

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2019.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,  
Rosalyn H. Richter  
Peter Tom  
Marcy L. Kahn  
Peter H. Moulton, Justices.

-----X

Inessa B.,  
Petitioner-Respondent,

**Confidential**

**M-1242**

**M-1295**

-against-

Docket No. F-44766-14

Evgeny A. F.,  
Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to appeal from the order of commitment of the Family Court, New York County, entered on or about March 1, 2019, and for a stay of said order pending the hearing and determination of the appeal taken therefrom (M-1242),

And petitioner-respondent having cross moved pursuant to Family Court Act § 438(a) and Domestic Relations Law § 238 for attorneys fees and costs, and pursuant to 22 NYCRR 130-1.1 for sanctions against respondent-appellant for failing to withdraw his motion on the ground that it became moot subsequent to respondent-appellant paying the purge amount and being released from prison (M-1295),

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 respondent-appellant's motion seeking leave to appeal from the commitment order and a stay pending appeal is denied (M-1242), and

It is further ordered that petitioner-respondent's cross motion for attorney's fees, costs and sanctions (M-1295) is granted to the extent of remanding the matter to Family Court, New York County, for determination of the appropriate amount of attorney's fees to be imposed upon respondent-appellant and awarded to petitioner-respondent for the costs of opposing respondent-appellant's motion, and is otherwise denied.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2019.

Present - Hon. Dianne T. Renwick, Justice Presiding,  
Judith J. Gische  
Barbara R. Kapnick  
Ellen Gesmer  
Peter H. Moulton, Justices.

-----X  
In re New York City Asbestos Litigation

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Phyllis Brown, etc.,  
Plaintiff-Appellant-Respondent,

-against-

M-2211  
Index No. 190415/12

Bell & Gossett Company, et al.,  
Defendants,

Consolidated Edison Company of  
New York, Inc.,  
Defendant-Respondent-Appellant.

-----X

Defendant-respondent-appellant having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on March 28, 2019 (Appeal Nos. 8289, 8289A, 8289B),

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

It is ordered that the motion is denied.

ENTERED:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2019.

Present - Hon. Dianne T. Renwick,  
Judith J. Gische  
Barbara R. Kapnick  
Anil C. Singh,

Justice Presiding,  
  
Justices.

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

Appellant,

-against-

Ronald De Los Santos,

Defendant-Respondent.  
-----X

**Confidential**

**M-1245A**

Ind. No. 618/17

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about May 16, 2017,

And a decision and order of this Court having been entered on June 14, 2018 (Appeal No. 6881) holding the appeal in abeyance and remitting the matter for further proceedings in accordance with that order,

And this Court having issued an order, entered May 30, 2019 (M-1245), deeming the appeal withdrawn,

Now, upon this Court's own motion,

It is ordered that the order of this Court, entered on May 30, 2019 (M-1245), is hereby recalled and vacated.

ENTERED:

  
-----  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2019.

Present - Hon. Dianne T. Renwick, Justice Presiding,  
Judith J. Gische  
Barbara R. Kapnick  
Anil C. Singh, Justices.

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

Respondent,

-against-

M-2745  
Ind. No. 2487/16

Andres R.,

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 March 15, 2017, and said appeal having been perfected,

And respondent having moved for an order substituting the corrected sentencing transcript for the sentencing transcript currently filed on this 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 respondent is directed to file the corrected sentencing transcript in the form annexed to the moving papers, along with a copy of this order and an explanatory cover letter, within 10 days of the date of entry hereof. Sua sponte, the perfected appeal is adjourned to the October 2019 Term.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2019.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Sallie Manzanet-Daniels  
Peter Tom  
Marcy L. Kahn  
Anil C. Singh, Justices.

-----X  
In re SR, etc.

- - - - -  
Susan Noack, et al.,

Objectants-Appellants,

M-2062  
File Nos. 4673/08B  
4673/08C

-against-

Seymour Reitknecht,

Fiduciary-Respondent.

-----X

Fiduciary-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 February 26, 2019 (Appeal No. 8272),

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

It is ordered that the motion is denied.

ENTERED:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2019.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Sallie Manzanet-Daniels  
Barbara R. Kapnick  
Ellen Gesmer, Justices.

-----X  
Moon 170 Mercer, Inc.,  
Plaintiff-Respondent,

-against- **M-1663**  
Index No. 155605/12

Zachary Vella,  
Defendant-Appellant.  
-----X

Plaintiff-respondent having moved for reargument of, or for leave to renew, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on February 19, 2019 (Appeal No. 8441),

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

It is ordered that the motion is denied.

ENTERED:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2019.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Sallie Manzanet-Daniels  
Ellen Gesmer  
Jeffrey K. Oing, Justices.

-----X  
Ruth Kassoover, etc., et al.,  
Plaintiffs-Respondents,

-against-

**M-1741**  
Index No. 602434/05

Prism Ventures Partners, LLC, et al.,  
Defendants,

Allerand 675 Company, LLC,  
Intervenor-Appellant.

-----X

Intervenor-appellant having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on February 19, 2019 (Appeal No. 8428),

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

It is ordered that the motion is denied.

ENTERED:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2019.

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

-----x

In the Matter of the Application of  
Augustine B.,  
Petitioner,

**CONFIDENTIAL**

For a Review and Rehearing with Jury  
Pursuant to Criminal Procedure Law  
Section 333.20(16) of the Criminal  
Procedure Law and Section 9.35 of  
the Mental Hygiene Law,

M-1982  
M-2414

Index No. 336/04

-against-

Kirby Forensic Psychiatric Center,  
Respondent.

-----  
New York State Commissioner of  
Mental Health,  
Appellant.

Darcel D. Clark, District  
Attorney of Bronx County,  
Appellant.

-----x

Separate motions having been made by the District Attorney of Bronx County (M-1982) and the New York State Commissioner of Mental Health (M-2414), for leave to appeal from the order of the Supreme Court, Bronx County, entered on or about April 9, 2019, which, pursuant to a jury verdict finding no mental illness and need for retention, ordered the release of Augustine B. from Kirby Forensic Center (M-1982), and if leave is granted, for a stay of the aforesaid release order pending hearing and determination of the appeal,

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

It is ordered that the branch of the motions seeking leave to appeal from the order of the Supreme Court, Bronx County, entered on or about April 9, 2019, which ordered the release of Augustine B. from Kirby Forensic Center, is granted, and

It is further ordered that the branch of the motions seeking a stay of the aforesaid release order pending hearing and determination of the appeal is denied.

