

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 13, 2018.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Judith J. Gische
Peter Tom
Jeffrey K. Oing
Anil C. Singh, Justices.

-----X
C. Louise Hepworth, etc.,

Plaintiff-Respondent,

-against-

M-175
Index No. 651730/14

Douglas J. Hepworth, et al.,

Defendants-Appellants.
-----X

Plaintiff-respondent having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on December 12, 2017 (Appeal No. 5182),

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

It is ordered that the motion is denied.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 13, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Richard T. Andrias
Barbara R. Kapnick
Ellen Gesmer
Peter H. Moulton, Justices.

-----X
Springut Law PC,

Plaintiff-Appellant,

-against-

M-191
Index No. 570506/17

Profil Institut Fur
Stoffwechselforschung GMBH,

Defendant-Respondent.
-----X

Plaintiff-appellant having moved for leave to appeal to this Court from the decision and order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about October 30, 2017,

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

It is ordered that the motion is denied.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 13, 2018.

Present - Hon. Rosalyn H. Richter, Justice Presiding,
Angela M. Mazzaelli
Troy K. Webber
Cynthia S. Kern
Jeffrey K. Oing, Justices.

-----x

Accounting of
Nathan Davidovich, Charles H.
Hoppenstein and Ava Hoppenstein Shore,

as Trustees of the

M-43
File No. 2015-2918/A

Reuben Hoppenstein 2004 Insurance
Trust, under agreement dated
December 20, 2004.

-----x

Appeals having been taken to this Court by respondents Cheryl Hoppenstein, Yitzchak Hoppenstein, Aryeh Hoppenstein, Yonatan Hoppenstein, Yara Hoppenstein and Adina Hoppenstein from orders of the Surrogate's Court, New York County, entered on or about March 31, 2017 and October 10, 2017, respectively,

And movants having sought for dismissal of the appeal from the order entered on or about October 10, 2017,

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

It is ordered that sua sponte the appeals are consolidated, and appellants are permitted to prosecute the consolidated appeals upon 9 copies of one record and one set of appellants' points covering the consolidated appeals. The attention of the parties is directed to 22 NYCRR § 600.11, and it is further,

Ordered that the appeals are dismissed unless perfected for the September 2018 Term.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 13, 2018.

Present - Hon. Rosalyn H. Richter, Justice Presiding,
Angela M. Mazzairelli
Troy K. Webber
Cynthia S. Kern
Jeffrey K. Oing, Justices.

-----x

The People of the State of New York,
Respondent,

-against-

M-5913
Ind. No. 1221/13

Darryl Hemphill,
Defendant-Appellant.

-----x

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

And defendant-appellant having moved, through assigned counsel, for an order granting a reconstruction hearing with respect to a purportedly missing court file,

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 to the September 2018 Term, and the motion is otherwise denied, as academic.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 13, 2018.

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

-----X

Daniel Collazo, et al.,
Plaintiffs-Appellants,

M-6627
M-38

-against-

Index No. 157486/16

Netherland Property Assets LLC,
et al.,
Defendants-Respondents.

Legal Services NYC and The Legal
Aid Society,
Amici Curiae.

-----X

Plaintiffs-appellants 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 28, 2017 (Appeal No. 5032) [M-6627],

And Legal Services NYC and The Legal Aid Society having moved jointly for leave to file an amicus curiae brief in support of plaintiffs-appellants' application for reargument/leave to appeal to the Court of Appeals [M-38],

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

It is ordered that Legal Services NYC's and The Legal Aid Society's joint motion to file a brief amicus curiae is granted, and the 10 copies of their amicus curiae brief attached to the moving papers are deemed filed with plaintiffs' motion [M-38]. plaintiffs-appellants' motion is denied [M-6627].

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 13, 2018.

Present - Hon. Peter Tom, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Jeffrey K. Oing, Justices.

