

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 13, 2019.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Rosalyn H. Richter
Peter Tom
Barbara R. Kapnick
Cynthia S. Kern, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-1590
Ind. Nos. 1017N/12
4913N/14

Juan Padilla Santos,
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 April 30, 2018, 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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.

Janet E. Sabel, Esq., The Legal Aid Society, 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 180 days from the date of receipt of the complete 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 June 13, 2019.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Ellen Gesmer
Cynthia S. Kern
Anil C. Singh, Justices.

-----x
Christion Rivera,
Plaintiff-Appellant,

-against-

Skanska USA Civil Northeast, Inc. and
Tully Construction Co., Inc.,
Defendants-Respondents,

M-1768
M-2030
Index No. 21536/14E

-----x

An appeal having been taken to this Court from an order of the Supreme Court, Bronx County, entered on or about July 11, 2016,

And defendants-respondents having moved (M-1768) for an order, pursuant to CPLR 5513(a), dismissing, as untimely, plaintiff's appeal taken from the aforesaid order, and his purported appeal taken from the ensuing judgment of the same Court, entered on or about September 20, 2018, or in the alternative, for an enlargement of time to file a respondent's brief,

And plaintiff-respondent having cross moved (M-2030) for an order, pursuant to CPLR 5520(c), deeming his notice of appeal, dated September 25, 2018, to be a timely appeal taken from the judgment entered on or about September 20, 2018, and bringing up for review the order entered on or about July 11, 2016,

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

It is ordered that defendants-respondents' motion (M-1768) is denied, without prejudice to defendants addressing the issue directly on appeal, and defendants are sua sponte permitted to file a supplemental record to include the documents attached to the motion to dismiss; and

It is further ordered that plaintiff-appellant's motion (M-2030) is denied without prejudice to plaintiff addressing the issue directly on 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 June 13, 2019.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Ellen Gesmer
Cynthia S. Kern
Anil C. Singh, Justices.

-----x
Elvera Stewart,

Plaintiff-Respondent,

-against-

Jeffrey Goldstein, M.D., et al.,
Defendants-Appellants,

M-2184
Index No. 805445/13

-and-

NYU Hospital Center, et al.,
Defendants.

-----x

Appeals having been taken to this Court from the order of the Supreme Court, New York County, entered on or about March 6, 2018, and said appeals having been perfected,

And plaintiff-respondent having moved for leave to supplement the record on appeal to include the Affidavit of Dr. Wagner, plaintiff-respondent's expert witness, sworn to November 22, 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 plaintiff-respondent is directed to file, if so advised, at her own expense, five copies of said supplemental record on appeal to include the Affidavit of Dr. Wagner dated November 22, 2017 (Exhibit D and E to the moving papers) within 20 days from the date of entry hereof.

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 June 13, 2019.

PRESENT: Hon. Rosalyn H. Richter, Justice Presiding,
Sallie Manzanet-Daniels
Troy K. Webber
Cynthia S. Kern, Justices.

-----X
Dalia Soto,
Plaintiff-Appellant-Respondent,

-against-

Edward A. Diggs and Don Thomas
Buses, Inc.,
Defendants-Respondents-Appellants.

-----X

M-1389
M-1852
Index No. 300434/15

Plaintiff and defendants having both taken an appeal from an order of the Supreme Court, Bronx County, entered on or about December 23, 2016,

And plaintiff having died on August 14, 2018 and both appeals having been stayed pending the appointment of a representative of plaintiff's estate,

And by order entered on or about September 27, 2018, the Surrogate Court, Bronx County, having appointed Edison Soto, plaintiff's husband, as Administrator of her estate,

And plaintiff-appellant-respondent having moved to vacate the stay of her appeal and upon vacatur, for an enlargement of time to perfect same (M-1389).

And defendants-respondents-appellants having cross-moved to vacate the stay of their appeal and upon vacatur, for an enlargement to perfect same (M-1852),

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 both the motion and cross motion are granted on condition that both appeals are perfected by the October 2019 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 June 13, 2019.

PRESENT: Hon. Rosalyn H. Richter, Justice Presiding,
Sallie Manzanet-Daniels
Troy K. Webber
Cynthia S. Kern, Justices.

