

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 26, 2015.

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

-----X
Christopher Greeley,
Plaintiff-Respondent,

-against-

M-1967X
Index No. 110725/11

New York Apartment Portfolio, LLC,
340 E. 52nd Street, LLC,
Defendants-Appellants.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about December 10, 2014 (mot. seq. no. 003),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 4, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 26, 2015.

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

-----X
HSBC Bank USA, N.A., etc.,
Plaintiff-Appellant,

-against-

M-1968X
Index No. 381317/08

Edward M. Thompson, et al.,
Defendants-Respondents.
-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about March 31, 2014,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 4, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 26, 2015.

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

-----X

Diane Filice,
Plaintiff-Appellant,

-against-

M-2029X
Index No. 300131/14

Robert Pesce, Jr.,
Defendant-Respondent.

-----X

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 24, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 26, 2015.

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

-----X
Barclays Bank PLC,
Plaintiff-Appellant,

-against-

M-2030X
Index No. 650611/12

Paul Kemsley,
Defendant-Respondent.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 27, 2014 (mot. seq. no. 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 28, 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 26, 2015.

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

-----X
David Galanter,
Plaintiff-Respondent,

-against-

M-2031X
Index No. 650734/14

Georgia Malone, G Malone & Co LLC,
Georgia Malone & Company, Inc.,
Defendants-Appellants.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 9, 2015,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 4, 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 26, 2015.

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

-----X
Leonard Global Macro Fund, LLC
Plaintiff-Appellant,

-against-

M-2040X
Index No. 150346/13

North American Globex Fund, L.P.,
et al.,
Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about September 15, 2014 (mot. seq. nos. 004-005-006-007),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 5, 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 26, 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-2146
Ind. No. 2967N/13

Eduardo Espinal,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about November 27, 2013,

Now, upon reading and filing the stipulation of the parties hereto, dated April 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 May 26, 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-2147
Ind. No. 699/14

Gregory Brown,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about March 19, 2014,

Now, upon reading and filing the stipulation of the parties hereto, dated May 4, 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 26, 2015.

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

-----X
Ellen Scott, Individually and as
Administrator of th Estate of
Sheldon M. Scott, deceased,
Plaintiff-Respondent-Appellant,

-against-

M-1920
Index No. 305124/09

55 Knolls Crescent, LLC and The
Knolls Cooperative Section No. 2, Inc.,
Defendants-Respondents-Appellants,

-and-

McGlynn, Hayd & Co., Inc.,
Defendant-Appellant-Respondent.

-----X

Appeals having been taken from an order of the Supreme Court, Bronx County, entered on or about January 15, 2014,

Now, upon reading and filing the stipulation of the parties hereto, dated May 1, 2015, and due deliberation having been had thereon,

It is ordered that the appeals, previously perfected for the January 2015 Term, 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 May 26, 2015.

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

-----X
Oscar E. Del Valle,
Plaintiff-Appellant-Respondent,

-against-

Fujitec America, Inc.,
Defendant-Respondent-Appellant,

M-1941
Index No. 100568/12

-and-

Boca Group International, Inc.,
The Future Condominium, Board of
Managers of the Future Condominium,
and 32nd Street Realty, LLC,
Defendants-Respondents.

-----X

Appeals having been taken from an order of the Supreme Court, New York County, entered on or about March 26, 2014,

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 appeals, previously perfected for the March 2015 Term, 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 May 26, 2015.

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

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

-against-

M-3410
Ind. No. 2995/10

Michael Idowu,
Defendant-Appellant.

-----x

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the judgment of resentence of the Supreme Court, New York County, rendered on or about October 13, 2011 and from a judgment of the same Court rendered on or about July 25, 2011, respectively, 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 ten 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, 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 May 26, 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-Appellant,

-against-

M-353
Ind. No. 5609/10

Roni Smith,
Defendant-Appellant-Respondent.
-----X

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

And the People having taken an appeal from the order of the same Court and Justice entered on or about December 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 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 **resentence**. 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 10006, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of prosecuting defendant's appeal and responding to the people's 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 26, 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-1811
Ind. No. 30092/14

Robert Suttle,
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 (Arlene Goldberg, J.) entered on or about January 28, 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 Goldberg as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Seymour W. James, Jr., 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 26, 2015.

