

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 April 14, 2015.

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

-----X  
Metropolitan Plaza WP, LLC formerly  
known as Ridgemour Meyer Properties, LLC,  
Ridgemour Development Corporation,  
W & A Development, LLC, William A. Meyer  
and A.J. Rotonde,  
Plaintiffs-Appellants,

-against-

Goetz Fitzpatrick, LLP, et al.,  
Defendants-Respondents.

M-5158  
Index No. 115519/09

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about January 17, 2014,

And plaintiffs-appellants having moved for an enlargement of time to perfect the appeal,

Now, upon reading and filing the stipulation of the parties hereto, dated October 23, 2014, and due deliberation having been had thereon,

It is ordered that the motion is withdrawn in accordance with the aforesaid stipulation.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 April 14, 2015.

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

-----X  
Citibank, N.A.,  
Plaintiff-Respondent,

-against-

M-5340  
Index No. 651702/10

John L. Fiorilla,  
Defendant-Appellant.

-----X  
John Leopoldo Fiorilla Trust, etc.,  
et al.,  
Third-Party Plaintiffs-Appellants,

-against-

Third-Party  
Index No. 592257/10

Citigroup Financial Products, inc.,  
Third-Party Defendant-Respondent.

-----X

Defendant-appellant having moved for reargument of, or in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered October 2, 2014 (Appeal No. 13084/13085), and for other relief,

Now, upon reading and filing the stipulation of the parties hereto, dated November 3, 2014, and due deliberation having been had thereon,

It is ordered that the motion is withdrawn in accordance with the aforesaid stipulation.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 April 14, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
Richard T. Andrias  
David Friedman, Justices.

-----X  
American Home Assurance Company,  
et al.,  
Petitioners-Respondents,

-against-

M-5691  
Index No. 650638/14

Victaulic Company,  
Respondent-Appellant.  
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about November 13, 2014,

And respondent-appellant having moved for a stay of arbitration in connection with the above captioned motion,

Now, upon reading and filing the papers with respect to the motion, including the stipulation of the parties dated November 25, 2014, and due deliberation having been had thereon,

It is ordered that the motion 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 April 14, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
Richard T. Andrias  
David Friedman, Justices.

-----X  
Gendri Castillo, et al.,  
Plaintiffs-Respondents,

-against-

M-5789  
Index No. 650726/13

BNV Home Care Agency, Inc.,  
Defendants-Appellants.  
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 16, 2014,

And defendants-appellants having moved for a stay of proceedings pending hearing and determination of the aforesaid appeal,

Now, upon reading and filing the papers with respect to the motion, including the stipulation of the parties dated December 18, 2014, and due deliberation having been had thereon,

It is ordered that the motion 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 April 14, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr., Justices.

-----X  
XL Specialty Insurance Company as  
subrogee of Chowaiki & Co. Fine Art Ltd.,  
Plaintiff-Appellant,

-against-

Christie's Fine Art Storage Services, Inc.,  
Defendant-Respondent.

M-721  
Index No. 159926/13

-----X

Defendant-respondent having moved for dismissal of the appeal taken from an order of the Supreme Court, New York County, entered on or about September 24, 2014,

Now, upon reading and filing the papers with respect to the motion, including the stipulation of the parties dated March 3, 2015 and due deliberation having been had thereon,

It is ordered that the motion is deemed 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 April 14, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr., Justices.

-----x  
In Re: 91<sup>st</sup> Street Crane Collapse Litigation Index No. 771000/10

- - - - -  
Xhevahire Sinanaj, etc.,  
Plaintiff-Respondent,

-against-

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

New York Crane & Equipment Corp., M-1146  
J.F. Lomma Inc., TES, Inc., and Index No. 117469/08  
James F. Lomma,  
Defendants-Respondents,

Leon D. DeMatteis Construction Corporation,  
Defendant-Appellant-Respondent,

Sorbara Construction Corp.,  
Defendant-Respondent-Appellant.