-----x

Christopher Brummer,

Plaintiff-Respondent,

-against-

M-223

Index No. 153583/15

Benjamin Wey, et al.,

Defendants-Appellants.

-----x

Defendants-appellants having moved for an enlargement of time to perfect the appeals from the orders of the Supreme Court, New York County, entered on or about January 12, 2017,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated February 2, 2018, and due deliberation having been had thereon,

It is ordered that the appeals and the motion for enlargement are both deemed withdrawn in accordance with the aforesaid stipulation.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 13, 2018.

Present - Hon. Richard T. Andrias, Justice Presiding,
Barbara R. Kapnick
Ellen Gesmer
Peter H. Moulton, Justices.

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

-against-

M-22
Ind. No. 2192/16

Rayfield Wheeler,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, Bronx County, rendered on or about September 27, 2016, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 13, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick,
Rosalyn H. Richter, Justices.

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

-against-

M-345
Ind. No. 5280/16

Jose Sanchez,
Defendant-Appellant.

-----X

Defendant-appellant having appealed to this Court from an order of the Supreme Court, New York County, entered on or about April 18, 2017,

Now, upon reading and filing the stipulation of the parties hereto dated January 24, 2018, and due deliberation having been had thereon,

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 13, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

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

Respondent,

-against-

M-5

Ind. Nos. 1240/16
3784/16

Damon Ash,

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 July 14, 2017, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4112, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 13, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-195
Ind. No. 1190/16

Luis Fajardo,
Defendant-Appellant.

-----X

Defendant-appellant 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 November 14, 2017, for leave to have the appeal heard upon 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 to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

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

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 13, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalynd H. Richter, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-374
Ind. No. 692/17

Ramon Bonilla Toro, also known as
Ramon Bonilla,
Defendant-Appellant.

-----X

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

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and the notice of appeal filed on defendant's behalf,

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

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

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.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 13, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Rosalyn H. Richter, Justices.

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

-against-

M-375
Ind. No. 1993/15

Jorge Gonzalez,
Defendant-Appellant.

-----X

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

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and the notice of appeal filed on defendant's behalf,

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

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

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.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 13, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Rosalyn H. Richter, Justices.

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

-against-

M-376
Ind. Nos. 813/16
1495/15

Igor Agaronov,
Defendant-Appellant.

-----X

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

Now, upon reading and filing the order which granted the defendant poor person relief on appeal, and the notice of appeal filed on defendant's behalf,

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

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

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.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 13, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Rosalyn H. Richter, Justices.

-----X

The People of the State of New York,
Respondent,

SEALED

M-397

-against-

SCI No. 1526/17
Ind. Nos. 1834/16
1249/13
393/17

Trejuan D.,
Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on August 8, 2017, inter alia, granting defendant poor person relief with respect to the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about August 8, 2017,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and the notice of appeal filed on defendant's behalf,

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

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

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.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 13, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-402
Ind. No. 2178/13

Michael Boone,
Defendant-Appellant.

-----X

An order of this Court having been entered on January 18, 2018 (M-14) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about November 10, 2016, and assigning Stanley Neustadter, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

It is ordered that the motion is granted to the extent of striking the designation of assigned counsel Stanley Neustadter, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 13, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X

The People of the State of New York,
Respondent,

SEALED

M-403

-against-

Ind. No. 1740/16

Lejend B.,
Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on September 14, 2017, inter alia, granting defendant poor person relief with respect to the appeal from the judgment, of the Supreme Court, Bronx County, rendered on or about September 14, 2017,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and the notice of appeal filed on defendant's behalf,

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

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

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.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 13, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-404
Ind. No. 1230/17

Jose Rodriguez,
Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on September 12, 2017, inter alia, granting defendant poor person relief with respect to the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about September 12, 2017,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and the notice of appeal filed on defendant's behalf,

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

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

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.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 13, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-405
Ind. No. 28/16

Johana Alcantara,
Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on September 12, 2017, inter alia, granting defendant poor person relief with respect to the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about September 11, 2017,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and the notice of appeal filed on defendant's behalf,

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

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

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.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 13, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-406
Ind. No. 486/17

Galen Faison,
Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on September 12, 2017, inter alia, granting defendant poor person relief with respect to the appeal from the judgment, of the Supreme Court, Bronx County, rendered on or about September 12, 2017,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and the notice of appeal filed on defendant's behalf,

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

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

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.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 13, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Rosalyn H. Richter, Justices.