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

-----X
Family Offense Proceeding Under
Article 8 of the Family Court Act

Freddy Sylvester B.,
Petitioner-Appellant,

-against-

Lisa E.
Respondent-Respondent.

CONFIDENTIAL

M-1167

M-1218

Docket Nos. O-44144-13
O-43905/13

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

Freddy Sylvester B.,
Petitioner-Appellant,

-against-

Lisa E.,
Respondent-Respondent.

Docket Nos. V-44254-13
V-44253-13
V-43907-13
V-43906-13

-----X
Family Offense Proceeding Under
Article 8 of the Family Court Act

Freddy Sylvester B., on behalf of
Freddy B., Jr., (DOB 02/24/13) and
Faith Elizabeth B., (DOB 02/24/13)
Petitioner-Appellant,

-against-

Docket No. O-30075-14

Stefan E.,
Respondent-Respondent.

-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about May 23, 2014,

And petitioner-appellant having moved by separate motions for an enlargement of time to perfect the aforesaid appeals (M-1167/M-1218),

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

It is ordered that the motions are denied and, sua sponte, the appeals are dismissed (M-1167/M-1218).

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 26, 2015.

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

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

-against-

M-1437
Ind. No. 843/13

Anthony Moody,
Defendant-Appellant.

-----X

An order of this Court having been entered on May 20, 2014 (M-1541), granting defendant leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about February 20, 2014, and assigning Seymour W. James, Jr., Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

It is ordered that the motion is granted to the extent of striking the designation of assigned counsel Seymour W. James, Jr., Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

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 26, 2015.

PRESENT: Hon. Peter Tom, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
David B. Saxe
Darcel D. Clark, Justices.

-----X

Lukasz Gottwald, presently known as
Dr. Luke, Kasz Money, Inc. and
Prescription Songs, LLC,
Plaintiff-Appellants,

M-1809
Index No. 653118/14

-against-

Kesha Rose Sebert, presently known as
Kesha, Pebe Sebert, Vector Management,
LLC, anf Jack Rovner,
Defendants-Respondents.

-----X

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

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

Now, upon reading and filing the papers with respect to the motion including the motion papers from Lauren J. Wachtler, Esq., attorney for plaintiffs-appellants dated April 24, 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 26, 2015.

PRESENT: Hon. Peter Tom, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
David B. Saxe
Darcel D. Clark, Justices.

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

-against-

M-1754
Ind. No. 1960/10

Frank Furino,
Defendant-Appellant.

-----X

Defendant having moved, through retained counsel Randell Unger, Esq., for an enlargement of time to perfect the appeal from a judgment of the Supreme Court, New York County, rendered on or about August 17, 2012,

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 aforesaid 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 26, 2015.

PRESENT: Hon. Peter Tom, Justice Presiding,
David Friedman
Leland G. DeGrasse
Rosalyn H. Richter
Barbara R. Kapnick, Justices.

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

-against-

M-1870
Ind. No. 5856/13

Alfredo Gonzalez,
Defendant-Appellant.

-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about November 6, 2014, 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, 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 May 26, 2015.

PRESENT: Hon. Peter Tom, Justice Presiding,
David Friedman
Leland G. DeGrasse
Rosalyn H. Richter
Barbara R. Kapnick, Justices.

-----X
In the Matter of the Application of
Carlos Rivera,
Petitioner-Respondent,

-against-

M-1683
Index No. 155455/13

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

-----X

Respondents-appellants having moved for an enlargement of time to perfect the appeal from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about June 10, 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 on or before August 10, 2015 for 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 26, 2015.

PRESENT: Hon. Peter Tom, Justice Presiding,
David Friedman
Leland G. DeGrasse
Rosalyn H. Richter
Barbara R. Kapnick, Justices.