The interim relief granted by a Justice of this Court on April 12, 2019 is hereby vacated.

ENTERED:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2019.

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

-----X

HSBC Mortgage Corporation,  
Plaintiff-Respondent,

**M-2667**

Index No. 101869/09

-against-

Jsang Kei Lau,  
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County entered on or about February 15, 2019,

And an order of this Court having been entered an order on April 29, 2019, inter alia, denying defendant-appellant's motion for a stay of the foreclosure sale of the subject condominium apartment, pending hearing and determination of the aforementioned appeal (M-2018),

And defendant-appellant having moved, pro se, for reargument and/or renewal of his prior motion seeking a stay,

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 renewal upon the lifting of the automatic stay resulting from defendant-appellant's filing of a Chapter 7 Bankruptcy proceeding.

ENTERED:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Roselyn H. Richter, Justices.

-----X  
In the Matter of a Family Offense Proceeding

Skarlith G.,  
Petitioner-Appellant,

-against-

Guelvis Joshua C.,  
Respondent-Respondent.

**Confidential**  
**M-1874**

Docket No. O-13953/18

- - - - -  
Lee Coppage, Esq.,  
Attorney for the Child.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, Bronx County, entered on or about October 26, 2018, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and the certification of Rachel Lieb, Esq., dated March 27, 2019 and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, on a pro bono basis, Rachel Lieb, Esq., The New York Legal Assistance Group, 7 Hanover Square, 18<sup>th</sup> Floor, New York, New York, 10004, Telephone No. 212-673-6552, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein,

for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Section 1250.9 of the Practice Rules of the Appellate Division, **within 60 days** of the filing of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTERED:

  
\_\_\_\_\_  
CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----x  
Robyn Gorman,

Plaintiff-Appellant,

-against-

Albert Gorman,

Defendant-Respondent.  
-----x

**Confidential**

M-2068

Index No. 312525/10

Plaintiff-appellant having moved for a stay of enforcement of the judgment of the Supreme Court, New York County, entered on or about March 11, 2019, pending hearing and determination of the appeal taken therefrom,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated April 25, 2019, and due deliberation having been had thereon,

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

ENTERED:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2019.

Present: Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----X  
In the Matter of a Family Offense  
Proceeding Pursuant to Article 8  
of the Family Court Act.

-----  
Stacey T.,  
Petitioner-Respondent,

-against-

Felix M.,  
Respondent-Respondent.

-----  
George E. Reed, Jr., Esq.,  
Attorney for the Child.

**CONFIDENTIAL**

M-2197  
Docket No. O-102-14  
IDV File No. 2493

-----X  
Respondent-respondent having moved for leave to respond, as a poor person, to the appeal taken from the order of the Supreme Court, Bronx County, Integrated Domestic Violence Part, entered on or about September 28, 2018, and for assignment of counsel, a free copy of the transcript, and related relief, and the appeal having been perfected,

Now, upon reading and filing the papers with respect to the motion, and the certification of Walter L. Fields, Esq., dated March 11, 2019, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to §1120 of the Family Court Act, Andrew J. Baer, Esq., 299 Broadway, Suite 1415, New York, New York 10007 Telephone No. 212-233-0318, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal

upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for each party to the appeal, and an original and five hard copies, and if represented by counsel, one digital copy of such brief, are filed with this court, pursuant to 22 NYCRR Section 1250.9. (See M-2276, dated June 25, 2019, released simultaneously herewith).

ENTERED:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2019.

Present: Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----X  
In the Matter of a Family Offense  
Proceeding Pursuant to Article 8  
of the Family Court Act.

-----  
Stacey T.,  
Petitioner-Respondent,

-against-

Felix M.,  
Respondent-Respondent.

**CONFIDENTIAL**

M-2276

Docket No. O-102-14

IDV File No. 2493

-----  
George E. Reed, Jr., Esq., Attorney  
for the Child.

-----X  
Veronica H. Mandel, Esq., court attorney for the subject child, Gabriel M., having moved on the child's behalf for leave to respond, as a poor person, to the appeal taken from the order of the Supreme Court, Bronx County, Integrated Domestic Violence Part, entered on or about September 28, 2018, and for assignment of counsel, a free copy of the transcript, and related relief, and the appeal having been perfected,

Now, upon reading and filing the papers with respect to the motion, and the certification of Veronica H. Mandel, Esq., and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to §1120 of the Family Court Act, George E. Reed, Jr., Esq., 222 Mamaroneck Avenue, White Plains, New York, 10605, Telephone No. 914-946-5000, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the

(M-2276)

-2-

June 25, 2019

appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for each party to the appeal, and an original and five hard copies, and if represented by counsel, one digital copy of such brief, are filed with this court, pursuant to 22 NYCRR Section 1250.9. (See M-2197, dated June 25, 2019, released simultaneously herewith).

ENTERED:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----X  
In the Matter of

Leilia O. W.  
Heaven O. W.

Children Under 18 Years of Age Alleged  
to be Neglected/Abused Under Article 10  
of the Family Court Act.  
-----  
Administration for Children's Services,  
Petitioner-Respondent,

**CONFIDENTIAL**  
M-2207  
Docket Nos. NA-10310-17  
NN-10309-17

-against-

Khalifah Abdul K.,  
Respondent-Appellant,

Jeffrey Allen W.,  
Respondent,

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Melinda Oliver, Esq.,  
Attorney for the Subject Children.

