10E; and from orders of the Family Court, New York County, entered on or about January 4, 2016, February 29, 2016, March 29, 2016, January 6, 2017, and February 10, 2017

And petitioner/respondent Jesse M.H. having moved for an order taking judicial notice of certain federal medical websites, and for an enlargement of time to perfect the appeals,

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

It is ordered that the motion is granted only to the extent of enlarging the time to perfect the appeals and cross appeals to the January 2018 Term; the motion is otherwise denied.

ENTERED:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 12, 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-4018  
Ind. No. 5122N/15

Jorge Soriano also known as Jorge Soriano Dajer,  
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 November 22, 2016, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

The motion, to the extent that it seeks poor person relief, is denied, with leave to renew, upon defendant's submission of a notarized affidavit, in compliance with CPLR 1101, setting forth the terms of defendant's retainer agreement with trial counsel, John Silvestri, Esq., as well as the amount and sources of funds

for trial counsel's fee, the source(s) of funds for the \$50,000 cash bond, and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source(s) of all funds utilized by defendant.)

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 September 12, 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-4004  
Ind. No. 4943N/14

Carlos Reyes,  
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 January 4, 2017, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

The motion, to the extent that it seeks poor person relief, is denied, with leave to renew, upon defendant's submission of a notarized affidavit, in compliance with CPLR 1101, setting forth the terms of defendant's retainer agreement with trial counsel, Peter M. Frankel, Esq., as well as the amount and source[s] of funds for trial counsel's fee, the source[s] of funds used to

post \$100,000 bail, and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

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 September 12, 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  
ex rel. Norman Ferguson,  
Petitioner,

-against-

M-4335  
Ind. No. 322/17

The City of New York, Warden of RNDC,  
et al.,  
Respondents.

-----X

The above-named petitioner having moved for, inter alia, a writ of habeas corpus to be issued from this Court,

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

It is ordered that the motion be and the same hereby is granted only to the extent of transferring the proceeding to and be heard before a Justice of the Supreme Court of the State of New York, New York County, 100 Centre Street, New York, NY, 10013, forthwith, and

It is further ordered that service by mail of a copy of this writ of habeas corpus, petition and supporting papers, by the Clerk of this Court, contemporaneous with the entry hereof, upon the Warden at RNDC, 11-11 Hazen Street, East Elmhurst, New York, 11370; the Attorney General of the State of New York, 120 Broadway, New York, New York 10271; and the District Attorney of New York, One Hogan Place, New York, NY 10003, be deemed due and sufficient notice.

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 September 12, 2017.

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

-----x

Randall Henriksen, et al.,  
Plaintiffs-Respondents,

-against-

Consolidated Edison Company of  
New York, Inc.,  
Defendant-Appellant.

-----x

M-3842  
M-4196  
Index No. 159053/14

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about October 4, 2016, and said appeal having been perfected,

And defendant-appellant having moved for a stay of trial pending hearing and determination of the aforesaid appeal (M-3842),

And defendant-appellant having subsequently moved to withdraw the aforesaid appeal (M-4196),

Now, upon reading and filing the papers with respect to the motion, and the stipulations of the parties, both of which are dated August 1, 2017, and due deliberation having been had thereon,

It is ordered that the motion and the appeal are deemed withdrawn in accordance with the aforesaid stipulations.

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 September 12, 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 Guardianship of  
the Person and Custody of

Frank Enrique S., Jr.,

**CONFIDENTIAL**  
**M-4023**

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

Docket No. B-18651/13

-----  
Catholic Guardian Society & Home Bureau,  
now known as Catholic Guardian Services,  
and The Commissioner of Social Services  
of the City of New York,  
Petitioners-Respondents,

Karina F.,  
Respondent-Appellant.

-----  
Tamara Steckler, Esq.,  
Attorney for the Child.

-----X  
An appeal having been taken from an order and judgment  
(one paper) of the Family Court, New York County, entered on  
or about February 4, 2015,

And an interim order of a Justice of this Court, having been  
entered on or about July 27, 2017, granting respondent  
an interim stay of adoption of the subject child pending  
determination of the motion within,

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

It is ordered that respondent's motion is denied and the interim stay of adoption is vacated.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 12, 2017.

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

-----x  
Danielle Shapiro,

Plaintiff-Respondent,

-against-

Windermere Owners LLC,

Defendant-Appellant.  
-----x

M-3706  
Index No. 158036/15

Defendant-appellant having moved for a stay of execution and enforcement of the order of the Supreme Court, New York County, entered on or about June 22, 2017, pending the hearing and determination of the appeal from that order,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties hereto dated August 1, 2017, and due deliberation having been had thereon,

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

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 12, 2017.

