

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 5, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

Reginald Goldman,
Defendant-Appellant.

-----X

M-1728
Ind. Nos. 1572/10
3986/10
1441/11
1380/13

An appeal having been taken from judgments the Supreme Court, Bronx County, rendered on or about September 25, 2013,

Now, upon reading and filing the stipulation of the parties hereto, dated March 28, 2016, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

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 May 5, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

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

-against-

M-1815
Ind. No. 4202/13

Gerald Ginsberg,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about February 26, 2014,

Now, upon reading and filing the stipulation of the parties hereto, dated April 1, 2016, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

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 May 5, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

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

-against-

Helime Nasher,
Defendant-Appellant.

M-1829
Ind. Nos. 1665/10
1661/10
4900/09

-----X

An appeal having been taken from orders of the Supreme Court, Bronx County, entered on or about April 3, 2014,

Now, upon reading and filing the stipulation of the parties hereto, dated March 15, 2016, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

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 May 5, 2016.

PRESENT - Hon. Peter Tom,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta,

Justice Presiding,

Justices.

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

-against-

M-1718
Ind. No. 3147/15

Victor Cordova,
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 December 15, 2015, 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.

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 appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 5, 2016.

PRESENT - Hon. Peter Tom,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta,

Justice Presiding,

Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-1719
Ind. No. 4220/15

Jose Flores,
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 December 15, 2015, 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.

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 appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 5, 2016.

PRESENT - Hon. Peter Tom,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta,

Justice Presiding,

Justices.

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

-against-

M-1720
Ind. No. 166/15

Jayvon Larry,
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 December 15, 2015, 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.

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 appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme
Court held in and for the First Judicial Department in
the County of New York on May 5, 2016.

PRESENT - Hon. Peter Tom,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta,

Justice Presiding,

Justices.

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

-against-

M-1721
Ind. No. 181/15

Yuraina Lindsey,
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 October 14, 2015, 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.

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 5, 2016.

PRESENT - Hon. Peter Tom,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta,

Justice Presiding,

Justices.

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

-against-

M-1724
Ind. No. 3311/15

Kevin Martinez,
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 December 9, 2015, 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.

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 appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 5, 2016.

PRESENT - Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-1726
Ind. No. 4039/14

Jaime McKeown,
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 27, 2016, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

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

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

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 May 5, 2016.

PRESENT - Hon. Peter Tom,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta,

Justice Presiding,

Justices.

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

-against-

M-1735
Ind. No. 4427/15

Rodney Mitchell,
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 December 9, 2015, 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.

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 appeal. The time
within which appellant shall perfect this appeal is hereby enlarged
until 120 days from the date of filing of the record.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 5, 2016.

PRESENT - Hon. Peter Tom,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta,

Justice Presiding,

Justices.

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

-against-

M-1736
Ind. No. 2161/14

Jamie Pugh,
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 October 20, 2015, 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.

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 5, 2016.

PRESENT - Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

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

-against-

M-1739
Ind. No. 889/15

Ahmadou Sankara,
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 December 9, 2015, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

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

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

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 May 5, 2016.

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

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

-against-

M-1267
Ind. No. 30001/16

Carlton Jones,
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 (Daniel Conviser, J.), entered on or about February 16, 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 Conviser 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.

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 May 5, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzairelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X
In The Matter of the Application of,

Darcel D. Clark

District Attorney of Bronx County,
pursuant to Section 89 of the Judiciary M-1612
Law, for an Order directing that the District
Attorney be permitted to destroy or otherwise
dispose of certain stenographic transcripts,
stenographic notebooks, and non-felony criminal
case files from the year 1990 that are no
longer in current use,

Petitioner.

-----X

Darcel D. Clark, District Attorney of the Bronx County, having moved, pursuant to Section 89 of the Judiciary Law, for an order permitting the Office of the District Attorney to destroy and/or otherwise dispose of certain records and case files that are no longer in use. Specifically, the District Attorney seeks to destroy and/or dispose of: stenographic transcripts of grand jury proceedings generated on and between January 1, 1990 to December 31, 1990; stenographic notebooks of grand jury proceedings generated on and between January 1, 1990 to December 31, 1990 and non-felony criminal cases files generated on and between January 1, 1990 to December 31, 1990,

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

Ordered that the motion is granted.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 5, 2016.

Present: Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Diane T. Renwick
Sallie Manzanet-Daniels, Justices.

