

At a 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 12, 2016.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Diane T. Renwick
Karla Moskowitz
Barbara R. Kapnick
Ellen Gesmer, Justices.

-----X
The People of the State of New York
ex rel. Gerald J. McMahon on behalf
of Zaid Zaid,
Petitioner-Appellant,

M-1895

-against-

Index No. 151982/16
Ind. No. 94/16

Warden, Manhattan Detention Complex,
Respondent-Respondent.
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 1, 2016, denying petitioner's application for a writ of habeas corpus relief,

And, an order of a Justice of this Court dated April 11, 2016, having reduced petitioner's bail to \$1,000,000 bond or cash,

And, petitioner-appellant having moved for a further reduction of bail, and for habeas corpus 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 maintaining the terms and conditions of the aforesaid order of a Justice of this Court dated April 11, 2016, and is otherwise 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 12, 2016.

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

-----X
Joseph Twersky, et al.,
Plaintiffs-Respondents,

-against-

Edah Bistritzky Trust #1, Edah
Bistritzky Trust #2, Joseph
Bistritzky individually and as
Trustee, Sheila Bistritzky,
individually and as Trustee,
Defendants-Appellants,

M-6508
Index No. 160480/15

-and-

Sholomo Bistritzky, individually
and as Trustee,
Defendant.

-----X

Defendants-appellants having moved for an order vacating a temporary restraining order issued by Supreme Court, New York County, as well as other related relief, proceedings pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about December 30, 2015,

Now, upon reading and filing the papers with respect to the motion, including correspondence from defendants-appellants' counsel, dated April 11, 2016 and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn.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 12, 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

TMA Contracting Corporation,
Petitioner-Appellant,

-against-

M-1910
Index No. 156921/13

For an Order Discharging Certain
Withholding Notices Filed by:

The City of New York Department of
Housing Preservation and Development,
Respondent-Respondent.

-----X

An appeal having been taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about July 24, 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, previously perfected, 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 12, 2016.

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

-----X
Arthur Carhuaricra,
Plaintiff,

-against-

Macy's Inc.,
Defendant-Appellant,

-and-

M-1925
Index No. 156661/12-E

Home Delivery Link, Inc.,
Defendant-Respondent,

Home Delivery Logistics,
Defendants.

- - - - -
Macy's Inc.,
Third-Party Plaintiff-
Appellant,

-against-

Home Delivery Inc., et al.,
Third-Party Defendants-
Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about February 4, 2015,

Now, upon reading and filing the stipulation of the parties hereto, dated February 22, 2016, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected, 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 12, 2016.

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

-----X
Robert Gumenick and Lizbeth Mitty,
Plaintiffs-Appellants,

-against-

Christopher Arvidson, M-1927
Defendant-Respondent, Index No. 651427/10

-and-

Darrin Krumpus, et al.,
Defendants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 22, 2015,

Now, upon reading and filing the stipulation of the parties hereto, dated March 29, 2016, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected, 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 12, 2016.

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

-----X
In the Matter of G., Corine,

A Child 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, **CONFIDENTIAL**
Petitioner-Respondent, M-2034
Docket No. NN-4890/12

G., William,
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, dated on or about June 16, 2015,

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

It is ordered that the appeal, previously perfected, 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 12, 2016.

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

-----X
In the Matter of

The H. Children

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,
Petitioner-Respondent,

M-2689
DC #8
Docket No. N-2166/09

Odalis G.,
Respondent-Appellant.
-----X

An appeal having been taken from an order of the Family Court, Bronx County, entered on or about May 24, 2010,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court, pursuant to Rule 600.12(c) of said Rules of Practice, and there being no response thereto,

Now, upon the Court's own motion, it is

Ordered that the aforesaid 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 12, 2016.

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

Justice Presiding,

Justices.

-----X
In the Matter of the Application of
Rafaelo's Auto Repair, Inc., et al.,
Petitioners,

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

M-1101
Index No. 260035/13

-against-

State of New York Department of Motor
Vehicles, Barbara J. Fiala, as
Commissioner of the New York State
Department of Motor Vehicles, et al.,
Respondents.