- - - - -  
[And other actions]

-----x  
Defendant-appellant-respondent and defendant-respondent-appellant having moved to withdraw their appeal and cross appeal taken from the order of the Supreme Court, New York County, dated February 27, 2014 and entered on or about March 3, 2014 (mot. seq. no. 56),

Now, upon reading and filing the papers with respect to the motion, including the stipulation of the parties dated March 12, 2015 and due deliberation having been had thereon,

It is ordered that the motion is granted and the appeal and cross appeal are deemed 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 April 14, 2015.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzairelli  
David Friedman  
John W. Sweeny, Jr., Justices.

-----X  
Joseph Mora, et al.,  
Plaintiffs-Respondents-Appellants,

-against-

Sky Lift Distributor Corp.,  
Defendant,  
  
1200 Fifth Associates, LLC, et al.,  
Defendants-Respondents-Appellants,

M-5156  
Index No. 305640/09

-and-

Skylift Contractor Corp.,  
Defendant-Appellant-Respondent.

- - - - -  
[And a third-party action]

-----X  
An appeal and cross appeals having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about January 21, 2014,

Now, upon reading and filing the stipulation of the parties hereto, filed October 7, 2014, and due deliberation having been had thereon,

It is ordered that the appeal and cross appeals are 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 April 14, 2015.

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

-----X  
Linda F. Blaikie,  
Plaintiff-Respondent,

-against-

M-5193  
Index No. 308963/14

Jeffery A. Osterman,  
Defendant-Appellant.  
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about September 22, 2014,

And defendant having moved for an order staying proceedings in the above-entitled action,

Now, upon reading and filing the stipulation of the parties hereto, dated October 28, 2014, and due deliberation having been had thereon,

It is ordered that the motion and the appeal are 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 April 14, 2015.

Present - Hon. Luis A. Gonzalez,                    Presiding Justice,  
                 Peter Tom  
                 Angela M. Mazzarelli  
                 David Friedman  
                 John W. Sweeny, Jr.,                    Justices.

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

-against-

M-3788  
Ind No. 4081/09

Jose Palaguachi,

Defendant.

-----x

Defendant having moved, pursuant to CPL §§ 450.15 and 460.15, for an order granting leave to appeal to this Court from the order of the Supreme Court, New York County, entered on or about March 14, 2014,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from defendant entered July 7, 2014, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn in accordance with the aforesaid correspondence.

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 April 14, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Barbara R. Kapnick, Justices.

-----X

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

-----  
Olga S., M-251  
Plaintiff-Respondent-Appellant, M-570  
Index No. 300269/14

-against-

Michael M.,  
Defendant-Respondent.

-----X

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

-----  
Michael M., Docket No. V-296/14  
Petitioner-Respondent,

-against-

Olga S.,  
Respondent-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 21, 2015,

And plaintiff-respondent-appellant having moved to stay the aforesaid order entered January 21, 2015 (M-570),

And plaintiff-respondent-appellant having also moved, pursuant to CPLR 5704 for vacatur and/or modification of an order, of the same Court and Justice dated January 6, 2015, and for other relief (M-251),

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.

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 April 14, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr., Justices.

-----X  
In the Matter of the Application of  
Flintlock Construction Services, LLC,  
et al.,  
Petitioners-Appellants,

-against-

M-182  
Index No. 156278/12

Gretchen Weiss,  
Respondent-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about April 2, 2013,

Now, upon reading and filing the stipulation of the parties hereto, dated January 13, 2015, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the September 2013 Term, 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 April 14, 2015.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzaelli  
David Friedman  
John W. Sweeny, Jr., Justices.

-----X  
New York Structural Biology Center,  
Plaintiff,

-against-

M-5792  
Index No. 102572/10

Cauldwell Wingate Company, LLC,  
Defendant.

-----X  
Cauldwell Wingate Company, LLC,  
Third-Party Plaintiff-Respondent,

-against-

Third-Party  
Index No. 590748/10

Henick-Lane, Inc.,  
Third-Party Defendant-Appellant.

