

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 1, 2019.

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

-----X
Naomi Pouchie,

Plaintiff-Appellant,

-against-

M-3483
M-3698
Index No. 308501/12

Sandra Pichardo, Ronald Harrison and
Edgar Feijoo,

Defendants-Respondents.
-----X

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, dated April 8, 2019 and entered on or about April 10, 2019,

And defendant-respondent Ronald Harrison having moved to dismiss the appeal (M-3493)

Now, upon reading and filing the correspondence from counsel for plaintiff-appellant, dated July 17, 2019, and due deliberation having been had thereon,

It is ordered that the aforesaid appeal and motion are deemed withdrawn in accordance with counsels' correspondence.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 October 1, 2019.

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

-----X
342 East 50th Street LLC.,
Plaintiff-Appellant,

M-3234

-against-

Index No. 154507/18

Deborah Privitello,
Defendant-Respondent.

-----X

Appeals having been taken to this Court from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about June 18, 2019, which, inter alia, awarded defendant-respondent judgment against plaintiff-appellant in the amount of \$118,712.00, and from five previous orders of the same court entered on or about April 1, 2019, March 19, 2019, and June 18, 2019,

And plaintiff-appellant having moved for an order: (i) staying enforcement of the aforesaid order and judgment pursuant to CPLR 5519(c); and (ii) quashing the information subpoena with restraining notice served by defendant-respondent's counsel;

And plaintiff-appellant having posted an undertaking on appeal in the amount of \$118,712.00,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from counsel for plaintiff-appellant, dated August 1, 2019, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn pursuant to the aforesaid correspondence.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 October 1, 2019.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice, n
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-3771
SCI No. 2026/18

Edwin Hidalgo,
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 June 13, 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 October 1, 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

Layla F.,
London F.,
Dream F., and
Josiah R.,

CONFIDENTIAL

M-3706

M-6934

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

Docket Nos. NN-12124/18
NN-12125/18
NN-12126/18
NN-12127/18

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

Phillystina R.,
Respondent-Appellant,

Jonathan F.,
Respondent.

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

-----X

Respondent-appellant having moved, by separate motions, for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about July 16, 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 motions, and the certifications of Dana Stricker, Esq., dated July 26, 2019, and due deliberation having been had thereon, it is

Ordered that the motions are granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Richard L. Herzfeld, Esq., 112 Madison Avenue, 8th Floor, New York, NY 10016, Telephone No. 212-818-9019, 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) 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

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 October 1, 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.

Markis L.,
Petitioner-Respondent,

-against-

Jacquelyn E. R. C.,
Respondent-Appellant.

-----X

CONFIDENTIAL

M-7012

Docket No.

V-24176-06/17B

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 August 6, 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 Rachel Seger Cobos, Esq., dated August 19, 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, Randall Carmel, Esq., 410 Jericho Turnpike, Suite 302, Jericho, NY 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) 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

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 October 1, 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

Alethia T. R., and
Jamel D.,

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

CONFIDENTIAL

M-6937
Docket No. NN-15978-17
NN-15977-17

Administration for Children's Services,
Petitioner-Respondent,

-against-

Jaynie T. J.,
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, New York County, entered on or about July 30, 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 Rebecca Swarm, Esq., dated August 7, 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, NY 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 therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) directing appellant to perfect this appeal, 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

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 October 1, 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 Under Article 6 of the
Family Court Act

Raymond S. H.,
Petitioner-Respondent,

CONFIDENTIAL

M-6961

Docket No. V-34060-15/18B

-against-

Nefertiti S. M.,
Respondent-Appellant.

John R. Eyerman, Esq.,
Attorney for the Child.

-----X
Elizabeth Callaghan, Esq., court attorney for the subject child, having moved on the child's behalf for leave to respond, as a poor person, to the appeal taken from the order of the Family Court, New York County, entered on or about June 13, 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 Elizabeth Callaghan, Esq., dated July 30, 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, John R. Eyerman, Esq., 225 Broadway, Suite 1800, New York, NY 10007, Telephone No. 212-921-0069, 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 October 1, 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.

