

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 December 15, 2015.

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

-----X
Tishman Interiors Corporation,
Plaintiff-Respondent,

-against-

M-5039X
Index No. 151267/13

Harleysville Worcester Insurance
Company,
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 6, 2015,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" October 8, 2015, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 15, 2015.

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

-----X
333 Rector Park-River Rose, LLC
Plaintiff-Defendant-Respondent,

-against-

M-5814X
Index No. 653707/13

Ganesha Realty Trust, Ishwara Sharma
and Laxmi Group LLC,
Defendants-Plaintiffs-Appellants.
-----X

An appeal having been taken from the judgment and orders of the Supreme Court, New York County, entered on or about February 17, 2015 and February 5, 2015, respectively,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" November 12, 2015, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 15, 2015.

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

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

-against-

M-5613
Ind. No. 1721/13

E. Randolph,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, Bronx County, rendered on or about November 15, 2013,

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

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 15, 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,
Respondent,

-against-

M-5809
Ind. No. 841/10

Robert Combariati,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about November 4, 2013,

Now, upon reading and filing the stipulation of the parties hereto, dated October 29, 2015, and due deliberation having been had thereon,

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 15, 2015.

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

-----X
Joseph C. Ferraro and Dorinne M.

Kopfensteiner as Co-Executors of
the Estate of Doris Ferraro,
Plaintiffs-Respondents,

M-4598

Index No. 190500/12

-against-

Allen-Bradley Company, et al.,
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about February 24, 2015,

Now, upon reading and filing the stipulation of the parties hereto, dated September 3, 2015, and due deliberation having been had thereon,

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 15, 2015.

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

-----X
Joseph C. Ferraro and Dorinne M.

Kopfensteiner as Co-Executors of
the Estate of Doris Ferraro,
Plaintiffs-Respondents,

M-4598

Index No. 190500/12

-against-

Allen-Bradley Company, et al.,
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about February 24, 2015,

Now, upon reading and filing the stipulation of the parties hereto, dated September 3, 2015, and due deliberation having been had thereon,

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 15, 2015.

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

-----X

American Water Enterprises Inc.,
Plaintiff-Appellant,

-against-

Tectura Corporation,
Defendant,

M-4963
Index No. 654459/13

-and-

UXC Eclipse (USA), Inc.,
Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about August 8, 2014,

Now, upon reading and filing the stipulation of the parties hereto, dated October 5, 2015, and due deliberation having been had thereon,

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 15, 2015.

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

-----X
Friends of Playground 89,
Petitioner-Respondent,

-against-

M-5027
Index No. 101563/13

The New York City Department of
Education,
Respondent-Appellant.

-----X

An appeal having been taken from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about July 2, 2014,

Now, upon reading and filing the stipulation of the parties hereto, dated October 7, 2015, and due deliberation having been had thereon,

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 15, 2015.

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

-----X
Russell Brown, Anthony Gerone and
Sean Quinn,
Plaintiffs-Appellants,

-against-

M-5084
Index No. 650927/14

Water Quality Insurance Syndicate,
Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 9, 2014,

Now, upon reading and filing the stipulation of the parties hereto, dated October 9, 2015, and due deliberation having been had thereon,

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 15, 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 Petition for
the Appointment of an Umpire in
the Arbitration between:

National Union Fire Insurance
Company of Pittsburgh, Pennsylvania,
and AIU Insurance Company,
Petitioners-Respondents,

SEALED

M-5171
Index No. 651558/14

-and-

Everest Reinsurance Company,
Respondent-Appellant.

-----X

Appeals having been taken from an order of the Supreme Court, New York County, entered on or about November 28, 2014, and orders of the same Court and Justice, entered on or about April 22, 2015,

Now, upon reading and filing the stipulation of the parties hereto, dated October 5, 2015, and due deliberation having been had thereon,

It is ordered that the appeals, previously perfected, 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 December 15, 2015.

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

-----X
Ivan Brice,
Plaintiff-Respondent,

-against-

M-5173
Index No. 109958/09

Bruce A. Young, Esq.,
Defendant-Appellant.
-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, entered on or about December 19, 2012,

Now, upon reading and filing the stipulation of the parties hereto, dated September 30, 2015, and due deliberation having been had thereon,

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 15, 2015.