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

-against-

M-407
Ind. No. 855/15

Natasha Forman,
Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on September 8, 2017, inter alia, granting defendant poor person relief with respect to the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about September 8, 2017,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and the notice of appeal filed on defendant's behalf,

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

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

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.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 13, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Rosalyn H. Richter, Justices.

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

-against-

M-409
Ind. No. 936/15

Joshua Cordon,
Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on September 5, 2017, inter alia, granting defendant poor person relief with respect to the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about September 5, 2017,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and the notice of appeal filed on defendant's behalf,

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

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

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.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 13, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalynd H. Richter, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-410
Ind. No. 35/17

Luis Padilla,
Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on August 31, 2017, inter alia, granting defendant poor person relief with respect to the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about August 31, 2017,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and the notice of appeal filed on defendant's behalf,

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

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

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.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 13, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalynd H. Richter, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-411
Ind. No. 93/17

Jonathan Cruz,
Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on August 31, 2017, inter alia, granting defendant poor person relief with respect to the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about August 31, 2017,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and the notice of appeal filed on defendant's behalf,

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

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

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.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 13, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-6729
Ind. No. 4853/14

Anthony Tirado,
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on August 8, 2017, inter alia, granting defendant poor person relief with respect to the appeal from the judgment of the Supreme Court, New York County, rendered on or about June 29, 2015, and the appeal from the judgment of **resentence** of said Court (Ward, J.), rendered on or about August 7, 2017,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and the notice of appeal filed on defendant's behalf,

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

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

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 13, 2018.

Present: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

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

- - - - -
Raymond S. H., Jr.,
Petitioner-Appellant,

-against-

CONFIDENTIAL
M-123

Docket Nos. V-38438-15/16B
V-38438-15/15A
V-38438/15
V-34060-15/16A
V-38438-15/16C

Nefertiti S. M.,
Respondent-Respondent.
- - - - -

Tenille M. Tatum-Evans, Esq.,
Attorney for the Child.
-----X

Respondent-respondent having moved for leave to respond, as a poor person, to the appeal taken from the order of the Family Court, New York County, entered on or about September 20, 2017, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to §1120 of the Family Court Act, Kenneth M. Tuccillo, Esq., 591 Warburton Avenue, #576, Hastings on Hudson, NY 10701, Telephone No. (914) 439-4843, 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.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 13, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

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

-against-

M-439
Ind. No. 4178/15

Emil Goding,
Defendant-Appellant.

-----X

An order of this Court having been entered on November 30, 2017 (M-4878), inter alia, assigning Christina Swarns, Esq. as counsel to prosecute defendant's appeal from the judgment of the Supreme Court, New York County, rendered on or about January 11, 2017,

Now, upon the Court's own motion,

It is ordered that the designation of assigned counsel, Christina Swarns, Esq., as counsel to prosecute defendant's appeal is stricken and, pursuant to Section 722 of the County Law, Stanley Neustadter, Esq., Cardozo School of Law, 55 Fifth Avenue, Room 1110, New York, New York 10003, Telephone No. 212-790-0410, is substituted as counsel to prosecute the appeal. The poor person relief previously granted is continued, and the time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 13, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Rosalyn H. Richter
Barbara R. Kapnick, Justices.

