

At a 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 22, 2018.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Troy K. Webber
Jeffrey K. Oing
Peter H. Moulton, Justices.

-----X

David Suarez,

Plaintiff-Appellant,

M-490

M-1007

-against-

Index No. 21715/14E

Jesup Realty Group LLC,

Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about October 19, 2017,

And defendant-respondent having moved for dismissal of the aforesaid appeal (M-490),

And plaintiff-appellant having cross-moved to deem the notice of appeal timely filed (M-1007),

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 and the appeal is dismissed (M-490). The cross motion is denied (M-1007).

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 May 22, 2018.

Present - Hon. Angela M. Mazzarelli,
Barbara R. Kapnick
Marcy L. Kahn
Cynthia S. Kern
Anil C. Singh,

Justice Presiding,

Justices.

-----X
In the Matter of the Application of,
Walter Lubkemeier,

Petitioner-Appellant,

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

-against-

M-1533
Index No. 158574/16

Jacques Jiha, as Commissioner of
New York City Department of Finance,
the Department of Finance of the City
of New York,

Respondents-Respondents.
-----X

Petitioner-appellant having moved for an enlargement of time to perfect the appeal taken from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about May 26, 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 November 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 May 22, 2018.

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

-----x
Aurora Loan Servicing LLC,
Plaintiff-Respondent,

-against-

M-1000
Index No. 380537/08

Olinda B. Singh, et al.,
Defendants-Appellants.
-----x

Plaintiff-respondent having moved for dismissal of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about April 23, 2013,

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

It is ordered that the motion is granted and the appeal is dismissed.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 22, 2018.

Present: Hon. Troy K. Webber, Justice Presiding,
Jeffrey K. Oing
Anil C. Singh
Peter H. Moulton, Justices.

-----X
500 Broome Associates,

Plaintiff,

-against-

M-893

Index No. 111183/10

DV Stores, LLC, formerly known as
Chicissimo LLC, and Domenico Vacca,

Defendants.
-----X

An order of this Court having been entered on January 9, 2018 (M-5861), inter alia, dismissing defendants' appeal taken from an order of the Supreme Court, New York County, entered on or about October 29, 2015,

And defendants having moved for reargument of the aforesaid order of this Court, entered on January 9, 2018, to vacate said order, and to reinstate the appeal,

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

It is ordered that the motion is denied in its entirety.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 22, 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-1761
Ind. No. 3291/14

Rafael Viggiani,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, Bronx County, rendered on or about June 13, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated March 26, 2018, and due deliberation having been had thereon,

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 22, 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 Proceeding for
Custody/Visitation Under Article 6
of the Family Court Act.

Michael J. M.,
Petitioner-Appellant,

-against-

CONFIDENTIAL
M-835
Docket Nos. V-41743-13
V-34537-15

Antoinette T.,
Respondent-Respondent.

-----X
Petitioner-appellant (father) having moved for leave to prosecute, as a poor person, the appeal taken from the Final Order of Visitation After Hearing of the Family Court, New York County, entered on or about January 24, 2018, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and § 1120 of the Family Court Act, Leslie S. Lowenstein, Esq., 567 Sunset Drive, Woodmere, New York 11598, Telephone No. 516-374-1962, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the**

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

Family Court shall transfer the record upon receipt of this order; and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTERED:


CLERK

CORRECTED ORDER - June 25, 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 May 22, 2018.

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

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

Brandy P.,
Petitioner-Appellant,

-against-

Pauline W.,
Respondent-Respondent.

CONFIDENTIAL

M-840

Docket Nos. V-32168-15/16A
V-32167-15/16A
V-32166-15/16A

-----X
Petitioner-appellant (father) having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, **New York** County, entered on or about January 16, 2018, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and § 1120 of the Family Court Act, Leslie S. Lowenstein, Esq. 567 Sunset Drive, Woodmere, New York 11598, Telephone No. 516-374-1962, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of

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

the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.** (See M-1633, dated May 22, 2018, released simultaneously herewith).