-----X

Respondent-appellant, Khalifa Abdul K., having moved for leave to prosecute, as a poor person, the appeal taken from the Order of Fact-Finding of the Family Court, Bronx County, entered on or about April 3, 2019, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and the certification of Beatrice Mayol, Esq., dated April 22, 2019, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Carol L. Kahn, Esq., 225 Broadway, Suite 1510, New York, New York 10007, Telephone No. 212-227-0206, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Section 1250.9 of the Practice Rules of the Appellate Division, **within 60 days** of the filing of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTERED:

  
\_\_\_\_\_  
CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----X

45 Group, Inc.,  
Plaintiff-Appellant,

M-2225X  
Index No. 160751/14

-against-

12 West 45th Street LLC  
Defendant-Respondent.

-----X

An appeal having been taken from two orders of the Supreme Court, New York County, both entered on or about January 25, 2019,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 30, 2019, and due deliberation having been had thereon,

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

ENTERED:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2019.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----X  
2015 Freeman LLC, also known as 2015  
Freeman Avenue LLC and 1941  
Baymiller LLC,

Plaintiffs-Respondents-Appellants,

M-2227X

Index No. 653519/14

-against-

Seneca Specialty Insurance Company,

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

An appeal and cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 24, 2018,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 26, 2019, and due deliberation having been had thereon,

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

ENTERED:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----x  
River Park Associates (1972) L.P.,

Plaintiff-Appellant,

-against-

Richman Plaza Garage Corp.,

Defendant-Respondent.  
-----x

M-2238  
Index No. 305004/10

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from the order of the Supreme Court, Bronx County, entered on or about January 23, 2018,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from counsel for plaintiff-appellant dated May 8, 2019, and due deliberation having been had thereon,

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

ENTERED:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----x  
IN RE: NEW YORK CITY ASBESTOS LITIGATION  
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This Document Relates To:  
Franco Ombramonti  
Plaintiff-Appellant,

M-2321  
Index No. 190127/17

-against-

Morse Diesel, Inc.,  
Defendant-Appellant,

Aluminum Company of America (ALCOA),  
et al.,  
Defendants.

-----x  
An appeal having been taken by defendant Morse Diesel, Inc., from an order of the Supreme Court, New York County, entered on or about January 22, 2019, which granted plaintiff's motion for joint trial,

Now, upon reading and filing the Stipulation of Withdrawal of Notice of Appeal, dated April 9, 2019, and due deliberation having been had thereon,

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

ENTERED:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----x  
IN RE: NEW YORK CITY ASBESTOS LITIGATION  
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This Document Relates To:  
Franco Ombramonti,  
Plaintiff-Respondent,

M-2323  
Index No. 190127/17

-against-

Morse Diesel, Inc.,  
Defendant-Appellant,

Aluminum Company of America (ALCOA),  
et al.,  
Defendants.

-----x

An appeal having been taken by defendant Morse Diesel, Inc., from order of the Supreme Court, New York County, entered on or about January 22, 2019, denying Morse Diesel's motion for summary judgment ("Summary Judgment Order"),

Now, upon reading and filing the Stipulation of Withdrawal of Notice of Appeal, dated April 9, 2019, and due deliberation having been had thereon,

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

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----X

Martha Arias,  
Plaintiff-Respondent,

M-2340  
Index No. 151686/13

-against-

Recife Realty Co., N.V.,  
Defendant.

Theodore Williams Construction Co., LLC,  
Defendant-Appellant,

-----X

Theodore Williams Construction Co.,  
LLC,  
Third-Party Plaintiff-Appellant,

Index No. 590608/13

-against-

Island Painting, Inc.,  
Third-Party Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about December 8, 2017,

Now, upon reading and filing the stipulation of the parties hereto, dated April 30, 2019, and due deliberation having been had thereon,

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

ENTERED:

  
-----  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2019.

Present - Hon. Rolando T. Acosta,                    Presiding Justice,  
                  David Friedman  
                  John W. Sweeny, Jr.  
                  Dianne T. Renwick  
                  Rosalyn H. Richter,                    Justices.

-----x  
In the Matter of the Application of

Howard Partman, Individually and as  
Representative of the 210 East 68<sup>th</sup>  
Street Tenant's Association,  
                  Petitioner-Respondent,

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

M-2343  
Index No. 158766/17

-against-

New York State Division of Housing and  
Community Renewal,  
                  Respondent,

-and-

BLDG Management Co., LLC,  
                  Respondent-Appellant.

-----x

An appeal having been taken to this Court from the order and judgement (one paper) of the Supreme Court, New York County, entered on or about September 17, 2018,

And respondent-appellant having moved for an order expanding the record on appeal to include certain allegedly pertinent documents, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from counsel for respondent-appellant dated May 8, 2019, and due deliberation having been had thereon,

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

ENTERED:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2019.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----X

Panorama International Contracting Inc.,  
Plaintiff-Respondent,

-against-

M-2345  
Index No. 152296/13

Aleem Tareen, Sajeeda Aleem,  
Communication Bridge, Inc. & Real Estate,  
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 11, 2018,

Now, upon reading and filing the undated Application to Withdraw Appeal from defendants-appellants' attorney, received by this Court on April 25, 2019, and due deliberation having been had thereon,

It is ordered that the appeal is deemed withdrawn in accordance with the aforesaid Application to Withdraw Appeal.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----X  
In the Matter of

Kayla C.

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

**CONFIDENTIAL**  
**M-2367**

Docket No. NA-32217-16

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

-against-

Stephanie C.,  
Respondent-Appellant.

- - - - -  
Richard L. Herzfeld, Esq.,  
Attorney for the Subject Child.

-----X

Respondent-appellant-mother having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, Bronx County, entered on or about February 6, 2018, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and the certification of Joann Bourne, Esq., dated April 23, 2019, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Salihah R. Denman, Esq., 600 Mamaroneck Avenue, Suite 400, Harrison, New York, 10528, Telephone No. 914-215-7221, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available

therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Section 1250.9 of the Practice Rules of the Appellate Division, **within 60 days** of the filing of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTERED:

  
CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----X  
In the Matter of a Custody/Visitation  
Proceeding

Confidential  
**M-2368**  
Tanya H., Docket No. V-29156-13/18D  
Petitioner-Appellant,  
  
-against-

Dennis H.,  
Respondent-Respondent.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, Bronx County, entered on or about April 11, 2019, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and the certification of Monica S. Eskin, Esq., dated April 17, 2019, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of  
(1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Hani M. Moskowitz, Esq., 225 Broadway, Suite 715, New York, New York, 10007 Telephone No. 212-227-8208, as counsel for purposes of prosecuting the appeal;  
(2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;**

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



(3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Section 1250.9 of the Practice Rules of the Appellate Division, **within 60 days** of the filing of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Roselyn H. Richter, Justices.

-----X  
In the Matter of

Kaleb W.  
Joshua V.  
Alexis V.  
Candice W.,

**Confidential**  
**M-2371**

Docket No. NA-11064-7/17

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

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

Richard W.,  
Respondent-Appellant,

Rosa W.,  
Respondent.

- - - - -  
Hani M. Moskowitz, Esq.,  
Attorney for the Child.