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

-against-

Juan Scott,
Defendant-Appellant.

CONFIDENTIAL

M-1690
Ind. Nos. 4821/14
4860/14

-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about November 7, 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 October 2019 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 June 13, 2019.

Present - Hon. Rosalyn H. Richter, Justice Presiding,
Sallie Manzanet-Daniels
Troy K. Webber
Cynthia S. Kern, Justices.

-----X
Melissa Sonaram,

Plaintiff-Appellant,

-against-

M-1920

Index No. 30453/17E

American United Transportation, Inc.
and Pedro P. Malave,
Defendants-Respondents.

-----X

Defendants-respondents having moved to dismiss the appeal taken from an order of the Supreme Court, Bronx County, entered on or about May 7, 2018, as untimely (see, 22 NYCRR 1250.9(a)),

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 unnecessary, the appeal having been automatically dismissed (see, 22 NYCRR 1250.10[a]).

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 June 13, 2019.

Present - Hon. Judith J. Gische, Justice Presiding,
Troy K. Webber
Marcy L. Kahn
Cynthia S. Kern, Justices.

-----x
Clark Tower, LLC,
Plaintiff-Respondent,

-against-

M-2522
Index No. 651319/19

Wells Fargo Bank, N.A., etc., et al.,
Defendants-Appellants,

-and-

Axonic Capital LLC,
Defendant.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about April 26, 2019,

And defendants-appellants having moved for an order granting a calendar preference in the hearing of the appeal,

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

It is ordered that the motion is 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 June 13, 2019.

PRESENT: Hon. Judith J. Gische, Justice Presiding,
Marcy L. Kahn
Ellen Gesmer
Anil C. Singh
Peter H. Moulton, Justices.

-----X
Driton Cavdarbasha,
Plaintiff-Appellant,

-against-

M-1844
Index No. 302035/15

Zhou Chauangye,
Defendant-Respondent.
-----X

Defendant-respondent having moved for to dismiss the appeal taken from an order of the Supreme Court, Bronx County, entered on or about August 24, 2018, for failure to timely perfect,

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 unnecessary, said appeal having been deemed dismissed pursuant to the Practice Rules of this Court (See 22 NYCRR § 1250.10[a]).

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 June 13, 2019.

Present - Hon. Judith J. Gische, Justice Presiding,
Marcy L. Kahn
Ellen Gesmer
Anil C. Singh
Peter H. Moulton, Justices.

-----X
Deutsche Bank National Trust Company,
As Indenture Trustee, for New
Century Home Equity Loan Trust 2006-2,
Plaintiff-Respondent,

-against-

M-1935

Index No. 35849/15

Eugene Thomas,
Defendant-Appellant,

Household Finance Realty Corporation
of New York, Johnathan "Doe",
Sharon Spann, Rosen Belle,
Shawn Terrence, Sara Williams,
Defendants.

-----X

Defendant-appellant having moved, pro se, pursuant to 22 NYCRR 1250.10(c) to vacate the dismissal of the appeal taken from an order of the Supreme Court, Bronx County, entered on or about May 10, 2018,

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

It is ordered that the motion is granted to the extent of vacating the dismissal and, sua sponte, enlarging the time to perfect the appeal to the October 2019 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 June 13, 2019.

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.

- - - - -

Leon L., also known as Leon S.L.,
Petitioner-Respondent-Appellant,

CONFIDENTIAL
M-6544A

-against-

Docket Nos. V-24616-14/17
V-24616-14/16E
V-24616-14/17G
V-24616-14/16F

Taina G.,

Respondent-Appellant-Respondent.

-----X

An order of this Court having been entered on May 8, 2018 (M-6544) granting respondent-appellant-respondent leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, Bronx County, entered on or about November 15, 2017, and assigning Aleza Ross, Esq., as counsel for purposes of prosecuting the appeal,

And an order of this Court having been entered on April 26, 2018 (M-6721/M-6723) granting, inter alia, respondent-appellant-respondent leave to appeal from an order of the Family Court, Bronx County, entered on or about December 21, 2017,

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

Ordered that the order of this Court entered on May 8, 2018 (M-6544) is hereby amended to include the appeal taken from the order of the Family Court, Bronx County, entered on or about December 21, 2017, and the previously granted poor person relief and assignment of counsel is extended to cover same, and the response to the appeals taken by petitioner-respondent-appellant.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 13, 2019.

