

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 7, 2015.

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

-----X  
420 West 206<sup>th</sup> Street Owners Corp.,  
et al.,  
Plaintiffs-Respondents,

-against-

M-1701X  
Index No. 650403/12

Edward Lorick, 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 6, 2014,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 15, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 May 7, 2015.

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

-----X  
Edward Lorick, et al.,  
Plaintiffs-Appellants,

-against-

M-1703X  
Index No. 151794/12

420 West 206<sup>th</sup> Street Owners Corp.,  
Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 16, 2013,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 15, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 May 7, 2015.

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

-----X

Andres Garabito,  
Plaintiff-Appellant,

-against-

M-1704X  
Index No. 302293/09

Jovi Enterprises, Inc.,  
Defendant-Respondent.

-----X

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 16, 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 May 7, 2015.

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

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

-against-

M-1712  
Ind. No. 4213/13

Cynthia Morrow,  
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about February 6, 2014,

Now, upon reading and filing the stipulation of the parties hereto, dated April 13, 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 May 7, 2015.

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

-----X  
Jong-Fwu (Jack) Lee,  
Plaintiff-Appellant,

-against-

M-1714X  
Index No. 158810/12

Adam Feldman, 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, 2014,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 17, 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 May 7, 2015.

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

-----X  
Charles M. Moche and Ezra S. Moche,  
Plaintiffs-Appellants,

-against-

Deborah R. Srour, Esq., et al.,  
Defendants-Appellants.

M-1775X  
Index No. 157764/12

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 29, 2013 (mot. seq. no. 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 22, 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 May 7, 2015.

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

-----X  
Coventry Real Estate Advisors, LLC,  
et al.,  
Plaintiffs-Appellants-Respondents,

-against-

M-1719X  
Index No. 115559/09

DDR Corp., formerly known as  
Developers Diversified Realty  
Corp., et al.,  
Defendants-Respondents-Appellants.  
-----X

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 17, 2015, and due deliberation having been had thereon,

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

ENTER:

  
CLERK

CORRECTED ORDER – May 15, 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 May 7, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzairelli  
Dianne T. Renwick  
Judith J. Gische, Justices.

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

-against-

M-1328  
Ind. No. 6250/03

James Deadwiley,  
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about **October 29, 2012,**

And assigned counsel for defendant-appellant having moved for an order dismissing the appeal as moot,

Now, upon reading and filing the motion by appellate counsel for defendant-appellant, dated March 23, 2015, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of deeming the appeal 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 May 7, 2015.

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

-----X  
Barbara Dinapoli, individually and  
as Administratrix of the Estate of  
Theresa M. Massagli, Deceased,  
Plaintiff-Respondent,

-against-

M-1579  
Index No. 300811/11

Maeleen Ambulette Transport, Inc.,  
and Juan Garcia,  
Defendants-Appellants,

-and-

Gold Crest Care Center, Inc., et al.,  
Defendants.

-----X

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

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

It is ordered that the appeal, previously perfected for the November 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 May 7, 2015.

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

-----X  
City World Motors, LLC,  
Petitioner,

For a Judgment Pursuant to Article 78  
of the CPLR,

-against-

M-1720  
Index No. 102122/12

The Commissioner of the Department of  
Consumer Affairs of the City of New York,  
Respondent.

-----X

An Article 78 proceeding having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about July 12, 2012, to review a determination of respondent,

Now, upon reading and filing the stipulation of the parties hereto, dated March 26, 2015, and due deliberation having been had thereon,

It is ordered that the proceeding, previously perfected for the June 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 May 7, 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  
Michael De La Force,  
Petitioner-Respondent,

For a Judgment Pursuant to Article 78 M-1573X  
of the Civil Practice Law and Rules, Index No. 102309/12

-against-

Inna Khiterer, et al.,  
Respondents-Appellants.

-----X

An appeal having been taken from orders of the Supreme Court, New York County, entered on or about July 10, 2013, and December 20, 2013, respectively,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 10, 2015, 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 May 7, 2015.

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

-----X  
In the Matter of the Commitment of

Donovan Jermaine R., also known as  
Donovan R., also known as Donovan B.,

A Dependant Child Under 14 Years of  
Age Pursuant to §384-b of the Social  
Services Law of the State of New York.

- - - - -  
SCO Family Services, et al.,  
Petitioners-Respondents,

M-1447  
Docket No. B-20941/11

Leatrice B.,  
Respondent-Appellant.