-----X  
Assigned Family Court counsel having moved on behalf of the subject child, Alexis V., for leave to respond, as a poor person, to the appeal taken from an order of the Family Court, Bronx County, entered on or about March 15, 2019, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and the certification of Patricia L. Moreno, Esq., dated April 29, 2019, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to §1120 of the Family Court Act, Hani M. Moskowitz, Esq., 225 Broadway, Suite 715, New York, New York, 10007, Telephone No. 212-227-8208, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for each party to the appeal, and an original and five hard copies, and if represented by counsel, one digital copy of such brief, are filed with this court, pursuant to 22 NYCRR Section 1250.9.

ENTERED:



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CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2019.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----X  
Peter Caras,

Plaintiff-Respondent,

-against-

M-2396  
Index No. 151029/16

JRM Construction Management LLC,  
et al.,

Defendants-Appellants.  
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about February 27, 2018,

Now, upon reading and filing the stipulation of the parties hereto, dated May 6, 2019, and due deliberation having been had thereon,

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

ENTERED:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----X

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

- - - - -

Annette R.,  
Petitioner-Respondent,

**CONFIDENTIAL**

M-2403

Docket No. V-274-17/18A

-against-

Dakiem E. D.,  
Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, New York County, entered on or about April 22, 2019, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and the certification of Tara Diamond, Esq., dated April 24, 2019, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Lewis S. Calderon, Esq., 155-03 Jamaica Avenue, Jamaica, New York 11432, Telephone No. 718-883-1560, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the

record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Section 1250.9 of the Practice Rules of the Appellate Division, **within 60 days** of the filing of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTERED:

  
CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2019.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----X

In the Matter of the Guardianship and Commitment of

Il'Yana Elle L.,  
Sa'Yuri R.,

Children Under 18 Years of Age  
Pursuant to §384-b of the Social Services Law of the State of New York.

-----  
Little Flower Children and Family,  
Services of New York,  
Petitioner-Respondent,

Christina R., also known as  
Christina Susan R.,  
Respondent-Appellant.

-----  
Myra Elgabry, Esq., Lawyers for  
Children, Attorney for the Children.

-----X

**CONFIDENTIAL**

M-2404  
Docket Nos. B-8764/17  
B-8765/17  
V-7214/17  
V-7215/17

Respondent-appellant mother having moved for leave to prosecute, as a poor person, the appeal taken from two orders of the Family Court, New York County, both entered on or about March 11, 2019, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and the certification of Jonathan A. Nelson, Esq., dated April 24, 2019, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Lewis S. Calderon, Esq., 155-03 Jamaica Avenue, Jamaica, New York 11432, Telephone No. 718-883-1560, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the

minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Section 1250.9 of the Practice Rules of the Appellate Division, **within 60 days** of the filing of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTERED:

  
CLERK

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



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----X  
In the Matter of a Child Custody Proceeding Under Article 6 of the Family Court Act,

Eddie S.

**Confidential**  
**M-2411**

Petitioner-Respondent,  
  
-against-

Docket Nos. V-27327-10/15B  
V-27328-10/15B

Sylvia S.,

Respondent-Appellant.

- - - - -

Katherine Tracey, Esq.,  
Attorney for the Children.

-----X

Respondent-appellant mother, having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, Bronx County, entered on or about March 18, 2019, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and the certification of Monica S. Eskin, Esq., dated March 27, 2019, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Steven N. Feinman, Esq. One North Broadway, Suite 412, White Plains, New York, 10601, Telephone No. 914-949-8214, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City

of New York from funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Section 1250.9 of the Practice Rules of the Appellate Division, **within 60 days** of the filing of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTERED:

  
\_\_\_\_\_  
CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2019.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----X  
Samantha Jones, also known as  
Samantha Lally,  
Plaintiff-Respondent,

-against-

M-2413X  
Index No. 113987/09

Harvey Rosenblum, M.D. and  
Rosenblum Eye Centers,  
Defendants-Appellants,

Mid-Manhattan Surgical Center, P.C.,  
Defendant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 6, 2019,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 7, 2019, and due deliberation having been had thereon,

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

ENTERED:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2019.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----X  
Board of Managers of the 120 East 86th  
Street Condominium,  
Plaintiff-Appellant-Respondent,

-against-

**M-2415X**  
Index No. 162584/14

Park Avenue Physicians Realty, LLC,  
Defendant-Respondent-Appellant,

-and-

Gateway I Group Inc., et al.,  
Defendants,

120/86 Owners Corp., et al.,  
Additional Defendants.

-----X

Appeals having been taken from an order of the Supreme Court, New York County, entered on or about October 10, 2018,

Now, after pre-argument conference and upon reading and filing the Stipulation Discontinuing Action of the parties hereto, "so ordered" April 22, 2019, and due deliberation having been had thereon,

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

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----x

Brandt Blimkie,  
Plaintiff-Respondent-Appellant,

-against-

M-2439X  
Index No. 651966/18

Goldsmith & Co., LLC  
Defendant-Appellant-Respondent.

-----x

An appeal and cross-appeal having been taken from an order of the Supreme Court, New York County, entered on or about August 2, 2018,

Now, after pre-argument conference and upon reading and filing the stipulation of discontinuance of the parties hereto, "so ordered" April 13, 2019, and due deliberation having been had thereon,

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

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2019.

Present: Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Roselyn H. Richter, Justices.

-----X  
In the Matter of

Luis V.,  
Lauren B.,  
Charlize B.,  
Logan B.,  
Larry B.,  
Leiden B.,  
Vayla B.,  
Akasha B.,

**CONFIDENTIAL**

M-2604

Docket Nos. NN-19497-18  
NN-19498-18  
NN-19499-18  
NN-19500-18  
NN-19501-18  
NN-19502-18  
NN-19503-18  
NN-19504-18

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

- - - - -  
Commissioner of the Administration  
for Children's Services of the  
City of New York,  
Petitioner-Respondent,

Larry B.,  
Rosalie Q.,  
Respondents-Respondents,

- - - - -  
Daniel X. Robinson, Esq., Attorney for  
Appellant-Children Larry B. and Leiden B.