-----X

An Article 78 proceeding having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, Bronx County, entered on or about September 17, 2013, to review a determination of respondents,

And respondents having moved to dismiss the aforesaid proceeding or, in the alternative, to vacate the order of said Supreme Court entered on or about January 6, 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 dismissing the proceeding, and vacating the stay imposed in the order of the Supreme Court, Bronx County, entered on January 6, 2016.

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 12, 2016.

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

Justice Presiding,

Justices.

-----X
In the Matter of the Application of
S&F Services, Inc., Richard Martinez
and Farhan Khan,
Petitioners,

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

M-1102
Index No. 260969/12

-against-

State of New York Department of Motor
Vehicles, Barbara J. Fiala, as
Commissioner of the New York State
Department of Motor Vehicles, et al.,
Respondents.

-----X

An Article 78 proceeding having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, Bronx County, entered on or about July 24, 2013, to review a determination of respondents,

And respondents having moved to dismiss the aforesaid proceeding or, in the alternative, to vacate the order of said Supreme Court entered on or about December 18, 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 dismissing the proceeding, and vacating the stay imposed in the order of the Supreme Court, Bronx County, entered on December 18, 2015.

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 12, 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 a Family Offense
Proceeding Under Article 8 of the
Family Court Act.

Jasmine E. C.,
Petitioner-Respondent,

M-2392
Docket No. O-35201/15

-against-

Gabriel J. C.,
Respondent-Appellant.

-----X

An appeal having been taken from the order of the Family Court, New York County, entered on or about July 24, 2015, and said appeal having been perfected,

And petitioner-respondent having moved for leave to respond to the appeal as a poor person, 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, nunc pro tunc to February 1, 2016, to the extent of (1) 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; (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 12, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
Rosalyn H. Richter
Marcy L. Kahn, Justices.

-----X
Iqbal Hussain,
Plaintiff-Appellant,

-against-

M-1411
Index No. 112140/11

The City of New York, et al.,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of
time to perfect the appeal from the order of the Supreme Court,
New York County, entered on or about June 5, 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 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 12, 2016.

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

-----X

Donnell Baines,
Petitioner-Appellant,

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

M-1205
M-1481
Index No. 400465/14

-against-

The Port Authority of New York and New Jersey,
Respondent-Respondent.

-----X

Petitioner-appellant having moved for an enlargement of time to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about August 4, 2014 (M-1205),

And, respondent having cross-moved to dismiss the aforesaid appeal (M-1481),

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

It is ordered that the motion is granted to the extent enlarging the time to perfect the appeal to the September 2016 Term (M-1205). The cross motion is granted to the extent of dismissing the appeal unless perfected for said Term (M-1481).

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 12, 2016.

Present: Hon. Peter Tom, Justice Presiding,
Rolando T. Acosta
Rosalyn H. Richter
Sallie Manzanet-Daniels
Ellen Gesmer, Justices.

-----X
Joseph Kellogg,
Plaintiff-Respondent,

-against-

M-1259

Index No. 151000/13

Artec Construction and Development Corp.,
Defendant-Appellant,

All Saints Housing Development Fund Co.,
Defendant-Respondent,

1916 Partners, et al.,
Defendants.

-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about March 17, 2015 and on or about April 10, 2015,

And defendant-appellant having moved for an order consolidating the aforesaid appeals and enlarging the 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 only to the extent of enlarging the time to perfect the appeal taken from the order entered on or about April 10, 2015 to the September 2016 Term, and otherwise denied. Sua sponte, the appeal taken from the order entered on or about March 17, 2015 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 12, 2016.

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

-----X
Sarah Arliss, 127 East 102nd Street
Corp., and Forest 156 Corp.,

Plaintiffs-Appellants,

M-1309

Index No. 152710/14

-against-

B.L. Management Inc., et al.,

Defendants-Respondents.

-----X

Plaintiffs-appellants having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, New York County, entered on or about July 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 granted to the extent of enlarging the time to perfect the appeal to the November 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 12, 2016.