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-1583

-against-

Index No. 99051/16

Juan Vazquez,
Defendant-Appellant.

-----X

An appeal having been taken from a SORA order of the Supreme Court, Bronx County, (Alvarado, J.) entered on or about June 16, 2017,

Now, upon reading and filing the Stipulation of Withdrawal of Appeal of the parties hereto, dated March 8, 2019, and due deliberation having been had thereon,

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 13, 2019.

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-1711
Ind. No. 814/18

Soneil Thomas,
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, New York County, rendered on or about February 7, 2019, 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete 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 June 13, 2019.

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-1859
Ind. Nos. 2660/17
859/17

Jose Gonzalez,
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 February 14, 2019, 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete 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 June 13, 2019.

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-1876
Ind. No. 3525N/18

Alberto Lopez,
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, New York County, rendered on or about February 19, 2019, 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete 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 June 13, 2019.

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-2002
Ind. No. 3275/16

Sonny Delmooro,
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 January 7, 2019, 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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.

Janet E. Sabel, Esq., The Legal Aid Society, 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 180 days from the date of receipt of the complete 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 June 13, 2019.

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-2067
SCI. No. 146/19

Jhordano Rodriguez-Espail, Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about March 22, 2019, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about March 22, 2019,

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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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.

Janet E. Sabel, Esq., The Legal Aid Society, 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 180 days from the date of receipt of the complete 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 June 13, 2019.

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-2102
Ind. No. 4339/15

Roderick Covlin,
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about April 22, 2019, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment, of the Supreme Court, New York County, rendered on or about April 10, 2019,

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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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.

Steven N. Feinman, Esq., One North Broadway, Suite 412, White Plains, New York, 10601, Telephone No. (914) 949-8214, 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 180 days from the date of receipt of the complete 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 June 13, 2019.

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-2118
Ind. No. 3989/16

James Alexander,
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about April 17, 2019, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment, of the Supreme Court, New York County, rendered on or about December 5, 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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.

Janet E. Sabel, Esq., The Legal Aid Society, 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 180 days from the date of receipt of the complete 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 June 13, 2019.

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-1945
Ind. No. 2391/15

Jose Dominguez,
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 February 27, 2019, 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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, Suite 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 180 days from the date of receipt of the complete 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 June 13, 2019.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Sallie Manzanet-Daniels
Ellen Gesmer
Anil C. Singh, Justices.

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

-against-

M-1731
Ind. No. 413/17

Kayvaun Howz,
Defendant-Appellant.

-----X

Defendant having moved for an order amending a prematurely filed notice of appeal to correct the judgment date thereon and for an enlargement of time in which to file a notice of appeal from said judgment of the Supreme Court, Bronx County, rendered on or about January 3, 2019,

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 timely filed from the January 3, 2019 judgment.

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 June 13, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Dianne T. Renwick
Sallie Manzanet-Daniels
Troy K. Webber
Marcy L. Kahn, Justices.

-----x
Alan Dunston,

Plaintiff-Appellant,

-against-

M-1749

Index No. 251166/14

The Administration for Children's
Services,
Defendant-Respondent.

-----x

An order of this Court having been entered on January 31, 2019 (M-5829), denying plaintiff-appellant's motion for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, Bronx County, entered on or about January 15, 2015 and, sua sponte, dismissing the appeal,

And plaintiff-appellant having renewed his application for an enlargement of time to perfect the aforesaid appeal,

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

It is ordered that the motion is denied.

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 June 13, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Troy K. Webber
Cynthia S. Kern, Justices.

-----X
Jacqueline McDonald, by Yolanda McDonald, her attorney-in-fact, Plaintiff-Appellant,

-against-

M-1490
Index No. 22899/17E

Montefiore Medical Center,
Montefiore Medical Center doing business as Montefiore Home Care, Montefiore Home Care and Jewish Home Lifecare, Harry and Jeanette Weinberg Campus, Bronx, Defendants-Respondents,

-and-

Montefiore Health System, Inc., Defendant.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about May 18, 2018,

And plaintiff-appellant having moved, pursuant to 22 NYCRR 1250.10(c), to vacate the automatic dismissal of the appeal and upon reinstatement, for an enlargement of time to perfect same,

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

It is ordered that the motion is granted to the extent of vacating the dismissal the of appeal and enlarging the time to perfect said appeal to the October 2019 Term.