-----X
Jonny Contreras,
Plaintiff-Appellant,

-against-

M-285
Index No. 310552/11

3335 Decatur Avenue Corp.,
Defendant-Respondent.
-----X

3335 Decatur Avenue Corp.,
Third-Party Plaintiff-
Respondent,

-against-

Third-Party
Index No. 84092/12

Muhammad Zubair, doing business as
ZK Construction and ZK Construction,
Third-Party Defendants.
-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, Bronx County, entered on or about March 8, 2017,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the October 2018 Term. Plaintiff-appellant's counsel is directed to serve and file a copy of this order upon Dillon Horowitz & Goldstein LLP, 11 Hanover Square, 20th Floor, New York, NY 10005, the current attorney for defendant/third-party plaintiff 3335 Decatur Avenue Corp.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 13, 2018.

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

-----X
In re Eileen Jordan, et al.,
Petitioners-Respondents-Appellants,

-against-

The New York City Housing Authority,
Respondent-Appellant-Respondent,

M-6242
M-6673
Index No. 100993/14

The Department of Citywide
Administrative Services,
Respondent.

- - - - -
The City of New York,
Amicus Curiae.

-----X
Respondent-appellant-respondent having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on October 31, 2017 (Appeal No. 4867) [M-6242],

And the City of New York having moved for leave to file a brief amicus curiae in support of respondent-appellant-respondent's motion for leave to appeal to the Court of Appeals [M-6673],

Now, upon reading and filing the papers with respect to the motions, including the brief amicus curiae filed by the City of New York, and due deliberation having been had thereon,

It is ordered that the motion for leave to file an amicus curiae brief is granted [M-6673]. The motion for leave to appeal to the Court of Appeals is denied [M-6242].

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 13, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Dianne T. Renwick
Judith J. Gische
Angela M. Mazzarelli
Ellen Gesmer, Justices.

-----X

Peter Weiss,
Plaintiff-Respondent,

-against-

M-6580
Index No. 810090/10

Edward Phillips,
Defendant-Appellant,

Austin Smith, et al.,
Defendants.

-----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 November 21, 2017 (Appeal No. 3935),

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

It is ordered that the motion is denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 13, 2018.

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

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

-against-

George Dennard,

Defendant.
-----X

M-5144

SCI No. 3416/10

Defendant, both pro se and through assigned counsel, having moved for an order granting his application for coram nobis relief on he grounds he was allegedly denied effective assistance of trial counsel by reason of trial counsel's failure to file a timely notice of appeal on defendant's behalf, pursuant to CPL 460.30, from the judgment of the Supreme Court, Bronx County, rendered on or about October 25, 2010,

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

It is ordered that the motion is denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 13, 2018.

Present - Hon. David Friedman, Justice Presiding,
Judith J. Gische
Barbara R. Kapnick
Marcy L. Kahn
Ellen Gesmer, Justices.

-----x

172 Van Duzer Realty Corp.,
Plaintiff-Appellant,

-against-

M-586
Index No. 113137/09

Globe Alumni Student Assistance
Association, et al.,
Defendants-Respondents.

- - - - -

878 Education LLC,
Non-Party Respondent.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about April 6, 2017, and said appeal having been perfected,

And non-party respondent having moved for dismissal of the aforesaid appeal as being taken from a non-appealable order,

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

It is ordered that the motion is denied, without prejudice to non-party respondent raising the issue directly on appeal. Sua sponte, the appeal is adjourned to the June 2018 Term.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 13, 2018.

PRESENT: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Marcy L. Kahn
Ellen Gesmer
Anil C. Singh, Justices.

-----X

Kathryn Mcrae,
Plaintiff-Respondent,

CONFIDENTIAL

-against-

M-6735

M-122

Index No. 312135/13

Harmander Gill Sawhney,
Defendant-Appellant.

-----X

An appeal having been taken from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about June 19, 2017,

And defendant-appellant, pro se, having moved to stay the aforesaid order, and to stay or repeal any related money judgments, and for other relief (M-6735),

And plaintiff-respondent having cross-moved to dismiss or deny defendant's motion, for an award of legal fees and certain sanctions against defendant, and for leave to renew, "in the event necessary" (M-122),

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

It is ordered that the motion and cross motion are denied (M-6735/M-122).

