

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 12, 2019.

PRESENT: Hon. Dianne T. Renwick, Presiding Justice,
Sallie Manzanet-Daniels
Angela M. Mazzarelli
Jeffrey K. Oing
Peter H. Moulton, Justices.

-----X
David Soltanpour,

Plaintiff-Appellant,

-against-

Christine Koch,

Defendant-Respondent.
-----X

CONFIDENTIAL

M-14

Index No. 310823/12

Plaintiff-appellant having moved for a further enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about November 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 granted to the extent of enlarging the time to perfect the appeal to the September 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 March 12, 2019.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Angela M. Mazzarelli
Jeffrey K. Oing
Peter H. Moulton, Justices.

-----X
Tisoped Corp.,

Plaintiff-Appellant,

-against-

M-100

Index No. 655731/16

Thor 138 N 6th St LLC,
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeals taken from orders of the Supreme Court, New York County, entered on or about March 19, 2018, from an order and judgment (one paper) of the same Court, entered on or about April 4, 2018 and from a judgment, same Court, entered on or about April 4, 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 appeals to the September 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 March 12, 2019.

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

-----x
Hiram Hernandez, et al.,
Plaintiffs,

-against-

M-6656
Index No. 301466/11

Metro Management and Development, Inc.,
Defendant.

- - - - -

Metro Management and Development, Inc.,
Third-Party Plaintiff-Respondent,

-against-

Index No. 83894/15

2075-2081 Wallace Avenue Owners Corp.,
Third-Party Defendant-Appellant.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about October 31, 2017,

And third-party defendant-appellant having moved for an enlargement of time to perfect the appeal,

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

It is ordered that the motion is deemed one seeking to vacate the dismissal of the appeal (22 NYCRR 1250[c]) and, as such, is granted, and the time to perfect the appeal is enlarged to the September 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 March 12, 2019.

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

-----x
Eita (Itty) Pruss,
Plaintiff-Appellant-Respondent,

-against-

M-6535
Index No. 161240/13

Infinity of Manhattan, Inc. and Massamba
Seck,
Defendants-Respondents-Appellants,

-and-

Dennis C. Blanchette et al.,
Defendants.

-----x
Plaintiff-appellant-respondent having moved for an order pursuant to 22 NYCRR 1240.10(c) vacating the dismissal of the appeal taken from the judgment of the Supreme Court, New York County, entered on or about February 9, 2018, and upon vacatur, for an enlargement of time to perfect the appeal,

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

It is ordered that the motion is granted, the appeal reinstated and the time to perfect same is enlarged to the September 2019 Term. On the Court's own motion, the time to perfect the cross appeal by defendants-respondents-appellants is enlarged to the September 2019 Term. The parties attention is directed to 22 NYCRR 1250.9(f)(1).

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 March 12, 2019.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Peter Tom
Marcy L. Kahn
Ellen Gesmer, Justices.

-----x
Bersin Properties, LLC,
Plaintiff-Appellant,

-against-

M-729
Index No. 452630/14

Nomura Credit & Capital, Inc., and
NCCMI, Inc.,
Defendants-Respondents.

-----x
NCCMI, Inc.,
Plaintiff-Respondent,

-against-

Index No. 650276/15

Bersin Properties, LLC, et al.,
Defendants-Appellants.

-----x

By separate notices, Bersin Properties, LLC appeals in both actions from the orders of the Supreme Court, New York County, entered on or about January 4, 2019, and a purported order of the same Court, entered on or about January 17, 2019,

And appellants having moved for consolidation of all of the aforesaid appeals,

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

It is ordered that the motion is granted (22 NYCRR 1250.9[f][4]) to the extent of consolidating the appeals from the orders entered on or about January 4, 2019, and is otherwise denied. Appellants are permitted to prosecute the consolidated appeals upon an original, five hard copies and, if represented by counsel, one digital copy of an appellant's brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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 March 12, 2019.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Peter Tom
Marcy L. Kahn
Ellen Gesmer, Justices.

-----x

Walter N. Iwachiw,
Petitioner-Appellant,

M-849

-against-

Action 1
Index No. 100118/19

NYC Board of Elections, et al.,
Respondents-Respondents.

-----x

Daniel S. Maio,
Petitioner-Appellant,

Action 2
Index No. 100149/19

-against-

NYC Board of Elections,
Respondent-Respondent,

-and-

Joan Ariola,
Respondent.

-----x

An appeal having been taken to this Court in Action 1 from the order of the Supreme Court, New York County, entered on or about February 1, 2019,

And an appeal having been taken to this Court in Action 2 from the order of the Supreme Court, New York County, entered on or about February 7, 2019,

And petitioner-appellant in Action 1 having moved for an order consolidating the appeals, restoring his election/libel matter to the trial calendar, and for other relief,

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

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

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 March 12, 2019.

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

-----x
Venisha Gardner,

Plaintiff-Appellant,

-against-

M-6345
Index No. 153937/12

Consolidated Edison Company of
New York, Inc.,

Defendants-Respondents.
-----x

Plaintiff-appellant having moved for a further enlargement of time to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about January 3, 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 September 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 March 12, 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-6762
Ind. No. 529/16

Jose Justiniano,

Defendant-Appellant.
-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, rendered on or about December 7, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated December 28, 2018, 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 March 12, 2019.