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

-against-

M-1543
Ind. No. 3721/10

Ricky Moore,
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 12, 2011, 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(a), setting forth the amount and sources of funds to post the \$100,000 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute the 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 26, 2015.

PRESENT: Hon. Peter Tom, Justice Presiding,
David Friedman
Leland G. DeGrasse
Rosalyn H. Richter
Barbara R. Kapnick, Justices.

-----X
Michael Offit, Solita N. Herman and
Rosemarie A. Herman,
Plaintiffs-Appellants,

-against-

M-1767
Index No. 157768/14

Julian Maurice Herman,
Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 15, 2014, and said appeal having been perfected,

And defendant-respondent having moved to file a supplemental appendix,

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 defendant to file 9 copies of a supplemental appendix containing only the order of the Supreme Court, New York County, entered on or about March 25, 2014, on or before August 12, 2015 for the September 2015 Term and otherwise denied. Sua sponte, defendant-respondent's brief is stricken and defendant is directed to file a new respondent's brief with citations only to the record on appeal and supplemental appendix as permitted in this order on or before August 12, 2015 for 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 26, 2015.

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

-----X
Gregorio Brito,
Plaintiff-Appellant,

-against-

M-1721
Index No. 309362/11

Allstate Insurance Company,
Defendant-Respondent.

-----X

Appeals having been taken from orders of the Supreme Court, Bronx County, entered on or about March 25, 2014, and April 9, 2015, and the appeal from the order entered March 25, 2014 having been perfected,

And defendant-respondent having renewed their motion for dismissal of the aforesaid appeal from the order entered on March 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 denied, sua sponte, the aforesaid appeals are consolidated. Plaintiff-appellant is directed to file a new brief containing arguments addressing both orders on or before September 8, 2015 for the November 2015 Term, to which Term the perfected appeal is adjourned. Plaintiff-appellant is also directed to file 9 copies of a supplemental record on appeal including the record which pertains to the April 9, 2015 order together with a revised brief on or before September 8, 2015 for said November 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 26, 2015.

PRESENT - Hon. Peter Tom, Justice Presiding,
Rolando T. Acosta
Richard T. Andrias
Leland G. DeGrasse, Justices.

-----X
Arkin Kaplan Rice LLP, et al.,
Plaintiffs-Appellants,

-against-

M-5388
Index No. 652316/12

Howard Kaplan, et al.,
Defendants-Respondents.
-----X

Plaintiffs-appellants having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on August 21, 2014 (Appeal No. 12424N),

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 26, 2015.

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

-----x
In the Matter of an Article 78 Proceeding,

Steven G. Shapiro, et al.,
Petitioners-Appellants,

M-1693

-against-

Action No. 1
Index No. 651230/14

Daniel B. Hayes,
Respondent-Respondent.

In the Matter of an Article 78 Proceeding,

Steven G. Shapiro, et al.,
Petitioners-Appellants,

-against-

Action No. 2
Index No. 650293/14

Daniel B. Hayes,
Respondent-Respondent.

-----x
An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about January 28, 2015,

And petitioners-appellants having renewed their motion to stay enforcement of the aforesaid order pending hearing and determination of the appeal taken therefrom,

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 26, 2015.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Dianne T. Renwick
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

-----X
Thomas Gass,
Plaintiff-Appellant,

-against-

M-1735
Index No. 302536/08

Susan Gass,
Defendant-Respondent.
-----X

Plaintiff-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 July 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 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 26, 2015.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Dianne T. Renwick
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

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

-against-

M-1713
Index No. 84039/11

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

-----X
Empire City Subway,
Defendant-Appellant,

-against-

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

Defendant-third party plaintiff-appellant Empire City Subway having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, Bronx County, entered on or about March 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 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 26, 2015.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
David B. Saxe
Sallie Manzanet-Daniels
Darcel D. Clark, Justices.