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

-----X
Ramiro Tangarife,
Plaintiff-Respondent,

-against-

Constructomics, LLC,
Defendant,

M-5631
Index No. 100004/11

Manhattan House Condominium, MH
Residential 1, LLC and MH
Residential 2, LLC,
Defendants-Appellants.

-----X
Constructomics, LLC,
Third-Party Plaintiff,

-against-

Cosmopolitan Decorating Company, Inc.,
Third-Party Defendant.

Third-Party
Index No. 590466/11

-----X

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

Now, upon reading and filing the stipulation of the parties hereto, dated October 30, 2015, and due deliberation having been had thereon,

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 15, 2015.

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

-----X
Eduardo Urbano,
Plaintiff-Respondent,

-against-

M-5829
Index No. 307687/11

Southern Boulevard Bronx Housing
Development Fund Corporation, SB 1800
LLC, Joy Construction Corporation,
Defendants-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about May 28, 2015,

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 15, 2015.

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

-----X
Alberto Felfle and Nuba Felfle,
Plaintiffs-Respondents,

-against-

Schindler Elevator Corporation,
237 Max Park Avenue, LP and Beacon
Capital Partners,
Defendants-Respondents,

-and-

M-5878
Index No. 107675/07

Hatchette Book Group USA,
Defendant-Appellant-Respondent,

-and-

Quantum Technologies,
Defendant

-and-

MBC Technologies,
Defendant-Respondent-Appellant.

-----X

Appeals having been taken from an order of the Supreme Court, New York County, entered on or about February 19, 2015,

Now, upon reading and filing the stipulation of the parties hereto, dated November 16, 2015, and due deliberation having been had thereon,

It is ordered that the appeals, previously perfected, 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 December 15, 2015.

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

-----X
Cathrine De Neergaard Fetterman,
Plaintiff-Appellant,

-against-

M-5825
Index No. 308628/14

Daniel J. Fetterman,
Defendant-Respondent.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 7, 2015,

And plaintiff-appellant having moved for a stay of the aforesaid order pending hearing and determination of said appeal,

Now, upon reading and filing the letters submitted by appellant's counsel, dated November 17, 2015, and due deliberation having been had thereon,

It is ordered that the motion is 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 December 15, 2015.

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

-----x
Kumiva Group LLC, formerly known as
ATI Services, LLC,
Plaintiff/Counterclaim-Defendant-
Respondent,

-against-

Garda USA, Inc.,
Defendant/Counterclaim Plaintiff-
Appellant.

M-4669
Index No. 650386/08

- - - - -
Garda USA Inc., et al.,
Counterclaim and Cross Claim
Plaintiff-Appellant,

-against-

Richard Irvin, et al., etc.,
Cross-Claim Defendants-Respondents.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about July 29, 2015,

And appellants having moved pursuant to CPLR § 2508 for interim relief in the form of a new undertaking, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated September 24, 2015 so ordered by Justice of this Court on that same date, 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 December 15, 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,

Respondent,

-against-

Steven Radtke, also known as
Steve Melechonie,
Defendant-Appellant.

M-5246
DC #64
Ind. Nos. 269/11
3335/12

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about October 4, 2012,

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

And a calendar call having been held by the Clerk of the Court on October 22, 2015, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the May 2016 Term and counsel is directed to so perfect.

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 December 15, 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,

Respondent,

-against-

Rashiem Swails,

Defendant-Appellant.

M-5260
DC #75
Ind. Nos. 5974/06
2125/07

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about November 30, 2010,

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

And a calendar call having been held by the Clerk of the Court on October 22, 2015, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the April 2016 Term and counsel is directed to so perfect.

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 December 15, 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,

Respondent,

-against-

Nicholas Hill,

M-5215
DC #38
Ind. No. 2742/11

Defendant-Appellant.
-----X

And an appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about March 8, 2012,

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

And a calendar call having been held by the Clerk of the Court on October 22, 2015, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the April 2016 Term and counsel is directed to so perfect.