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

-----X
Mediaocean LLC,

Plaintiff-Respondent,

-against-

M-111
Index No. 650575/18

Juice DMS Advertising Limited,
et al.,

Defendants-Appellants.
-----X

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about November 5, 2018,

Now, upon reading and filing the papers with respect to the motion, including the correspondence from the attorney for defendants-appellants, dated January 7, 2019, and due deliberation having been had thereon,

It is ordered that the appeal 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 March 12, 2019.

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

-----X
MPEG LA, L.L.C.,

Plaintiff-Respondent,

-against-

M-112
Index No. 651611/17

Haier America Trading, LLC, et al.,

Defendants-Appellants.

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

-----X

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about July 2, 2018,

Now, upon reading and filing the papers with respect to the motion, including the correspondence from the attorney for defendants-appellants, dated January 2, 2019, and due deliberation having been had thereon,

It is ordered that the appeal 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 March 12, 2019.

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

-----X
Spyridon Hormovas,

Plaintiff-Respondent,

-against-

M-115

Index No. 21270/17E

Celina L. Willis,
Defendant-Appellant,

-and-

"John Doe", etc.,
Defendant.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about May 18, 2018,

Now, upon reading and filing the papers with respect to the motion, including the correspondence from the attorney for defendant-appellant, dated November 20, 2018, and due deliberation having been had thereon,

It is ordered that the appeal 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 March 12, 2019.

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

-----x

Anatolia Villegas, et al.,
Plaintiffs-Respondents,

-against-

Rheem Textile Systems, Inc.,
et al.,
Defendants,

M-116
Index No. 150100/15

-and-

Seickel & Sons, 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 June 19, 2018,

Now, upon reading and filing the papers with respect to the motion, including the correspondence from the attorney for defendant-appellant dated January 2, 2019, and due deliberation having been had thereon,

It is ordered that the appeal 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 March 12, 2019.

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

-----x
Michael Rossani,

Plaintiff-Respondent,

-against-

American Management Association and
Times Square JV, LLC,
Defendants-Appellants,

M-117
Index No. 156590/13

Intercontinental Hotel Group
Resources, Inc.,
Defendant.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about June 18, 2018,

Now, upon reading and filing the papers with respect to the motion, including the correspondence from the attorney for defendants-appellants dated January 2, 2019, and due deliberation having been had thereon,

It is ordered that the appeal 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 March 12, 2019.

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

-----X
Michael A. Sollitto,
Plaintiff-Respondent,

-against-

7 Third Avenue Fee, LLC, et al., M-118
Defendants-Appellants, Index No. 308244/11

-and-

Rivco Construction Corp.,
Defendant.

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

-----X
An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about July 17, 2018,

Now, upon reading and filing the papers with respect to the motion, including the correspondence from the attorney for defendants-appellants, dated January 2, 2019, and due deliberation having been had thereon,

It is ordered that the appeal 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 March 12, 2019.

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

-----X
Kevin Anderson, et al.,

Plaintiffs-Respondents,

-against-

M-119

Index No. 158223/15

Dormitory Authority of the State of
New York, et al.,
Defendants,

-and-

United Rentals (North America) Inc.,
sued herein as United Rentals, Inc.,
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about June 29, 2018,

Now, upon reading and filing the papers with respect to the motion, including the correspondence from the attorney for defendant-appellant, dated January 2, 2019, and due deliberation having been had thereon,

It is ordered that the appeal is deemed withdrawn in accordance with the aforesaid correspondence, the underlying action having been settled.

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 March 12, 2019.

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

-----X
Jane Doe,

Plaintiff-Appellant,

-against-

M-120
Index No. 152037/16

Turnmill LLC, et al.,

Defendants-Respondents.
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about August 1, 2017,

Now, upon reading and filing the papers with respect to the motion, including the correspondence from the attorney for plaintiff-appellant, dated December 28, 2018, and due deliberation having been had thereon,

It is ordered that the appeal 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 March 12, 2019.

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

-----X

Solar Electric Systems, Inc.,
Plaintiff-Respondent,

-against-

Skanska USA Building Inc.,
Defendant-Appellant,

M-122
Index No. 653705/16

-and-

Fidelity and Deposit Company of
Maryland, et al.,
Defendants.

- - - - -

Skanska USA Building Inc.,
Counterclaim-Plaintiff,

-against-

Peter Borducci,
Additional Defendant on the
Counterclaim.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about May 5, 2017,

Now, upon reading and filing the papers with respect to the motion, including the correspondence from the attorney for defendant-appellant, dated December 26, 2018, and due deliberation having been had thereon,

It is ordered that the appeal 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 March 12, 2019.

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

-----X
First Commercial Bank,

Plaintiff-Appellant,

-against-

M-123

Index No. 654760/16

Grand Grace Holding, LLC, et al.,

Defendants-Respondents.
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 29, 2018,

Now, upon reading and filing the papers with respect to the motion, including the correspondence from the attorney for plaintiff-appellant, dated December 21, 2018, and due deliberation having been had thereon,

It is ordered that the appeal 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 March 12, 2019.

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

-----X

Eve Tedeschi and Phil Tedeschi,
Plaintiffs-Appellants-Respondents,

-against-

Lillian Cohen, The New York and
Presbyterian Hospital Weill Cornell
Medical College,
Defendants-Appellants-Respondents,

M-124
Index No. 805293/16

Quest Diagnostics,
Defendant-Respondent-Appellant.