Present: Hon. Peter Tom, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
David B. Saxe, Justices.

-----X

David Friedman, etc.,
Plaintiff-Respondent,

-against-

The Hebrew Home for the Aged at
Riverdale,
Defendant-Appellant.

- - - - -

Continuing Care Leadership
Coalition and AARP,
Amici Curiae.

-----X

M-4589

M-5779

M-5466

M-5427

Index No. 24793/13E

Plaintiff-respondent having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on August 11, 2015 (Appeal No. 15249N) [M-4589],

And, The Advocates for Justice having moved to appear amicus curiae in support of the aforesaid plaintiff-respondent's motion [M-5779],

And, MFY Legal Services, Inc., New Yorkers for Patient and Family Empowerment, Niagra Health Quality Coalition, Inc., and New York Statewide Senior Action Council, Inc., having jointly moved to appear amicus curiae in support of the aforesaid plaintiff-respondent's motion [M-5466],

And, The Center for Popular Democracy, Citizen Action of New York, New York Public Interest Research Group, The Black Institute, and New Yorkers for Accessible Health Coverage, having jointly moved to appear amicus curiae in support of the aforesaid plaintiff-respondent's motion [M-5427],

May 12, 2016

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 to file individual briefs amici curiae are granted to the extent of permitting each movant to file 9 copies of their brief as amicus curiae forthwith. Plaintiff-respondent's motion for reargument or, in the alternative, for leave to appeal to the Court of Appeals is denied in its entirety [M-4589].

ENTER:

A handwritten signature in black ink, appearing to read "Susan R. Jones", written over a horizontal line.

CLERK

At a 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 12, 2016.

PRESENT - Hon: Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X

Rajagopala S. Raghavendra, also known as
Randy S. Raghavendra, etc.,
Plaintiff-Appellant,

-against-

M-885
Index No. 103331/12

Edward Brill,
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 January 14, 2016 (Appeal No. 16654-55),

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 costs.

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 12, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,
David B. Saxe
Rosalyn H. Richter
Judith J. Gische
Troy K. Webber, Justices.

-----X

Andrea V. Liberman, et al.,
Plaintiffs,

-against-

M-1850

M-1853

Cayre Synergy 73rd LLC, et al.,
Defendants-Respondents,

Index No. 602321/09

Cayre 73rd LLC, et al.,
Defendants.

-----X

Cayre Synergy 73rd LLC,
Third-Party Plaintiff-
Respondent,

-against-

Index No. 590067/11

MG New York Architect PLLC, et al.,
Third-Party Defendants,

HHF Design Consulting, Ltd., Helmut
Hans Fenster, Alcon Builders Group,
Inc., and Darragh Collins,
Third-Party Defendants-
Appellants,

Foremost Contracting, LLC,
Third-Party Defendant-
Respondent.

-----X

Appeals having been taken from the order of the Supreme Court, New York County, entered on or about March 19, 2015, and said appeals having been perfected,

And third-party defendants, HHF Design Consulting, Ltd. and Helmut Hans Fenster (M-1850), and Alcon Builders Group, Inc. and Darragh Collins (M-1853), having separately moved for a stay of all proceedings including enforcement of the aforesaid order, pending hearing and determination of the appeals taken therefrom,

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 for a stay of enforcement of the Supreme Court's March 19, 2015 order are granted pending determination of the appeals. The Clerk of this Court is directed to maintain such appeals on the calendar of June 7, 2016.

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 12, 2016.

PRESENT - Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
Karla Moskowitz
Rosalyn H. Richter, Justices.

-----X
70 West 45th Street Holding LLC,
Plaintiff-Respondent,

-against-

M-1273
Index No. 651670/14

Waterscape Resort, LLC,
Defendant-Appellant,

First American Title Insurance
Company,
Defendant.

-----X

Defendant-appellant having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on February 23, 2016 (Appeal No. 298),

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:

A handwritten signature in black ink, appearing to read "Susan R.", is written over a horizontal line.

CLERK

At a 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 12, 2016.