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 December 15, 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

Julian D.,

A Person Alleged to Be a Juvenile
Delinquent,

M-4701
Docket No. D-52081-13/15C

Appellant.
-----X

Respondent-appellant having moved for leave to prosecute the appeal from the order of the Family Court, New York County, entered on or about August 18, 2015, as a poor person, for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted and pursuant to Section 35 of the Judiciary Law, Article 18b of the County Law and Section 1120 of the Family Court Act (1) Randall Carmel, Esq., 53 Jackson Avenue, Syosset, NY 11791, Telephone No. (516)921-8800, is assigned as counsel, for purposes of prosecuting the appeal (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the State of New York from funds available therefor¹; **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) directing appellant to perfect this appeal **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:



CLERK

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

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 December 15, 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,
Respondent,

-against-

M-4484
Ind. No. 3350N/13

Larick Micheaux,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about May 14, 2015, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts 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 A. Feldman, Esq., 626 EAB Plaza, West Tower -
6th Fl., Uniondale, New York 11556, Telephone No. (516) 522-2828,
is assigned as counsel for defendant-appellant for purposes of
the appeal. The time within which appellant shall perfect this
appeal is hereby enlarged until 120 days from the date of filing
of the record.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 15, 2015.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
John W. Sweeny, Jr.
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----x
Ira Schacter,
Plaintiff-Appellant-Respondent,

-against-

M-4318

Index No. 311503/07

Janice Schacter,
Defendant-Respondent-Appellant.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about October 22, 2014, and from the order and judgment (one paper) of divorce of said Court entered on or about October 22, 2014; and defendant-respondent-appellant having taken a cross appeal from the order and judgment of divorce entered on or about October 22, 2014,

And plaintiff-appellant-respondent having moved for an enlargement of time to perfect the appeal and cross appeal from the judgment of divorce,

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 and cross appeal to the April 2016 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 15, 2015.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
John W. Sweeny, Jr.
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York
ex rel. Andale Gordon,
Petitioner,

M-3617

Ind. No. 1777/12

-against-

Warden, Stukes, et al.,
Respondents.

-----X

The above-named petitioner having moved for, inter alia, a writ of habeas corpus to be issued from 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 be and the same hereby is granted only to the extent of transferring the motion to and be heard before a Justice of the Supreme Court of the State of New York, Bronx County, 851 Grand Concourse, Bronx, New York 10451, forthwith, and

It is further ordered that service by mail of a copy of this writ of habeas corpus, petition and supporting papers, by the Clerk of this Court, contemporaneous with the entry hereof, upon the Warden at Otis Bantum Correctional Center, 16-00 Hazen Street, East Elmhurst, New York 11370; the Attorney General of the State of New York, 120 Broadway, New York, New York 10271; and the District Attorney of Bronx County, 198 East 161st Street, Bronx, New York 10451, be deemed due and sufficient notice.

The motion is otherwise denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 15, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzairelli
John W. Sweeny, Jr.
Roselyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
Ana D. Perez,
Plaintiff-Respondent,

-against-

The City of New York and Empire City
Subway,
Defendants.

M-4234
M-4365
Index No. 84039/11

-----X
Empire City Subway,
Third-Party Plaintiff-Appellant,

-against-

Nico Asphalt Paving, Inc.,
Third-Party Defendant-Respondent.

Third-Party
Index No. 310450/08

-----X

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

And third-party defendant-respondent having moved to dismiss the aforesaid appeal (M-4234),

And defendant-third party plaintiff-appellant Empire City Subway having cross moved for an enlargement of time to perfect their appeal (M-4365),

Now, upon reading and filing the papers with respect to the motion and cross motion, including the correspondence from N. Jeffrey Brown, Esq., counsel for defendant third-party plaintiff-appellant Empire City Subway dated October 9, 2015, and due deliberation having been had thereon,

It is ordered that the motion (M-4234) and the appeal are deemed withdrawn. The cross motion is denied as academic (M-4365).

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 December 15, 2015.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
Jorge Amaya,
Plaintiff,

-against-

M-4554

Index No. 112140/10

Neighborhood Partnership Housing
Development Fund Company, Inc.,
et al.,
Defendants.