- - - - -
Dawn S.,
Petitioner-Appellant-Respondent,

-against-

Michael L. Y.,
Respondent-Respondent-Appellant.

CONFIDENTIAL

M-6949
Docket Nos. V-510-13
V-510-13/15A
V-510-13/16B
V-19184-13/16A
V-32171-13/16A

Carmen Restivo, Esq.,
Attorney for the Children.

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

- - - - -
Michael L. Y.,
Petitioner-Respondent-Appellant,

-against-

CONFIDENTIAL

Docket Nos. V-19184-13
V-32171-13

Dawn S.,
Respondent-Appellant-Respondent.

Carmen Restivo, Esq.,
Attorney for the Children.

-----X

Carmen Restivo, Esq., court attorney for the subject children, having moved on said children's behalf, for leave to respond, as poor persons, to the appeals taken from an order of the Supreme Court, New York County, entered on or about May 24, 2018, determining issues of custody and visitation; 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 Carmen Restivo, Esq., dated August 1, 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, Kenneth M. Tuccillo, Esq., 591 Warburton Avenue, No. 576, Hastings on Hudson, New York, 10701, Telephone No. 914-439-4843, 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 petitioners-appellants and an original, five hard copies and, if represented by counsel, one digital copy of such brief filed, 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 October 1, 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.

- - - - -
Eddie S.,
Petitioner-Respondent,

-against-

Sylvia S.,
Respondent-Appellant.

-----X

CONFIDENTIAL

M-3704

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

Katherine Tracey, Esq., court attorney for the subject children, having moved on the childrens' behalf for leave to respond, as poor persons, to the appeal taken from the 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 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, Richard L. Herzfeld, Esq., 112 Madison Avenue, 8th Floor, New York, NY 10016, Telephone No. 212-818-9019, as counsel for purposes of responding to the appeal; (2) permitting movants 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 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 October 1, 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.

- - - - -
Carolina T. L.,
Petitioner-Respondent,

CONFIDENTIAL

M-3705
Docket No. O-5851/18

-against-

Nicky L.,
Respondent-Appellant.

-----X

Petitioner-respondent having moved for leave to respond, as a poor person, to the appeal taken from the order of the Family Court, Bronx County, entered on or about June 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 Joseph V. Moliterno, Esq., dated July 18, 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, Richard L. Herzfeld, Esq., 112 Madison Avenue, 8th Floor, New York, NY 10016, Telephone No. 212-818-9019, 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 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 October 1, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Sallie Manzanet-Daniels
Angela M. Mazzarelli
Troy K. Webber
Peter H. Moulton, Justices.

-----x

Boris Gerasimov and Ekaterina Gerasimov,
Plaintiffs-Appellants,

-against-

M-6778

M-6952

Index No. 300165/18

Amalgamated Housing Corporation and
Norris McLaughlin & Marcus, P.A.,
Defendants-Respondents.

-----x

An appeal having been taken to this Court from an order of the Supreme Court, Bronx County, entered on or about February 26, 2019, and the appeal having been perfected,

And defendant-respondent, Amalgamated Housing Corporation, having moved for an order: (1) striking plaintiffs-appellants brief and appendix, and directing them to file a record on appeal and appellants' brief that comply with CPLR 5526 and 22 NYCRR 1250.7; and (2) extending defendant-respondent Amalgamated Housing Corporation's time within which to file its respondent's brief (M-6778),

And plaintiffs-appellants, pro se, having cross-moved for an order: (1) striking defendant-respondent Amalgamated Housing Corporation's motion; and (2) denying said defendant's request for an extension of time within which to file its respondent's brief (M-6952),

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 (M-6778) is granted to the extent of striking plaintiffs-appellants' appendix and brief and directing plaintiffs-appellants to file (1) a replacement

appendix for the January 2020 Term, to which Term the appeal is adjourned, which omits the material de hors the record, and which includes a copy of defendant-respondent's cross motion to preclude and to compel discovery, and which otherwise complies with 22 NYCRR 1250.7, and (2) a replacement brief which omits any references to material de hors the record; and

It is further ordered that the cross motion (M-6952) 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 October 1, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Troy K. Webber
Cynthia S. Kern, Justices.