-----X
Pursuit Investment Management, LLC,
et al.,
Plaintiffs-Respondents,

-against-

M-1386
Index No. 652457/13

Alpha Beta Capital Partners, L.P.,
et al.,
Defendants,

Claridge Associates, LLC, 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 29, 2014, and said appeal having been perfected, calendared and argued before the Court (Calendar No. 1575/Appeal No. 16392),

And, defendants-appellants having moved for an order dismissing 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 appeal is dismissed.

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 May 5, 2016.

PRESENT - Hon. Peter Tom, Justice Presiding,
David Friedman
Rosalyn H. Richter
Judith J. Gische
Ellen Gesmer, Justices.

-----X
Roth & Roth, LLP,
Petitioner,

-against-

Thomas Prendergast, et al.,
Respondents.
-----X

M-1060
Index No. 150285/16

Petitioner having moved pursuant to CPLR 5704(a) for certain
relief denied by a Justice of the Supreme Court, New York County,
on or about July 20, 2015,

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

It is ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme
Court held in and for the First Judicial Department
in the County of New York on May 5, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,
David Friedman
Rosalyn H. Richter
Judith J. Gische
Ellen Gesmer, Justices.

-----X

Michael Kadosh, etc., et al.,
Plaintiff-Respondent,

-against-

M-1107
Index No. 651834/10

David Kadosh, et al.,
Defendants-Appellants.

- - - - -

David Kadosh, etc.,
Third-Party Plaintiff-Appellant,

-against-

M.E.K. Enterprises, Ltd.,
Third-Party Defendant-Respondent.

-----X

Appeals having been taken by defendants-appellants third-party plaintiff-appellant from the orders of the Supreme Court, New York County, entered on or about February 26, 2015, June 19, 2015 and July 22, 2015, respectively,

And defendants-appellants third-party plaintiff-appellant having moved for an enlargement of time to perfect the aforesaid 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 enlarging the time to perfect the appeals to the October 2016 Term with leave to seek further enlargements, if necessary.

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 May 5, 2016.

Present: Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Richard T. Andrias
Sallie Manzanet-Daniels
Troy K. Webber, Justices.

-----X
37 East 50th Street Corporation,
Plaintiff-Respondent-Appellant,

-against- **M-1734**
Index No. 653067/13

Restaurant Group Management Services,
LLC,
Defendant-Appellant-Respondent.

-----X

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

And plaintiff-respondent-appellant having moved for an adjournment of the aforesaid appeal and an enlargement of time to perfect the cross appeal,

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

Ordered that the motion is granted to the extent of adjourning the perfected appeal to the October 2016 Term and enlarging plaintiff's time to perfect the cross appeal to the October 2016 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 5, 2016.

Present - Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Richard T. Andrias
Sallie Manzanet-Daniels
Troy K. Webber, Justices.

-----x
Clifford Rotbert,

Plaintiff-Appellant,

-against-

M-1953
Index No. 312978/05

Edith Rotbert,

Defendant-Respondent.
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about May 7, 2015,

And plaintiff-appellant having moved for a preference in hearing of the appeal,

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

It is ordered that the motion is granted to the extent of maintaining the appeal on this Court's calendar for the June 2016 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 5, 2016.

Present: Hon. Peter Tom, Justice Presiding,
Diane T. Renwick
Rosalyn H. Richter
Barbara R. Kapnick
Troy K. Webber, Justices.

-----X
In the Matter of
Danielle Smith,
Petitioner,

For a Judgment Pursuant to Article 78 **M-1894**
of the Civil Practice Law and Rules, Index Nos. 37/14
58/16
-against-

Cyrus R. Vance, Jr.,
District Attorney, New York County,
and Hon. Gregory Carro,
Justice of the Supreme Court,
New York County,
Respondents.

-----X

Petitioner having moved, pursuant to CPLR Article 78, for a writ of prohibition enjoining respondents from prosecuting and adjudicating, respectively, her criminal trial, and for an order of this Court dismissing the indictment, and for other related relief,

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

Ordered that the motion is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 5, 2016.

Present - Hon. Peter Tom,
Dianne T. Renwick
Rosalyn H. Richter
Barbara R. Kapnick
Troy K. Webber,

Justice Presiding,

Justices.

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

- - - - -
Dayvon G.,
Petitioner-Appellant,

M-1652
Docket Nos. V-491/13
V-531/13

-against-

Amber B.,
Respondent-Respondent.

- - - - -
Kenneth M. Tuccillo, Esq.,
Attorney for the Child,
Tyler G.

-----X

An appeal having been taken to this Court from the order of the Family Court, New York County, entered on or about June 5, 2015, and said appeal having been perfected,

And respondent-respondent having moved for leave to respond to the appeal as a poor person, 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, Aleza Ross, Esq., 31 Oak Street, Suite 26, Patchogue, NY 11772, Telephone No. 631-361-6900, 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.