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 13, 2018.

Present - Hon. David Friedman, Justice Presiding,
Rosalyn H. Richter
Angela M. Mazzarelli
Barbara R. Kapnick
Ellen Gesmer, Justices.

-----x
Shane McMahon, etc., et al.,
Plaintiffs-Respondents,

-against-

The Cobblestone Lofts Condominium,
et al., M-6750
Defendants-Appellants, Index No. 151136/14

Nova Restoration of NY Inc., et al.,
Defendants,

-and-

7 Vestry LLC, et al.,
Cross Claim Defendants.

- - - - -
[And other actions]

-----x
An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about October 10, 2017,

And defendants-appellants having moved for a stay of a preliminary appellate injunction contained in the order entered on or about October 10, 2017, 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.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 13, 2018.

Present - Hon. David Friedman, Justice Presiding,
Dianne T. Renwick
Peter Tom
Marcy L. Kahn
Cynthia S. Kern, Justices.

-----X

Ruth Kassover, etc., et al.,
Plaintiffs-Appellants,

-against-

M-219

Index No. 602434/05

Prism Venture Partners, LLC, et al.,
Defendants,

Richard Sabella,
Defendant-Respondent.

-----X

Plaintiffs-appellants 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 December 21, 2017 (Appeal Nos. 5257-5258),

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

It is ordered that the motion is denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 13, 2018.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,
Sallie Manzanet-Daniels
Judith J. Gische
Marcy L. Kahn
Jeffrey K. Oing, Justices.

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

-against-

M-74

Ind. No. 5315/14

Darryl Jackson, Jr.,
Defendant-Appellant.

-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about December 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,

The motion is denied, with leave to renew upon defendant's submission of a notarized affidavit, pursuant to CPLR 1101, setting forth the sources of funds to post bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 13, 2018.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,
Angela M. Mazzarelli
Marcy L. Kahn
Ellen Gesmer, Justices.

-----X
In the Matter of

Shaila C.,

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

CONFIDENTIAL

M-3912

M-4299

Docket No. NN-19085/17

- - - - -
Commissioner of Children's Services of the City of New York,
Petitioner-Appellant,

Shirley O.,
Respondent-Respondent.

-----X

An appeal having been taken to this Court from the order of the Family Court, Bronx County, entered on or about July 19, 2017,

And petitioner-appellant having moved for an order staying or striking the portion of the order permitting respondent-respondent to have unsupervised visits with the subject child (M-3912),

And Kevin L. McAllister, Esq., court attorney for the subject child, having moved in an affirmation in reply to M-3912, and deemed a separate motion, and on the subject child's behalf, for leave to respond to the aforesaid appeal as a poor person, and for assignment of counsel, a free copy of the transcript, and for related relief (M-4299),

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

It is ordered that the motion for a stay (M-3912) is denied, without prejudice to further proceedings in Family Court, and with leave to renew on the basis of information presented in Family Court at subsequent proceedings that directly or indirectly reflect on the health and safety of the subject child, and it is further,

Ordered poor person relief is granted for the subject child to the extent of (1) assigning, pursuant to §1120 of the Family Court Act, Larry S. Bachner, P.C., c/o Bachner & Associates, P.C., 39 Broadway, Suite #1610, New York, NY 10006, Telephone No. 917-674-9516, as counsel for purposes of 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.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 13, 2018.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Sallie Manzanet-Daniels
Troy K. Webber
Marcy L. Kahn
Peter H. Moulton, Justices.

-----x

Rosemarie A. Herman, et al.,
Plaintiffs-Respondents,

M-31

-against-

ACTION NO. 1
Index No. 652700/12

36 Gramercy Park Realty Associates,
LLC, et al.,
Defendants-Appellants.

- - - - -

36 Gramercy Park Realty Associates,
LLC, et al.,
Plaintiffs-Appellants,

ACTION NO. 2
Index No. 654067/12

-against-

Rosemarie A. Herman, et al.,
Defendants-Respondents.