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 May 22, 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 Proceeding for
Custody/Visitation Under Article 6
of the Family Court Act.

Brandy P.,
Petitioner-Appellant,

-against-

Pauline W.,
Respondent-Respondent.

CONFIDENTIAL

M-1633

Docket Nos. V-32168-15/16A
V-32167-15/16A
V-32166-15/16A

-----X
Respondent-respondent (maternal grandmother) 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 January 16, 2018, 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, Thomas R. Villecco, Esq., 366 North Broadway, Suite No. 410, Jericho, New York, 11753, Telephone No. 516-942-4221, as counsel for

purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for respondent-respondent and 8 copies thereof are filed with this Court. (See M-840, dated May 22, 2018, released simultaneously herewith).

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 May 22, 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,

CONFIDENTIAL

M-1427

-against-

Ind. No. 1631/16

Walter Wright,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from the order of the Supreme Court, Bronx County (Bruce, J.), entered on or about January 19, 2018, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

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

The Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice Bruce as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Lauren J. Springer, Esq., Center for Appellate Litigation, 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 May 22, 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-2168
Ind. No. 1805/16

Michael Stewart,
Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on or about November 27, 2017, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment, of the Supreme Court, Bronx County, rendered on or about November 27, 2017,

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

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

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

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

ENTERED:

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

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 22, 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,
Respondent,

-against-

M-209
Ind. No. 6799/98

Edwin Echevarria, also known as
Rene Glaramo,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on April 19, 2005 (Appeal No. 5883), unanimously affirming a judgment of the Supreme Court, New York County (Charles Tejada, J.), rendered on November 15, 2002,

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

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

It is ordered that said application is denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 22, 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,
Respondent,

-against-

Kevin Davis,
Defendant-Appellant.

CONFIDENTIAL

M-1048

Ind. No. 2736/05

-----X

A decision and order of this Court having been entered on February 10, 2009 (Appeal Nos. 5232/5233), unanimously affirming a judgment of the Supreme Court, New York County (Lewis Bart Stone, J.) rendered on September 24, 2007,

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

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

It is ordered that said application is denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 22, 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,
Respondent,

-against-

M-1049
Ind. No. 6928/04

Gregory Wright,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on January 27, 2009 (Appeal No. 5102), unanimously affirming a judgment of the Supreme Court, New York County (Edwin Torres, J.), rendered on March 2, 2006,

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

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

It is ordered that said application is denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 22, 2018.

Present: Hon. Rolando T. Acosta, Presiding Justice,
Sallie Manzanet-Daniels
Peter Tom
Jeffrey K. Oing
Anil C. Singh, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-926

Ind. No. 20/15

William Vogt,

Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about January 26, 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 notice of appeal as timely filed.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 22, 2018.

Present: Hon. Rolando T. Acosta, Presiding Justice,
Sallie Manzanet-Daniels
Peter Tom
Jeffrey K. Oing
Anil C. Singh, Justices.

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

-against-

M-1294
Ind. No. 2318/16

Michael Mott,
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about March 1, 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. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

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 May 22, 2018.

PRESENT: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Ellen Gesmer
Cynthia S. Kern
Anil C. Singh, Justices.

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

CONFIDENTIAL

M-6763

Norman O.,
Petitioner-Respondent,

Docket Nos. V-03155-14/17C
V-03155-14/17D
V-03155-14/17B
V-03024-14/17E
V-03024-14/17C
V-03024-14/17D
V-31224-17

-against-

Melissa S.,
Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to appeal from an order of the Family Court, Bronx County, entered on or about December 11, 2017, and for a stay of enforcement of 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 denied as academic. The interim relief granted by a Justice of this Court, entered on December 12, 2017, is vacated.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 22, 2018.