-----X
Mecca Contracting, Inc.,
Third-Party Plaintiff-Respondent,

-against-

Third-Party
Index No. 590192/11

Salcora Construction Corp.,
Third-Party Defendant-Appellant.

-----X
Salcora Construction Corp.,
Second Third-Party Plaintiff-
Appellant,

-against-

Second Third-Party
Index No. 590554/12

Odys General Construction,
Second Third-Party Defendant-
Respondent.

-----X

Third-party defendant/second third-party plaintiff-appellant
Salcora Construction Corp., 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 13, 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 April 2016 Term.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 15, 2015.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzaelli
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
The People of the State of New York
ex rel. Norval Nelson,
Petitioner,

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

M-4528
Ind. No. 477/15

Cyrus R. Vance, Jr., New York County
District Attorney,

-and-

Eric Schneiderman, New York State
Attorney General,
Respondents.

-----X

The above-named petitioner having moved for a Writ of Prohibition, pursuant to Article 78 of the Civil Practice Law and Rules, and for permission to proceed as a poor person, and for related relief,

And the New York County District Attorney's office having opposed the motion and requested dismissal of the 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 application is deemed to be a motion for an original writ of habeas corpus, and the motion is hereby granted only to the extent of ordering that the matter be transferred to the Ex Parte Office of the Supreme Court at 60 Centre Street, New York, New York 10007 for the issuance of said writ and service by mail upon the respective parties.

The motion is otherwise denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 15, 2015.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
David Friedman
Judith J. Gische
Barbara R. Kapnick, Justices.

-----X
The Heywood Condominium, by its
Board of Managers,
Plaintiff-Respondent,

-against-

M-4919
Index No. 152411/13

Steven Wozencraft,
Defendant-Appellant,

Wells Fargo Bank, N.A., et al.,
Defendants.

-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about November 17, 2014 and on or about January 28, 2015,

And defendant-appellant having moved for an enlargement of time to perfect the appeal taken from the order entered on November 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, sua sponte, consolidating the appeals and enlarging the time to perfect said appeals to the April 2016 Term. Defendant-appellant is directed to prosecute the consolidated appeals upon 9 copies of one record and of one set of appellant's points covering the appeals.

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 December 15, 2015.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
David Friedman
Judith J. Gische
Barbara R. Kapnick, Justices.

-----X
Waterfall Victoria Master Fund,
Ltd.,
Plaintiff-Respondent,

-against-

M-4275

Index No. 381229/11

Shastram Ramsami, also known as
Shastram Ramasami, et al.,
Defendants,

1954 Cross Bronx Equities, Inc.,
Non-Party Appellant.
-----X

An appeal having been taken by 1954 Cross Bronx Equities, Inc. from an order of the Supreme Court, Bronx County, entered on or about August 13, 2015,

And appellant having moved to stay plaintiff-respondent from commencing or prosecuting any eviction proceedings, executing any warrant of eviction, or enforcing any judgment of possession in regard to the premises located at 1954 Cross Bronx Expressway, 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 granted on condition that the appeal is perfected on or before February 1, 2016 for the April 2016 Term, even if this Court for its own scheduling purposes adjourns the appeal to a later 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 December 15, 2015.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
John W. Sweeny, Jr.
Diane T. Renwick
David B. Saxe
Paul G. Feinman, Justices.

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

Respondent,

SEALED

-against-

M-4426

Ind. No. 1850/09

Lawrence Perez,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about April 8, 2011,

And the People having moved for a protective order sealing the Court's file on the appeal; directing assigned counsel for defendant to ensure that any transcripts and other materials in the trial court record be maintained in the exclusive possession of said assigned counsel, and prohibiting assigned counsel from disseminating the transcripts, materials from the trial record, appellate briefs, the record on appeal, appendices, or drafts of the foregoing documents, and all material copied, or derived therefrom, to defendant, his family, associates, or to any members of the public,

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

Ordered that the motion is granted to the extent of continuing the relief granted in the order of this Court entered on August 18, 2015 (M-2403).