- - - - -  
Seymour R. James, Jr.,  
The Legal Aid Society,  
Juvenile Rights Division,  
Attorney for the Child.

-----X  
  
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 21, 2013,

And petitioner-respondent having moved for an order dismissing the aforesaid appeal,

Now, upon reading and filing the stipulation of the parties hereto, dated April 16, 2015, 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 May 7, 2015.

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

-----X  
In re Lidya Radin,  
Claimant-Petitioner,

-against-

M-1546

Presiding Judge Richard B. Lowe III,  
etc., et al.,  
Respondents.

-----X

"Claimant-petitioner" having filed a petition seeking a Writ of Prohibition, and other relief,

Now, upon reading and filing the stipulation of the parties hereto, dated April 13, 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 May 7, 2015.

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

-----X  
Virginia Crawford, et al.,  
Plaintiffs,

-against-

M-1662  
Index No. 152845/15

Horatio Street Partners LLC, 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 about April 6, 2015,

Now, upon reading and filing the stipulation of the parties hereto, dated April 17, 2015, 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 May 7, 2015.

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

-----X

Antonio Astorga,  
Plaintiff-Respondent,

-against-

M-1454  
Index No. 303384/09

Bronx 360 Realty Management LLC  
and T.U.C. Management Company,  
Defendants-Appellants.

-----X

Defendants-appellants having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, Bronx County, entered on or about July 15, 2014,

Now, upon reading and filing the papers with respect to the motion, including the correspondence from Jacqueline Mandell, Esq., attorney for defendants-appellants dated April 17, 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 May 7, 2015.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
David Friedman  
Rolando T. Acosta  
Karla Moskowitz, Justices.

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

Respondent,

-against-

Fred Nelson,

M-5454  
Ind. Nos. 1177/08  
1379/10

Defendant-Appellant.  
-----x

An appeal having been taken to this Court from the judgment of the Supreme Court, New York County, rendered on or about December 10, 2013,

And defendant-appellant, through assigned counsel, having moved for a reconstruction hearing of the missing minutes of the *Mapp/Dunaway/Huntley/Wade* hearing held on June 1, 2009, and for adjournment of the aforesaid appeal,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from assigned counsel for defendant-appellant dated December 1, 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 May 7, 2015.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzarelli  
Diane T. Renwick  
Judith J. Gische, Justices.

-----X  
In the Matter of the Application of  
William Fecht,  
Petitioner-Appellant,

**M-6330**

For a Judgment Pursuant to Article 75 Index No. 102502/12  
of the Civil Practice Law and Rules,

-against-

The New York City Board/Department  
of Education,  
Respondent-Respondent.

-----X  
An appeal having been taken from a judgment of the Supreme Court, New York County, entered on or about November 1, 2013,

And respondent-respondent having moved for an order to dismiss the aforesaid appeal,

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

Ordered that the motion is granted and the appeal is dismissed.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 7, 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.

-----  
Margaret Rhee K.,  
Petitioner-Appellant,

M-5719  
Docket Nos. V-15307/10  
V-16387/10

-against-

Kenneth P. K.,  
Respondent-Respondent.

-----  
Randall Carmel, Esq.,  
Attorney for the Child.

-----X

Rosemary Rivieccio, Esq., Family Court attorney for the subject child, having moved on said child's behalf, for leave to respond, as a poor person, to the appeal from orders of the Family Court, New York County, entered on or about August 19, 2011 and on or about October 15, 2014, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

It is ordered that the motion is granted to the extent of appointing, pursuant to 22 NYCRR Part 36, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, New York 11791, Telephone No. (516) 921-8800, as counsel for the subject child for purposes of responding to the appeal; said counsel's fee to be paid by 50% by the petitioner and 50% by the respondent according to the same fee schedule as set forth in the order appointing Family Court Counsel for the child entered on or about August 9, 2010 (Burnett, Referee). (See M-1156, 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 May 7, 2015.

Present - Hon. Rolando T. Acosta, Justice Presiding,  
David B. Saxe  
Karla Moskowitz  
Rosalyn H. Richter  
Paul G. Feinman, Justices.

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

- - - - -  
Margaret Rhee K.,  
Petitioner-Appellant,

M-1156  
Docket Nos. V-15307/10  
V-16387/10

-against-

Kenneth P. K.,  
Respondent-Respondent.

- - - - -  
Randall Carmel, Esq.,  
Attorney for the Child.