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 May 5, 2016.

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

-----X
In re Eliyahu, an infant.

Nekadam Y.,
Plaintiff-Appellant,

Surrogate's Court
M-1316
File No. 2010-0178

-against-

David B. and Jennifer B.,
Respondents-Respondents.

Anne Reiniger, Esq.,
Attorney for the Child.

-----X
Plaintiff-appellant mother Nekadam Y. having moved for leave to prosecute, as a poor person, the appeal from the order of the Surrogate's Court, New York County, entered on or about December 23, 2015, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that said motion is denied.

ENTER:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 5, 2016.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Karla Moskowitz
Judith J. Gische
Troy K. Webber, Justices.

-----x

Philippe Maestracci,
Plaintiff-Respondent-Appellant,

-against-

M-1343
Index No. 650646/14

Helly Nahmad Gallery, et al.,
Defendants-Appellants-Respondents.

-----x

Appeals and cross appeals having been taken to this Court from orders of the Supreme Court, New York County, entered on or about September 24, 2015, and January 14, 2016, respectively; and a appeal having been taken from the order of said Court entered on or about September 23, 2015,

And plaintiff-respondent having moved having moved for consolidation of the aforesaid appeals and cross appeal,

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

It is ordered that the motion is granted to the extent of consolidating the appeals taken by defendants from the orders entered on or about September 24, 2015 and January 14, 2016, and directing defendants to perfect the consolidated appeals on or before September 6, 2016 for the November 2016 Term. Plaintiff's appeals taken from the orders entered on or about September 23, 2015 and September 24, 2015 are deemed cross appeals for briefing purposes, and said appeals are consolidated with plaintiff's cross appeal from the order entered on or about January 14, 2016. Plaintiff is directed to perfect the consolidated cross appeals on or before October 5, 2016 for the November 2016 Term. The parties are directed to proceed on nine copies of one record and one set of appellant's points.

The attention of the parties is directed to 22 NYCRR § 600.11 with respect to a joint record and costs thereof.

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 May 5, 2016.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Diane T. Renwick
David B. Saxe
Karla Moskowitz, Justices.

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

-against-

M-1305
Ind. No. 720/02

Ming Jian Huang,
Defendant-Appellant.

-----X

Defendant-appellant having moved for reargument of the decision and order of this Court, entered on March 10, 2016 (Appeal No. 16082),

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 decision and order of this Court entered on March 10, 2016 (Appeal No. 16082) is recalled and vacated and a new decision and order substituted therefor. (See Appeal No. 16082 decided simultaneously herewith.)

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 5, 2016.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David B. Saxe
Karla Moskowitz
Marcy L. Kahn, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-1036

Ind. Nos. 1497/13
1461/13

Sean Steele, Jr.,
Defendant-Appellant.

-----X

An order of this Court having been entered on May 12, 2015 (M-1594) assigning Robert S. Dean, Esq., as counsel to prosecute defendant's appeal from the judgment of the Supreme Court, New York County, rendered on or about October 29, 2014; and a motion having been made to relieve such counsel, and for other relief,

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

It is ordered that the motion is granted to the extent of striking the designation of assigned counsel Robert S. Dean, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Zachary Johnson, Esq., Galluzzo & Johnson LLP, 48 Wall Street, 11th Floor, New York, NY 10005, Telephone No. (212)918-4662, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

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 May 5, 2016.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David B. Saxe
Karla Moskowitz
Marcy L. Kahn, Justices.

-----x

The People of the State of New York,
Respondent,

-against-

M-930
Ind. No. 3079/14

Luz Dejesus,
Defendant-Appellant.

-----x

Defendant having moved for leave to prosecute, as a poor person,
the appeal from the judgment of the Supreme Court, Bronx County,
rendered on or about January 29, 2016, for leave to have the appeal
heard on the original record and upon a reproduced appellant's brief,
and for related relief,

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

It is ordered that the motion is 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 10 reproduced copies of
such brief, together with the original record, with 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.

Matthew Galluzzo, Esq., Galluzzo & Johnson LLP, 48 Wall Street,
11th Floor, New York, NY 10005, Telephone No. (212)918-4662, is
assigned as counsel for defendant-appellant for purposes of the
appeal. The time within which appellant shall perfect this appeal is
hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 5, 2016.

Present: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
David B. Saxe
Rosalyn H. Richter
Marcy L. Kahn, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-1069

Ind. No. 5029/14

Angel Feliciano,
Defendant-Appellant.