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

-----x  
Ivan Ciment,

Plaintiff-Respondent,

-against-

Spantran, Inc., et al.,

Defendants-Appellants.  
-----x

M-3477  
Index No. 655680/16

Appeals having been taken to this Court by defendants from the orders of the Supreme Court, New York County, entered on or about January 6, 2017 and April 19, 2017,

And defendants-appellants having moved for an order vacating a preliminary injunction issued in Supreme Court, New York County, entered on or about January 6, 2017, or, in the alternative, to modify said injunction to require plaintiff to post a bond,

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 September 12, 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-4033  
Ind. No. 3134/13

Devar Hurd, also known as Deva Hurd,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to file a pro se supplemental brief in connection with an appeal from judgments of the Supreme Court, New York County, rendered on or about October 23, 2015 and March 31, 2016, for a copy of the trial transcripts and for an enlargement of time in which to file said pro se supplemental brief,

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

It is ordered that the motion is granted to the extent of directing defendant to serve and file 8 copies of his pro se supplemental brief on or before November 6, 2017 for the January 2018 Term, to which Term the appeal is adjourned. The Clerk of the Court is directed to forward to the Warden at the State correctional facility wherein defendant is incarcerated a transcript of the minutes relating to defendant's appeal, said transcript to be made available to appellant and returned by appellant to this Court when submitting the pro se supplemental brief hereto. The appeal will not be heard unless and until all material furnished to appellant has been returned.

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 September 12, 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-4032  
Ind. No. 3702/13

Romeo Marishaw,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to file a pro se supplemental brief in connection with an appeal from a judgment of the Supreme Court, New York County, rendered on or about October 2, 2015, for a copy of the trial transcripts and for an enlargement of time in which to file said pro se supplemental brief,

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

It is ordered that the motion is granted to the extent of directing defendant to serve and file 8 copies of his pro se supplemental brief on or before November 6, 2017 for the January 2018 Term, to which Term the appeal is adjourned. The Clerk of the Court is directed to forward to the Warden at the State correctional facility wherein defendant is incarcerated a transcript of the minutes relating to defendant's appeal, said transcript to be made available to appellant and returned by appellant to this Court when submitting the pro se supplemental brief hereto. The appeal will not be heard unless and until all material furnished to appellant has been returned.

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 September 12, 2017.

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

-----x  
International Brain Research  
Foundation, Inc.,  
Plaintiff-Appellant,

-against-

M-4080  
Index No. 159685/13

John A. Cavalier, 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 May 2, 2015, and said appeal having been perfected,

And defendants-respondents having moved for leave to file a supplemental record on appeal to include (1) the original complaint filed on October 21, 2013; (2) plaintiff's notice of motion for summary judgment filed on March 28, 2014; (3) an Affidavit of John Cavalier filed on June 3, 2014; (4) the Supreme Court's order entered on or about July 28, 2014; (5) the Supreme Court's preliminary conference order entered on or about October 17, 2014, and (6) the Supreme Court's compliance conference order entered on or about January 30, 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, and defendants-respondents are directed to file a supplemental record on appeal containing Exhibits 1 through 6 in the moving papers, at its own expense, and if so advised, and this Court will take judicial notice of said exhibits. Sua sponte, the perfected appeal is adjourned to the December 2017 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 September 12, 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

Wendy P.,  
and Valeria S.,

**CONFIDENTIAL**

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

M-4370  
Docket Nos. NA-27180/13  
NA-27181/13

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

Edwin S.,  
Respondent-Appellant.

- - - - -  
Maggie Bruck, Ph.D., et al.,  
Amici Curiae.

-----X

An appeal having been taken to this Court from the order of the Family Court, Bronx County, entered on or about May 16, 2016, and said appeal having been perfected,

And proposed amici Professors of Psychology and Psychiatry, Maggie Bruck, Ph.D., Dr. Michael Lamb, Ph.D., Professor Gary B. Melton, Ph.D. and Dr. Kamala London, Ph.D., having moved for leave to file a brief amici curiae in connection with 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, and the 8 copies of the proposed brief amici curiae submitted with the moving papers are deemed timely 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 September 12, 2017.

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

-----x  
Manuel Guaman, as Administrator of the  
Estate of Luis Antonio Guaman,  
deceased,  
Plaintiff-Appellant-Respondent,

-against-

The City of New York,  
Defendant-Respondent-Appellant,

D'Onofrio General Contractors Corp.,  
Defendant-Respondent-Appellant,

-----  
D'Onofrio General Contractors Corp.,  
Third-Party Plaintiff-Respondent-  
Appellant,

M-4141  
Index No. 150047/14

-against-

Yukon Enterprises, Inc.,  
Third-Party Defendant-Appellant-  
Respondent.