-----x  
An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about October 15, 2014,

And petitioner-appellant having moved for an order; (1) granting permission for her and her counsel to review and copy all forensic reports including, but not limited to, any and all psychiatric, psychological, social worker, NYC ACS and peer review reports, recommendations, findings, memoranda, notes, correspondence and related documents as well as any transcript and/or other record of the Family Court Referee's *in camera* interview with the subject child; (2) granting leave to submit copies of the foregoing forensic reports and transcripts or record of the in aforesaid *in camera* interview, on the appeal of this matter, and refer to same in the appellate briefs and oral argument; (3) directing the Clerk of this Court and the Clerk of the Family Court, New York County, to forthwith make the foregoing forensic reports and transcripts and or records of the *in camera* interview available for copying by petitioner, her counsel and her counsel's designated representative; and (4) directing the Family Court, New York County, to forthwith transfer the complete file of this matter to this Court including, but not limited to, all pleadings, motions, orders

and decisions, transcripts and trial exhibits, whether marked for identification or as evidence,

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

It is ordered that the motion is granted to the extent of;

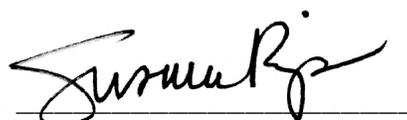
(1) directing the Family Court, New York County, to provide one copy of the aforesaid forensic reports, and to otherwise provide one copy of any and all psychiatric, psychological, social worker, NYC ACS and peer review reports, recommendations, findings, memoranda, notes, correspondence and related documents in such form as said material was marked for identification or admitted as evidence at the custody hearing, to the parties' respective appellate counsel and, if requested, to assigned appellate counsel for the subject child;

(2) directing that said counsel shall not give the aforesaid material to petitioner, respondent or any other person or entity or further copy same, except that respective appellate counsel may disclose the contents of the report to petitioner and respondent, and may allow petitioner and respondent to read the material only in said counsel's presence and;

(3) granting appellate counsel leave to refer to same in their appellate briefs only, which shall be marked confidential, and directing said appellate counsel to submit the copy of the aforesaid forensic reports, and any other documents subsequently provided by the Family Court, to this Court under seal in connection with the appeal upon filing of their respective briefs.

The remainder of the motion, to the extent that it seeks disclosure of any transcript and/or other record of the Family Court Referee's *in camera* interview with the subject child, is denied to the extent the motion seeks a direction that the Family Court transfer the record in this matter to this Court, same is denied; without prejudice to seeking such relief by subpoena before the Family Court, and is otherwise denied. (See M-5719, 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 May 7, 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-1340**  
Ind. No. 6056/94

Viscount Washington,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (Obus, J.), entered on or about March 24, 2015, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

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

The Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice Obus as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Robert S. Dean, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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 May 7, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Rolando T. Acosta  
Karla Moskowitz  
Rosalyn H. Richter  
Paul G. Feinman, Justices.

-----X

Gili Haberberg, et al.,  
Plaintiffs-Appellants,

-against-

G.F.A. Advanced Systems Ltd. and  
G.G.A. Advanced Systems Inc.,  
Defendants-Respondents,

M-6184  
Index No. 156940/14

Sanit LLC, et al.,  
Defendants,

-and-

New York City Marshall  
Stephen Biegel,  
Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about September 19, 2014,

And plaintiffs-appellants having moved for various forms of relief in the nature of preliminary appellate injunctive relief and to consolidate the aforesaid appeal with a related appeal pending in this Court entitled *G.F.A. Advanced Systems, et al. v Local Ocean LLC., et al.*, (New York County Index No. 104522/12), 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. (See M-294, M-440 and M-6183, 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 May 7, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Rolando T. Acosta  
Karla Moskowitz  
Rosalyn H. Richter  
Paul G. Feinman, Justices.

-----X  
G.F.A. Advanced Systems Ltd. and  
G.G.A. Advanced Systems Inc.,  
Plaintiffs-Respondents,

-against-

Local Ocean LLC, et al.,  
Defendants,

M-294  
M-440  
M-6183

Index No. 104522/12

Sanit LLC,  
Defendant-Appellant,

-and-

The Sanit Group Inc. and Efraim  
Basson,  
Defendants.