ENTERED:


CLERK

CORRECTED ORDER - SEPTEMBER 20, 2019

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 13, 2019.

Present: Hon. Rolando T. Acosta, Presiding Justice,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Troy K. Webber
Cynthia S. Kern, Justices.

-----X

In the Matter of

Janiya P., and
Jaloni G.,

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

CONFIDENTIAL

M-1738

Administration for Children's Services,
Petitioner-Respondent,

Docket Nos. NN-26042/17
NN-26043/17

Scott G.,
Respondent-Respondent.

Janet E. Sabel, Esq., The Legal Aid
Society,
Attorney for the Children-
Appellants.

-----X

Respondent-respondent, Scott G., having moved for leave to respond, as a poor person, to the appeals taken from the order of the Family Court, New York County, entered on or about December 5, 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 the certification of Emily S. Wall, Esq., dated February 20, 2019, 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, **Michele Cortese, Esq., Center for Family Representation, 40 Worth Street,**

Suite 605, New York, NY 10013, Telephone No. 212-691-0950, as counsel for purposes of responding to the appeal of the children-appellants; (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 each party to the appeal, and an original and five hard copies, and if represented by counsel, one digital copy of such brief, are filed with this court, pursuant to 22 NYCRR Section 1250.9. **The designation of Larry S. Bachner, P.C., as attorney for respondent-respondent is stricken.**

The branch of the motion seeking poor person relief and assignment of counsel with respect to the appeal taken by the Administration for Children's Services is denied as unnecessary (see order M-1675/M-2031, entered May 28, 2019).

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 June 13, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Troy K. Webber
Cynthia S. Kern, Justices.

-----x

In the Matter of Franklin W. Hallock
and Jane Hallock, Court-Appointed
Co-Guardians,
Petitioners-Respondents,

-against-

CONFIDENTIAL

M-1860

Index No. 500388/17

Veronica L. Hallock, An Incapacitated
Person,
Respondent-Appellant.

-----x

Respondent-appellant having moved for an enlargement of time to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about June 12, 2018,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the January 2020 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 June 13, 2019.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Troy K. Webber
Cynthia S. Kern, Justices.

-----X
Sajjad Hussain,
Plaintiff,

-against-

M-1933
Index No. 307215/11

179 Grand Corp., BH&B Construction
Inc., Kamaljit Singh,
Defendants,

LaGrande Condominium Association and
Bethal Management Inc.,
Defendants-Appellants.

-----X
LaGrande Condominium Association and
Bethal Management Inc.,
Third-Party Plaintiffs-Appellants,

-against-

Third Party
Index No. 83710/14

Alhakeem Construction Corp. and
Century Surety Insurance Company,
Third-Party Defendants-Respondents.

-----X
LaGrande Condominium Association and
Bethal Management Inc.,
Second Third-Party
Plaintiffs-Appellants,

-against-

Raja Insurance Agency and Raja
Insurance Agency and General Services,
Corp.,
Second Third-Party
Defendants-Respondents.

-----X

Defendants/third-party/second third-party/plaintiffs-appellants LaGrande Condominium Association and Bethal Management Inc. having moved for an enlargement of time to perfect their appeal taken from an order of the Supreme Court, Bronx County, entered on or about July 30, 2018,

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 2019 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 June 13, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Troy K. Webber
Cynthia S. Kern, Justices.

-----x
MacArthur Properties I, LLC,
Plaintiff-Appellant,

-against-

M-2022
Index No. 651504/18

Christina Galbraith, et al.,
Defendants-Respondents.

-----x

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about July 13, 2018,

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 2019 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 June 13, 2019.

Present - Hon. David Friedman, Justice Presiding,
Dianne T. Renwick
Barbara R. Kapnick
Marcy L. Kahn
Jeffrey K. Oing, Justices.