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 December 15, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
John W. Sweeny, Jr.
Sallie Manzanet-Daniels
Barbara R. Kapnick, Justices.

-----X

Greystone Funding Corp.,
Plaintiff-Appellant,

-against-

Ephraim Kutner, Jonathan Kutner,
and Harborview Capital Partners, LLC,
Defendants.

-----X

Ephraim Kutner,
Plaintiff,

M-5167
Index No. 651926/13

-against-

Greystone Funding Corp., and
Stephen Rosenberg,
Defendants.

-----X

Greystone Funding Corp.,
Third-Party Plaintiff,

-against-

Yonasan Kutner, also known as
Jonathan Kutner, Harborview Capital
Partners, LLC, and Clarity Capital LLC,
Third-Party Defendants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about September 5, 2014,

And plaintiff-appellants Greystone Funding Corporation having moved for an enlargement of time to perfect their appeal,

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

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

ENTER:

A handwritten signature in black ink, appearing to read "Susan R. Jones". The signature is written in a cursive style with a prominent initial "S".

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 December 15, 2015.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
John W. Sweeny, Jr.
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
Samaad Bishop,
Plaintiff-Appellant,

-against-

M-4320
Index No. 251419/13

Katz Delicatessen of Houston Street,
Inc., et al.,
Defendants-Respondents.
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about August 12, 2015,

And plaintiff-appellant having moved for a stay of the aforesaid order,

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

Ordered that the motion is consolidated with M-4811 and said motions are denied. (See M-4811, decided simultaneously herewith.)

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 December 15, 2015.

Present: Hon. Peter Tom, Justice Presiding,
David Friedman,
Richard T. Andrias
Judith J. Gische
Barbara R. Kapnick, Justices.

-----X
Samaad Bishop,
Plaintiff-Appellant,

-against-

M-4811
Index No. 251419/13

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

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about August 12, 2015,

And plaintiff-appellant having moved for a stay of the aforesaid order,

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

Ordered that the motion is consolidated with M-4320 and said motions are denied. (See M-4320, decided simultaneously herewith.)

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 December 15, 2015.

Present: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
Karla Moskowitz
Barbara R. Kapnick, Justices.

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

-against-

M-4526
Ind. No. 5802/12

Robert Solomon,
Defendant-Appellant.
-----X

Defendant having moved for an enlargement of to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about April 7, 2015, and for leave to prosecute the appeal as a poor person on the original record and upon a reproduced appellant's brief, and for assignment of counsel,

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

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

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

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

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 December 15, 2015.

PRESENT : Hon. Peter Tom, Justice Presiding,
Rolando T. Acosta
Karla Moskowitz
Rosalyn H. Richter, Justices.

-----X
Monique T. Bowden,
Petitioner-Appellant,

-against-

M-4285
Docket No.
F-01272-08/12F & 13G

Leugene Jamel Simpson,
Respondent-Respondent.

-----X

Petitioner-appellant having moved for discretionary preference in the hearing of the appeal from the order of the Supreme Court, Bronx County, entered on or about August 7, 2015,

Now, upon reading and filing the papers with respect to the motion, including the stipulation of the parties dated November 2, 2015, and due deliberation having been had thereon,

It is ordered that the appeal is deemed withdrawn and the motion is denied as academic.

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 December 15, 2015.

PRESENT - Hon. Peter Tom, Justice Presiding,
Rolando T. Acosta
Rosalyn H. Richter
Barbara R. Kapnick, Justices.

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

-against-

M-4475
Ind. No. 34N/13

Ronald Vaughan,
Defendant-Appellant.

-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about February 4, 2014, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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

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

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 December 15, 2015.

PRESENT: Hon. Peter Tom, Justice Presiding,
David Friedman
Richard T. Andrias
Judith J. Gische
Barbara R. Kapnick, Justices.

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

-against-

M-4664
Case No. 73861C/10

Luis Rosario,
Defendant-Appellant.

-----X

The People having moved for dismissal of the appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about September 12, 2012, for failure to timely prosecute, and said appeal having been perfected,

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

It is ordered that the motion is denied; sua sponte the appeal is adjourned to the April 2016 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 15, 2015.