-----x

Separate appeals having been taken to this Court by defendants in Action No. 1 and plaintiffs in Action No. 2 from an order of the Supreme Court, New York County, entered on or about April 24, 2017,

And defendants/plaintiffs-appellants 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 September 2018 Term.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 13, 2018.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,
Sallie Manzanet-Daniels
Angela M. Mazzarelli
Jeffrey K. Oing
Peter H. Moulton, Justices.

-----X
Francesco Bellucia,
Plaintiff-Respondent,

-against-

CF 620 Owner, LLC, et al.,
Defendants-Appellants-Respondents,
Building Service 32BJ Health Fund and
Henegan Construction Co., Inc.,
Defendants-Respondents-Appellants,

M-260
Index No. 150207/11
As consolidated with
Index No. 651472/14

-and-

Robinson Elevator LLC, et al.,
Defendants-Respondents.

-----X
(And Other Consolidated Actions)
-----X

Multiple appeals and cross appeals having been taken from an order of the Supreme Court, New York County, entered on or about July 12, 2017,

And defendants-appellants-respondents, CF 620 Owner, LLC, CF 620 Owner One, LLC, CF 620 Owner Two, LLC, CF 620 Owner Three, LLC, Bonjour 620 I, LLC, Bonjour 620 II, LLC, YL 620 Sixth, LLC, (the CF 620 defendants), along with defendants-respondents, Newmark Knight Frank Global Management Services, LLC, and Newmark & Company Real Estate, Inc., having moved to stay all proceedings, including seven damage trials involving fifteen plaintiffs, scheduled to commence on dates ranging from March 19, 2018 to June 18, 2018, pending hearing and determination of the appeal taken by the CF 620 defendants,

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

It is ordered that the motion is denied.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 13, 2018.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Richard T. Andrias
Barbara R. Kapnick
Ellen Gesmer
Peter H. Moulton, Justices.

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

- - - - -
Angel N., also known as Angel L. N.,
Petitioner-Appellant,

CONFIDENTIAL

M-6664

Docket Nos. V-24225-07/15B
V-26039-09/15B
V-26040-09/15B

-against-

Elizabeth A.,
Respondent-Respondent.

-----X

Petitioner-appellant, pro se, having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about January 15, 2016, said appeal treated as one from an order of the same Court and referee entered on or about October 28, 2015, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of
(1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Randall Carmel, Esq., 410 Jericho Turnpike, Suite 302, Jericho, NY 11753, Telephone No. (603) 313-1951, as counsel for purposes of prosecuting the appeal;
(2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor;¹ **within 30 days (FCS 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for

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

the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of the receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.** Said relief having been previously granted by this Court by order (M-2457) entered August 4, 2016.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 13, 2018.

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

-----X
In the Matter of

Frank Enrique S., Jr.,

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

CONFIDENTIAL
M-5243

Docket Nos. B-18651/13
B-18651/13
N-15651/11

- - - - -
Catholic Guardian Services,
Petitioners-Respondents,

Karina Elizabeth F.,
Respondent-Appellant,

Mike G., Sr.,
Respondent-Appellant.

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

-----X
In the Matter of

Michael G.,
and Gabrielle G.,

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

CONFIDENTIAL

Docket Nos. B-46584/16
B-46585/16

- - - - -
Catholic Guardian Services,
Petitioners-Respondents,

Karina Elizabeth F.,
Respondent-Appellant,

Mike G., Sr.,
Respondent-Appellant.

- - - - -

 Seymour W. James Jr., Esq.,
 The Legal Aid Society,
 Attorney for the Children.
 -----X

In the Matter of

Gabrielle G.,

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

CONFIDENTIAL
Docket No. NN-40004/13

 Administration for Children's Services,
 Petitioner-Respondent,

Karina Elizabeth F.,
Respondent-Appellsnt,

Mike G., Sr.,
Respondent.