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

-against- **M-1671**
Ind. No. 2605/16

Terrence Pugh,
Defendant-Appellant.

-----X

An order of this Court having been entered on July 12, 2018 (M-979) granting defendant leave to prosecute, as a poor person, the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about July 18, 2017, and assigning Arza Rayches Feldman, Esq., as counsel to prosecute the appeal; and a pro se 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 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 June 13, 2019.

Present - Hon. David Friedman, Justice Presiding,
Dianne T. Renwick
Barbara R. Kapnick
Marcy L. Kahn
Jeffrey K. Oing, Justices.

-----X
In the Matter of the Application of
Brian Ford,
Petitioner-Respondent,

-against-

M-1756

Index No. 100062/18

Board of Education of the City School
District of the City of New York
also known as New York City Department
of Education and Carmen Farina,
Chancellor of Board of Education,
Respondents-Appellants.

-----X
Respondents-appellants having taken an appeal from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about January 17, 2019,

And petitioner-respondent having moved, pro se, to dismiss the aforementioned appeal or, in the alternative, to confirm the underlying order appealed from, and for leave to file a late notice of cross-appeal,

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

It is ordered that the motion is 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 June 13, 2019.

Present - Hon. David Friedman, Justice Presiding,
Dianne T. Renwick
Barbara R. Kapnick
Marcy L. Kahn
Jeffrey K. Oing, Justices.

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

-against-

M-1781
Ind. No. 226/16

Edgar Zambala,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about January 8, 2019,

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 June 13, 2019.

PRESENT: Hon. David Friedman, Justice Presiding,
Dianne T. Renwick
Barbara R. Kapnick
Marcy L. Kahn
Jeffrey K. Oing, Justices.

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

-against-

M-1787
Ind. No. 2991/15

Matthew Mulcahy.
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about January 2, 2018, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101, and 22 NYCRR 1250.4(d)(1) and (4), setting forth his indigency, the amount and sources of monies utilized to retain trial counsel, Amanda Ambrose, Esq., the disposition of the \$50,000 bail posted in cash in the Supreme Court, and an explanation as to why similar funds are not available to prosecute this 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 June 13, 2019.

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

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

-against-

Jose Figueroa,
Defendant-Appellant.

SEALED
M-1351
Ind. Nos. 1381/10
3403/11
2774/08

-----X

A decision and order of this Court having been entered on February 3, 2015 (Appeal Nos. 14136, 14137, 14138), unanimously affirming the judgments of the Supreme Court, New York County (McLaughlin, J.), rendered on or about January 10, 2012,

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 June 13, 2019.

Present - Hon. David Friedman, Justice Presiding,
Rosalyn H. Richter
Peter Tom
Ellen Gesmer
Peter H. Moulton, Justices.

-----x
Nicole Barrett,

Plaintiff-Appellant,

-against-

M-2279
Index No. 260250/18

Miaki Ullah, et al.,

Defendants-Respondents.
-----x

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about March 28, 2019,

And plaintiff-appellant, pro se, having moved for a stay of eviction pending hearing and determination of the appeal,

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

It is ordered that the motion is denied, and the interim relief granted by the order of a Justice of this Court, dated April 26, 2019, 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 June 13, 2019.

Present - Hon. David Friedman, Justice Presiding,
Peter Tom
Barbara R. Kapnick
Marcy L. Kahn, Justices.

-----x
Alexander Charles Ellsworth,
Plaintiff-Respondent,

-against-

CONFIDENTIAL

M-2379

Index No. 350433/04

Anne Yoakam Ellsworth,
Defendant-Appellant.

- - - - -

Philip Katz, Esq.,
Attorney for the Child.

-----x

Defendant-appellant having moved for leave to file a pro se supplemental brief in connection with the appeal taken from the order of the Supreme Court, New York County, entered on or about April 19, 2018,

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 defendant-appellant is directed to serve and file an original and 5 copies of her pro se supplemental brief on or before July 8, 2019 for the September 2019 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 June 13, 2019.

Present - Hon. David Friedman, Justice Presiding,
Angela M. Mazzairelli
Troy K. Webber
Cynthia S. Kern
Jeffrey K. Oing, Justice.