-----  
Yukon Enterprises, Inc.,  
Second Third-Party Plaintiff-  
Respondent-Appellant,

-against-

Diego Construction, Inc.,  
Second Third-Party Defendant-  
Appellant-Respondent.

-----x  
Appeals and cross appeals having been taken to this Court from orders of the Supreme Court, New York County, entered on or about April 19, 2016 and June 29, 2017, and an appeal from the order entered on or about April 19, 2016 having been perfected,

And defendants City of New York and D'Onofrio General Contractors Corp. having moved for consolidation of the aforesaid appeals and cross appeals, for leave to file a supplemental joint record on appeal for the order entered on or about April 19, 2016 to include all necessary documents for the appeal from the order entered on or about June 29, 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 consolidating the appeals and cross appeals taken from both orders, which are to be perfected for the January 2018 Term, and adjourning the perfected appeal from the order entered on or about April 19, 2016 to the January 2018 Term. Plaintiff is permitted to file a second appellant's brief from the order entered on or about June 29, 2017, and the parties are granted leave to file a joint supplemental record on appeal from the latter order.

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 September 12, 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 a Proceeding for Custody and/or Visitation Under Article 6 of the Family Court Act.

Kayo I.,  
Petitioner-Respondent,

-against-

Eddie W.,  
Respondent-Appellant.

Eddie W.,  
Petitioner-Appellant,

-against-

Kayo I.,  
Respondent-Respondent.

-----x

M-3735  
Docket Nos. V-1887/08  
V-1887-08/14B  
V-1887-08/15C  
V-1887-08/15D  
V-1887-08/15E  
V-1887-08/15F  
V-22546-09/15B  
V-22546-09/15C  
V-22546-09/15D  
V-22546-09/15E

Respondent/petitioner-appellant having moved for an enlargement of time to perfect the appeal from the order of the Family Court, New York County, entered on or about October 17, 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 January 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 September 12, 2017.

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

-----X  
Robert A. Mulhall, etc., et al.,  
Plaintiffs-Respondents,

-against-

Archdiocese of New York, et al.,  
Defendants,

M-4081  
Index No. 151656/12

-and-

Church of St. Paul the Apostle,  
Defendant-Appellant.

-----x  
(And Additional Actions  
-----X

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about July 27, 2015, and said appeal having been perfected,

And defendant-appellant having moved for adjournment 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 to the extent of adjourning 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 September 12, 2017.

Present - Hon. Barbara R. Kapnick, Justice Presiding,  
Marcy L. Kahn  
Ellen Gesmer  
Cynthia S. Kern  
Peter H. Moulton, Justices.

-----X  
Laura Santiago, as Administratrix of  
the Estate of Ignacio Cubano, Deceased,  
and Laura Cubano, Individually,  
Plaintiffs-Respondents,

-against-

M-3864  
Index No. 23177/13E

Celso M. Pagan and Felix A. Manzano, Jr.,  
Defendants-Respondents,

-and-

APA Logistics LLC,  
Defendant-Appellant.

-----X  
Defendant-appellant having moved for a stay of trial pending hearing and determination of the appeal from the order of the Supreme Court, Bronx County, entered on or about July 29, 2016,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties hereto dated July 24, 2017, and due deliberation having been had thereon,

It is ordered that the motion and appeal are deemed withdrawn in accordance with the aforesaid stipulation.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 12, 2017.

Present: Hon. Barbara R. Kapnick, Justice Presiding,  
Marcy L. Kahn  
Ellen Gesmer  
Cynthia S. Kern  
Peter H. Moulton, Justices.

-----X  
The People of the State of New York  
ex rel. Mark Rouse, pro se,  
Petitioner-Appellant,

-against-

**M-3114**  
Ind. No. 4662/14

New York County District Attorney,  
Respondent-Respondent.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about May 15, 2015, and said appeal having been perfected,

And petitioner having moved for a writ of habeas corpus to be issued from this Court,

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

It is ordered that petitioner's motion is denied, and his application is dismissed, for lack of jurisdiction (CPLR 7002[b]).

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 September 12, 2017.

Present - Hon. Barbara R. Kapnick, Justice Presiding,  
Marcy L. Kahn  
Ellen Gesmer  
Cynthia S. Kern  
Peter H. Moulton, Justices.