-----X  
Daniel X. Robinson, Esq., court attorney for the subject appellant-children, having moved on said childrens behalf for leave to prosecute, as poor persons, the appeal taken from an order of the Family Court, New York County, entered on or about February 26, 2019, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and the certification of Daniel X. Robinson, Esq., dated May 6, 2019, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Daniel X. Robinson, Esq., 11 Park Place, Suite 711, New York, New York 10007, Telephone No. 917-830-7529, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Section 1250.9 of the Practice Rules of the Appellate Division, **within 60 days** of the filing of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTERED:

  
\_\_\_\_\_  
CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2019.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----X  
In the Matter of

Aniyah M.,  
Amere M.,

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-Respondent,

**CONFIDENTIAL**

M-2605  
Docket Nos. NN-2223-17  
NN-2224-17

Onaisa M.,  
Respondent-Appellant.

-----  
Mark Leider, Esq., Lawyers for Children, Attorney for the Children.

-----X

Respondent-appellant mother having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, New York County, entered on or about April 8, 2019, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and the certification of Norah Rexer, Esq., dated May 6, 2019, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Lewis S. Calderon, Esq., 155-03 Jamaica Avenue, Jamaica, New York 11432, Telephone No. 718-883-1560, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the



minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Section 1250.9 of the Practice Rules of the Appellate Division, **within 60 days** of the filing of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTERED:

  
CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----x  
In the Matter of a Proceeding for  
Support Under Article 4 of the  
Family Court Act.

- - - - -  
Kathleen M. H., **CONFIDENTIAL**  
Petitioner-Respondent, M-2616  
Docket No. F-21828-18/18A

-against-

John J. C.,  
Respondent-Appellant.  
-----x

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal taken from an Order of Commitment of the Family Court, New York County, entered on or about May 9, 2019, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and the certification of Adam Joseph Brown, Esq., dated May 10, 2019, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Carol L. Kahn, Esq., 225 Broadway, Suite 1510, New York, New York, 10007, Telephone No. 212-227-0206, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the

record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Section 1250.9 of the Practice Rules of the Appellate Division, **within 60 days** of the filing of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTERED:

  
CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2019,

Present - Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----X

In the Matter of

Jadelyn T. R.,

**Confidential**  
**M-2731**

A child Under Eighteen Years of Age Alleged to be Abused Under Article 10 of the Family Court Act.

Docket No. NA-20021-18

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

-against-

Elizabeth R.,  
Respondent,

Terry O.,  
Respondent-Appellant.

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

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, Bronx County, entered on or about April 10, 2019, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and the certification of Michael DeMattio, Esq., dated April 29, 2019, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Steven N. Feinman, Esq., One North Broadway, Suite 412, White Plains, New York, 10601, Telephone No. 914-949-8214, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) directing appellant to perfect this appeal, in compliance with Section 1250.9 of the Practice Rules of the Appellate Division, **within 60 days** of the filing of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTERED:

  
CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

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

**Confidential**

**M-2733**

Deanna V., also known as Wisdom A.,  
Petitioner-Respondent,

Docket Nos. V-10392-09/16A  
V-10392-09/16C  
V-10392-09/16D  
V-10392-09/16E  
V-10392-09/16F  
V-29392-09/16A  
V-29392-09/16B  
V-29392-09/16C  
V-29392-09/16D

-against-

Michael C.,  
Respondent-Appellant.

- - - - -

Rina Mais, Esq.,  
Attorney for the Child.

-----X

Respondent-Appellant father, having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, Bronx County, entered on or about April 7, 2019, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and the certification of Pierre M. Janvier, Esq., dated May 21, 2019, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Bruce A. Young, Esq., 100 Church Street, Suite 800, New York, New York, 10007, Telephone No. 646-775-8994, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City

of New York from funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) directing appellant to perfect this appeal, in compliance with Section 1250.9 of the Practice Rules of the Appellate Division, **within 60 days** of the filing of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTERED:

  
CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----X  
In the Matter of

Toussaint T. E.,

**Confidential**  
**M-2752**

Docket No. B-40381-16

A Child Subject of a Termination of Parental Rights Proceeding Pursuant to §384-b of the Social Services Law of the State of New York.

Allen E.,  
Respondent-Appellant.

- - - - -

Janet E. Sabel, Esq., The Legal Aid Society,  
Attorney for the Child.

-----X

Respondent-appellant father, having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, New York County, entered on or about March 26, 2019, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and the certification of Rosemary Riviuccio, Esq., dated May 22, 2019, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Bruce A. Young, Esq., 100 Church Street, Suite 800, New York, New York, 10007, Telephone No. 646-775-8994, as counsel for purposes of prosecuting the appeal;



(2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) directing appellant to perfect this appeal, in compliance with Section 1250.9 of the Practice Rules of the Appellate Division, **within 60 days** of the filing of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTERED:

  
\_\_\_\_\_  
CLERK

---

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

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

Asar Seven W., also known as Asar S. W.,  
also known as Baby Boy "Asar" G.,  
also known as "Baby Boy" G.,

**Confidential**  
**M-2754**

Docket No. B-4384/18

a dependant child under the age of 18 years to the custody and guardianship of Little Flower Children and Family Services of New York/Commissioner of the Administration for Children's Services of the City of New York, pursuant to 384-b(4)(b) and (d) of the Social Services Law of the State of New York

- - - - -  
Marie G.  
Respondent-Appellant.

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

-----X

Respondent-appellant mother, having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, New York County, entered on or about April 25, 2019, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and the certification of Robert M. Deadman, Esq., dated May 21, 2019, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Bruce A. Young, Esq., 100 Church Street, Suite 800, New York, New York, 10007 Telephone No. 646-775-8994, as counsel for purposes of prosecuting the appeal;

(2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) directing appellant to perfect this appeal, in compliance with Section 1250.9 of the Practice Rules of the Appellate Division, **within 60 days** of the filing of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTERED:

  
CLERK

---

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----X

The People of the State of New York,  
Respondent,

**CONFIDENTIAL**

M-2092

-against-

Ind. No. 3453/15

Douglas Bates,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from the order of the Supreme Court, New York County (Farber, J.), entered on or about August 1, 2018, 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

The Clerk of the Supreme Court shall expeditiously make 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 Farber 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 180 days from the date of receipt of the complete record.

ENTERED:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

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

Respondent,

-against-

M-2100

Ind. No. 1924/16

Frederick Jones,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about March 15, 2019, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 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 180 days from the date of receipt of the complete record.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2019.

Present - Hon. Rolando T. Acosta,                    Presiding Justice,  
                  David Friedman  
                  John W. Sweeny, Jr.  
                  Dianne T. Renwick  
                  Rosalyn H. Richter,                    Justices.