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

In the Matter of Michael G.,

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

CONFIDENTIAL
Docket No. NN-45208/14

 Administration for Children's Services,
 Petitioner-Respondent,

Karina Elizabeth F.,
Respondent-Appellsnt,

Mike G., Sr.,
Respondent.

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

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

CONFIDENTIAL

- - - - -
 Karina F.,
 Petitioner-Appellant,

Docket Nos. V-11492-3/17
 V-11486/17

-against-

Mike G., Sr.,
 Respondent-Respondent.

-----X

Multiple appeals having been taken by respondent-appellant mother, Karina Elizabeth F., from orders with of the Family Court, New York County, entered on or about January 30, 2012, July 26, 2012, July 9, 2014, October 9, 2014, October 31, 2014, March 9, 2015, August 12, 2015, April 6, 2017, February 4, 2015 May 15, 2017, and July 10, 2017,

And multiple orders of this Court having been entered on August 15, 2017, (M-3718, M-3725 and M-3732 [all three reissued as Corrected Orders on September 22, 2017]); and other orders of this Court having all been entered on August 15, 2017 (M-3721, M-3723, M-3728, M-3729 and additional orders having been entered on October 3, 2017 (M-4528) and on October 5, 2017 (M-4442), granting respondent-appellant poor person relief and assigning Randall C. Carmel, Esq., to represent respondent-appellant on the aforesaid appeals,

And respondent-appellant having moved to have Randall C. Carmel, Esq., relieved as assigned counsel and to permit Larry S. Bachner, Esq., to prosecute the aforesaid appeals on respondent-appellant's behalf,

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

It is ordered that the motion is granted only to the extent of striking the designation of assigned counsel Randall C. Carmel, Esq., as counsel to prosecute respondent-appellant's

appeals, and substituting, pursuant to Section 722 of the County Law, Kenneth M. Tuccillo, Esq., 591 Warburton Ave., #576, Hastings on Hudson, NY 10701, Telephone No. (914) 439-4843, as such counsel. So much of the motion which seeks the assignment of Larry S. Bachner, Esq., as counsel on the appeal is denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 13, 2018.

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

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

Respondent,

-against-

M-6739
Ind. No. 1100/16

Michael Lewis,

Defendant-Appellant.
-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about July 18, 2017,

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

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 13, 2018.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Richard T. Andrias
Ellen Gesmer, Justices.

-----X
Application of Hugh W. Campbell,
as the Preliminary Executor of

The Estate of Emma C. Brisbane
Petitioner-Appellant,

M-278
Index No. 17384/07

for the Judicial Dissolution of
McCall's Bronxwood Funeral Home, Inc.

-----X
Hugh W. Campbell, as the Executor of

The Estate of Emma C. Brisbane,
Plaintiff-Appellant,

Index No. 300513/10

-against-

Jeffrey D. Buss, Esq. and
James H. Alston, Jr.,

Defendants-Respondents.

-----X
James H. Alston, Jr. and McCall's
Bronxwood Funeral Home, Inc.

Third Party Plaintiffs,

Index No. 83796/10

-against-

Hugh W. Campbell, individually,

Third Party Defendant.

-----X

Petitioner-plaintiff-appellant having moved for a further enlargement of time to perfect the appeal taken from an order of the Supreme Court, Bronx County, entered on or about December 22, 2016,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the September 2018 Term.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 13, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Richard T. Andrias
Ellen Gesmer, Justices.

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

Respondent,

-against-

M-6765
Ind. No. 3349/12

Wilfred Matthews,

Defendant-Appellant.
-----X

Defendant having moved for an enlargement of time in which to perfect the appeal from a judgment of the Supreme Court, New York County, rendered on or about June 3, 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 in which to perfect the appeal to the September 2018 Term, with leave to seek further enlargements if necessary.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 13, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Richard T. Andrias
Ellen Gesmer, Justices.