PRESENT - Hon. Peter Tom, Justice Presiding,
David Friedman
David B. Saxe
Judith J. Gische, Justices.

-----X
Sowany Montilla,
Plaintiff-Respondent,

-against-

M-5628
Index No. 309258/09

BPIV-90 Ellwood Street Owner, LLC,
Vantage Properties, LLC, V-Tech
Construction Services, LLC,
Defendants-Appellants,

Citiwide Communications, Inc.,
Defendant.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about January 29, 2015,

And defendants-appellants having moved to withdraw their 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 appeal is 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 December 15, 2015.

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

-----X

The People of the State of New York,
Respondent,

-against-

M-4226
Ind. No. 1841/12

Carlin Batista,

Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, New York County, rendered on or about November 25, 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 April 2016 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 15, 2015.

PRESENT - Hon. Peter Tom, Justice Presiding,
Rolando T. Acosta
Richard T. Andrias
Karla Moskowitz, Justices.

-----X
Seth Mitchell, CFA,
Plaintiff-Appellant,

-against-

M-5602
Index No. 150622/13

New York University ("NYU"), et al.,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on June 16, 2015 (Appeal No. 15574),

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 December 15, 2015.

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

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

-against-

M-5072
Ind. No. 3538/14

Pierre Mejias,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, Bronx County, rendered on or about June 9, 2015,

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

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

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 December 15, 2015.

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

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

-against-

M-5074
Ind. No. 2475/14

Kyle McBride,
Defendant-Appellant.
-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of resentence of the Supreme Court, New York County, rendered on or about June 9, 2015, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of 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 8 reproduced copies of such brief, together with the original record, with this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts 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, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

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 December 15, 2015.

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

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

-against-

M-5075
Ind. No. 5322/14

Michael Virdee,
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 July 29, 2015, 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 8 reproduced copies of such brief, together with the original record, with this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts 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.

Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

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 December 15, 2015.

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

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

-against-

M-5334
Ind No. 1879/10

Darrell Joe,
Defendant-Appellant.

-----x

Defendant-appellant having moved for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, New York County, rendered on or about September 22, 2014,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the April 2016 Term.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 15, 2015.

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

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

-against-

M-5076
Ind. No. 2120/14

Eric Patterson,
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 November 26, 2014,

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

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

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 December 15, 2015.

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

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

-against-

M-4980
Ind. No. 3707/13

Christina Yarborough,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about June 18, 2015, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101, setting forth the amount and sources of monies used to post the \$20,000 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute this appeal.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 15, 2015.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Rolando T. Acosta
Dianne T. Renwick
Richard T. Andrias, Justices.

-----x
Armand Retamozzo,
Claimant-Appellant,

-against-

City University of New York,
Defendant-Respondent.

M-4486
Court of Claims No.
120424

-----x

An order of this Court having been entered on September 1, 2015 (M-2934), denying claimant-appellant's motion for leave to prosecute, as a poor person, the appeal from the Court of Claims, New York County, entered on or about August 26, 2014,

And claimant-appellant having moved for renewal and/or reargument of the aforesaid order,

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

It is ordered that the motion is denied.

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 December 15, 2015.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-4198
Case No. 9911C/11

Miguel Nunez,
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to file a notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about December 3, 2014,

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

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

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 December 15, 2015.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Diane T. Renwick
Sallie Manzanet-Daniels, Justices.

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

-against-

M-4225
Ind. No. 5072/14

Julio Estrada,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about March 4, 2015,

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

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

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 December 15, 2015.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
David B. Saxe
Rosalyn H. Richter, Justices.

-----X

Sandra Delgado, as mother and natural guardian of Juan Delgado, Gregory Delgado, Lou Delgado, Enrique Delgado, Candida Delgado and Antonio Delgado. infants, and Sandra Delgado, Individually, Plaintiffs-Appellants,

M-4793

Index No. 14684/95

-against-

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

-----X

Plaintiffs-appellants having moved for an enlargement of time to perfect the appeal taken from a judgment of the Supreme Court, Bronx County, entered on or about December 9, 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 April 2016 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 15, 2015.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
David B. Saxe
Rosalyn H. Richter, Justices.