-----X  
Henick-Lane, Inc.,  
Fourth Party Plaintiff-Appellant,

-against-

Fourth-Party  
Index No. 591004/10

New York Structural Biology Center,  
Fourth Party Defendant-Respondent.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about September 3, 2013 (mot. seq. no. 003),

Now, upon reading and filing the stipulation of the parties hereto, dated November 7, 2014, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the September 2014 Term, 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 April 14, 2015.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzairelli  
David Friedman  
John W. Sweeny, Jr., Justices.

-----X  
Martin Ramos, et al.,  
Plaintiffs-Respondents,

-against-

M-5761  
Index No. 309149/11

La Prima Bakery Inc., et al.,  
Defendants,

La Prima Wholesale Bakery Corp.,  
Defendant-Appellant.  
-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about December 4, 2013,

Now, upon reading and filing the stipulation of the parties hereto, dated November 12, 2014, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the October 2014 Term, 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 April 14, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr., Justices.

-----X  
John Cusimano,  
Plaintiff-Respondent,

-against-

M-501  
Index No. 109079/10

Bradley P. Beyer, et al.,  
Defendants,

AmeriSpec, Inc. and AmeriSpec, LLC,  
Defendants-Appellants.  
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 14, 2014,

Now, upon reading and filing the stipulation of the parties hereto, dated February 2, 2015, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the December 2014 Term, 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 April 14, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr., Justices.

-----X  
Brett Rainer,  
Plaintiff-Respondent,

-against-

M-534  
Index No. 109566/07

Gray-Line Development Company, LLC,  
et al.,  
Defendants.

-----X  
(And other actions)  
-----X

An appeal having been taken by third-party defendant/ third-party defendant-appellant Woodworks Construction Company, Inc., from an order of the Supreme Court, New York County, entered on or about April 16, 2014,

Now, upon reading and filing the stipulation of the parties hereto, dated January 28, 2015, and due deliberation having been had thereon,

It is ordered that the aforesaid appeal, previously perfected for the January 2015 Term, 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 April 14, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr., Justices.

-----X  
Harold Dusenbury,  
Plaintiff-Respondent,

-against-

11 Madison Avenue Member, LLC,  
Structure Tone, Inc., and  
Credit Suisse (USA) Inc.,  
Defendants-Appellants,

M-185  
Index No. 110923/11

-and-

Aragon, LLC,  
Defendant-Respondent.

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

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about April 3, 2014,

Now, upon reading and filing the stipulation of the parties hereto, dated November 25, 2014, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the January 2015 Term, 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 April 14, 2015.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr., Justices.

-----X  
Marion Sakow and Walter Sakow,  
Plaintiffs-Respondents,

-against-

**M-1197**

Index No. 114103/09

Trilobite, LLC and Blue Star  
Properties, LLC,  
Defendants-Appellants,

City of New York and N.Y.C.  
Department of Transportation,  
Defendants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 23, 2014,

Now, upon reading and filing the stipulation of the parties hereto, "dated" March 12, 2015, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the February 2015 Term, 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 April 14, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr., Justices.

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

Katherine P.,  
Petitioner-Appellant,

-against-

M-767  
Docket Nos. V-53-11/13A  
V-56-11/13A

Al M.R.,  
Respondent-Respondent.

-----X  
An appeal having been taken from an order of the Family Court, Bronx County, entered on or about October 4, 2013,

Now, upon reading and filing the stipulation of the parties hereto, dated February 18, 2015, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the February 2015 Term, 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 April 14, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr., Justices.

-----X  
Lynn Lucka Bergman,  
Plaintiff-Respondent,

-against-

M-644  
Index No. 35257/02

Franklin Bergman,  
Defendant-Appellant.  
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about November 6, 2013,

And defendant-appellant having moved to strike the respondent's brief,

Now, upon reading and filing the papers with respect to the motion, including the stipulation between the parties dated March 3, 2015, and due deliberation having been had thereon,

It is ordered that the motion is deemed 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 April 14, 2015.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr., Justices.