PRESENT: Hon. David Friedman, Justice Presiding,
Sallie Manzanet-Daniels
Barbara R. Kapnick
Troy K. Webber, Justices.

-----X

In re 1552 Broadway Retail
Owner LLC,
Petitioner-Appellant,

-against-

M-3098
Index No. 651884/14

McDonald's Corporation,
Respondent-Respondent.

-----X

Petitioner-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on May 11, 2017 (Appeal Nos. 3993-3994),

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 May 22, 2018.

PRESENT: Hon. David Friedman, Justice Presiding,
Peter Tom
Barbara R. Kapnick
Anil C. Singh, Justices.

-----X
JP Morgan Chase,
Plaintiff-Respondent,

-against-

M-951
Index No. 118210/09

Hela Miodownik,
Defendant-Appellant.
-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeals taken from a judgment of the Supreme Court, New York County, entered on or about April 3, 2017, and from orders of the same Court and Justice, entered on or about June 8, 2017 and October 26, 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 and, sua sponte, the appeals are dismissed.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 22, 2018.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Sallie Manzanet-Daniels
Marcy L. Kahn
Cynthia S. Kern, Justices.

-----X
In the Matter of the Application of
Latoya Lowe-Garcia,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78 M-741
of the Civil Practice Law and Rules, Index No. 101109/16

-against-

New York City Housing Authority,
Martin Luther King Towers,
Respondent-Respondent.

-----X
Respondent having moved to dismiss the appeal taken from the judgment of the Supreme Court, New York County, entered on or about April 19, 2017, for failure to timely perfect,

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

It is ordered that the motion is granted and the appeal is dismissed.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 22, 2018.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Sallie Manzanet-Daniels
Marcy L. Kahn
Cynthia S. Kern, Justices.

-----X
PK Restaurant LLC, doing business as
212 Restaurant and Bar,
Plaintiff-Appellant,

-against

133 East 65th Street Associates LLC
and 133 East 65th Street Corporation,
Defendants-Respondents.

M-1093

-----X Index No. 151096/12
133 East 65th Street Associates LLC,
Counterclaim-Plaintiff-Respondents,

-against-

PK Restaurant LLC, doing business as
212 Restaurant and Bar and Philippe
Kayadjanian,
Counterclaim-Defendants-Appellants.

-----X
Defendant-respondent 133 East 65th Street Associates LLC
having moved for dismissal of the appeal taken from an order of
the Supreme Court, New York County, entered on or about
December 27, 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 and the appeal is
dismissed.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 22, 2018.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Angela M. Mazzarelli
Ellen Gesmer
Anil C. Singh, Justices.

-----x
M&T Bank, also known as Manufacturers
and Traders Trust Company, etc.,
Plaintiff-Respondent,

-against-

Beatrice S. Shafidiya and Deborah
Shafidiya,
Defendants-Appellants,

M-1412
Index No. 381108/11

-and-

Alaska Seaboard Partners LP, et al.,
Defendants.

-----x

An appeal having been taken to this Court from the order and judgment (one paper) of the Supreme Court, Bronx County, entered on or about November 30, 2017,

And defendants-appellants having moved, pursuant to CPLR 5518, for a preliminary appellate injunction enjoining plaintiff or anyone on its behalf from taking any action to sell, transfer, or encumber any interest in the premises located at 1801 McGraw Avenue, Bronx, New York, pending hearing and determination of the aforesaid appeal, or 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, and the interim relief granted by the order of a Justice of this Court, dated March 16, 2018, is vacated.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 22, 2018.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Angela M. Mazzarelli
Ellen Gesmer
Anil C. Singh, Justices.

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

-against-

M-2112

Ind. No. 1551/15

Christopher Cori,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about March 1, 2016,

And defendant having moved for an order relieving assigned counsel, Christina Swarns, Esq., Office of the Appellate Defender, assigning new counsel to represent defendant on the appeal, and permitting defendant to file a pro se supplemental brief,

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

It is ordered that the motion is denied in its entirety.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 22, 2018.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Rosalyn H. Richter
Richard T. Andrias
Marcy L. Kahn
Peter H. Moulton, Justices.