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

Respondent,

-against-

M-2163  
Ind. No. 48/18

Brandon Garcia,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about July 17, 2018, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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



Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, Suite 1601, New York, New York 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete record.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2019.

Present - Hon. Rolando T. Acosta,                    Presiding Justice,  
                  David Friedman  
                  John W. Sweeny, Jr.  
                  Dianne T. Renwick  
                  Rosalyn H. Richter,                    Justices.

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

Respondent,

-against-

M-2164

Ind. No. 5358/16

Rosa E. Delrosario,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about March 15, 2018, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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

Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, Suite 1601, New York, New York 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete record.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2019.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

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

Respondent,  
-against-

**Confidential**  
**M-2277**  
Ind. No. 2548/17

Paulino Camacho,

Defendant-Appellant.  
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about May 10, 2018, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, 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 180 days from the date of receipt of the complete record.

ENTERED:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

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

Respondent,

-against-

M-2308  
Ind. No. 1543/17

Jose Justiniano,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about July 17, 2018, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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

Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, Suite 1601, New York, New York 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete record.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

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

-against-

M-2331  
Ind. No. 3827/16

Yube Lewis,  
Defendant-Respondent.

-----X

The People having appealed to this Court from an order of the Supreme Court, Bronx County, entered on or about December 14, 2018,

Now, upon reading and filing the stipulation of the parties hereto, dated April 23, 2019, and due deliberation having been had thereon,

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

ENTERED:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2019.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

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

Respondent,

-against-

M-2334  
Ind. No. 3062/15

Vadim Gorelik,

Defendant-Appellant.  
-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about May 26, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated April 25, 2019, and due deliberation having been had thereon,

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

ENTERED:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

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

**CONFIDENTIAL**

M-5878

-against-

Ind. No. 1313/09

Juan Lopez,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from the order of the Supreme Court, New York County (Carro, J.), entered on or about May 2, 2019, 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

The Clerk of the Supreme Court shall expeditiously make 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 Carro as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, 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, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

(M-5878)

-2-

June 25, 2019

The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete record.

ENTERED:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Rosalyn H. Richter, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

M-2114  
Ind. No. 2710/15

Carlos Velez,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about June 11, 2018, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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

Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete record.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on June 25, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Rosalyn H. Richter, Justices.

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

-against- M-2165  
Ind. No. 1075/13

Rashad Givens,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from the judgment of resentence of the Supreme Court, Bronx County, rendered on or about April 11, 2017, for leave to have the appeal heard upon 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 upon 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of 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.

Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York, 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete record.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

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

Edward L.,  
Petitioner-Appellant,  
  
-against-

**CONFIDENTIAL**  
**M-2369**

Docket Nos. V-558/17  
V-559/17

Jasmine M.,  
Respondent-Respondent.

-----X

Respondent-respondent having moved for leave to respond, as a poor person, to the appeal taken from an order of the Family Court, Bronx County, entered on or about October 17, 2018, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and the certification of Elizabeth Posse, Esq., dated April 22, 2019, and due deliberation having been had thereon, it is

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to §1120 of the Family Court Act, Salihah R. Denman, Esq., 600 Mamaroneck Avenue, Suite 400, Harrison, New York, 10528, Telephone No. 914-215-7221, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition



(M-2369)

-2-

June 25, 2019

that one copy of such brief be served upon the attorney for each party to the appeal, and an original and five hard copies, and if represented by counsel, one digital copy of such brief, are filed with this court, pursuant to 22 NYCRR Section 1250.9.

ENTERED:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Peter Tom  
Peter H. Moulton, Justices.

-----X

M&M Realty of New York, LLC, et al.,  
Plaintiffs-Appellants,

-against-

The Burlington Insurance Company,  
Defendant-Respondent,

M-1878  
Index No. 153949/16

L&M Restoration, Inc.,  
Defendant.

-----X

Defendant-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 March 5, 2019 (Appeal No. 8569),

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

It is ordered that the motion is denied.

ENTERED:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
Rosalyn H. Richter  
Barbara R. Kapnick  
Marcy L. Kahn  
Cynthia S. Kern, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

M-1531  
Ind. No. 2515/14

Juan Rosario,  
Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant-appellant from a judgment of the Supreme Court, Bronx County, rendered on or about June 22, 2018, (Cal. No. 4928),

And defendant-appellant having renewed his motion for limited poor person relief, including permission to appeal on the original record and typewritten briefs, 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 directing that the appeal 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 an original, five hard copies and, and if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record.

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

(M-1531)

-2-

June 25, 2019

The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete record.

ENTERED:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
Rosalyn H. Richter  
Marcy L. Kahn  
Cynthia S. Kern, Justices.

-----x

William Klisivitch,  
Plaintiff-Appellant,

**Confidential**

M-2181

-against-

Index No. 316440/11

Colette Trotto,  
Defendant-Respondent.

-----x

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from the judgment of the Supreme Court, New York County, entered on or about August 28, 2017,

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

It is ordered that the motion is deemed one seeking vacatur of the administrative dismissal of the appeal and, as such, is granted, the appeal is reinstated, and the time to perfect the appeal is enlarged to the October 2019 Term, (see, 22 NYCRR 1250.10), with no further enlargements to be granted.

ENTERED:

  
-----  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2019.

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

-----x  
Sonia Thompson,

Plaintiff-Appellant,

-against-

M-2572  
Index No. 300862/15

Quick Transit Inc. and Willie  
Espino, Jr.,

Defendants-Respondents.  
-----x

Defendants-respondents having moved, pursuant to CPLR 5513(a), for dismissal of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about February 12, 2019, as untimely taken,

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.

ENTERED:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2019.

PRESENT: Hon. David Friedman, Justice Presiding,  
Rosalyn H. Richter  
Marcy L. Kahn  
Anil C. Singh, Justices.

-----X

In Re: New York City Asbestos Litigation

-----  
Joseph Ciano and Diane Buss, as co-administrators for the Estate of Lena C. Ciano,

Plaintiffs-Respondents,

**M-2638**

Index No. 190129/16

-against-

American Biltrite, et al.,  
Defendants-Appellants.

-----X

Defendant-appellant American Biltrite, having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about September 6, 2018,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from the attorneys for defendant-appellant-movant dated May 31, 2019, and due deliberation having been had thereon,

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

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2019.