-----X

Defendant-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 April 7, 2014 (M-294),

And plaintiffs-respondents having cross-moved to dismiss the aforesaid appeal (M-440),

And defendant-appellant having moved by separate motion for an order enjoining plaintiffs-respondents from enforcing a certain judgment and for other appellate injunctive relief, pending hearing and determination of the aforesaid appeal (M-6183)

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the aforesaid appeal to on or before July 13, 2015 for the September 2015 Term, with leave to seek further enlargement if so advised (M-294). The cross motion to dismiss the appeal is granted unless the appeal is perfected for said September 2015 Term (M-440). The motion seeking an order enjoining plaintiffs-respondents from enforcing a certain judgment and other appellate injunctive relief is denied (M-6183). [See M-6184, 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 May 7, 2015.

Present: Hon. Peter Tom, Justice Presiding,  
David Friedman  
John W. Sweeny, Jr.  
David B. Saxe, Justices.

-----X

Abuwi M. Waheed,  
Plaintiff,

-against-

**M-1059**

Index No. 400111/12

City of New York, et al.,  
Defendants.

-----X

An order of this Court having been entered on October 2, 2014 (M-4210/M-4357) dismissing the purported appeals taken by plaintiff from orders of the Supreme Court, New York County, entered on or about May 8, 2012 and on or about July 25, 2012,

And plaintiff having moved for poor person relief and for reconsideration of the aforesaid order of this Court entered on October 2, 2014 (M-4210/M-4357) dismissing the aforesaid appeals and for the reintstatement of said appeals,

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

Ordered that the motion is denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 7, 2015.

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

-----X  
Audrey Smith,  
Plaintiff-Appellant,

-against-

M-1392  
Index No. 401019/12

New York City Housing Authority,  
Defendant-Respondent.  
-----X

Plaintiff-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about March 2, 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 granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the attorney for respondent and file 8 copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and 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 May 7, 2015.

Present: Hon. Peter Tom, Presiding Justice,  
Richard T. Andrias  
David B. Saxe  
Leland G. DeGrasse  
Barbara R. Kapnick, Justices.

-----X  
In the Matter of the Application for  
the Eviction of

Sherise Piper,  
Petitioner,

**M-1434**

For a Judgement Pursuant to Article 78 Index No. 103487/12  
of the Civil Practice Law and Rules,

-against-

New York City Department of Housing  
Preservation & Development and  
Franklin Plaza Apartments, Inc.,  
Respondents.

-----X

An Article 78 proceeding having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about December 18, 2012, to review a determination of respondents,

And respondents having moved to dismiss the aforesaid proceeding, vacate all stays of eviction, and require petitioner to pay use and occupancy accruing during the present proceeding,

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

Ordered that the motion is granted to the extent of dismissing the aforesaid transferred proceeding and vacating the stay of eviction set forth in the Order to Show Cause of Supreme Court, New York County, signed on August 9, 2012 attached to the moving papers hereto as Exhibit B. So much of the motion seeking relief related to use and occupancy is denied without prejudice to further proceedings in Civil Court.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 7, 2015.

Present: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
David B. Saxe  
Leland G. DeGrasse  
Barbara R. Kapnick, Justices.

-----X  
Mautner-Glick Corporation and  
Carmine Limited,  
Petitioner-Respondent-Landlord,

-against-

Andrew Seaman and Linda Adams,  
Respondents-Appellants-Tenants,

"John Doe" and "Jane Doe",  
Respondents-Undertenants.  
-----X

**M-1502**  
L&T No. 070645/13  
Index No. 500139/13

A purported appeal having been taken from an order of the Supreme Court, New York County, entered on or about December 10, 2012,

And respondent Linda Adams having moved for an order directing the discharge of respondent Andrew Seaman from an assisted living facility, 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.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 7, 2015.

Present - Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
David B. Saxe  
Leland G. DeGrasse  
Barbara R. Kapnick, Justices.

-----X

Chevelle Jenkins Bowles, as  
Administratrix of the Estate of  
Alease Jenkins and Chevelle Jenkins  
Bowles, Individually,  
Plaintiffs-Appellants,

M-1355  
Index No. 304009/12

-against-

New York City Housing Authority  
Defendant-Respondent.

-----X

Plaintiffs-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 April 30, 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 May 7, 2015.

Present - Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
David B. Saxe  
Leland G. DeGrasse  
Barbara R. Kapnick, Justices.

-----X

In the Matter of the Application of  
Kevin Cahill, as Receiver,  
Petitioner-Respondent,

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

-against-

M-1201  
Index No. 260395/13

John B. Rhea, as Chairman of the New York  
City Housing Authority, and the New York  
City Housing Authority,  
Respondents-Appellants.