-----X
HSBC Bank USA National Association
as Trustee for Nomura Asset Acceptance
Corporation, Mortgage Pass-Through
Certificates, Series 2005-AP1, et al., **M-2260**
Plaintiff-Respondent, Index No. 850204/13

-against-

Jubae J. Mujahid,
Defendant-Appellant.

-----X
Jubae J. Mujahid,
Plaintiff-Appellant, Index No. 101485/15

-against-

HSBC Bank USA National Association
as Trustee for Nomura Asset Acceptance
Corporation, et al,
Defendants-Respondents.

-----X

Appeals having been taken in the two above-titled actions from orders of the Supreme Court, New York County, entered on or about February 25, 2015, October 26, 2016, April 14, 2017, October 27, 2017 and March 15, 2018,

And defendant/plaintiff-appellant having moved for a stay of all proceedings, including the enforcement of any judgments and orders and subsequent sales, pending determination 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 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 May 22, 2018.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,
Rosalyn H. Richter
Richard T. Andrias
Troy K. Webber
Peter H. Moulton, Justices.

-----X
Renata Sklarova,
Plaintiff-Respondent-Appellant,

-against-

M-619

Index No. 805212/14

Allen Coopersmith, M.D., and NYU Langone
Medical Center,
Defendants-Appellants-Respondents,

Andrew Feldman, M.D., and University
Place Orthopedics,
Defendants-Respondents.

-----X

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

And defendants-respondents having moved for dismissal of plaintiff's cross appeal from the order, which granted summary judgment and dismissed the complaint against the moving 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 granted and the cross appeal is dismissed.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 22, 2018.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,
Rosalyn H. Richter
Richard T. Andrias
Troy K. Webber
Peter H. Moulton, Justices.

-----X

A. E., by her mother and natural guardian, Wanda Espinal, and Wanda Espinal, individually;
J.E., by his mother and natural guardian, Wanda Espinal,

Plaintiffs-Appellants,

-against-

Priscilla M. Natera, "John Doe" (Name being fictitious and intended to be the operator of Priscilla M. Natera's motor vehicle), and Heather Espinal,

Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about March 22, 2017,

And defendant-respondent, Heather Espinal, having moved for dismissal of the aforesaid appeal (M-788),

And defendant-respondent, Priscilla M. Natera, having moved for dismissal of the aforesaid appeal (M-1291),

M-788
M-1291
Index No. 350085/11

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

It is ordered that the motions are granted and the appeal is dismissed.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 22, 2018.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,
Rosalyn H. Richter
Richard T. Andrias
Troy K. Webber
Jeffrey K. Oing, Justices.

-----X

39E67th LLC, et al.,

Plaintiffs-Appellants,

M-910

Index No. 161316/14

-against-

Oliver Bivins, Jr., et al.,

Defendants-Respondents.

-----X

Plaintiffs-appellants having moved for reargument of the decision and order of this Court, entered on January 23, 2018 (Appeal No. 5498),

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 May 22, 2018.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,
Rosalyn H. Richter
Richard T. Andrias
Troy K. Webber
Peter H. Moulton, Justices.

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

Respondent,

-against-

M-1174

Index No. 3937/10

Terrell A. Cooley, also known as
Harvel Thomas,

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 August 26, 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.

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 May 22, 2018.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Rosalyn H. Richter
Troy K. Webber
Ellen Gesmer
Peter H. Moulton, Justices.

-----X
Virgilio M.,
Petitioner-Appellant,

-against-

Jasmin R.,
Respondent-Respondent.