-----X

Appeals and a cross appeal having been taken to this Court from orders of the Supreme Court, New York County, entered on or about September 29, 2017 and March 12, 2018, respectively,

Now, upon reading and filing the papers with respect to the motion, including the correspondence from the attorney for plaintiffs-appellants, dated December 28, 2018, and due deliberation having been had thereon,

It is ordered that the appeal taken by plaintiffs from the order entered March 12, 2018 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 March 12, 2019.

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

-----X
Remy Richardson,

Plaintiff-Respondent,

-against-

Alan Garely, M.D., et al.,
Defendants,

M-125
Index No. 805308/17

-and-

Alex Ky, M.D. and The Mount Sinai
Hospital, et al.,
Defendants-Appellants.

-----X

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about May 25, 2018,

Now, upon reading and filing the papers with respect to the motion, including the correspondence from the attorney for defendants-appellants, dated December 28, 2018, and due deliberation having been had thereon,

It is ordered that the appeal 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 March 12, 2019.

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

-----X
JMW 75 LLC,

Plaintiff-Appellant,

-against-

M-126
Index No. 156352/17

Belkin Burden Wenig & Goldman, LLP,

Defendant-Respondent.
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about August 13, 2018,

Now, upon reading and filing the papers with respect to the motion, including the correspondence from the attorney for plaintiff-appellant, dated December 7, 2018, and due deliberation having been had thereon,

It is ordered that the appeal 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 March 12, 2019.

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

-----X
Jeffrey T. Price,

Plaintiff-Appellant,

-against-

Tunecore, Inc.,

Defendant-Respondent.
-----X

M-135
Index No. 653194/13

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about March 30, 2018,

Now, upon reading and filing the papers with respect to the motion, including the correspondence from the attorney for plaintiff-appellant, dated November 21, 2018, and due deliberation having been had thereon,

It is ordered that the appeal 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 March 12, 2019.

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

-----X
Pavarini McGovern, LLC, et al.,

Plaintiffs-Appellants,

-against-

M-6583
Index No. 112808/11

Geiger Construction Company, Inc.,
et al.,

Defendants-Respondents.
-----X

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about January 18, 2018,

Now, upon reading and filing the papers with respect to the motion, including the correspondence from the attorney for plaintiffs-appellants, dated December 6, 2018, and due deliberation having been had thereon,

It is ordered that the appeal 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 March 12, 2019.

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

-----X
Denise Diaz,

Plaintiff-Respondent,

-against-

M-6584

Index No. 302308/15

City of New York, et al.,

Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about September 5, 2018,

Now, upon reading and filing the papers with respect to the motion, including the correspondence from the attorney for defendants-appellants, dated December 6, 2018, and due deliberation having been had thereon,

It is ordered that the appeal 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 March 12, 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.

Michael F.-S.,
Petitioner-Appellant,

CONFIDENTIAL

M-6585

Docket No. V-28953/17

-against-

Tamara F.,
Respondent-Respondent.

-----X

An appeal having been taken from an order of the Family Court, New York County, entered on or about May 1, 2018,

Now, upon reading and filing the papers with respect to the motion, including the correspondence from the attorney for petitioner-appellant, dated December 11, 2018, and due deliberation having been had thereon,

It is ordered that the appeal 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 March 12, 2019.

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

-----X
Mercedes Castro-Ozuna,
Plaintiff-Respondent,

-against-

M-6586
Index No. 25585/15E

Superior Dental, P.C., et al.,
Defendants,

-and-

Chubb Insurance Company,
Non-Party Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about July 9, 2018,

Now, upon reading and filing the papers with respect to the motion, including the correspondence from the attorney for non-party appellant, dated December 6, 2018, and due deliberation having been had thereon,

It is ordered that the appeal 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 March 12, 2019.

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

-----X

Lilia Tchemchirova, et al.,
Plaintiffs-Appellants,

-against-

Thomas J. Bottiglieri, Jr. and Thomas J.
Bottiglieri, Sr.,
Defendants,

M-6593
Index No. 151844/16

-and-

Edward Gonzalez and Leros Point to
Point, Inc.,
Defendants-Respondents.

-----X

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about July 2, 2018,

Now, upon reading and filing the papers with respect to the motion, including the correspondence from the attorney for plaintiffs-appellants, dated December 10, 2018, and due deliberation having been had thereon,

It is ordered that the appeal taken by plaintiffs 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 March 12, 2019.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer
Anil C. Singh, Justices.

-----X
Deutsche Bank National Trust Company,
As Trustee for Fremont Home Loan Trust
Series 2006-3,
Plaintiff-Respondent,

-against-

East 214th Street Corp.,
Defendant-Appellant,

M-6767
Index No. 381724/09

-and-

Santana Beras, et al.,
Defendants.

-----X

Plaintiff-respondent having moved for dismissal of the appeal taken from an order of the Supreme Court, Bronx County, entered on or about July 13, 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 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 March 12, 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

William Maragh E.,

CONFIDENTIAL

M-5748

Docket No. NN-29213-16

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

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

Shaunette W.,
Respondent-Appellant,

Leroy R.,
Respondent.

- - - - -
Eugene P. McGloin, Esq.,
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, Bronx County, entered on or about November 1, 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 Dana Stricker, Esq., dated November 3, 2018, 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, Andrew J. Baer, Esq., 299

Broadway, Suite 1415, New York, New York, 10007, Telephone No.: 212-233-0318, 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 therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Section 1250.9 of the Practice Rules of the Appellate Division, **within 180 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTERED:


CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 12, 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 Under Article 8 of the
Family Court Act.