-----X

Respondents-appellants having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, Bronx County, dated July 2, 2014 and entered on or about July 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 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 May 7, 2015.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Leland G. DeGrasse  
Paul G. Feinman  
Judith J. Gische, Justices.

-----x  
In the Matter of

Leidi N.,  
Christian T.,  
Erika T., and  
Chris T.,

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

- - - - -  
Administration for Children's Services,  
Petitioner-Appellant,

M-264  
Docket Nos. NA-13141/13  
NA-13142/13  
NA-13143/13  
NA-13144/13

Beato T.,  
Respondent-Respondent.

- - - - -  
Keith Brown, Esq.,  
Attorney for the Children  
Christian T., Erika T. and  
Chris T.,

Seymour W. James, Jr., Esq., The Legal Aid Society, Juvenile Rights Division,  
Attorney for the Child Leidi N.

-----x

An appeal having been taken to this Court from the order of the Family Court, Bronx County, entered on or about January 12, 2015,

And petitioner-appellant having moved for a stay of the order with respect to the subject child Leidi N., pending hearing and determination of the aforesaid appeal, for an order remanding said child Leidi N. to Administration for Children's Services's care and custody, for a full temporary stay-away order of

protection on behalf of all the children subject to supervised visitations of only the T. Children, 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 only to the extent of staying the order appealed as to Leidi N., on condition petitioner perfects the appeal for the October 2015 Term, and committing the subject child, Leidi N., to the custody of the Administration for Children's Services for, inter alia, housing and other services, as provided prior to entry of the order appealed.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 7, 2015.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,  
Leland G. DeGrasse  
Sallie Manzanet-Daniels  
Paul G. Feinman  
Judith J. Gische, Justices.

-----X  
230 Park Avenue Holdco, LLC,  
Plaintiff-Appellant-Respondent,

-against-

**M-674**

Index No. 653178/11

Kurzman Karelsen & Frank, LLP, et al.,  
Defendants-Respondents-Appellants.  
-----X

Plaintiff-appellant-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 January 20, 2015 (Appeal No. 13700),

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, to the extent it seeks reargument, is denied. So much of the motion which seeks leave to appeal to the Court of Appeals is granted, and this Court, pursuant to CPLR 5713, certifies that the following question of law, decisive of the correctness of its determination, has arisen, which in its opinion ought to be reviewed by the Court of Appeals:

"Was the order of Supreme Court, as affirmed by the this Court, properly made?"

This Court further certifies that its determination was made as a matter of law and not in the exercise of discretion.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 7, 2015.

Present: Hon. David Friedman, Justice Presiding,  
Rolando T. Acosta  
David B. Saxe  
Sallie Manzanet-Daniels  
Judith J. Gische, Justices.

-----X

Monika Bernardez,  
Plaintiff-Respondent,

-against-

**M-1164**

Index No. 18928/0

Velagapudi Pediatrics, PLLC,  
Defendant-Appellant,

2328 University Avenue Corp., et al.,  
Defendants.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about January 25, 2012, and said appeal having been perfected; and an appeal having been taken from a judgment of the same Court, entered on or about January 29, 2015,

And defendant-appellant having moved to consolidate the aforesaid appeals and, upon said consolidation, deeming the appeal from the judgment entered January 29, 2015, fully perfected by the service and filing of a brief and record on appeal on or about July 7, 2014; granting defendant leave to file a supplemental appendix to include the February 11, 2015 notice of appeal and judgment entered on January 29, 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 appeal taken from the order entered on January 25, 2012, subsumed in the appeal taken from the judgment entered on January 29, 2015 (CPLR 5501(a)[1]; deeming the appeal taken from the judgment entered on January 29, 2015, perfected on the

aforesaid record on appeal and brief filed July 7, 2014; directing defendant to file, forthwith, a supplemental appendix to include the February 11, 2015 notice of appeal and preargument statement and judgment entered January 29, 2015. The Clerk is directed to maintain said appeal on this Court's calendar for 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 May 7, 2015.

Present: Hon. David Friedman, Justice Presiding,  
Rolando T. Acosta  
Karla Moskowitz  
Rosalyn H. Richter  
Darcel D. Clark, Justices.

-----X  
In re Johnny Mason,  
Petitioner,

-against-

Hon. Ronald Zweibel, etc., et al.,  
Respondents.