-----x  
Richman Plaza Garage Corp.,

Plaintiff-Appellant,

-against-

River Park Residences L.P.,

Defendant-Respondent.  
-----x

M-4946  
Index No. 305076/13

Plaintiff-appellant having moved for a stay of a certain summary holdover proceeding pending in Civil Court, of the City of New York, Bronx County, pending hearing and determination of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about January 14, 2014,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from Louis F. Burke PC (Leslie Wybiral, of counsel) dated October 2, 2014, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn in accordance with the aforesaid correspondence.

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 April 14, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzairelli  
David B. Saxe  
Sallie Manzanet-Daniels  
Darcel D. Clark, Justices.

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

-against-

M-950  
Ind. No. 1905/12

Theo Jones,  
Defendant-Appellant.

-----X

An order of this Court having been entered on April 30, 2013 (M-695), inter alia, assigning Seymour W. James, Jr., Esq., as counsel to prosecute defendant's appeal from a judgment of the Supreme Court, New York County, rendered on January 29, 2013,

And counsel having moved for an order abating the appeal by reason of appellant's death, remanding the matter to the trial court to vacate the judgment of conviction, and dismissing the indictment,

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

It is ordered that the motion is granted to the extent of dismissing the appeal because of appellant's death on January 30, 2015, and remanding the matter to the Supreme Court, New York County, for proceedings to vacate the judgment of conviction and to dismiss the indictment. (See *People v Matteson*, 75 NY2d 745; *People v Mintz*, 20 NY2d 753, 770.)

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 April 14, 2015.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzairelli  
David B. Saxe  
Sallie Manzanet-Daniels  
Darcel D. Clark, Justices.

-----x  
Anthony J. DeCintio, et al.,  
Plaintiffs-Appellants,

-against-

Lawrence Hospital, et al.,  
Defendants,

M-1007  
Index No. 20837/98

-and-

Robert Roe and Ronald Silverman,  
Defendants-Respondents.

-----x

Appeals having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about May 16, 2014, and from the judgment of said Court entered on or about June 5, 2014, respectively,

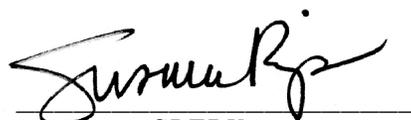
And plaintiffs-appellants having moved for an enlargement of time to perfect the appeal from the order entered on or about May 16, 2014,

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

It is ordered that, sua sponte, the appeal from the order of Supreme Court, Bronx County, entered on or about May 16, 2014 is deemed to specify an appeal from the final judgment of said Court entered on or about June 5, 2014, and it is further,

Ordered that the time to perfect the appeal from the judgment entered on or about June 5, 2014 is enlarged to the September 2015 Term, with no further enlargements to be granted.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 14, 2015.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzarelli  
David B. Saxe  
Sallie Manzanet-Daniels  
Darcel D. Clark, Justices.

-----X  
SUK Incorporated, et al.,

Plaintiffs-Respondents,

-against-

M-1032  
Index No. 155192/13

Flushing Workers Center, et al.,

Defendants-Appellants.  
-----X

Defendants-appellants having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, New York County, entered on or about February 4, 2014,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the October 2015 Term.

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 14, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzairelli  
David B. Saxe  
Sallie Manzanet-Daniels  
Darcel D. Clark, Justices.

-----X

In the Matter of a Family Offense  
Proceeding Under Article 8 of the  
Family Court Act.

-----

Dolores C.,  
Petitioner-Appellant,

-against-

Angel Javier L.,  
Respondent-Respondent.