-----X

An order of this Court having been entered on January 14, 2016 (M-5517), inter alia, granting defendant's motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about May 12, 2015, and assigning counsel therefor,

And defendant-appellant having moved for an order amending the order of assignment to include an appeal from a Judgment of resentence, rendered on or about June 15, 2015 deeming the notice of appeal from the Judgment of resentence too have been timely filed, and enlarging the time to perfect the appeal,

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

It is ordered that said motion is granted, the order of assignment shall include the appeal from the Judgment of resentence, which is deemed timely filed, and the time in which to perfect said appeal is enlarged to the October 2016 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 5, 2016.

Present - Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
David B. Saxe
Rosalyn H. Richter
Marcy L. Kahn, Justices.

-----x
Fernanda Vello and Leila Santii Vello,
an infant by her mother and natural
guardian, Fernanda Vello,
Plaintiffs-Appellants,

-against-

Liga Chilean De Futbol and Randall's
Island Sports Foundation, Inc.,
Defendants-Respondents.
-----x

M-677
M-1093
Index No. 101824/12

Defendants-respondents having moved for dismissal of the appeal from the order of the Supreme Court, New York County, entered on or about October 28, 2015, as untimely (CPLR 5513[a]) [M-677],

And non-party movant New York County Public Administrator having also moved for dismissal of the appeal as untimely [M-1093],

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 and sua sponte, the notice of appeal is deemed timely filed (CPLR 5520[a]).

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 May 5, 2016.

PRESENT: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
David B. Saxe
Rosalyn H. Richter
Marcy L. Kahn, Justices.

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

Kristopher Vagianos,
Petitioner-Appellant,

-against-

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

M-1282
Index No. 652190/14

Petitioner-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 May 15, 2015,

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 5, 2016.

Present:	Hon. David Friedman,	Justice Presiding,
	John W. Sweeny, Jr.	
	David B. Saxe	
	Rosalyn H. Richter	
	Marcy L. Kahn,	Justices.

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

-against-

M-1167
Ind. No. 589/12

John Draper,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time to perfect the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about March 25, 2014,

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 5, 2016.

Present:	Hon. David Friedman,	Justice Presiding,
	John W. Sweeny, Jr.	
	David B. Saxe	
	Rosalyn H. Richter	
	Marcy L. Kahn,	Justices.

-----X
In the Matter of the Application of
Angel Cruz,
Petitioner-Appellant,

M-1230

For a Judgment Pursuant to Article 78 Index No. 100637/15
of the Civil Practice Law and Rules,

-against-

New York City Housing Authority,
Respondent-Respondent.

-----X
Respondent-respondent having moved for dismissal of the appeal taken from an order of the Supreme Court, New York County, entered on or about April 13, 2015,

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

It is ordered that the motion is denied, with leave to renew, using the correct index number, and upon proof of service of the motion upon petitioner's counsel and directly upon petitioner at his public housing address.

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 May 5, 2016.

PRESENT: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
David B. Saxe
Rosalyn H. Richter
Marcy L. Kahn, Justices.

-----X

In the Matter of a Guardianship
Proceeding,

Aliyah B.,
Petitioner-Appellant,

-against-

M-673
Docket No. G-06801/15

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

Michael DeMattio, Esq.,
Attorney for the Subject Child.

-----X

Petitioner-appellant having moved for an order staying the order of dismissal and the pending adoption proceeding pending hearing and determination of the appeal taken from the order and judgment (one paper) of the Family Court, Bronx County, entered on or about February 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 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 May 5, 2016.

Present - Hon. David Friedman,	Justice Presiding,
John W. Sweeny, Jr.	
David B. Saxe	
Rosalyn H. Richter	
Marcy L. Kahn,	Justices.

-----x
In the Matter of the Application

For a Decree Revoking the Limited
Ancillary Letters of Administration
Issued in the

Estate of Oscar Stettiner,	M-1160
a domiciliary of the Republic of France.	File No. 1705/13
-----x	

An appeal having been taken to this Court from the order of the Surrogate's Court, New York County, entered on or about August 10, 2015,

And petitioner-appellant having moved for leave to deem certain portions of the record, and related references in the parties briefs, confidential, including the instant moving papers,

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, if so advised, after appeals in the case entitled Maestracci v Helly Nahmad Gallery, et al. (Index No. 650646/14) have been perfected and decided by this Court. Sua sponte, the time to perfect the appeal is enlarged to the December 2016 Term, with leave to seek a further enlargement, if necessary.