- - - - -
Keith M.,
Petitioner-Respondent,

CONFIDENTIAL
M-5749
Docket Nos. O-3595-17

-against-

Tiffany Sage S.,
Respondent-Appellant,

- - - - -
Judith S. Stern, Esq.
Attorney for the Child.

-----X

Petitioner-respondent having moved for leave to respond, as a poor person, to the appeal taken from an order of the Family Court, New York County, entered on or about January 16, 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 Yusuf A. El Ashmawy, Esq., dated October 31, 2018 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, Randall Carmel, Esq., 410 Jericho Turnpike, Suite 302, Jericho, New York, 11753, Telephone No. 603-313-1951, 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:


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 March 12, 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 of
the Persons and Custody of

CONFIDENTIAL

M-6511

Devante Elijah G.,
Lamani Chas M.,
Joy Tahaitia F., also known as
Joy G., and
Kania Kenesha F.,

Docket Nos. B-25903/14
B-25904/14
B-25905/14
B-25906/14

Children Under 18 Years of Age Pursuant to §384-b of the Social Services Law of the State of New York and/or Article 6 of the Family Court Act.

- - - - -
Catholic Guardian Services and The
Commissioner of the Administration for
Children's Services of the City of
New York,
Petitioners-Respondents,

Lucia Tahatia G.,
Respondent-Appellant.

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

-----X

Respondent-appellant mother, having moved for leave to prosecute, as a poor person, the appeal taken from four orders of the Family Court, Bronx County, all entered on or about November 28, 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 Angela De La Cruz, Esq., dated December 12, 2018, 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, Andrew J. Baer, Esq., 299 Broadway, Suite 1415, New York, New York, 10007, Telephone No.: 212-233-0318, 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 therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Section 1250.9 of the Practice Rules of the Appellate Division, **within 180 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTERED:


CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 12, 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 of the Person and Custody of

Malachi Omari B.,

CONFIDENTIAL

M-6642

Docket No. B-2376-17

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

The Children's Aid Society,
Petitioner-Respondent,

Keneta Kaneen B.,
Respondent-Appellant.

Michael Moorman, Esq., Lawyers for
Children, Attorney for the Child.

-----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 December 19, 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 Jay A. Maller, Esq., dated December 24, 2018, 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, Randall Carmel, Esq., 410 Jericho Turnpike, Suite 302, Jericho, New York, 11753, Telephone No. 603-313-1951, 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 therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Section 1250.9 of the Practice Rules of the Appellate Division, **within 180 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTERED:


CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 12, 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

Zaire S.,

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

CONFIDENTIAL

M-6648

Docket No. NN-47980/16

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

Mary W.,
Respondent-Appellant,

Walter V.,
Respondent.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about December 3, 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 Jonathan A. Nelson, Esq., dated December 5, 2018, 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, NY 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 therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Section 1250.9 of the Practice Rules of the Appellate Division, **within 180 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTERED:



CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 12, 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.

Maria K.,
Petitioner-Appellant,

CONFIDENTIAL
M-3250A

-against-

Docket Nos.
V-34266-11/14D&15E
V-184-13/14B&15C
V-183-13/14B&15C
V-34267-11/14D&15E

Christopher B. and Dimitra L.,
Respondents-Respondents.

Randall Carmel, Esq.,
Attorney for the Child
Kristyna B.,

Lauren Friend, Esq.,
Attorney for the Child
Matthew B.

-----X
An appeal having been taken from the order of the Family Court, New York County, entered on or about February 7, 2018,

And an order of this Court having been entered on August 30, 2018 (M-3250), granting poor person relief and assigning Rachel Ambats, Esq., as counsel for purposes of responding to the aforesaid appeal on behalf of the child Kristyna B.,

Now, upon the Court's own motion, it is

Ordered that the designation of Rachel Ambats, Esq., as counsel for the child Kristyna B. for purposes of responding to the aforesaid appeal, is stricken and, pursuant to Section 722 of the County Law, Randall Carmel, Esq., 410 Jericho Turnpike, Suite 302, Jericho, N.Y. 11753, Telephone No. (603) 313-1951, is substituted as such counsel. Counsel is permitted to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorneys for

the parties and an original and five hard copies, and one digital copy thereof, are filed with this Court. The order of this Court entered on August 30, 2018 (M-3250), 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 March 12, 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

Aliyah N.,

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

CONFIDENTIAL

M-3255A

Docket No. NA-12279/17

Administration for Children's
Services,
Petitioner-Appellant,

Alvin N.,
Respondent-Appellant,

Leila S.,
Respondent-Respondent,

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

An appeal having been taken from the order of the Family Court, Bronx County, entered on or about April 24, 2018,

And an order of this Court having been entered on August 30, 2018 (M-3255), granting poor person relief and assigning Rachel Ambats, Esq., as counsel for purposes of responding to the aforesaid appeal on behalf of the subject child,

Now, upon the Court's own motion, it is

Ordered that the designation of Rachel Ambats, Esq., as counsel for the subject child for purposes of responding to the aforesaid appeal, is stricken and, pursuant to Section 722 of the County Law, Randall Carmel, Esq., 410 Jericho Turnpike, Suite 302, Jericho, N.Y. 11753, Telephone No. (603) 313-1951, is

substituted as such counsel. Counsel is permitted to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorneys for the parties and an original and five hard copies, and one digital copy thereof, are filed with this Court. The order of this Court entered on August 30, 2018 (M-3255), is hereby recalled and vacated.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 12, 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

Calil Jordan S., and
Caleah Chastity Marie S.,

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

CONFIDENTIAL
M-3256A

Docket Nos. NN-19936/16
NN-19937/16

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

Calvin S.,
Respondent-Appellant,

Kimberly A.,
Respondent,

Jasmin O.,
Respondent.