M-4157  
M-707  
M-627  
Docket No. O-49981/12

-----X

An appeal having been taken from the order of the Family Court, New York County, entered on or about February 25, 2014,

And an order of this Court entered on July 10, 2014 (M-1357) granting petitioner-appellant leave to prosecute said appeal as a poor person and assigning Steven N. Feinman, Esq. for purposes of prosecuting the appeal, and related relief,

And assigned counsel, Steven N. Feinman, Esq. having moved for an order relieving him as appellant's counsel (M-4157),

And assigned counsel on behalf of petitioner-appellant having moved for an order withdrawing the appeal (M-707),

And respondent-respondent having moved to dismiss the appeal (M-627),

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 by assigned counsel Steven N. Feinman, Esq. to be relieved as appellate counsel and to withdraw the aforesaid appeal are granted (M-4157/M-707), and the appeal is deemed withdrawn,

The motion by respondent-respondent to dismiss the appeal is denied as academic (M-627).

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 April 14, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Barbara R. Kapnick, Justices.

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

-against-

M-4680  
Ind. No. 4081/09

Jose Palaguachi,  
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on July 10, 2014 (Appeal No. 12696), unanimously affirming a judgment of the Supreme Court, New York County (Lewis Bart Stone, J.), rendered on September 22, 2010,

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, including the correspondence from defendant-appellant dated December 22, 2014, and due deliberation having been had thereon,

It is ordered that said application is deemed withdrawn.

ENTER:



\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 14, 2015.

Present - Hon. Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Richard T. Andrias, Justices.

-----x  
Anron Heating and Air Conditioning,  
Inc., etc.,  
Plaintiff,

-against-

AMCC Corp., et al.,  
Defendants-Appellants,

M-1008  
Index No. 302331/11

New York City School Construction  
Authority, et al.,  
Defendants,

-and-

Franco Belli Plumbing and Heating  
and Sons, Inc.,  
Defendant-Respondent.

-----x  
Separate appeals having been taken to this Court from orders of the Supreme Court, Bronx County, entered on or about November 26, 2013 and February 3, 2015, respectively,

And defendant-appellant having moved for an enlargement of time to perfect the appeal from the order entered on or about November 26, 2013, and for consolidation of both the appeals,

Now, upon reading and filing the papers with respect to the motion, including the stipulation of the parties dated March 20, 2015, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting appellant to prosecute the consolidated appeals upon 9 copies of one record and one set of appellant's points covering the consolidated appeals. The time to perfect the consolidated appeals is enlarged to the October 2015 Term, in accordance with the stipulation of the parties dated March 20, 2015.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 14, 2015.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
David B. Saxe  
Sallie Manzanet-Daniels  
Barbara R. Kapnick, Justices.

-----X  
Matthew Diddy,  
Plaintiff-Appellant,

-against-

M-817  
Index No. 151690/15

150 East 49<sup>th</sup> Street Owners Corp.,  
et al.,  
Defendants-Respondents.

-----X

Plaintiff-appellant having moved pursuant to CPLR 5704(a) for certain relief denied by a Justice of the Supreme Court, New York County, on or before January 15, 2015,

Now, upon reading and filing the papers with respect to the motion, including the correspondence from Charles E. Boulbol, Esq. dated March 13, 2015, and due deliberation having been had thereon, it is

Ordered that the motion and the purported appeal taken from the aforesaid declination, are deemed withdrawn.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 14, 2015.

Present - Hon. David Friedman, Justice Presiding,  
Rolando T. Acosta  
Karla Moskowitz  
Rosalyn H. Richter  
Barbara R. Kapnick, Justices.

-----x  
Sylvestre Jean-Francois,  
Plaintiff-Appellant-Respondent,

-against-

The Port Authority of New York and  
New Jersey,  
Defendant-Respondent/Respondent,

M-957  
M-1015  
Index No. 305053/09

British Airways, PLC.,  
Defendant,

-and-

MIC General Contracting Inc.,  
Defendant-Respondent-Appellant.

- - - - -  
[And other actions]

-----x  
Separate appeals having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about June 4, 2014,

And defendant MIC General Contracting Inc. (M-957) and plaintiff Sylvestre Jean-Francois (M-1015) having separately moved for an enlargement of time to perfect their respective appeals,

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 to the extent of enlarging the time to perfect the respective appeals to the October 2015 Term. The Clerk is directed to calendar the appeals for hearing together in said October 2015 Term, if so perfected.