**M-903**

Ind. Nos. 1301/14  
2075/14  
3232/14

-----X

A decision and order of this Court having been entered on December 4, 2014 (Appeal No. 13697) [M-5268], denying petitioner's application pursuant to Article 78 of the Civil Practice Law and Rules and dismissing the petition therefrom,

And petitioner having moved for poor person relief and for leave to appeal to the Court of Appeals from the aforesaid decision and order of this Court entered on December 4, 2014 (Appeal No. 13697) [M-5268],

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

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

ENTER:



\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 7, 2015.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Richard T. Andrias  
Sallie Manzanet-Daniels  
Darcel D. Clark, Justices.

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

Defendant-Respondent,

-against-

Latee Robinson,

Claimant-Appellant.  
-----X

**M-1161**  
Court of Claims  
Motion No.  
M-84321

Claimant-appellant, pro se, having moved to deem his notice of appeal from an order of the Court of Claims, New York County, entered on or about April 17, 2014 timely, 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 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 May 7, 2015.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,  
Leland G. DeGrasse  
Sallie Manzanet-Daniels  
Paul G. Feinman  
Judith J. Gische, Justices.

-----X  
230 Park Avenue Holdco, LLC,  
Plaintiff-Appellant-Respondent,

-against-

**M-674**

Index No. 653178/11

Kurzman Karelsen & Frank, LLP, et al.,  
Defendants-Respondents-Appellants.  
-----X

Plaintiff-appellant-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 January 20, 2015 (Appeal No. 13700),

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, to the extent it seeks reargument, is denied. So much of the motion which seeks leave to appeal to the Court of Appeals is granted, and this Court, pursuant to CPLR 5713, certifies that the following question of law, decisive of the correctness of its determination, has arisen, which in its opinion ought to be reviewed by the Court of Appeals:

"Was the order of Supreme Court, as affirmed by the this Court, properly made?"

This Court further certifies that its determination was made as a matter of law and not in the exercise of discretion.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 7, 2015.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,  
Dianne T. Renwick  
Richard T. Andrias  
Karla Moskowitz  
Judith J. Gische, Justices.

-----x  
Gabriel Paulino, an infant by his  
mother and natural guardian, Andrea  
Paulino, and Andrea Paulino,  
Individually,  
Plaintiffs-Respondents,

-against-

M-1618  
Index No. 103521/06

The City of New York,  
Defendant-Appellant,

-and-

Landscape Structures, Inc.,  
Defendant-Respondent.

-----x

Defendant-appellant having moved for a stay of trial herein pending hearing and determination of the appeal from the order of the Supreme Court, New York County, entered on or about March 12, 2014,

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

It is ordered that the motion is denied.

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 7, 2015.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,  
David B. Saxe  
Rosalyn H. Richter  
Judith J. Gische  
Barbara R. Kapnick, Justices.

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

-against-

M-1227  
Ind. No. 5681/13

Anthony Estevez,  
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 January 20, 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 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, 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, 28<sup>th</sup> 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 May 7, 2015.

Present: Hon. Rolando T. Acosta, Justice Presiding,  
David B. Saxe  
Leland G. DeGrasse  
Rosalyn H. Richter, Justices.

-----X  
In the Matter of the Application of  
Jamal Grant,  
Petitioner-Appellant,

For a Judgment Pursuant to Article 78 **M-1307**  
of the Civil Practice Law and Rules, Index No. 400057/14

-against-

Jonathan David,  
Respondent-Respondent.  
-----X

Petitioner having moved for leave to prosecute, as a poor person, the purported appeal taken from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about October 16, 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 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 May 7, 2015.

Present - Hon. David Friedman,  
Rolando T. Acosta  
Rosalyn H. Richter  
Judith J. Gische,

Justice Presiding,  
  
Justices,

-----x  
Terri Kornicki, Marshall Kaminer and  
Ian Kaminer, an infant, by Marshall  
Kaminer, his Father and the Court  
Appointed Guardian of his property, and  
Daniel Kaminer, an infant, by Marshall  
Kaminer, his Father and the Court  
Appointed Guardian of his property,  
Plaintiffs-Appellants,

M-467  
Index No. 304097/10

-against-

Rubin Shur, etc.,  
Defendant-Respondent.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about October 5, 2012, and said appeal having been perfected,

And defendant-respondent having moved for leave to strike plaintiff's brief and appendix in connection with the aforesaid appeal, and for adjournment of the aforesaid appeal,

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

It is ordered that the motion is granted to the extent of directing plaintiffs-appellants to physically excise pp. 29-217 of the appendix. All references to said portions of the appendix are accordingly deemed stricken from the appellant's brief. The appeal is maintained on this Court's calendar for the September 2015 Term. Sua sponte, plaintiffs-appellants are directed to file a substitution of counsel for purposes of 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 May 7, 2015.