Present - Hon. David Friedman, Justice Presiding,  
Judith J. Gische  
Peter Tom  
Troy K. Webber  
Ellen Gesmer, Justices.

-----X  
Xiaodong Lin,

Plaintiff-Respondent,

-against-

David McGhee,

Defendant-Appellant.  
-----X

**Confidential**

**M-1908**

Index No. 350252/07

Defendant-appellant having moved, pursuant to 22 NYCRR 1250.10(c), to vacate the administrative dismissal of four appeals, and upon vacatur, for an enlargement of time to perfect the appeals taken from four orders of the Supreme Court, New York County; three orders entered on or about June 25, 2018 and one order entered on or about February 10, 2017,

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

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

ENTERED:

  
-----  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2019.

Present - Hon. David Friedman, Justice Presiding,  
Judith J. Gische  
Peter Tom  
Troy K. Webber  
Ellen Gesmer, Justices.

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

Respondent,

-against-

**M-1985**

Ind. No. 4274/17

Jacob Hamilton,

Defendant-Appellant.  
-----X

An order of this Court having been entered on November 20, 2018(M-4700) granting defendant leave to prosecute, as a poor person, the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about August 9, 2018, and assigning Steven N. Feinman, Esq., as counsel to prosecute the appeal; and a motion having been made by assigned counsel to withdraw the aforementioned appeal and to be relieved as 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 deeming the appeal withdrawn and is otherwise denied.

ENTERED:

  
-----  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2019.

Present - Hon. David Friedman, Justice Presiding,  
Judith J. Gische  
Barbara R. Kapnick  
Anil C. Singh, Justices.

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

Respondent,

-against-

**M-2528**  
Ind. No. 3763/12

Omar Martinez,

Defendant-Appellant.  
-----X

An order of this Court having been entered on June 21, 2016 (M-2540) granting defendant leave to prosecute, as poor person, the appeal taken from the judgment of the Supreme Court, Bronx County rendered on or about January 25, 2016, and assigning Christina Swarns, Esq., Office of the Appellate Defender, as counsel to prosecute the appeal, and said appeal having been perfected,

And defendant-appellant having moved, pro se, for leave to file a pro se supplemental brief in connection with the aforementioned 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, and defendant-appellant is directed to serve and file an original and 5 copies of his pro se supplemental brief on or before August 5, 2019 for the October 2019 Term, to which term the appeal is adjourned.

ENTERED:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2019.

Present - Hon. David Friedman, Justice Presiding,  
Judith J. Gische  
Barbara R. Kapnick  
Anil C. Singh, Justices.

-----x

Terezina Kalaba and Ernest Kalaba,

Plaintiffs-Appellants,

-against-

M-2614

Index No. 160667/17

Macy's, Inc.,

Defendant-Appellant.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about March 13, 2019, and said appeal having been perfected,

And defendant-appellant having moved for a stay of discovery and all other proceedings pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is denied.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2019.

Present - Hon. David Friedman, Justice Presiding,  
Judith J. Gische  
Troy K. Webber  
Ellen Gesmer  
Peter H. Moulton, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

**M-2065**  
Ind. No. 525/18

Shawntae Clarke,

Defendant-Appellant.

-----X

Defendant having moved, pro se, pursuant to CPL 460.30, for an extension of time in which to file an untimely notice of appeal from a judgment of the Supreme Court, Bronx County, rendered on or about February 6, 2019,

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

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

ENTERED:

  
-----  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2019.

Present - Hon. David Friedman, Justice Presiding,  
Judith J. Gische  
Troy K. Webber  
Ellen Gesmer  
Peter H. Moulton, Justices.

-----x

Neal Flomenbaum, M.D.,  
Plaintiff-Appellant,

-against-

M-2290

M-2291

Index No. 653240/18

Weil Cornell Medical College, et al.,  
Defendants-Respondents.

-----x

Appeals having been taken to this Court from orders of the Supreme Court, New York County, entered on or about June 29, 2018 (Cal. No. 3459) and August 24, 2018 (Cal. No. 4353),

And plaintiff-appellant having moved, by separate motions, for an enlargement of time to perfect the appeals from the aforementioned orders entered on or about June 29, 2018 (M-2291) and August 24, 2018 (M-2290),

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 to enlarge the time to perfect the appeal from the order entered on or about June 29, 2018 is denied and, sua sponte, the appeal is dismissed (M-2291). The motion to enlarge the time to perfect the appeal from the order entered on or about August 24, 2018 (M-2290) is granted, and the time to perfect the appeal is enlarged to the October 2019 Term.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,  
Dianne T. Renwick  
Sallie Manzanet-Daniels  
Peter Tom  
Jeffrey K. Oing, Justices.

-----X  
Mirta Esponda,  
Plaintiff-Respondent,

-against-

**M-1934**

Index No. 305186/12

City of New York,  
Defendant-Appellant,

Ana Ramos-Ciprian,  
Defendant.

-----X

Defendant-appellant 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 April 20, 2018,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the November 2019 Term.

ENTERED:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,  
Dianne T. Renwick  
Sallie Manzanet-Daniels  
Peter Tom  
Jeffrey K. Oing, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

M-2070  
Ind. No. 1910/15

Lydia Lucas,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time to perfect the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about September 6, 2018,

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

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

ENTERED:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,  
Dianne T. Renwick  
Sallie Manzanet-Daniels  
Peter Tom  
Jeffrey K. Oing, Justices.

-----x  
In the Matter of the Application of  
Dogwood Residential LLC,  
Petitioner-Appellant,

-against-

M-2218  
Index No. 157564/17

Stable 49 Limited, Kim Youngberg,  
Marianne Matanic Tewfic El-Sawy  
individually and as members of the Board  
of Directors of Stable 49 Limited, and  
the Board of Directors of Stable 49  
Limited,  
Respondents-Respondents.

For Relief Pursuant to Article 78 of the  
Civil Practice Law and Rules of the State  
of New York and BCL §619

-----x  
Petitioner-appellant having moved for an enlargement of time to perfect the appeal taken from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about November 2, 2018,

Now, upon reading and filing the papers with respect to the motion, (Exh. A), and due deliberation having been had thereon,

(M-2218)

-2-

June 25, 2019

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the December 2019 Term.

ENTERED:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2019.