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 May 5, 2016.

Present:	Hon. David Friedman,	Justice Presiding,
	John W. Sweeny, Jr.	
	David B. Saxe	
	Rosalyn H. Richter	
	Marcy L. Kahn,	Justices.

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

-against-

M-1031
Ind. No. 1740N/12

Antonio Bautista,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about February 4, 2013,

And, assigned counsel, Robert S. Dean, Esq., Center for Appellate Litigation, having moved for dismissal of the appeal as abandoned, without prejudice to reinstatement as such time the appellant become amenable to the jurisdiction of this Court,

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

It is ordered that the motion is granted to the extent of deeming the appeal withdrawn.

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 May 5, 2016.

Present: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
David B. Saxe
Rosalyn H. Richter
Marcy L. Kahn, Justices.

-----X

TYT East Corp., et al.,
Plaintiffs,

-and-

M-1349

Index No. 601029/10

Hui Sheng Lin, etc.,
Plaintiff-Appellant,

-against-

Michael Lam, et al.,
Defendants,

-and-

David Gao,
Defendant-Respondent.

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

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about March 24, 2015,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the December 2016 Term, with leave to seek further enlargements if necessary.

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 May 5, 2016.

PRESENT - Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
David B. Saxe
Rosalyn H. Richter
Marcy L. Kahn, Justices.

-----X
Royce Corley,
Petitioner,

-against-

M-715
Index No. 100849/15

District Attorney of New York County,
et al.,
Respondents.

-----X

Petitioner 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 August 19, 2015, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

Now, upon reading and filing the papers with respect to 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 May 5, 2016.

PRESENT - Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
David B. Saxe
Rosalyn H. Richter
Marcy L. Kahn, Justices.

-----X
Harriet Colarusso,
Plaintiff,

-against-

Andrew Y. Lo, M.D.,
Defendant.

M-1173
Index. No. 104148/10

-----X

Plaintiff having moved for leave to prosecute, as a poor person, the appeal from a certification of the Supreme Court, New York County, entered on or about July 24, 2015, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for leave to file a late notice of appeal, and for related relief,

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

It is ordered that the motion is denied.

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 May 5, 2016.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
 David B. Saxe
 Rosalyn H. Richter
 Judith J. Gische, Justices.

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

Respondent,

-against-

M-496
Ind. No. 46181C/11

Jay Jay Teron,

Defendant-Appellant.

-----X

Defendant-appellant having moved for reargument of the decision and order of this Court entered on January 21, 2016 (Appeal Nos. 15946-15947),

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, upon reargument, the decision and order of this Court entered on January 21, 2016 (Appeal Nos. 15946-15947) is recalled and vacated and a new decision and order substituted therefor. (See Appeal Nos. 15946-15947, decided simultaneously herewith.)

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 5, 2016.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,
Rolando T. Acosta
Sallie Manzanet-Daniels
Judith J. Gische
Ellen Gesmer, Justices.

-----X
Enid Griffiths and Ronald Griffiths
Plaintiffs-Respondents,

-against-

M-1596

Index No. 301728/11

The Durst Organization, Inc., et al.,
Defendants,

Nouveau Elevator, etc.,
Defendant-Appellant.
-----X

An appeal having been taken from order of the Supreme Court, Bronx County, entered on or about September 14, 2015, and said appeal having been perfected,

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

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

Ordered that the motion is granted.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme
Court held in and for the First Judicial Department
in the County of New York on May 5, 2016.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Sallie Manzanet-Daniels
Barbara R. Kapnick
Troy K. Webber, Justices.

-----X
Selim Zherka and the Zherka Family
Irrevocable Trust,
Plaintiffs-Appellants,

-against-

M-1150
Index No. 651340/13

Genaro Morales, et al.,
Respondents-Respondents.
-----X

Plaintiffs-appellants having moved for an enlargement of
time to perfect the appeal from the order of the Supreme Court,
New York County, entered on or about May 22, 2015,

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 5, 2016.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Sallie Manzanet-Daniels
Barbara R. Kapnick
Troy K. Webber, Justices.

-----X
Crabapple Corp., et al.,
Plaintiffs-Respondents,

-against-

M-1251
Index No. 650492/15

Ruben Elberg,
Defendant-Appellant,

Royal One Real Estate, LLC, et al.,
Defendants-Respondents.
-----X

Defendant-appellant having moved for a stay of all proceedings pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about March 1, 2016,

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

It is ordered that the motion is denied and the interim relief granted by an order of a Justice of this Court, dated March 9, 2016, is hereby vacated.

ENTER:


CLERK