Present - Hon. Rolando T. Acosta, Justice Presiding,  
David B. Saxe  
Leland G. DeGrasse  
Rosalyn H. Richter, Justices.

-----X  
Gentry T. Beach, et al.,  
Plaintiffs-Respondents,

-against-

Touradji Capital Management, LP,  
et al.,  
Defendants-Appellants.  
- - - - -

Touradji Capital Management, LP,  
et al.,  
Counterclaim Plaintiffs-Appellants,

**SEALED**

M-1493  
Index No. 603611/08

-against-

Gentry T. Beach, et al.,  
Counterclaim Defendants-Respondents.  
- - - - -

Touradji Capital Management, LP,  
Counterclaim Plaintiffs-Appellants,

-against-

Vollero Beach Capital Partners LLC,  
et al.,  
Counterclaim 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 April 18, 2014,

And defendants/counterclaim plaintiffs-appellants Touradji Capital Management, LP, et al. having moved for an enlargement of time to perfect the appeal aforesaid appeal,

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

It is ordered that the motion is granted to the extent of 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 May 7, 2015.

Present - Hon. Rolando T. Acosta, Justice Presiding,  
David B. Saxe  
Leland G. DeGrasse  
Rosalyn H. Richter, Justices.

-----X  
Board of Managers of the Cove Club  
Condominium,

Plaintiff-Respondent,

-against-

M-1555  
Index No. 104309/12

Lawrence M. Jacobson, et al.,

Defendants-Appellants.  
-----X

Defendants-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 January 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 October 2015 Term.

ENTER:

  
\_\_\_\_\_  
CLERK

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

BEFORE: Hon. Karla Moskowitz  
Justice of the Appellate Division

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

Respondent,

-against-

Jon-Adrian Velazquez,

Defendant-Appellant.  
-----X

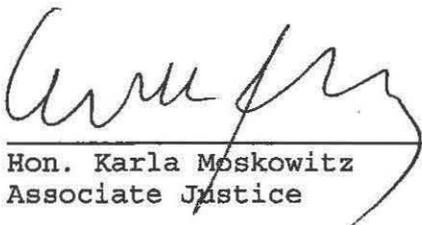
M-6385  
Ind. No. 693/1998

CERTIFICATE  
GRANTING LEAVE

SEALED

I, Karla Moskowitz, a Justice of the Appellate Division, First Judicial Department, do hereby certify that in the proceedings herein questions of law or fact are involved which ought to be reviewed by the Appellate Division, First Judicial Department, and, pursuant to Section 460.15 of the Criminal Procedure Law, permission is hereby granted to the above-named defendant to appeal to the Appellate Division, First Judicial Department, from the order of the Supreme Court, New York County, entered on or about November 13, 2014.<sup>1</sup>

Dated: April 24, 2015  
New York, New York

  
Hon. Karla Moskowitz  
Associate Justice

**ENTERED**

MAY 07 2015

NOTICE: Within 15 days from the date hereon, an appeal must be taken, and this certificate must be filed with the notice of appeal. An appeal is taken by filing, in the Clerk's office of the criminal court in which the order sought to be appealed was rendered, a written notice in duplicate that appellant appeals to the Appellate Division, First Judicial Department (Section 460.10, subd. 4, CPL), together with proof that another copy of the notice of appeal has been served upon opposing counsel. The appeal (or consolidated appeals; see footnote) must be argued within 120 days from the date of the notice of appeal, unless the time to perfect the appeal(s) is enlarged by the court or a justice thereof.

---

<sup>1</sup>In the event defendant has an existing (direct) appeal from a judgment, such appeal shall be consolidated with the appeal from the aforesaid order; and any poor person relief granted with respect to the appeal from the judgment shall be extended to cover the appeals so consolidated.