-----x

Frances Freeman,
Plaintiff-Respondent,

-against-

M-202
Index No. 307933/11

Angjelin Shtogaj, Arien N. Shtogaj and
Kwame Opoku,

Defendants-Appellants.

-----x

Regina Amposah and Manuel Amosah,
Plaintiffs-Respondents,

-against-

Index No. 300358/11

Angjelin Shtogaj, Arien N. Shtogaj and
Kwame Opoku,

Defendants-Appellants.

-----X

Appeals having been taken to this Court by defendants from judgments of the Supreme Court Bronx County, rendered on or about April 13, 2017 and June 19, 2017, respectively,

And defendants having moved for consolidation of 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 appeals are consolidated and the time to perfect the consolidated appeals is enlarged to the September 2018 Term, and

It is ordered that defendants are to perfect the consolidated appeals on a single brief and record on or before July 9, 2018, for the September 2018 Term.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 13, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Rosalyn H. Richter
Richard T. Andrias
Barbara R. Kapnick
Marcy L. Kahn, Justices.

-----x
Oved & Oved LLP,

Plaintiff-Respondent,

-against-

M-321
Index No. 652932/12

Ted Zane,

Defendant-Appellant.
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about February 10, 2017, and said appeal having been perfected,

And plaintiff-respondent having moved for an order directing defendant-appellant to supplement the record on appeal, at his own expense, and to adjourn the aforesaid appeal,

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

It is ordered that the motion is granted to the extent of granting plaintiff-respondent leave to file a supplemental record on appeal containing plaintiff's memorandum of law in opposition to defendant's motion to disqualify counsel, and in support of cross motion for sanctions (Exhibit B to the moving papers), at its own expense, along with a respondent's brief, on or before April 18, 2018 for the June 2018 Term, to which Term the appeal is adjourned, and otherwise denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 13, 2018.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Richard T. Andrias
Cynthia S. Kern
Jeffrey K. Oing, Justices.

-----X

In re James Pettus, et al.,

Petitioners-Appellants,

-against-

M-6661

Index No. 251413/14

Board of Directors, et al.,

Respondents-Respondents.

-----X

Petitioner-appellant having moved for reargument of the decision and order of this Court, entered on November 16, 2017 (Appeal Nos. 4982-4982A),

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

It is ordered that the motion is denied.

ENTERED:



CLERK

J

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

BEFORE: **Hon. Rosalyn H. Richter,**
Justice of the Appellate Division

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

M-6437
Ind. No. 3578/09

-against-

CERTIFICATE
DENYING LEAVE

Aaron Hand,

Defendant.

-----X

I, Rosalyn H. Richter, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County (Laura A. Ward, J.), entered on or about August 29, 2017, is hereby denied.

Justice



Dated: New York, New York

2/8/18

ENTERED

MAR 13 2018

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 13, 2018.

Present - Hon. David Friedman, Justice Presiding,
Richard T. Andrias
Anil C. Singh
Peter H. Moulton, Justices.

-----X
Patrick McMahon,

Plaintiff-Respondent,

-against-

M-765
Index No. 156669/12

New York Organ Donor Network,

Defendant-Appellant.
-----X

An appeal having been taken to this Court by the above-named defendant from the order of the Supreme Court, New York County, entered on or about April 7, 2017, and said appeal having been perfected,

And movants the Center for Donation and Transplant, Upstate New York Transplant Services, Inc., NJ Sharing Network, Southwest Transplant Alliance, Inc., Donor Network West and Nebraska Organ Recovery having moved for leave to file a brief amici curiae in connection with the aforesaid appeal,

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

It is ordered that the motion is granted, and movants are directed to file 9 copies of the amici curiae brief, annexed as Exhibit B to the moving papers, within 7 days of the date of entry hereof.

ENTERED:


CLERK