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

-----X

An appeal having been taken from the order of the Family Court, Bronx County, entered on or about April 27, 2018,

And an order of this Court having been entered on August 30, 2018 (M-3256), granting poor person relief and assigning Rachel Ambats, Esq., as counsel for purposes of responding to the aforesaid appeal on behalf of the subject children,

Now, upon the Court's own motion, it is

Ordered that the designation of Rachel Ambats, Esq., as counsel for the subject children for purposes of responding to the aforesaid appeal, is stricken and, pursuant to Section 722 of the County Law, Randall Carmel, Esq., 410 Jericho Turnpike, Suite 302, Jericho, N.Y. 11753, Telephone No. (603) 313-1951, is substituted as such counsel. Counsel is permitted to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorneys for the parties and an original and five hard copies, and one digital copy thereof, are filed with this Court. The order of this Court entered on August 30, 2018 (M-3256), 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 March 12, 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-6540

-against-

Ind. No. 2746/15

Eddi H. Mirabel,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (Clott, J.), entered on or about December 12, 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

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 Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice Clott 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, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 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 March 12, 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,

CONFIDENTIAL

M-6542

-against-

Ind. No. 8257/93

Jose Medina,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from the order of the Supreme Court, Bronx County (Bruce, J.), entered on or about December 7, 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

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 Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice Bruce 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, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 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 March 12, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,
John W. Sweeny, Jr.
Sallie Manzanet-Daniels
Judith J. Gische
Barbara R. Kapnick, Justices.

-----X
Thomas Cross,

Plaintiff-Appellant,

-against-

M-6142
Ind. No. 101006/16

Kevin Chiles, etc., et al.,

Defendants-Respondents.

-----X

Plaintiff having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Supreme Court, New York County, entered on or about November 28, 2017, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, the appeal having been automatically dismissed (22 NYCRR 1250.10[a]), and no motion to vacate such dismissal having been made.

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 March 12, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,
John W. Sweeny, Jr.
Sallie Manzanet-Daniels
Judith J. Gische
Barbara R. Kapnick, Justices.

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

Respondent,

-against-

M-6166
Ind. No. 4714/09

Vincent Heyward,

Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about December 12, 2011, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of an affidavit explaining the more than seven-year delay, since judgment was rendered, in seeking poor person relief.

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 March 12, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Sallie Manzanet-Daniels
Barbara R. Kapnick
Marcy L. Kahn
Jeffrey K. Oing, Justices.

-----x
Kristina M. Armstrong,

Plaintiff-Respondent,

-against-

Blank Rome LLP, et al.,

Defendants-Appellants.
-----x

CONFIDENTIAL

M-614

Index No. 651881/13

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about October 17, 2018, and said appeal having been perfected,

And defendant-appellant Blank Rome LLP having moved for a stay of trial, currently scheduled for March 18, 2019, pending hearing and determination of the appeal,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties, dated February 16, 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 March 12, 2019.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer
Anil C. Singh, Justices.

-----X
In Re: New York City Asbestos Litigation
-----X

Joan Arazosa, as Executor for the
Estate of Richard Arazosa,
Plaintiff-Respondent,

-against-

M-6760
Index No. 190069/16

3M Co., et al.,
Defendants,

IMERYS S.A.,
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about March 27, 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 September 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 March 12, 2019.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer
Anil C. Singh, Justices.

-----X
In the Matter of the Application of
Jay Sarkar,
Petitioner-Appellant,

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

M-6742
Index No. 150147/17

-against-

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

-----X

Petitioner-appellant having moved for a further 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 August 7, 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 enlarging the time to perfect the appeal to the September 2019 Term, 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 March 12, 2019.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer
Anil C. Singh, Justices.

-----X
Clephane B. Burgess, et al.,

Plaintiffs-Appellants,

-against-

M-6775
Index No. 308376/12

Avignon Taxi, LLC, et al.,

Defendants-Respondents.

-----X

Plaintiffs-appellants having moved for a further enlargement of time to perfect the appeals taken from an order of the Supreme Court, Bronx County, entered on or about October 29, 2015, and from an order of the same Court, entered on or about February 1, 2016,

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 appeals to the September 2019 Term, with leave to seek further enlargements if the bankruptcy stay has not been lifted.

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 March 12, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,
John W. Sweeny, Jr.
Sallie Manzanet-Daniels
Judith J. Gische
Barbara R. Kapnick, Justices.

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

Social Service Employees Union
Local 371, on behalf of its
members Jose Santos and
Romania Griffin,

Petitioners-Appellants,

-against-

City of New York and New York City
Department of Citywide Administrative
Services,

Respondents-Respondents,

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

-----X

Petitioners-appellants having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about February 27, 2018,

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

M-6351

Index No. 101343/16

It is ordered that the motion deemed one to vacate the dismissal of appeal pursuant to NYCRR 1250.10(c), is granted, the appeal reinstated and enlarging the time to perfect same is enlarged to the September 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 March 12, 2019.