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 April 14, 2015.

Present - Hon. David Friedman, Justice Presiding,  
Rolando T. Acosta  
Karla Moskowitz  
Rosalyn H. Richter  
Barbara R. Kapnick, Justices.

-----X

In the Matter of the Application for the Appointment of a Guardian

Bernice B.,

An Incapacitated Person.

- - - - -

Sister Sean Williams, as Executive Director of Mary Manning Walsh Nursing Home,  
Petitioner-Respondent,

M-924  
Index No. 500100/13

Taryn Chambers,  
Non-Party Appellant.

-----X

Non-party appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about June 2, 2014,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the October 2015 Term.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 14, 2015.

Present - Hon. David Friedman, Justice Presiding,  
Rolando T. Acosta  
Karla Moskowitz  
Rosalyn H. Richter  
Barbara R. Kapnick, Justices.

-----x  
Michael J. Devereaux,

Plaintiff-Appellant,

-against-

Carolina E. Pascacio,

Defendant-Respondent.  
-----x

M-927  
Index No. 114428/09

Defendant-respondent having moved for adjournment of the appeals taken from the order of the Supreme Court, New York County, entered on or about October 16, 2012 (mot. seq. nos. 012, 013), and from the order of said Court entered on or about April 22, 2014 (mot. seq. nos. 015, 017) and said appeals having been perfected on a consolidated record,

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

It is ordered that the motion is granted to the extent of adjourning the appeals to the October 2015 Term.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 14, 2015.

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

-----X  
In the Matter of the Application of  
Robbins Geller Rudman & Dowd LLP,  
Petitioner-Respondent,

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

M-851  
Index No. 101025/13

-against-

New York City Department of  
Investigation, et al.,  
Respondents-Appellants.

-----X

Respondents-appellants having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, New York County, entered on or about April 29, 2014,

Now, upon reading and filing the papers with respect to the motion, including the stipulation between the parties dated March 11, 2015 and due deliberation having been had thereon,

It is ordered that the motion and appeal are deemed 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 April 14, 2015.

Present - Hon. David Friedman, Justice Presiding,  
Rolando T. Acosta  
Karla Moskowitz  
Rosalyn H. Richter  
Barbara R. Kapnick, Justices.

-----X

Ronald Matthews,

Plaintiff-Appellant,

-against-

M-805

Index No. 310549/10

The City of New York,

Defendant-Respondent.

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order and judgment (one paper) of the Supreme Court, Bronx County, entered on or about May 16, 2014,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the September 2015 Term.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 14, 2015.

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

-----X  
In the Matter of the Application of  
Olivia Rosenfeld,  
Petitioner-Appellant,

**M-933**  
Index No. 100598/13

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

-against-

Michael C. Fina,  
Respondent-Respondent.

-----X

Petitioner-appellant, pro se, having moved for an enlargement of time to perfect the appeal taken from the judgment of the Supreme Court, New York County, entered on or about March 17, 2014,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the October 2015 Term.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 14, 2015.

Present - Hon. David Friedman, Justice Presiding,  
Rolando T. Acosta  
David B. Saxe  
Paul G. Feinman  
Judith J. Gische, Justices.

-----X

Lawrence T. Babbio, Jr.,  
Plaintiff-Respondent,

-against-

M-4052  
M-4204  
Index No. 314469/11

Sheri Lee Babbio,  
Defendant-Appellant.

-----X

Plaintiff-respondent having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on July 17, 2014 (Appeal No. 12692) [M-4052],

And defendant-appellant having cross-moved for leave to appeal to the Court of Appeals from the aforesaid decision and order of this Court entered on July 17, 2014 (Appeal No. 12692) [M-4204],

Now, upon reading and filing the papers with respect to the motion and cross motion, and the stipulation of the parties dated November 24, 2014, and due deliberation having been had thereon,

It is ordered that the motion and cross motion are deemed 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 April 14, 2015.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Dianne T. Renwick  
Richard T. Andrias  
Leland G. DeGrasse  
Judith J. Gische, Justices.