-----X
U.S. Bank National Association, as
Trustee for HarborView Mortgage Loan
Trust, Series 2005-10,
Plaintiff-Appellant,

M-4557
Index No. 652388/11

-against-

Countrywide Home Loans, Inc.,
doing business as Bank of America
Home Loans, et al.,
Defendants-Respondents.

-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about February 18, 2014 and April 25, 2014, respectively,

And defendants-respondents having moved for an order dismissing the aforesaid appeals,

Now, upon reading and filing the papers with respect to the motion, and the affirmation of Christopher P. Johnson, Esq., of counsel to plaintiff-appellant, dated September 30, 2015, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of deeming the appeals 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 December 15, 2015.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Karla Moskowitz
Rosalyn H. Richter, Justices.

-----X

Two Sigma Investments, LLC,
Plaintiff-Respondent,

-against-

M-5875
Index No. 650506/14

Kang Gao,
Defendant-Appellant.

-----X

Defendant-appellant having moved for a stay of arbitration pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about October 14, 2015,

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

It is ordered that the motion is denied and the interim relief granted by an order of a Justice of this Court, dated November 13, 2015, is hereby vacated.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 15, 2015.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
Dianne T. Renwick
Richard T. Andrias
Sallie Manzanet-Daniels, Justices.

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

-against-

M-4450
SCI No. 4050N/15

Uriel Guerrero,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about July 9, 2015, for leave to prosecute the appeal as a poor person upon the original record and upon a reproduced appellant's brief, and for assignment of counsel,

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

It is ordered that the motion is granted to the extent of deeming the notice of appeal 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 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

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

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

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 December 15, 2015.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
Dianne T. Renwick
Richard T. Andrias
Sallie Manzanet-Daniels, Justices.

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

-against-

M-4324
Ind. No. 2865/13

Francisco Fernandez,
Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about November 6, 2014, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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

Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. (212)402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

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 December 15, 2015.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Barbara R. Kapnick, Justices.

-----X
Florence Ahnor,
Plaintiff-Respondent,

-against-

M-5411
Index No. 305051/09

City of New York, New York City
Department of Homeless Services,
IPIS Agency, Wildcat Service
Corporation, New York State Industries
for the Disabled, Inc.,
Defendants-Appellants.

-----X

Defendants-appellants having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about September 11, 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 April 2016 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 15, 2015.

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

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

-against-

Larry Davis,
Defendant-Appellant.

M-3921
Ind. No. 1469/13
2832/11

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about July 23, 2013,

And assigned counsel Robert S. Dean, Esq. having moved for an order providing him with the Grand Jury proceedings,

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 December 15, 2015.

PRESENT: Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Dianne T. Renwick
Richard T. Andrias
Karla Moskowitz, Justices.

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

-against-

M-4832
Ind. No. 4230/13

Justin Cook,
Defendant-Appellant.

-----X

Defendant-appellant, pro se, having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about March 25, 2015, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

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 December 15, 2015.

PRESENT: Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Dianne T. Renwick
Richard T. Andrias
Karla Moskowitz, Justices.

-----X

Ruth Evans,
Plaintiff-Appellant,

-against-

M-4684
Index No. 155532/12E

D'Agostino Supermarkets, Inc.,
Defendant-Respondent.

-----X

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

And defendant-respondent having moved to dismiss the aforesaid appeal,

Now, upon reading and filing the papers with respect to the motion, including the correspondence from Vincent J. Battista, Esq. of counsel to defendant-respondent, dated October 16, 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

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 December 15, 2015.

PRESENT: Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Dianne T. Renwick
Richard T. Andrias
Karla Moskowitz, Justices.

-----X

Janessa Jordan,
Claimant,

-against-

M-5274
Claim No. 125939

Alice Schlesinger,
Defendant.

-----X

Claimant, pro se, having moved for leave to prosecute, as a poor person, the appeal from an order of the Court of Claims, New York County, purportedly entered on or about May 14, 2015, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that said motion is 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 December 15, 2015.