-----X

In re U.S. Specialty Insurance Company,
Petitioner-Respondent,

-against-

M-1323
Index No. 260970/15

C. Lee Navarro,
Respondent-Appellant.

-----X

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 February 5, 2019 (Appeal No. 8327N),

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 June 13, 2019.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Peter Tom
Barbara R. Kapnick
Jeffrey K. Oing, Justices.

-----X

Dervanna H.A. Troy-McKoy,
Plaintiff-Appellant,

-against-

Mount Sinai Beth Israel,
Defendant-Respondent.

M-1776
Index No. 100835/18

-----X

Plaintiff-appellant having moved for leave to prosecute, as a poor person, the appeal taken from two orders of the Supreme Court, New York County, entered on or about March 14, 2019, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that 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 June 13, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
 Dianne T. Renwick
 Peter Tom
 Barbara R. Kapnick
 Jeffrey K. Oing, Justices.

-----x
Elizabeth Velez, as Mother and Natural guardian of R.M. and Elizabeth Velez, Individually, Marta Morales and Juan Matos,

Plaintiffs-Respondents,

M-1938

Index No. 24703/14

-against-

The City of New York, The New York City Police Department (NYPD) and The New York City Fire Department (FDNY),
Defendants-Appellants.


-----x

Defendants-appellants having moved for an enlargement of time to perfect the appeal taken from the order of the Supreme Court, Bronx County, entered on or about June 15, 2018,

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 deemed one seeking to vacate the automatic dismissal of the appeal and, as such, is granted, the appeal is reinstated and the time to perfect the appeal is enlarged to the October 2019 Term (*see*, 22 NYCRR 1250.10[c]).

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 June 13, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Peter Tom
Barbara R. Kapnick
Jeffrey K. Oing, Justices.

-----x
In the Matter of the Application of
Seth Mitchell,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78 M-1950
of the Civil Practice Law and Rules, Index No. 101022/18

-against-

State of New York and New York State
Office of Victim Services,
Respondents-Respondents.

-----x
Petitioner appeals from a judgment of the Supreme Court, New York County, entered on or about January 8, 2019, which denied his petition and dismissed the proceeding,

And petitioner-appellant, pro se, having moved for leave to prosecute the aforesaid appeal as a poor person, and for related relief,

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

It is ordered that the motion is denied.

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 June 13, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Peter Tom
Barbara R. Kapnick
Jeffrey K. Oing, Justices.

-----x
Barbara Ruchames,
Plaintiff-Appellant,

-against-

M-2032
Index No. 805026/15

The New York and Presbyterian
Hospital, et al.,
Defendants-Respondents.

-----x

Appeals having been taken to this Court from the order of the Supreme Court, New York County, entered on or about July 5, 2018 and from the judgment, same Court, entered on or about August 2, 2018,

And defendants-respondents having moved to dismiss the appeal from the order entered on or about July 5, 2018 or, should this Court decide to hear the appeal, to adjourn the appeals, if perfected, to the September 2019 Term,

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

It is ordered that the motion is denied. Sua sponte, the automatic dismissal of the appeal from the order entered on or about July 5, 2018 is vacated, and the appeal is reinstated, and, the time to perfect both appeals is enlarged to the October 2019 Term (see, 22 NYCRR 1250.10).

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 June 13, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Sallie Manzanet-Daniels
Peter Tom
Barbara R. Kapnick
Peter H. Moulton, Justices.

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

-against-

M-1491
Ind. No. 2028/16

Michael Davis,
Defendant-Appellant.

-----X

An order of this Court having been entered on July 18, 2017 (M-3067), granting defendant leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about August 25, 2016, and assigning Seymour W. James, Jr., Esq., predecessor counsel to Janet E. Sabel, Esq., The Legal Aid Society, 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 Janet E. Sabel, 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 complete 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 June 13, 2019.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Judith J. Gische
Peter Tom
Ellen Gesmer
Anil C. Singh, Justices.

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

-against-

Nemuel Archilla,
Defendant-Appellant.