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

-----X
G.G.N., an infant under the age of 18 years
by Gamil Nagi as parent and natural
guardian, Gamil Nagi, Individually,
Plaintiffs-Respondents,

-against-

M-242
Index No. 23140/16

Precious P. Ramos and Venus E. Cherrington,
Defendants-Appellants.

-----X

Defendants-appellants having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about May 3, 2018, and the appeal having been perfected,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties hereto, filed December 27, 2018, and due deliberation having been had thereon,

It is ordered that the motion is granted and the trial stayed pending hearing and determination of the 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 March 12, 2019.

PRESENT: Hon. David Friedman, Justice Presiding,
Dianne T. Renwick
Rosalyn H. Richter
Peter Tom
Angela M. Mazzarelli, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-6172

Ind. No. 18/17

Steven Keller,
Defendant-Appellant.

-----X

Defendant having moved for an extension of time to file a notice of appeal and 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 June 8, 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 deeming the notice of appeal timely filed and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 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 March 12, 2019.

Present - Hon. David Friedman, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Marcy L. Kahn
Cynthia S. Kern, Justices.

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

-against-

Jesse Williams,
Defendant-Appellant.

SEALED
M-5195
Ind. No. 1744/13

-----x

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about October 29, 2015,

And an order of this Court (M-4698) having been entered on January 25, 2018 striking the designation of successor assigned counsel Christina Swarns, Esq., as counsel to prosecute the appeal, granting defendant-appellant permission to proceed pro se, and continuing the poor person relief previously granted by an order of this Court entered on June 28, 2016 [Corrected Order October 7, 2016] (M-2232),

And defendant-appellant having moved to retract his prior request to proceed pro se, for continuation of the poor person relief previously granted, for assignment of appellate counsel, and for leave to file a pro se supplemental brief,

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

It is ordered that the order of this Court entered January 25, 2018 (M-4698) is hereby recalled and vacated insofar as it granted defendant leave to proceed pro se. Defendant is directed return all materials furnished to him to this Court forthwith, and is advised that the appeal will not be heard unless and until all material furnished to him has been returned to this Court, and

It is further ordered that the poor person relief previously granted by an order of this Court entered June 28, 2016 [Corrected Order October 7, 2016] (M-2232), is continued, and

It is further ordered that Janet E. Sabel, Esq., The Legal Aid Society, 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of receipt of the complete record, or the date of this order, whichever is later, and

It is further order that the branch of the motion seeking leave to file a pro se supplemental brief, is denied, with leave to renew, if so advised, after assigned counsel files a brief on behalf of defendant-appellant,

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 March 12, 2019.

Present - Hon. David Friedman, Justice Presiding,
Dianne T. Renwick
Rosalyn H. Richter
Peter Tom
Angela M. Mazzarelli, Justices.

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

-against-

M-6225
Ind. No. 1314/16

Sharhonda Hart,
Defendant-Appellant.

-----X

Defendant having moved for leave to file a late notice of appeal and to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about June 19, 2018, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of deeming the moving papers a timely filed notice of appeal, and is otherwise denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, in compliance with CPLR 1101(a) and 22 NYCRR 1250.4(d)(1) and (4), setting forth, inter alia, the terms of defendant's retainer agreement with trial counsel, the amount and sources of funds for trial counsel's fee and an explanation as to why similar funds are not available to prosecute this appeal.

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 March 12, 2019.

Present - Hon. David Friedman, Justice Presiding,
Dianne T. Renwick
Rosalyn H. Richter
Peter Tom
Angela M. Mazzarelli, Justices.

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

Respondent,

-against-

M-6247
Ind. No. 1063/17

James Burrell,

Defendant-Appellant.

-----X

Defendant having moved, pro se, to have his affidavit dated January 9, 2018 deemed a notice of appeal and for leave to prosecute, as a poor person, the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about February 27, 2018, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of deeming the aforementioned affidavit a timely filed notice of appeal. The poor person's relief requested is denied, with leave to renew, upon an affidavit of service on the District Attorney's office.

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 March 12, 2019.

Present - Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Rosalyn H. Richter
Jeffrey K. Oing
Peter H. Moulton, Justices.

-----x
Local 621, S.E.I.U., Seupersaud Bharat,
Bishambhar Kubair, and Andrew Cohen,
Petitioners-Appellants-Respondents,

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

-against-

M-6629
M-6657
Index No. 101831/17

The New York City Department of
Transportation, Polly Trottenberg,
personally and as Commissioner of the
New York City Department of Transportation,
James L. Hallman, personally and as Chief
Diversity/EEO Officer of the New York City
Department of Transportation, and the City
of New York,
Respondents-Respondents-Appellants.

-----X

An appeal and cross appeal having been taken from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about July 16, 2018,

And petitioners-appellants-respondents having moved for leave to file a supplemental record consisting of the November 29, 2018 "Step II Hearing" decision by the New York City Department of Transportation, which dismissed disciplinary charges against petitioner Bharat (Exh. A. to the moving papers) (M-6629),

And petitioners-appellants-respondents having moved, by separate motion, for an order pursuant to CPLR 1015(a) and 1021, substituting Heidi Cohen, in her capacity as the personal representative for the estate of petitioner Andrew Cohen, in place of Andrew Cohen as a petitioner, and to amend the caption to reflect same (M-6657),

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 file a supplemental record is granted, and petitioners-appellants-respondents are directed to file same on or before April 17, 2019 for the June 2019 Term (M-6629), and it is further,

Ordered that the motion to substitute Heidi Cohen in place of Andrew Cohen as a petitioner is denied, with leave to renew upon submission of proof that Heidi Cohen has been named the personal representative for the estate (M-6627).