Present - Hon. David Friedman, Justice Presiding,
Richard T. Andrias
David B. Saxe
Judith J. Gische
Barbara R. Kapnick, Justices.

-----x
Sean Mark Corrigan, et al.,

Plaintiffs-Appellants,

-against-

M-4339

Index No. 106473/11

New York City Transit Authority, 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 August 15, 2014 (mot. seq. no. 002),

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 April 2016 Term.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 15, 2015.

Present: Hon. David Friedman, Justice Presiding,
Richard T. Andrias
David B. Saxe
Judith J. Gische
Barbara R. Kapnick, Justices.

-----X

Nekadam Y.,
Petitioner-Appellant,

M-4393

Moshe N.,
Petitioner,

Surrogate's Court
File No. 2010-0178

-against-

Jennifer B. and David B.,
Respondents-Responents.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Surrogate's Court, New York County, entered on or about August 20, 2015, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon submission of a detailed notarized affidavit, in compliance with CPLR 1101(a), setting forth the terms of petitioner's retainer agreement with trial counsel, the amount and sources of funds for trial counsel's fee and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by petitioner.)

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 December 15, 2015.

Present - Hon. David Friedman, Justice Presiding,
Richard T. Andrias
David B. Saxe
Judith J. Gische
Barbara R. Kapnick, Justices.

-----X
Stephanie Lerner,

Plaintiff-Appellant,

-against-

M-4413
Index No. 301039/08

Mark Jay Lerner,

Defendant-Respondent.
-----X

Plaintiff-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Supreme Court, New York County, entered on or about March 13, 2015, and from an order of same Court and Justice, entered on or about July 24, 2015, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that the motion is denied, with leave to renew, upon submission of plaintiff-appellant's 2013 and 2014 tax returns, along with a notarized affidavit in compliance with CPLR 1101.

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 December 15, 2015.

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

-----X
Geo-Group Communications, Inc.,

Petitioner-Respondent,

-against-

Jaina Systems Network, Inc.,

Respondent-Appellant.
-----X

M-4818

Index No. 652219/14

Respondent-appellant 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 December 8, 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 April 2016 Term.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 15, 2015.

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

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

-against-

M-4915
Ind. No. 2090/10

Christopher Montanez,
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal from a judgment of the Supreme Court, New York County, rendered on or about April 5, 2013,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the April 2016 Term.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 15, 2015.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Rolando T. Acosta
Richard T. Andrias
Karla Moskowitz, Justices.

-----X
Linear Contracting, Inc.,
Plaintiff-Respondent,

-against-

Mt. Hawley Insurance Company,
Defendant-Appellant.

M-5535
Index No. 153097/12

-----X

Defendant-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 July 14, 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 April 2016 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 15, 2015.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Richard T. Andrias
Karla Moskowitz, Justices.

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

-against-

M-5238
Ind. No. 129/15

Joshua Santiago,
Defendant-Appellant.

-----X

Defendant-appellant, pro se, 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 18, 2015, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of deeming the moving papers a timely filed notice of appeal and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11(b)(2) of the Rules of this Court.

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

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

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 December 15, 2015.

Present: Hon. Rolando T. Acosta, Justice Presiding,
Diane T. Renwick
Karla Moskowitz
Sallie Manzanet-Daniels, Justices.

-----X
The People of the State of New York
ex rel. Jorge Guttlein, Esq., on behalf
of Juan Cruz,
Petitioner,

-against-

M-4401
Index No. 101368/15

Cyrus R. Vance, Jr., District Attorney
for New York County, et al.,
Respondents.

-----X

The above-named petitioner having moved for, inter alia, a writ of habeas corpus to be issued from this Court,

And the New York County District Attorney's Office having opposed the motion,

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

It is ordered that the application for the writ 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 December 15, 2015.

PRESENT: Hon. Peter Tom, Justice Presiding,
David Friedman
Dianne T. Renwick
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

-----X

Women's Integrated Network, Inc.,
Plaintiff-Appellant,

-against-

Anderson Kill P.C., et al.,
Defendants-Respondents.

-----X

SEALED

M-6193

Index No. 654507/13

ENTER:



CLERK