-----X

Darya Braverman,  
Plaintiff-Respondent,

-against-

M-619  
Index No. 306221/11

Dr. Eric Braverman,  
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about November 21, 2014,

And defendant-appellant having moved for a stay of appointment of a temporary receiver, 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 denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 14, 2015.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Dianne T. Renwick  
David B. Saxe  
Sallie Manzanet-Daniels  
Judith J. Gische, Justices.

-----X

Jericho Group, Ltd.,  
Plaintiff-Appellant,

Jericho Co.,  
Plaintiff,

M-439  
Index No. 101105/13

-against-

Mid-Town Development Limited Partnership,  
et al.,  
Defendants,

George Berger,  
Respondent.

-----X

Respondent having moved for dismissal of the appeal taken from an order of the Supreme Court, New York County, entered on or about July 15, 2014,

Now, upon reading and filing the papers with respect to the motion, including the stipulation of the parties filed March 17, 2015 and due deliberation having been had thereon,

It is ordered that the motion and appeal are deemed 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 April 14, 2015.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Dianne T. Renwick  
Karla Moskowitz  
Paul G. Feinman  
Barbara R. Kapnick, Justices.

-----X  
Anthony Walker,  
Plaintiff,

-against-

M-170  
Index No. 106933/11

Lenox Terrace Development Associates,  
et al.,  
Defendants.

-----X

Defendants having moved pursuant to CPLR 5704(a) for certain relief denied by a Justice of the Supreme Court, New York County, on or before December 12, 2014,

Now, upon reading and filing the papers with respect to the motion, including the correspondence from Andrew Zajac, Esq. dated January 16, 2015, and due deliberation having been had thereon, it is

Ordered that the motion is deemed withdrawn.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 14, 2015.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,  
Paul G. Feinman  
Darcel D. Clark  
Barbara R. Kapnick, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

M-5696  
Case No. 53799C/05

Ainsworth Clare,  
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, Bronx County, rendered on or about June 15, 2007,

And defendant-appellant, pro se, having moved for leave to file a late notice of appeal, poor person relief and assignment of counsel, and for related relief,

Now, upon reading and filing the papers with respect to the motion, including the correspondence from defendant-appellant, pro se, dated January 6, 2015, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn in accordance with the aforesaid correspondence.

ENTER:



\_\_\_\_\_  
CLERK

P.M ORDERS  
FOR APRIL  
14, 2015

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 April 14, 2015.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
Sallie Manzanet-Daniels  
Darcel D. Clark  
Barbara R. Kapnick, Justices.

-----X

Canine Consulting, Inc.,  
Plaintiff-Appellant,

-against-

563 East Tremont, LLC,  
Defendant-Respondent.

-----X

M-926  
M-1139  
Index No. 650498/14

Plaintiff-appellant having moved for a stay of summary proceedings titled, 563 East Tremont LLC v Canine Consulting, Inc. (Civil Court of the City of New York [Bronx County] L&T No. 901952) pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about February 9, 2015 (mot. seq. no. 003) [M-926],

And defendant-respondent having submitted a cross-motion opposing the stay of proceedings or in the alternative seeking an order conditioning the stay upon the imposition of payment of certain rental arrears, and for related relief [M-1139],

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 aforesaid summary proceeding pending in Civil Court of the City of New York ([Bronx County] L&T No. 901952) is stayed on condition the appeal is perfected for the September 2015 Term [M-926] and on further condition that plaintiff-appellant pay rental arrears in the amount of the base rate of \$12,500 per month for the months December 2014 through April 2015, and that it continue to pay said amount for each succeeding month thereafter, pending hearing and determination of the appeal. The cross-motion is granted to that extent accordingly and is otherwise denied [M-1139].

ENTER:

  
\_\_\_\_\_  
CLERK