Sua sponte, the appeal and cross appeal are adjourned to the September 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 March 12, 2019.

Present - Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Rosalyn H. Richter
Jeffrey K. Oing
Peter H. Moulton, Justices.

-----x

Libra Max,
Petitioner-Respondent,

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

M-93
Index No. 156641/17

-against-

ALP, Inc., etc., et al.,
Respondents-Appellants,

-and-

Lawrence Flynn, as guardian of the
property management for a person in
need of a guardian,
Respondent-Respondent.

-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about May 30, 2018 and on or about June 28, 2018, and said appeals having been perfected,

And petitioner-respondent Libra Max and respondent-respondent guardian having jointly moved for an order 1) dismissing the aforesaid appeals on the grounds that the appeals are moot, and that respondents-appellants lack the authority to perfect same; 2) permitting appellant ALP to withdraw the appeals; 3) awarding movants costs and attorneys' fees pursuant to 22 NYCRR Rule 130-1.1 of the Chief Administrator, or 4) adjourning the appeals if they are not dismissed or withdrawn,

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

It is ordered that the motion is granted to the extent of adjourning the appeals to the June 2019 Term, without prejudice to petitioner-respondent and respondent-respondent raising their arguments, in their respondents' briefs.

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 March 12, 2019.

PRESENT: Hon. David Friedman, Justice Presiding,
Angela M. Mazzarelli
Troy K. Webber
Cynthia S. Kern
Jeffrey K. Oing, Justices.

-----X
Michael Valentine,
Plaintiff-Respondent-Appellant,

-against-

M-6705
Index No. 302488/10

2147 Second Avenue, LLC, et al.,
Defendants-Respondents,

Sunshine Quality Construction, Inc.
and Gary Silver, Architects, P.C.,
Defendants-Appellants-Respondents.

-----X
(And other third-party actions)
-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about October 2, 2017 and October 26, 2017,

And defendant Gary Silver Architects, P.C., having moved for an enlargement of time to perfect all appeals in this matter, and to continue the stay of trial pending the hearing and determination of the appeals granted by an order of this Court entered September 13, 2018 (M-3476),

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 time of defendant Gary Silver Architects, P.C., defendant Sunshine Quality Construction's, Inc. and plaintiff to perfect their respective appeals is enlarged to the September 2019 Term. The stay of trial pending the hearing and determination of the

(M-6705)

-2-

March 12, 2019

appeals granted by an order of this Court entered on September 13, 2018 (M-3476) is continued.

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 March 12, 2019.

Present - Hon. David Friedman, Justice Presiding,
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer
Peter H. Moulton, Justices.

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

Respondent,

-against-

Kushan Hunter,
Defendant-Appellant.

-----X

M-6462

Ind. Nos. 4524/10
4580/15
5159/15

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about March 27, 2017 under indictment number 5159/15,

And defendant-appellant having moved for an order amending the order of assignment issued from this Court on November 13, 2018 (M-4800), which appointed the Center for Appellate Litigation as counsel to prosecute defendant's appeal to include the appeal from judgments of the same court, entered on or about March 27, 2017, under indictment numbers 4580/15 and 4524/10 and, for an enlargement of time to perfect same,

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 amending the aforesaid order of assignment (M-4800) to include the judgments entered on March 27, 2017 under indictment numbers 4524/10 and 4580/15 with 5159/15 to this Court's November 13, 2018, and enlarging the time to perfect the appeal 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 March 12, 2019.

PRESENT: Hon. David Friedman, Justice Presiding,
Angela M. Mazzarelli
Troy K. Webber
Cynthia S. Kern
Jeffrey K. Oing, Justices.

-----X
G. Warren Whitaker, as Ancillary
Administrator CTA of the Estate of
Giovanna LaPlaca also known as
Giovanna Costa,

Plaintiff-Appellant,

M-6709

Index No. 157523/16

-against-

Vincent Longobardi, Jr.,

Defendant-Respondent.
-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about February 15, 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 September 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 March 12, 2019.

Present - Hon. David Friedman, Justice Presiding,
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer
Peter H. Moulton, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-6415

Ind. No. 2043/14

Shaun Martin,

Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeals from the judgment of the Supreme Court, New York County, rendered on or about November 4, 2016, and from the order, same court and justice, entered on or about May 4, 2018, which denied defendant's motion pursuant to CPL 440.10,

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 consolidated appeals to the September 2019 Term.

ENTERED:


CLERK

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 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 March 12, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Judith J. Gische
Marcy L. Kahn
Cynthia S. Kern, Justices.

-----x
Franco Belli Plumbing & Heating

& Sons, Inc.,
Plaintiff-Respondent,

-against-

M-390

M-615

Index No. 107725/11

Citnalta Construction Corp., et al.,
Defendants-Appellants.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about November 30, 2018,

And defendants-appellants having moved, pursuant to CPLR 5519(c), for a stay of enforcement of the order, including the hearing on attorneys' fees before a special referee, scheduled for March 14, 2019, pending hearing and determination of the aforesaid appeal (M-390),

And plaintiff-respondent having cross-moved for dismissal of the appeal as taken from a non-appealable decision (M-615),

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

It is ordered that the motion is granted and enforcement of the order appealed is stayed on condition the appeal is perfected on or before July 8, 2019 for the September 2019 Term. The cross 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 March 12, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Judith J. Gische
Marcy L. Kahn
Cynthia S. Kern, Justices.