-----X
Jamel Moore,
Plaintiff-Appellant,

-against-

The New York City Housing Authority,
et al.,
Defendants-Respondents.

M-1736
Index No. 452166/13

-----X

Plaintiff-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 17, 2014,

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 26, 2015.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
David B. Saxe
Sallie Manzanet-Daniels
Darcel D. Clark, Justices.

-----X

Anthony L. Manns,
Petitioner-Appellant,

-against-

M-1687
Index No. 400736/14

NYC Housing Authority,
Respondent-Respondent.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, entered on or about March 31, 2015, 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 the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the attorney for respondent and 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. The Clerk of the Supreme Court, New York County, is directed to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, with a copy to appellant or appellant's counsel if any, the cost thereof to be charged against the City of New York from funds available therefor.

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 26, 2015.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
David B. Saxe
Sallie Manzanet-Daniels
Darcel D. Clark, Justices.

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

-against-

M-1638
Ind. No. 5180/03

Derrick Bostic,
Defendant-Appellant.

-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from a judgment of **resentence** of the Supreme Court, New York County, rendered on or about April 8, 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, 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 May 26, 2015.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
David B. Saxe
Sallie Manzanet-Daniels
Darcel D. Clark, Justices.

-----x
Irene Frydel Kim, et al.,
Plaintiffs-Respondents-Appellants,

-against-

M-1658
Index No. 303123/10

Ross P. Solomon, et al.,
Defendants-Appellants-Respondents.

-----x

An appeal and cross appeal having been taken to this Court from the order of the Supreme Court, Bronx York County, entered on or about December 4, 2014, and said appeal and cross appeal having been perfected,

And defendants having moved for leave to strike the Preliminary Statement and Points I-IV from plaintiff's reply brief,

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

It is ordered that the motion is denied, without prejudice to consideration of this argument by the appeal bench directly on 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 26, 2015.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Dianne T. Renwick
Rolando T. Acosta
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

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

-against-

M-1740
Ind. No. 720/02

Jian Ming Huang,
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to file a pro se supplemental brief in connection with the appeal from a judgment of the Supreme Court, New York County, rendered on or about August 21, 2013, 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 as premature, said appeal not having been perfected.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 26, 2015.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David B. Saxe
Paul G. Feinman
Darcel D. Clark, Justices.

-----X

ePlus Group, Inc., et al.,
Plaintiffs-Appellants,

-against-

M-1639
Index No. 114208/11

Dentons US LLP,
Defendant-Respondent.

-----X

Defendant-respondent having moved for reargument of the decision and order of this Court entered on March 12, 2015 (Appeal No. 14509),

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 26, 2015.

Present: Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Rosalyn H. Richter
Judith J. Gische, Justices.

-----X

Aramid Entertainment Fund Ltd.,

Plaintiff-Appellant,

-against-

KBC Bank N.V., et al.,

Defendants-Respondents.

-----X

M-1544

Index No. 652428/13

Defendants-respondents having moved for dismissal of the appeal taken from an order of the Supreme Court, New York County, on or about May 1, 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 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 26, 2015.

Present - Hon. David Friedman, Justice Presiding,
David B. Saxe
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
In the Matter of the Application of
Dr. Richard Sunday Ifill,
Petitioner,

-against-

M-1519

Warden Duffy, Warden of Rikers Island
C-73, et al.,
Respondent(s).

-----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 application for the writ is denied (CPLR 7003[b]).

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 26, 2015.

PRESENT: Hon. David Friedman, Justice Presiding,
David B. Saxe
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
In the Matter of the Application of

Milton Irizarry,
Petitioner-Respondent,

-against-

Warden, etc., et al.,
Respondents-Appellants.

M-1653
Index No. 250018/14

-----X

Respondents-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 23, 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 26, 2015.

PRESENT: Hon. David Friedman, Justice Presiding,
David B. Saxe
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
Naim Dedushaj,
Plaintiff-Respondent,

-against-

3175-77 Avenue Housing Development
Fund Corporation, Myriam Martinez,
Defendants-Appellants.