PRESENT - Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
Sallie Manzanet-Daniels, Justices.

-----X
Tower Insurance Company of New York,
Plaintiff-Respondent,

-against-

M-6467
Index No. 153578/12

John Anderson, Jr., et al.,
Defendants,

Morton Duke, et al.,
Defendants-Appellants.
-----X

Plaintiff-respondent having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on November 24, 2015 (Appeal No. 16214),

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 12, 2016.

Present: Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Richard T. Andrias
Karla Moskowitz
Judith J. Gische, Justices.

-----X

The Bank of New York Mellon, solely
as Securities Administrator for
J.P. Morgan Mortgage Acquisition Trust
2006-WMC4,

Plaintiff-Respondent,

M-114

Index No. 654464/12

-against-

WMC Mortgage, LLC,
Defendant,

J.P. Morgan Mortgage Acquisition
Corporation, et al.,
Defendants-Appellants.

-----X

Defendants-appellants having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on December 1, 2015 (Appeal No. 15092),

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 this Court, pursuant to CPLR 5713, certifies that the following question of law, decisive of the correctness of its determination, has arisen, which in its opinion ought to be reviewed by the Court of Appeals:

"Was the order of Supreme Court, as affirmed by the this Court, properly made?"

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

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 12, 2016.

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

-----X
Samaad Bishop,
Plaintiff,

-against-

M-1671
Index No. 251419/13

Katz Delicatessen of Houston Street,
Inc., et al.,
Defendants.

-----X

Plaintiff having moved pursuant to CPLR 5704(a) for certain relief denied by a Justice of the Supreme Court, New York County, on or about February 3, 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 12, 2016.

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

-----X

The People of the State of New York,
Respondent,

-against-

M-1098
Ind. No. 11014/98

Bernell Jones,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on March 9, 2004 (Appeal No. 3060), unanimously affirming a judgment of the Supreme Court, New York County (Micki Scherer, J.), rendered on or about January 4, 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 May 12, 2016.

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

-----X
Tonya Muro Phillips,
Plaintiff-Respondent,

-against-

M-888
Index No. 307883/12

Roger Phillips,
Defendant-Appellant.

-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about November 10, 2013, April 15, 2015 and June 29, 2015; and an appeal having been taken from an order and judgment (one paper) entered on or about June 19, 2015,

And, an order of this Court having been entered on March 29, 2016 (M-240), consolidating the aforesaid appeals, and enlarging the time to perfect said consolidated appeals to the September 2016 Term,

And, defendant-appellant having moved for an enlargement of the record on appeal and to expedite this Court's determination on the aforementioned motion M-240 which was decided as indicated above,

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 it seeks to enlarge the record on appeal, is denied. So much of the motion which seeks an expedited determination of M-240 is denied as moot. (See M-240, decided March 29, 2016.)

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 12, 2016.

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

-----X
Branch Banking and Trust Company,
Plaintiff-Respondent,

-against-

M-1420
Index No. 651295/12

Leonard A. Farber, Tanya Tohill-Farber,
Defendants-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about February 1, 2016,

And defendants-appellants having moved for a stay of enforcement of said order pending hearing and determination of the appeal taken therefrom,

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 17, 2016, is hereby vacated.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 12, 2016.

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

-----X
Idamae L. Campbell,
Plaintiff-Respondent,

-against-

M-1146
Index No. 5157/13

Edward A. Campbell,
Defendant-Appellant.

-----X

Defendant-appellant, pro se, having moved for leave to prosecute, as a poor person, the appeal from an order of the Supreme Court, Bronx County, entered on or about November 2, 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 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 serve one copy of such brief upon the attorney for respondent and file 8 copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and 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 12, 2016.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Karla Moskowitz
Rosalyn H. Richter
Judith J. Gische, Justices

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

-against-

M-1145
Ind. No. 2350/09

Darrell Joe,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, Bronx County, rendered on or about October 4, 2011,

And, an order of this Court having been entered on February 23, 2016 (M-6415), having granted defendant leave to file a pro se supplemental brief for the June 2016 Term of this Court,

And, defendant having moved for leave to withdraw the prior motion granted by an order of this Court entered on February 23, 2016 (M-6415), and to vacate and recall said order,

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

Ordered that the motion is granted to the extent of vacating and recalling the order of this Court entered on February 23, 2016 (M-6415).