-----x
Park Gardens Realty Co., also known as
Park Gardens Realty Co., LLC, et al.,
Plaintiffs-Respondents,

-against-

M-288
Index No. 32294/18

Piccadilly International, LLC, also
known as Piccadilly International LLC,
Defendant-Appellant.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about November 13, 2018, which granted plaintiff's motion for a preliminary injunction enjoining defendants from taking any steps to terminate plaintiff's tenancy or to recover possession of the subject premises, on condition that plaintiffs pay defendant the sum of \$30,000 per month,

And defendant-appellant having moved, pursuant to CPLR 5518, to modify the aforesaid order, pending hearing and determination of the appeal taken therefrom, to increase the monthly payments to \$100,000 and to require that plaintiff post an undertaking in the amount of \$1,680,000,

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 March 12, 2019.

PRESENT: Hon. John W. Sweeny, Jr. Justice Presiding,
Angela M. Mazzaelli
Marcy L. Kahn
Jeffrey K. Oing
Anil C. Singh, Justices.

-----X
E.E. Cruz & Company, Inc.,
Plaintiff-Respondent,

-against-

M-6348
Index No. 152988/12

Axis Surplus Insurance Company
Defendant,

Arch Insurance Company,
Defendant-Respondent,

National Casualty Company,
Defendant-Appellant-Respondent,

-and-

Everest Insurance Company,
Defendant-Respondent-Appellant.

-----X
Arch Insurance Company, as real party
in interest to E.E. Cruz & Company, Inc.,
Third-Party-Plaintiff-Respondent,

-against-

Axis Surplus Insurance Company,
Third-Party Defendant,

-and-

National Casualty Company,
Third-Party Defendant-Appellant-
Respondent.

-----X

Defendant-respondent-appellant Everest Insurance Company
having moved for reargument of the order of this Court, entered
October 30, 2018 (Appeal No. 7484, 7484A),

Now, upon reading and filing the papers with respect to the motion, and the stipulation dated February 13, 2019, and due deliberation having been had thereon,

It is ordered that the motion 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 March 12, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
 Troy K. Webber
 Ellen Gesmer
 Anil C. Singh, Justices.

-----x
Miriam Vazquez, as Administrator of
the Estate of Ernesto Vazquez,
deceased, and Miriam Vazquez,
individually,
 Plaintiff-Respondent,

-against-

M-791
Index No. 302183/10

Beth Abraham Health Services,
Defendant-Appellant,

John Doe 1-3. Etc.,
Defendants.

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

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about September 12, 2018, and said appeal having been perfected,

And defendant-appellant having moved for a stay of trial pending hearing and determination of the appeal, and for an enlargement of time to file a reply brief to March 8, 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, to the extent it seeks a stay, is denied. The interim stay of trial granted by a Justice of this Court on February 5, 2019, is vacated. The motion, to the extent defendant-appellant seeks an extension of time to

file a reply brief until March 8, 2018 is denied as unnecessary, that date being the deadline for filing a reply brief for the April 2019 Term, to which Term the perfected appeal has already been 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 March 12, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Troy K. Webber
Ellen Gesmer
Anil C. Singh, Justices.

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

-against-

Richard Diaz,
Defendant,

M-684
Index No. 260376/16

Seneca Insurance Company, Inc./JCP
Bail Bonds (also doing business as
AAA Bail Bonds, Inc.),
Surety-Appellant.

-----x

An appeal having been taken to this Court from an order of the Supreme Court, Bronx County, entered on or about October 31, 2016,

And respondent having moved for an order enlarging the record on appeal to include Exhibit 1 to the Kublin Aff.,

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 respondent to file a supplemental record containing the aforesaid exhibit with the respondent's brief for the June 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 March 12, 2019.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Peter Tom
Anil C. Singh
Peter H. Moulton, Justices.

-----x
Jonathan Rozoff,
Plaintiff-Respondent,

-against-

M-180
Index No. 300603/14

Meredith Shin,
Defendant-Appellant.
-----x

An appeal having been taken to this Court from a partial judgment of divorce of the Supreme Court, New York County, entered on or about October 23, 2017, and said appeal having been perfected,

And the attorney for the subject child, R. Ellen Sigal, Esq., having moved for an order assigning Andrew J. Baer, Esq., as counsel for the child on appeal,

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

It is ordered that the motion is granted to the extent of appointing, pursuant to 22 NYCRR Part 36, Andrew J. Baer, Esq., 299 Broadway, Suite 1415, New York, NY 10007, Telephone No. 212-233-0318, as counsel for purposes of responding to the appeal on behalf of the child. Counsel is to be compensated pursuant to the terms and conditions, and at the same rate of pay, as set forth in the order of the Supreme Court, New York County, dated February 26, 2016 (Exhibit 1 to the moving papers). Sua sponte, the appeal is adjourned to the June 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 March 12, 2019.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Angela M. Mazzarelli
Jeffrey K. Oing
Peter H. Moulton, Justices.

-----X
F. L.,

Plaintiff-Respondent,

-against-

D. T.,

Defendant-Appellant.
-----X

CONFIDENTIAL

M-6708

Index No. 4124/05

Defendant-appellant, pro se, having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Supreme Court, Bronx County, entered on or about October 4, 2018, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that said motion is denied.

ENTERED:



CLERK