-----x  
Joyce Wong, individually and as the Administratrix of the goods, chattels and credits of Fredebinda Wong, also known as Fredeswinda Wong, Deceased, Plaintiffs-Respondents,

-against-

M-3501  
Index No. 108906/06

Germanic Masonic Corporation, doing business as Dumont Masonic Home, et al., Defendants,

-and-

Igor Israel, MD, Defendant-Appellant.  
-----x

Defendant-appellant having moved for a stay of trial pending hearing and determination of the appeal from the order of the Supreme Court, New York County, entered on or about June 23, 2017,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from Bartlett, McDonough & Monaghan, LLP (Sara I. Tomanio, of counsel to defendant-appellant), dated July 14, 2017, and due deliberation having been had thereon,

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

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 12, 2017.

Present - Hon. Barbara R. Kapnick, Justice Presiding,  
Marcy L. Kahn  
Ellen Gesmer  
Cynthia S. Kern  
Peter H. Moulton, Justices.

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

Macin Angel D.,  
also known as  
Macin D.,

**CONFIDENTIAL**  
**M-3875**  
Docket No. B-408/16

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

- - - - -  
Sheltering Arms Children and Family Services,  
Petitioner-Respondent,

Miguel A. D., Jr., also known as Miguel D.,  
Respondent-Appellant,

Cinnamon Nyree P., also known as Cinnamon P.,  
Respondent-Appellant.

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

-----X

Respondent-appellant father having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, Bronx County, entered on or about June 9, 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, Larry S. Bachner, P.C., C/O Bachner & Associates, P.C., 39 Broadway, Suite #1610, New York, NY 10006, Telephone No. (917) 674-9516, 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<sup>1</sup> **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

---

<sup>1</sup>Service 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 September 12, 2017.

Present: Hon. Barbara R. Kapnick, Justice Presiding,  
Marcy L. Kahn  
Ellen Gesmer  
Cynthia S. Kern  
Peter H. Moulton, Justices.

-----X

In the Matter of

Mariama J.,

**CONFIDENTIAL**

**M-3356**

Docket No. B-16198/14

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

- - - - -  
Lutheran Social Services of New York,  
Petitioner-Respondent,

Jainaba C.,  
Respondent-Appellant.  
- - - - -

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

-----X

An appeal having been taken from an order of the Family Court, Bronx County, entered on or about October 18, 2016,

And an order of this Court having been entered on January 26, 2017 (M-5815), granting respondent-appellant mother poor person relief and assigning Andrew J. Baer, Esq., as counsel for purposes of prosecuting the aforesaid appeal,

And assigned counsel Andrew J. Baer, Esq., having moved to withdraw the aforesaid appeal and to be allowed to withdraw as counsel on 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, to the extent assigned counsel Andrew J. Baer, Esq., seeks to withdraw as counsel, is granted. So much of the motion which seeks to withdraw the appeal is denied and, sua sponte, Larry S. Bachner, P.C., 39 Broadway, Suite #1610, New York, NY 10006, Telephone No. (917) 674-9516, is substituted as assigned counsel.

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 September 12, 2017.

Present - Hon. Barbara R. Kapnick, Justice Presiding,  
Marcy L. Kahn  
Ellen Gesmer  
Cynthia S. Kern  
Peter H. Moulton, Justices.

-----x  
The People of the State of New York  
ex rel. Alfonso Rizzuto,  
Petitioner-Appellant,

-against-

M-3023  
Index No. 102084/16

Warden, Raino Hills, New York City  
Department of Corrections,  
Respondent-Respondent.  
-----x

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about January 19, 2017, which denied and dismissed a habeas corpus proceeding, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for the 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 said motion is granted and it is directed that the appeal 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 Attorney General of the State of New York and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

Marianne Karas, Esq., 980 Broadway, Suite 324, Thornwood, N.Y. 10594-1139, Telephone No. (914) 434-5935, 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

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 September 12, 2017.

Present - Hon. Barbara R. Kapnick, Justice Presiding,  
Marcy L. Kahn  
Ellen Gesmer  
Cynthia S. Kern  
Peter H. Moulton, Justices.

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

-against-

Carrell Johnson,  
Defendant-Appellant.