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

BEFORE: Hon. Sallie Manzanet-Daniels  
Justice of the Appellate Division

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

Respondent,

-against-

Patrick Morgan,

Defendant-Appellant.  
-----x

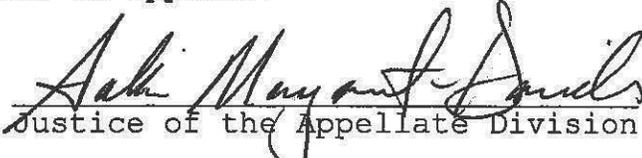
M-1408

Ind. No. 1762/08

CERTIFICATE  
GRANTING LEAVE TO APPEAL  
TO THE COURT OF APPEALS

I, Sallie Manzanet-Daniels, a Justice of the Appellate Division, Supreme Court, First Department, do hereby certify that in the record and proceedings herein\* questions of law are involved which ought to be reviewed by the Court of Appeals and pursuant to CPL 460.20, it is

ORDERED that permission hereby is granted to the above-named appellant to appeal to the Court of Appeals.

  
Justice of the Appellate Division

Dated: April 29, 2015  
New York, New York

ENTERED: **MAY 07 2015**

\*Description of Order:

Supreme Court, Bronx County, rendered February 7, 2012.  
App. Div., First Dept., Appeal No. 13717, Affd on January 6,  
2015.

---

Notice: Within 10 days from the issuance of this certificate, a preliminary appeal statement must be filed with the Clerk of the Court of Appeals pursuant to Rule 500.9 of the Court of Appeals Rules.

P.M ORDERS  
FOR MAY 07,  
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 May 7, 2015.

Present - Hon. Peter Tom, Justice Presiding,  
David Friedman  
Rolando T. Acosta  
David B. Saxe  
Barbara R. Kapnick, Justices.

-----X  
In the Matter of the Application of  
New York State Division of Human Rights,  
and Lillie Davis Staton,  
Petitioners-Cross Respondents,

For an Order Pursuant to Article 78 M-1280  
of the CPLR, Index No. 401303/13

-against-

Jonathan Jacobs,  
Respondent-Cross Petitioner,

Jacobs RE LLC,  
Respondent.

-----X

An Article 78 proceeding having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about November 14, 2013, to review a determination of respondent,

And petitioner-cross respondent pro se having moved for an enlargement of time to perfect the aforesaid proceeding,

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 cross petition taken by the New York State Division of Human Rights, et al. is deemed the direct petition, and the direct petition taken by Jonathan Jacobs is deemed the cross petition, and it is further,

Ordered that petitioners' time to perfect the proceeding is enlarged to the September 2015 Term, with no further enlargements to be granted. The perfected cross proceeding is adjourned to said 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 May 7, 2015.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzarelli  
Leland G. DeGrasse  
Barbara R. Kapnick, Justices.

-----X  
Joan C. Lipin, M-684  
Plaintiff-Appellant, M-685  
-against- M-686  
M-1572  
Index No. 100807/13  
Danske Bank, et al.,  
Defendants-Respondents.

-----X  
Joan C. Lipin,  
Plaintiff-Appellant,  
-against- Index No. 155308/13  
Danske Bank, et al.,  
Defendants-Respondents.

-----X  
Consolidated appeals having been taken from orders of the Supreme Court, New York County, entered on or about September 24, 2013 and June 24, 2014 (Index No. 100807/13), and from the order of said Court entered on or about June 20, 2014 (Index No. 155308/13), respectively, and said appeals having been separately perfected,

And defendant-respondent Danske Bank (M-684) having moved for dismissal of the aforesaid consolidated appeals, and for related relief,

And defendant-respondent the Hon. Joseph Mazziotti (M-685) having separately moved for dismissal of the aforesaid consolidated appeals, and for the imposition of monetary and injunctive sanctions, and for related relief,

And defendant pro se, and defendants Ulf Berquist, Evelyn Ellis, Kraining Real Estate, Ann Susan Markatos, Robert Gary Lipin (Index No. 100807/13) and defendant Berquist Advokatbyra AB (Index No. 155308/13) (M-686) having moved for dismissal of the aforesaid appeals, and for sanctions against plaintiff, and for related relief,

And plaintiff pro se (M-1572) having cross-moved for an order designating the appeal under Index No. 155308/13 as non-enumerated, and for sanctions against various individual defendants-respondents, and for related relief,

(M-684/M-685)  
(M-686/M-1572)

-2-

May 7, 2015

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

It is ordered that the motions (M-684/M-685/M-686) are denied, without prejudice to determination of the issues directly on appeal. The cross motion (M-1572) is granted to the extent of designating the appeal under Index No. 155308/13 (Calendar No. 2816) a non-enumerated appeal, and otherwise denied.

ENTER:

  
CLERK