M-1435
Index No. 300779/09

-----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 June 16, 2014,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the 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 26, 2015.

PRESENT: Hon. David Friedman, Justice Presiding,
David B. Saxe
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
Fernando Alvarez Jimenez, et al.,
Plaintiffs-Appellants,

-against-

Glenn Henderson,
Defendant-Appellant.

M-1581
Index No. 155292/13

-----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 June 23, 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 November 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 26, 2015.

PRESENT: Hon. David Friedman, Justice Presiding,
David B. Saxe
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

Kimada Dixson,
Defendant-Appellant.

-----X

M-1575
Ind. No. 3523/11
Case No. 58855C/11

An appeal having been taken from the judgment of the Supreme Court, Bronx County, rendered on or about June 3, 2013,

And defendant-appellant, pro se, having moved for a an order holding the present direct appeal in abeyance,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the November 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 26, 2015.

PRESENT - Hon. David Friedman, Justice Presiding,
Richard T. Andrias
David B. Saxe
Rosalyn H. Richter
Judith J. Gische, Justices.

-----X
Thomas Phillips,
Plaintiff-Appellant,

-against-

M-1605
Index Nos. 300459/10
84247/10

Powercrat Corporation, et al.,
Defendants-Respondents.

Powercrat Corporation, et al.,
Third-Party Plaintiffs-Respondents,

-against-

Modern Empire, Inc.,
Third-Party Defendant.

-----X
Defendant-respondent, Von Rohr Equipment Corp. having moved for reargument of the decision and order of this Court entered on March 24, 2015 (Appeal No. 14123),

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 26, 2015.

PRESENT: Hon. David Friedman, Presiding Justice,
Rosalyn H. Richter
Paul G. Feinman
Judith J. Gische, Justices.

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

-against-

M-4359
Ind. No. 564/09

Robert Fleming,
Defendant-Appellant.

-----X

Defendant-appellant, pro se, having moved for dismissal of the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about September 4, 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 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 26, 2015.

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

-----X
In the Matter of the Application of
Paula Giddings,
Petitioner,

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

M-1716
M-1831
Index No. 100013/13

-against-

New York City Department of Housing
Preservation and Development, et al.,
Respondents.
-----X

An Article 78 proceeding to review a determination of respondents having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about April 23, 2013,

And respondent Strykers Bay Apartments, Inc. having moved for dismissal of the aforesaid proceeding for failure to timely prosecute (M-1716),

And defendant having cross-moved for an enlargement of time to perfect the aforesaid proceeding (M-1831),

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

It is ordered that the motion is granted to the extent of dismissing the proceeding unless it is perfected for the October 2015 Term (M-1716). The cross motion is granted to the extent of enlarging the time to perfect the proceeding to said October 2015 Term (M-1831).

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 26, 2015.

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

-----X
Carmencita Araujo,
Plaintiff-Appellant,

-against-

M-1504
Index No. 23355/06

Leake and Watts Services, Inc.,
et al.,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about August 5, 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

CORRECTED ORDER - June 10, 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 26, 2015.

Present - Hon. Rolando T. Acosta, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Paul G. Feinman
Judith J. Gische, Justices.

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

-against-

M-3610
Docket No. 2013NY059443

David Bookard,
Defendant-Appellant.

-----X
An appeal from the the judgment of Supreme Court, New York County, rendered on or about October 29, 2013, having been taken to the Appellate Term of the Supreme Court, First Department,

And defendant having moved for leave to prosecute the aforesaid appeal as a poor person in this Court and for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time 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, the appeal is to be heard in this Court on the original record and upon a reproduced appellant's brief, on condition that defendant-appellant serves one copy of such brief upon the District Attorney of New York 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, Seymour W. James, Jr., Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

CORRECTED ORDER - June 10, 2015

(M-3610)

-2-

May 26, 2015

The time within which defendant-appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record in this Court or transfer of the record to this Court from the aforesaid Appellate Term, whichever is later.

ENTER:

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

CLERK