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

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

Respondent,

-against-

M-1957  
Ind. No. 2177/12

Andre Johnson,

Defendant-Appellant.  
-----X

A decision and order of this Court having been entered on September 29, 2015, and a Corrected Order having been entered on October 26, 2015, (Appeal No. 15729), unanimously modifying, on the law, a judgment of the Supreme Court, New York County (Thomas Farber, J.), rendered on September 3, 2013,

And defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate counsel, and for related relief,

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

It is ordered that said application is denied.

ENTERED:

  
\_\_\_\_\_  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,  
Rosalyn H. Richter  
Barbara R. Kapnick  
Ellen Gesmer  
Cynthia S. Kern, Justices.

-----X  
Hotel Carlyle Owners Corporation,

Plaintiff-Appellant,

-against-

M-2220  
Index No. 157070/12

Murray Schwartz,

Defendant-Respondent.  
-----X

Defendant-respondent having moved for reargument of the decision and order of this Court, entered on April 2, 2019 (Appeal No. 8117N),

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

It is ordered that the motion is denied.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2019

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

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

-against-

M-2468  
Ind. No. 960/18

Carlos Ramos,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about May 2, 2018, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of deeming the moving papers as a timely filed notice of appeal and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division,

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

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 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 180 days from the date of receipt of the complete record.

ENTERED:

  
CLERK





At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,  
Peter Tom  
Troy K. Webber  
Marcy L. Kahn  
Cynthia S. Kern, Justices.

-----X

Koya Abe,  
Plaintiff-Appellant,

M-1272

-against-

Index No. 105985/10

New York University, et al.,  
Defendants-Respondents.

- - - - -

Koya Abe,  
Plaintiff-Appellant,

-against-

Index No. 157465/16

New York University, et al.,  
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on February 7, 2019 (Appeal Nos. 8369-8372),

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

It is ordered that the motion is denied.

ENTERED:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2019.

Present: Hon. Dianne T. Renwick, Justice Presiding,  
Rosalyn H. Richter  
Peter Tom  
Marcy L. Kahn  
Peter H. Moulton, Justices.

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

AES and RJS,

Petitioners,

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

-against-

**M-1207**  
OP. 165/18

Arthur M. Diamond, a Justice of the Supreme Court of the State of New York in and for the County of Nassau, Hope Schwartz Zimmerman, a Justice of the Supreme Court of the State of New York, Nassau County, Hon. Thomas Adams, Justice of the Supreme Court in his capacity as Chief Administrative Judge for Supreme Court, Nassau County, Randi Sue Marber, a Justice of the Supreme Court, Nassau County, Alan D. Scheinkman, in his capacity as Presiding Justice of the Appellate Division of the Supreme Court of the State of New York, Second Department, Harriet Weinberger, in her capacity as administrator of the Attorney for the Child Program of the Appellate Division, Second Department and Mark B. Lew, also known as Mark B. Lew, M.D., GS and Beth Ross, Esq.

Respondents.

-----X

By order dated November 14, 2018, The Appellate Division, Second Department having transferred to this Court the within petition which sought an order, inter alia, compelling respondent justices to vacate every order, judgment and decree issued in the Supreme Court, Nassau County, under index number 8596/03 (Lew vs. Sobel),

And by order entered April 9, 2019, this Court having denied and dismissed the petition, finding that the petitioners failed to meet the burden of demonstrating a "clear legal right" to the relief sought, and that neither mandamus nor prohibition is available,

And petitioners having moved for leave to file an amended petition and for additional 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-1208, released simultaneously herewith).

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in in the County of New York on June 25, 2019.

Present: Hon. Dianne T. Renwick, Justice Presiding,  
Rosalyn H. Richter  
Peter Tom  
Marcy L. Kahn  
Peter H. Moulton, Justices.

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

AES and RJS,

Petitioners,

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

-against-

**M-1208**  
OP 165/18

Arthur M. Diamond, a Justice of the Supreme Court of the State of New York in and for the County of Nassau, Hope Schwartz Zimmerman, a Justice of the Supreme Court of the State of New York, Nassau County, Hon. Thomas Adams, Justice of the Supreme Court in his capacity as Chief Administrative Judge for Supreme Court, Nassau County, Randi Sue Marber, a Justice of the Supreme Court, Nassau County, Alan D. Scheinkman, in his capacity as Presiding Justice of the Appellate Division of the Supreme Court of the State of New York, Second Department, Harriet Weinberger, in her capacity as administrator of the Attorney for the Child Program of the Appellate Division, Second Department and Mark B. Lew, also known as Mark B. Lew, M.D., GS and Beth Ross, Esq.

Respondents.

-----X

By order dated November 14, 2018, the Appellate Division, Second Department having transferred to this Court the within petition which sought an order, inter alia, compelling respondent justices to vacate every order, judgment and decree issued in the Supreme Court, Nassau County, under index number 8596/03 (Lew vs. Sobel),

And by order entered April 9, 2019, this Court having denied and dismissed the petition, finding that petitioner's failed to meet their burden of demonstrating a "clear legal right" to the relief sought, and that neither mandamus nor prohibition is available,

And respondent Lew having moved for an order, finding against: (1) Jeffrey L. Solomon, Esq., in contempt of court; (2) issuing sanctions against him; (3) awarding respondent Lew counsel fees; and (4) enjoining petitioners and GS from bringing any further motions without advanced written permission from the Clerk of this Court,

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

It is ordered that the motion is denied. (See M-1207 released simultaneously herewith).

ENTERED:

  
CLERK

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

BEFORE: Hon. Barbara Kapnick,  
Justice of the Appellate Division

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

M-687  
Ind. No. 2249/11

-against-

CERTIFICATE  
DENYING LEAVE

Eugene Kindell,

Defendant.

-----X

I, Barbara R. Kapnick, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County (Conviser, J.), entered on or about October 17, 2018, is hereby denied.

ENTERED: JUNE 25, 2019

  
Justice Barbara R. Kapnick

Dated: New York, New York  
May 10, 2019

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

BEFORE: Hon. Anil C. Singh  
Justice of the Appellate Division

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

Respondent

-against-

Darren Smith a/k/a Earl Hall

Defendant.  
-----X

M-1891  
Ind. No.  
2405/90  
CERTIFICATE  
DENYING LEAVE

I, Hon. Anil C. Singh, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, section 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County (Ellen Biben, J.), entered on or about February 1, 2019 is hereby denied.



Hon. Anil C. Singh

Associate Justice

Dated: May 14, 2019  
New York, New York

ENTERED: JUNE 25, 2019