**M-3227**

Ind. Nos. 634/15  
276/15

-----X

An order of this Court having been entered on May 11, 2017 (M-1662), inter alia, granting defendant's motion for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about January 27, 2017, under Indictment No. 634/15, and assigning counsel therefor,

And defendant-appellant having moved for an order amending this Court's aforesaid order of assignment to reflect that, after **resentence**, the date of the judgment of defendant's conviction under Ind. No. 634/15 is February 21, 2017; and deeming defendant's moving papers to be a timely filed notice of appeal from the judgment of **resentence**,

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

It is ordered that said motion is granted to the extent of amending defendant's notice of appeal and order of assignment (M-1662) entered on May 11, 2017, to also include an appeal from the February 21, 2017 judgment of **resentence**; deeming the

notice of appeal as having been timely filed from said judgment of **resentence**; and continuing the previously granted poor person relief and assignment of Christina Swarns, Esq., successor counsel to Rosemary Herbert, Esq., The Office of the Appellate Defender, to include the appeal taken from the February 21, 2017 judgment of **resentence** of the same court under New York County Ind. No. 634/15.

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 September 12, 2017.

Present: Hon. Barbara R. Kapnick, Justice Presiding,  
Marcy L. Kahn  
Ellen Gesmer  
Cynthia S. Kern  
Peter H. Moulton, Justices.

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

Respondent,

**CONFIDENTIAL**

**M-3422**

-against-

Ind. No. 7282/03

Frank Brown,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from the order of the Supreme Court, New York County (Bonnie K. Wittner, J.), entered on or about April 6, 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 Wittner 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. The time to perfect the appeal is enlarged to the January 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 September 12, 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-4093**

Ind. No. 5023/15

Patrick McMullan,  
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 June 15, 2017, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, for continuation of bail in accordance with the order of a Justice of this Court, entered on or about April 27, 2017, 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, 28<sup>th</sup> Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged to December 4, 2017 for the February 2018 Term of this Court. So much of the motion which seeks the continuation of bail is granted and said bail is continued on all of the original conditions set forth in the order of a Justice of this Court, entered on August 3, 2017, and on the further condition that either the appeal is perfected on or before December 4, 2017 for the February 2018 Term, or, if so advised, a motion for an enlargement and for continuation of bail is filed with this Court and made returnable on or before November 6, 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 September 12, 2017.

Present - Hon. Peter Tom, Justice Presiding,  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Angela M. Mazzarelli  
Judith J. Gische, Justices.

-----x

The People of the State of New York,  
Respondent,

**M-2871**

-against-

Ind. No. 3874/14

Jose Nunez,  
Defendant-Appellant.

-----x

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about August 17, 2016,

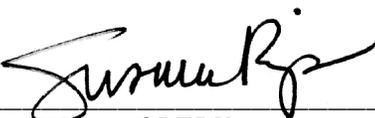
This Court, by orders entered July 1, 2016 and December 22, 2016, initially granted bail pending sentencing and released defendant on \$100,000 insurance company bond, and thereafter extended the stay of execution of sentence pending hearing and determination of the appeal,

And defendant having moved for an order continuing the stay of execution of sentence, and bail, pending the hearing and determination of the appeal,

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

It is ordered that the motion is granted to the extent of enlarging defendant-appellant's time to perfect the appeal to the April 2018 Term, and extending the previously granted stay of execution of the sentence and bail under the original terms and conditions, and on the further condition defendant-appellant perfects the appeal for 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 September 12, 2017.

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

-----x

Elana Santos,  
Plaintiff-Respondent,

-against-

Drain King, LLC,  
Defendant-Appellant-Respondent,

-and-

A.R.O. Construction Corp., et al.,  
Defendants-Respondents-Appellants,

-and-

No. 604 Fifth Avenue Restaurant, Inc.,  
Defendant,

-and-

I.M.P. Plumbing & Heating Corp.,  
et al.,  
Defendants-Respondents.

-----x

M-3683  
Index No. 114462/09

Separate appeals having been taken to this Court from the order of the Supreme Court, New York County, entered on or about June 27, 2016, and said appeals having been perfected,

And defendant-appellant-respondent Drain King LLC having moved for a stay of all proceedings, including trial, pending hearing and determination of the appeals,

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

It is ordered that the motion is granted.

ENTERED:

  
CLERK

CORRECTED ORDER – November 1, 2017

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 September 12, 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,

Confidential

M-3700

-against-

SCI. No. 99051/16

Juan Vazquez,  
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 (Alvarado, J.), entered on or about June 16, 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 Alvarado as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, **Christina Swarns, Esq.**, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

CORRECTED ORDER - November 1, 2017

(M-3700)

-2-

September 12, 2017

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

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

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

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

M-3843  
Ind. No.1320N/12

-against-

CERTIFICATE  
DENYING LEAVE

Juan Honorio

Defendant.

-----X  
I, Hon. Judith J. Gische, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about June 2, 2017 is hereby denied.

  
\_\_\_\_\_  
Associate Justice

Dated: August 23, 2017  
New York, New York

ENTERED: SEP 12 2017