-----X

CONFIDENTIAL

M-1419
Docket Nos. G-6891-2-14/14A
V-1643-4/14

Petitioner-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Family Court, Bronx County, entered on or about February 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 November 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 May 22, 2018.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Rosalyn H. Richter
Troy K. Webber
Ellen Gesmer
Peter H. Moulton, Justices.

-----X
Business Watchdog and John Andries Bal, Jr.,
personally and in the capacity of Private
Attorney General,
Plaintiffs-Appellants,

-against-

M-1455
Index No. 400879/13

ITEX Corporation, Steven White, personally,
and in the capacities of CEO, CFO, and
Chairman of the Board of Directors, Eric Best,
personally and in the capacity of Director,
John Wade, personally and in the capacity
of Director, Timothy Morones, personally
and in the capacity of Director, Kevin
Callan, personally and in the capacity of
Director, NYTO Trade Incorporated also
known as NYTO Trade Incorporation, John
Castoro, personally and in the capacity of
President, and John Does 1 to 5, personally
and in their capacity as Directors of NYTO,

Defendants-Respondents.

-----X

Plaintiffs-appellants having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about May 24, 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.

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 May 22, 2018.

Present: Hon. Dianne T. Renwick, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Marcy L. Kahn
Cynthia S. Kern, Justices.

-----X
The Carlyle, LLC,
Plaintiff-Appellant,

-against-

M-707

Index No. 652780/13

Beekman Garage LLC, et al.,
Defendants,

Quick Park 1633 Garage LLC,
Defendant-Respondent.

Rafael Llopiz, et al.,
Non-Party Respondents.

-----X

Plaintiff-appellant having moved for reargument of the decision and order of this Court, entered on January 11, 2018 (Appeal Nos. 5445N, 5446),

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 May 22, 2018.

Present: Hon. Dianne T. Renwick, Justice Presiding,
Rosalyn H. Richter
Peter Tom
Ellen Gesmer
Jeffrey K. Oing, Justices.

-----X
Chip Fifth Avenue LLC,
Plaintiff-Respondent,

-against-

M-1119

Index No. 161128/15

Quality King Distributors, Inc.,
Defendant-Appellant,

Pro's Choice Beauty Care, Inc.,
et al.,
Defendants.

- - - - -
(And a Third-Party Action)
-----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 1, 2018 (Appeal Nos. 5578, 5579, 5580),

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 May 22, 2018.

Present: Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Judith J. Gische
Marcy L. Kahn
Anil C. Singh, Justices.

-----X
John D. Mastrobattista,
Plaintiff-Respondent-Appellant,

Anne Roome,
Plaintiff,

M-601
Index No. 111452/06

-against-

Raquel Moura Borges, et al.,
Defendants-Appellants-Respondents,

Pier Head Associates, Ltd., et al.,
Defendants.

-----X

Plaintiff-respondent-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 2, 2018 (Appeal No. 5364),

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

It is ordered that the motion is denied in its entirety.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 22, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Angela M. Mazzarelli
Barbara R. Kapnick
Marcy L. Kahn, Justices.

-----x
Split Rail Holdings LLC,
Plaintiff-Respondent,

-against-

M-1884
Index No. 652417/16

176 Grand St. Corp.,
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 January 31, 2018,

And defendant-appellant having moved to stay the special referee hearing directed by the Supreme Court, pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is granted to the extent of continuing the interim stay granted by the order of a Justice of this Court, dated March 26, 2018, on condition defendant-appellant perfects the appeal for the September 2018 Term, with no further enlargements to be granted; and upon the further condition that defendant obtain an undertaking in the amount of \$500,000, which will be deemed satisfied if defendant has already obtained the undertaking required by Supreme Court's March 27, 2018 order.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 22, 2018.

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

-----X

Avril Nolan,

Claimant-Respondent,

-against-

The State of New York,

Defendant-Appellant.
-----X

M-1024

Claim No. 123283

Defendant-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on January 16, 2018 (Appeal No. 5099),

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 May 22, 2018.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Angela M. Mazzarelli
Ellen Gesmer
Jeffrey K. Oing, Justices.