CONFIDENTIAL

M-1759

Ind. No. 424/14

-----X

Assigned counsel for defendant-appellant having moved to dismiss the appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about October 15, 2014, as abandoned, without prejudice to reinstatement as such time as appellant becomes amenable to the jurisdiction of this Court,

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

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

ENTERED:



CLERK

CORRECTED ORDER - JUNE 18, 2019

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 13, 2019.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Judith J. Gische
Peter Tom
Ellen Gesmer
Anil C. Singh, Justices.

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

-against-

M-1780
Ind. No. 2114/18

Pavel Hernandez,
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, New York County, rendered on or about August 9, 2018,

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 June 13, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Judith J. Gische
Peter Tom
Ellen Gesmer
Anil C. Singh, Justices.

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

-against-

M-1782
Ind. No. 625/17

Darlin Feliz,
Defendant-Appellant.

-----X

Defendant having moved, pro se, for an extension of time in which to file an untimely notice of appeal, pursuant to CPL 460.30, from a judgment of the Supreme Court, New York County, rendered on or about January 17, 2019, 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 notice of appeal as timely filed 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division,

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 180 days from the date of receipt of the complete 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 June 13, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Judith J. Gische
Peter Tom
Ellen Gesmer
Anil C. Singh, Justices.

-----X
Tom Holland,
Plaintiff-Appellant,

-against-

M-1877
Index No. 154930/18

Mahmoud Thiam, Quantic Limited,
Rui De Sousa, Joseph Philippe Cohen,
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about February 14, 2019,

And plaintiff-appellant having moved, pro se, for leave to serve defendants-respondents by both paper and email,

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 June 13, 2019.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Judith J. Gische
Peter Tom
Ellen Gesmer
Anil C. Singh, Justices.

-----x
In the Matter of the Application of
Kenneth Hockaday,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78 M-1212
of the Civil Practice Law and Rules, Index No. 101071/17

-against-

Shola Olatoye, as Chairman of the New
York City Housing Authority and New
York City Housing Authority Albany Houses,
Respondents-Respondents.

-----x
An Article 78 proceeding to review a determination of respondent having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about June 25, 2018,

And petitioner-appellant having moved for an enlargement of time to perfect the transferred proceeding and to continue a stay of eviction pending hearing and determination of said proceeding,

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, deemed to include a request to vacate the automatic dismissal of petitioner-appellant's proceeding, is granted and the time to perfect same is enlarged to the October 2019 Term (see, 22 NYCRR 1250.10[c]). The terms of the stay of eviction are continued pending hearing and determination of the transferred proceeding.

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 June 13, 2019.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Judith J. Gische
Troy K. Webber
Marcy L. Kahn
Peter H. Moulton, Justices.

-----X
The People of the State of New York
ex rel. Alma Magana, Esq., on behalf
of Devin Cummings,
Petitioner-Appellant,

-against-

M-1819
Index No. 451315/18
Ind. No. 4349/17

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

-----X

Petitioner 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 July 13, 2018,

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 attorney for respondent and files an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record. Sua sponte, the time to perfect the appeal is enlarged to the October 2019 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 June 13, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Judith J. Gische
Troy K. Webber
Jeffrey K. Oing
Peter H. Moulton, Justices.

-----x
Bosco Credit V Trust Series 2012-1,
Plaintiff-Respondent-Appellant,

-against-

M-2200

M-2353

Index No. 850218/15

Derek Johnson, also known as Derek Q.
Johnson and Susan Josie Crawford,
also known as Susan Crawford Lemelle,
also known as Susan J. Johnson,
Defendants-Appellants-Respondents,

Richard D. Parsons, c/o Bank of
New York Mellon, et al.,
Defendants.

-----x

Appeals having been taken to this Court by defendants-appellants from orders of the Supreme Court, New York County, entered on or about July 11, 2018 (two orders) and April 17, 2019, and from the order and judgment of foreclosure and sale of said court entered on or about February 25, 2019,

And a cross appeal having been taken to this Court by plaintiff-respondent-appellant from the order of the Supreme Court, New York County, entered on or about July 11, 2018, insofar as it denied its cross motion for sanctions,

And defendants-appellants having moved for an order (1) staying the enforcement of the judgment of foreclosure and sale entered on or about February 25, 2019, pending hearing and determination of the appeal taken therefrom, and (2) consolidating the aforesaid appeals and cross appeal, and enlarging the time to perfect the their appeals (M-2200),