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 12, 2016.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
Judith J. Gische
Barbara R. Kapnick, Justices.

-----X
Dexia SA/NV, et al.,

Plaintiffs-Appellants,

M-713
Index No. 650231/12

-against-

Morgan Stanley, et al.,

Defendants-Respondents.

-----X

Plaintiffs-appellants having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on January 12, 2016 (Appeal No. 16627),

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 12, 2016.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X
Fairpoint Companies, LLC,
Plaintiff,

-against-

Nancy McCormick Vella, et al.,
Defendants.

M-710
Index Nos. 102016/12
590538/12
150611/12

- - - - -
Mid-Atlantic Waterproofing of NY,
Inc.,
Third-Party Plaintiff,

-against-

Marlboro Group International,
LLC,
Third-Party Defendant.

- - - - -
Nancy McCormick Vella,
Plaintiff-Appellant,

-against-

Fairpoint Companies,
Defendant-Respondent.

-----X

Plaintiff-appellant, Nancy McCormick Vella, having moved
for reargument of the decision and order of this Court, entered
on December 29, 2015 (Appeal No. 16503N),

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 12, 2016.

Present - Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Karla Moskowitz
Barbara R. Kapnick
Ellen Gesmer, Justices.

-----X

Alrose Steinway LLC,
Plaintiff-Appellant,

-against-

M-1870
Index No. 650594/16

Steinway Holding Corp.,
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 March 29, 2016,

And plaintiff-appellant having moved for an order in the nature of a preliminary appellate injunction pursuant to CPLR 5518 restraining and enjoining defendant-respondent from providing written notice of default to plaintiff-appellant under a certain lease due to any failure to make full payment of the rent required, pending hearing and determination of the appeal taken therefrom, 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 12, 2016.

PRESENT: Hon. David Friedman, Justice Presiding,
Richard T. Andrias
Karla Moskowitz
Barbara R. Kapnick
Troy K. Webber, Justices.

-----X

Anthony P. D'Alias, et al.,
Plaintiffs-Appellants,

-against-

M-1313
Index No. 108185/08

Dennis Shavelson DPM & Lifestyle
Podiatry,
Defendants-Respondents.

-----X

Plaintiffs-respondents having moved for an order staying all proceedings, including the trial, pending hearing and determination of the appeals taken from the orders of the Supreme Court, New York County, entered on or about October 13, 2015 and January 15, 2016, respectively,

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

It is ordered that the motion is denied and the interim relief granted by an order of a Justice of this Court, dated March 11, 2016, is hereby vacated.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 12, 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-1269
Ind. No. 3148N/11

Tyrone Wortham,
Defendant-Appellant.
-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about April 18, 2013,

And, defendant-appellant having moved for an order unsealing and providing to appellate counsel the minutes of the January 27, 2012 Darden hearing and decision in appellant's case, currently part of the record on appeal, in a **sealed** package, but not having been provided to 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 the motion is granted to the extent of directing that a copy of the documents contained in a **sealed** folder (Darden hearing) filed with this Court on June 5, 2015, be made available to assigned defense counsel by this Court, in a **sealed** folder, with **no access** to defendant himself, and that said folder otherwise remain **sealed**. The time to perfect the appeal is enlarged to the December 2016 Term of 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 12, 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,

M-1219

-against-

Ind. No. 2824/14

Ruben Diaz,
Defendant-Appellant.