-----X

The People of the State of New York
ex rel. Arthur Mendola, Esq., on
behalf of Christopher Saintil
Petitioner-Appellant,

-against-

M-1876
Index No. 450174/18
Ind. No. 4889/17

Cynthia Brann, Commissioner, New
York City Department of Correction,
Respondent-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about February 5, 2018,

And an order of a Justice of this Court entered on March 14, 2018, having granted petitioner a reduction in bail,

And petitioner having moved for an order releasing him on his own recognizance; a bail reduction; to expedite the aforesaid appeal; for leave to prosecute the appeal as a poor person; 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 continuing the aforesaid relief granted by a Justice of this Court on March 14, 2018, on the same terms and conditions; expediting the appeal to the extent of directing counsel to perfect said appeal on or before July 9, 2018 for the September 2018 Term. It is further ordered that so much of the motion requesting poor person relief 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, pursuant to Rule 600.11 of the Rules of this Court. 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.

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 May 22, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Angela M. Mazzarelli
Ellen Gesmer
Jeffrey K. Oing, Justices.

-----X

The People of the State of New York
ex rel. Eric T. Schneiderman, Attorney
General of the State of New York,
Plaintiff-Respondent,

M-2329
Index No. 450318/17

-against-

Charter Communications, Inc. and
Spectrum Management Holding Company,
LLC, etc.,
Defendants-Appellants.

-----X

An appeal having been taken to this Court by the above-named defendants from the order of the Supreme Court, New York County, entered on or about February 16, 2018,

And NCTA - The Internet and Television Association having moved for leave to file a brief amicus curiae in connection with the aforesaid appeal,

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

It is ordered that the motion is granted, and the amicus curiae briefs submitted with the moving papers are deemed filed.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 22, 2018.

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

-----X
Ira Smulyan,
Plaintiff-Appellant,

-against-

M-1256
Index No. 102021/15

New York Liquidation Bureau, et al.,
Defendants-Respondents.
-----X

Plaintiff-appellant having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on February 8, 2018 (Appeal Nos. 5636, 5637, and 5638),

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 May 22, 2018.

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

-----X
Michael Avramides, etc.,
Plaintiff-Appellant,

-against-

M-1286
Index No. 155420/15

Sherif Moussa, et al.,
Defendants-Respondents,

319 E. 50th St. Owners Corp., et al.,
Nominal 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 February 13, 2018 (Appeal No. 5697),

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

It is ordered that the motion is denied in its entirety.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 22, 2018.

Present - Hon. Rosalyn H. Richter, Justice Presiding,
Richard T. Andrias
Troy K. Webber
Ellen Gesmer
Peter H. Moulton, Justices.

-----x

Residential Credit Solutions, Inc.,
Plaintiff-Respondent,

-against-

M-1991

Index No. 381264/10

Leonard Jay Gould,
Defendant-Appellant,

-and-

New York City Environmental Control
Board, et al.,
Defendants.

-----x

An appeal having been taken to this Court from orders of the Supreme Court, Bronx County, both entered on or about August 11, 2017,

And defendant-appellant having moved for a stay of enforcement of all proceedings, and specifically the foreclosure, pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is granted on condition defendant-appellant perfects the appeal for the September 2018 Term, with no further enlargements to be granted.

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 May 22, 2018.

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

-----X
James H. Brady,
Plaintiff-Appellant,

-against-

The New York County District Attorney's
Office, et al.,
Defendants-Respondents.

M-1028
M-1029

Index No. 154496/15
Claim Nos. 126067
126268

James H. Brady,
Claimant-Appellant,

-against-

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

-----X

Plaintiff/claimant-appellant having moved, by separate motions, 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 8, 2018 (Appeal Nos. 5640 & 5641),

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

It is ordered that the motions are denied in their entirety.

ENTERED:


CLERK