And plaintiff-respondent having cross-moved for an order consolidating the aforesaid appeals and cross appeal, and enlarging its time to perfect its cross appeal,

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 branch of the motion seeking to stay the enforcement of the judgment of foreclosure and sale entered on or about February 25, 2019, pending hearing and determination of the appeal taken therefrom (M-2200), is granted, and the time to perfect the consolidated appeals (see 22 NYCRR 1250.9[f][1] & [3]) is enlarged to the October 2019 Term (M-2200/M-2353), 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 June 13, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Sallie Manzanet-Daniels
Peter Tom
Barbara R. Kapnick
Peter H. Moulton, Justices.

-----x

Richard Amelius, et al.,
Plaintiffs-Appellants,

-against-

M-1321

Index No. 155226/16

Grand Imperial LLC, et al.,
Defendants-Respondents.

-----x

Plaintiffs-appellants having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about June 4, 2018, and to place the appeal on the same calendar as the appeal in the related case captioned *Matter of Grand Imperial LLC v The City of New York, et al.* (Index No. 150741/18),

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 deemed one seeking to vacate the automatic dismissal of the appeal (see, 22 NYCRR 1250.10 [a] and [c]) and, as such, is granted, the appeal is reinstated and the time to perfect the appeal is enlarged to the October 2019 Term (see, 22 NYCRR 1250.10[c]). The Clerk is directed to calendar the appeal with the appeal in the related case captioned *Matter of Grand Imperial LLC v The City of New York, et al.*, supra, if both appeals are perfected for the October 2019 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 June 13, 2019.

Present: Hon. John W. Sweeny, Jr. Justice Presiding,
Sallie Manzanet-Daniels
Barbara R. Kapnick
Jeffrey K. Oing
Anil C. Singh, Justices.

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

Leon L., also known as Leon S.L.,
Petitioner-Respondent-Appellant,

-against-

Taina G.,

Respondent-Appellant-Respondent.
-----X

CONFIDENTIAL
M-1457

Docket Nos. V-24616-14/17
V-24616-14/16E
V-24616-14/17G
V-24616-14/16F

An order of this Court having been entered on May 8, 2018 (M-6574) granting petitioner-respondent-appellant leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, Bronx County, entered on or about November 15, 2017, and assigning Michael F. Dailey, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel,

And an order of this Court having been entered on April 26, 2018 (M-6721/M-6723) granting, inter alia, petitioner-respondent-appellant leave to appeal from an order of the Family Court, Bronx County, entered on or about December 21, 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 striking the designation Michael F. Dailey, Esq., as assigned counsel and substituting, pursuant to Section 722 of the County Law, George E. Reed, Jr., 222 Mamaroneck Avenue, White Plains, New York 10605, Telephone No. 914-946-5000, as such counsel, to prosecute petitioner-respondent-appellant's appeal from the order of the Family Court, Bronx County, entered on or about November 15, 2017. The poor person relief previously granted is continued, and

It is further ordered, sua sponte, that the poor person relief and assignment of George E. Reed, Esq., as counsel for petitioner-respondent-appellant is extended to include the appeal from the order of the Family Court, Bronx County, entered on or about December 21, 2017, and the response to respondent-appellant-respondent's appeals.

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 June 13, 2019.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Angela M. Mazzarelli
Jeffrey K. Oing
Anil C. Singh, Justices.

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

-against-

M-1644
Ind. No. 12241/92

Diane Word,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on September 27, 2007 (Appeal No. 8908), unanimously affirming a judgment of the Supreme Court, New York County (Harold Beeler, J.), rendered on November 5, 1999,

And defendant-appellant having renewed her prior motions, in the nature of a writ of error coram nobis, for a review of her 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 June 13, 2019.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Rosalyn H. Richter
Peter Tom
Barbara R. Kapnick
Cynthia S. Kern, Justices.

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

-against-

M-1423
Ind. No. 377/17

George Pivetz,
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, New York County, rendered on or about June 28, 2018, 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 notice of appeal as timely filed 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division,

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.

Janet E. Sabel, Esq., The Legal Aid Society, 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 180 days from the date of receipt of the complete record.

ENTERED:


CLERK