-----X

Appeals having been taken from a judgment of the
Supreme Court, New York County, rendered on or about June 22, 2015,
and a judgment of **resentence** of said Court, rendered on or about
September 25, 2015,

And, defendant-appellant having moved to amend the order of
assignment, entered on January 14, 2016 (M-5394), to reflect the
correct initial judgment date as June 22, 2015, rather than the
incorrect February 11, 2015 date, and to include the appeal from the
judgment of **resentence**, rendered on or about September 25, 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
amending defendant's order of assignment by correcting the initial
judgment date to June 22, 2015, and including the appeal from the
judgment of **resentence**, rendered on or about September 25, 2015.
The poor person relief previously granted is extended to cover same.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 12, 2016.

PRESENT - Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Karla Moskowitz
Barbara R. Kapnick
Ellen Gesmer, Justices.

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

-against- M-1819
Ind. Nos. 1491N/04
Androfsky Adames, 1023/04
Defendant-Appellant.

-----X

Defendant-appellant, in connection with an appeal taken from the judgment of the Supreme Court, New York County, rendered on or about December 6, 2013, having moved for leave to file a pro se supplemental 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 directing defendant to serve and file 8 copies of his pro se supplemental brief on or before August 8, 2016 for the October 2016 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.

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 12, 2016.

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

-----X

Bank of America, N.A., successor
by merger to BAC Home Loans Servicing,
LP, formerly known as Countrywide
Home Loans Servicing LP,
Plaintiff-Respondent,

M-1663
Index No. 35173/13

-against-

Aletha Angel,
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme
Court, Bronx County, entered on or about December 15, 2014, said
appeal having been perfected,

And defendant-appellant having moved for an order striking
the affidavit of Sharon Peoples attached to the affirmation in
opposition to the motion,

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 12, 2016.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
David B. Saxe
Karla Moskowitz
Judith J. Gische
Troy K. Webber, Justices.

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

-against-

M-1361
Ind. No. 5355/12

Andre D. Oliver,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, entered on or about May 25, 2013,

And, a motion having been made by defendant-appellant's appointed counsel to dismiss the appeal, without prejudice, until such time as the defendant-appellant becomes amenable to the jurisdiction of this Court,

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

It is ordered that the appeal is deemed 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 12, 2016.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
David B. Saxe
Karla Moskowitz
Judith J. Gische
Troy K. Webber, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-1496
Ind. No. 5474/13

Jose Brito,
Defendant-Appellant.

-----X

Counsel for defendant-appellant having moved for an order dismissing defendant's appeal taken from a judgment of the Supreme Court, New York County, rendered on or about May 14, 2014, without prejudice to reinstatement at such time the appellant becomes amenable to the jurisdiction of this Court,

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

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

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 12, 2016.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
David B. Saxe
Karla Moskowitz
Judith J. Gische
Troy K. Webber, Justices.

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

Olivia Rosenfeld,
Petitioner-Appellant,

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

M-1560
Index No. 100598/13

-against-

Michael C. Fina,
Respondent-Respondent.

-----X
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 March 17, 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 denied, sua sponte, 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 12, 2016.

PRESENT - Hon. John W. Sweeny, Jr., Justice Presiding,
David B. Saxe
Karla Moskowitz
Judith J. Gische
Troy K. Webber, Justices.

-----X
Robert Burton,
Plaintiff-Appellant,

-against-

M-1635
Index No. 100281/13

325 West 45th Street Owners Corp.,
et al.,
Defendants-Respondents.

-----X

Defendants-respondents having moved to dismiss the appeal from the order of the Supreme Court, New York County, entered on or about January 6, 2015,

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 12, 2016.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
David B. Saxe
Karla Moskowitz
Judith J. Gische
Troy K. Webber, Justices.

-----X

The People of the State of New York,
Appellant,

-against-

M-1306
Ind. No. 8116/98

Curtis Munford,
Defendant-Respondent.

-----X

Defendant-respondent having moved for leave to respond, as a poor person, to the People's appeal from an order of the Supreme Court, New York County, entered on or about November 24, 2015, and for assignment of counsel,

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

It is ordered that the motion is granted to the extent of (1) 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 the People and 8 copies thereof are filed with this Court, and (2) assigning, pursuant to Section 722 of the County Law, Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4100 as counsel for purposes of responding to the appeal.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 12, 2016.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
David B. Saxe
Karla Moskowitz
Judith J. Gische
Troy K. Webber, Justices.

-----X
Albaniabeg Ambient Sh.p.k.,
Plaintiff-Respondent,

-against-

M-1404
Index No. 152679/14

Enel S.p.A. and Enelpower S.p.A.,
Defendants-Appellants.

-----X

Defendants-appellants having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, New York County, entered on or about October 22, 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 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 12, 2016.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,
Rolando T. Acosta
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X

Princess Point LLC, et al.,
Plaintiff-Appellant,

-against-

M-1222

Index No. 601849/08

Muss Development L.L.C., et al.,
Defendants-Respondents,

AKRF Engineering, P.C.,
Defendant.

-----X

Plaintiff-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on February 4, 2016 (Appeal No. 16045),

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 this Court, pursuant to CPLR 5713, certifies that the following question of law, decisive of the correctness of its determination, has arisen, which in its opinion ought to be reviewed by the Court of Appeals:

"Was the order of the Supreme Court, as affirmed by this Court, properly made?"

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

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 12, 2016.

PRESENT - Hon. John W. Sweeny, Jr., Justice Presiding,
David B. Saxe
Karla Moskowitz
Judith J. Gische, Justices.

-----X
Magen David of Union Square, et al.,
Plaintiffs,

The Sixteenth Street Synagogue,
Plaintiff-Appellant,

-against-

M-5928
Index No. 600573/08

3 West 16th Street, LLC,
Defendant-Respondent.

(And a third-party action)

-----X

Plaintiff-appellant having moved for leave to appeal to
the Court of Appeals from the decision and order of this Court,
entered on October 15, 2015 (Appeal No. 15882),

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 12, 2016.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,
Diane T. Renwick
David B. Saxe
Judith J. Gische
Marcy L. Kahn, Justices.

-----X

Gary Ganzi, Claire Breen, and Gary
Ganzi and Claire Breen, as Attorneys-
in-Fact for the Estate of Charles
Cook, Individually and Derivatively
on Behalf of Nominal Defendants
Just One More Restaurant Corporation
and Just One More Holding Corporation,
Plaintiffs-Respondents,

M-1475

Index No. 653074/12

-against-

Walter Ganzi, Jr. and Bruce Bozzi, Sr.,
Defendants-Appellants,

-and-

Just One More Restaurant Corporation,
a New York Corporation, et al.,
Nominal Defendants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 8, 2016,

And defendants-appellants having moved for an order permitting defendants to file the record on appeal partly under **seal**,

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 defendants-appellants to file under **seal** only: defendants-appellants' brief, and those portions of the record

on appeal which are the subject of a Stipulation and Order for the Production and Exchange of Confidential Information entered in Supreme Court on or about January 8, 2013 (Moving Papers Exhibit 1.). The Clerk is directed to accept for filing under **seal** defendants' brief on the appeal and the Volume of the Record on Appeal consisting of Pages 5810 through 6868.

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 12, 2016.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,
David B. Saxe
Karla Moskowitz
Judith J. Gische
Troy K. Webber, Justices.

-----X

The People of the State of New York
ex rel. Mark Crawford, Esq., on
behalf of Jean Saint Clair,
Petitioner-Appellant,

M-1149

Index No. 260120/16

-against-

Warden of Vernon C. Bain Center,
et al.,
Respondents-Respondents.

-----X

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

And, petitioner having moved for an order releasing him on his own recognizance of for a reduction of bail,

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 order of a Justice of this Court dated March 4, 2016, reducing petitioner's bail to \$70,000 bond or \$55,000 cash, on the condition that petitioner perfect his appeal on or before August 8, 2016, for the October 2016 Term, and otherwise deny without prejudice to raising substantive arguments on appeal.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 12, 2016.

Present: Hon. Rolando T. Acosta, Justice Presiding,
Richard T. Andrias
Sallie Manzanet-Daniels
Barbara R. Kapnick, Justices.

-----X
The Lansco Corporation,
Plaintiff-Respondent,

-against-

M-648
Index No. 601089/10

Strike Holdings LLC,
Defendant-Appellant,

GFI Realty Services, Inc.,
Defendant.


-----X

Defendant-appellant having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on January 7, 2016 (Appeal Nos. 16569-16569A),

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 12, 2016.

PRESENT - Hon. Rolando T. Acosta,
Sallie Manzanet-Daniels
Barbara R. Kapnick
Troy K. Webber,

Justice Presiding,

Justices.

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

-against-

M-1073
Ind. No. 8640/93

Michael Ferguson,
Defendant-Appellant.

-----x

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about February 10, 2015, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

Arza Feldman, Esq., 626 EAB Plaza, RXR Tower, 6th Floor Uniondale, NY 11556, Telephone No. (516)522-2828 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 in the County of New York on May 12, 2016.

PRESENT: Hon. Rolando T. Acosta, 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-1574
Ind. No. 2474/14

Kevin McLean,
Defendant-Appellant.

-----X

An order of this Court having been entered on June 4, 2015 (M-2009), inter alia, assigning Seymour W. James, Jr., Esq., as counsel to prosecute defendant's appeal from a judgment of the Supreme Court, New York County, rendered on or about February 5, 2015,

And assigned counsel, Seymour W. James, Jr., Esq., having moved for an order to be relieved as counsel for defendant and to substitute other counsel to prosecute defendant's 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 striking the designation of assigned counsel Seymour W. James, Jr., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4100, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTER:


CLERK

✓
✓

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

BEFORE: Hon. Angela M. Mazzarelli,
Justice of the Appellate Division

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

M-598
Ind. No. 1880/07

-against-

CERTIFICATE
DENYING LEAVE

Rivin Favourite,

Defendant.
-----X

I, Angela M. Mazzarelli, 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, Bronx County (Michael A. Gross, J.), entered on or about June 10, 2015, is hereby denied.


Justice

Dated: New York, New York
April 14, 2016

ENTERED

MAY 12 2016

STATE OF NEW YORK
APPELLATE DIVISION : FIRST DEPARTMENT

BEFORE: Hon. David B. Saxe
Justice of the Appellate Division

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

M-1134
Bronx Co.
Indictment No.
184/92

-against-

CERTIFICATE
DENYING LEAVE

Anthony Rodriguez,

Defendant.
-----X

I, David B. Saxe, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law section 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County, entered on or about September 28, 2015, is hereby denied.

Dated: April 26, 2016
New York, New York

ENTERED


Justice of the Appellate Division

MAY 12 2016

STATE OF NEW YORK
APPELLATE DIVISION : FIRST DEPARTMENT

BEFORE: Hon. Marcy L. Kahn
Justice of the Appellate Division

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

M-2731
Ind. No. 10361/92

-against-

CERTIFICATE
DENYING LEAVE

Rudy Roa,

Defendant.
-----X

I, Marcy L. Kahn, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, section 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the CPL §440.20 decision of the Supreme Court, New York County, entered on or about April 17, 2015, is hereby denied.

Dated: New York, New York
April 14, 2016

ENTERED

MAY 12 2016


Justice of the Appellate Division

P.M. ORDERS
FOR
MAY 12, 2016

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 12, 2016.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Diane T. Renwick
Karla Moskowitz
Barbara R. Kapnick
Ellen Gesmer, Justices.

-----X
The People of the State of New York
ex rel. Gerald J. McMahon on behalf
of Zaid Zaid,
Petitioner-Appellant,

M-1895

-against-

Index No. 151982/16
Ind. No. 94/16

Warden, Manhattan Detention Complex,
Respondent-Respondent.
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An appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 1, 2016, denying petitioner's application for a writ of habeas corpus relief,

And, an order of a Justice of this Court dated April 11, 2016, having reduced petitioner's bail to \$1,000,000 bond or cash,

And, petitioner-appellant having moved for a further reduction of bail, and for habeas corpus 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 maintaining the terms and conditions of the aforesaid order of a Justice of this Court dated April 11, 2016, and is otherwise denied.

ENTER:


CLERK