-----X
Oscar Hernandez,
Plaintiff-Appellant-Respondent,

-against-

M-3276
Index No. 301487/14

601 West Associates,
Defendant-Respondent-Appellant.
-----X

Plaintiff-appellant-respondent having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on May 21, 2019 (Appeal No. 9352),

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 October 1, 2019.

Present - Hon. David Friedman, Justice Presiding,
Peter Tom
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

-----x
D&R Global Selections, S.L.,

Plaintiff-Respondent,

-against-

M-6847
Index No. 603732/07

Bodega Olegario Falcon Pineiro,

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 April 17, 2018, and said appeal having been perfected,

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

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

It is ordered that the motion is denied, without prejudice to plaintiff-respondent to raising substantive arguments in the respondent's brief on appeal. Sua sponte, the appeal is adjourned to the January 2020 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 October 1, 2019.

PRESENT: Hon. David Friedman, Justice Presiding,
Peter Tom
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

-----X

Isabelita Gonzalez,
Petitioner-Appellant,

-against-

M-7003
Index No. 101318/18

New York City Commission on Human Rights;
New York City Commission on Human Rights,
Office of the Chairperson/Commissioner,
Respondents-Respondents.

-----X

Petitioner-appellant, pro se, 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 June 13, 2019, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the attorney for respondent and 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. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the 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 October 1, 2019.

PRESENT: Hon. David Friedman, Justice Presiding,
Dianne T. Renwick
Peter Tom
Ellen Gesmer
Jeffrey K. Oing, Justices.

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

-against-

M-6913
Index No. 1474/17

Keith Shenery,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about May 29, 2019,

And an order of a Justice of this Court having been entered on June 10, 2019, inter alia, staying execution of the aforesaid judgment and releasing defendant on his own recognizance on condition that the appeal be perfected by September 30, 2019,

And defendant having moved for an order continuing the aforesaid stay of execution of the judgment pending the hearing and determination of the appeal,

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

It is ordered that the motion is granted to the extent of continuing the stay of execution of the aforesaid judgment and release of defendant on his own recognizance, on the original terms and conditions, and on the further condition that the appeal is perfected for the April 2020 Term of this 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 October 1, 2019.

PRESENT: Hon. David Friedman, Justice Presiding,
Peter Tom
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

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

Kenneth Hockaday,
Petitioner,

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

M-7018
M-7053
Index No. 101071/17

-against-

Shola Olatoye, as Chairman of the New York City Housing Authority and New York City Housing Authority Albany Houses, Respondents.

-----x
An Article 78 proceeding to review a determination of respondents having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about June 25, 2018,

And petitioner having moved for an enlargement of time to perfect the transferred proceeding and to continue a stay of eviction pending hearing and determination of said proceeding, (M-7018),

And respondents having cross-moved to dismiss the transferred proceeding (M-7053),

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 (M-7018), deemed to include a request to vacate the dismissal of the proceeding, is granted, and the time to perfect the proceeding is extended to the January 2020 Term of this Court (see 22 NYCRR 1250.10[c]). The cross motion to dismiss the proceeding (M-7053), is denied. The terms

It is ordered that the motion (M-7018), deemed to include a request to vacate the dismissal of the proceeding, is granted, and the time to perfect the proceeding is extended to the January 2020 Term of this Court (see 22 NYCRR 1250.10[c]). The cross motion to dismiss the proceeding (M-7053), is denied. The terms of the stay of eviction are continued pending hearing and determination of the transferred 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 October 1, 2019.

PRESENT: Hon. David Friedman, Justice Presiding,
Dianne T. Renwick
Peter Tom
Ellen Gesmer
Jeffrey K. Oing, Justices.

-----X

George Yaffe,
Plaintiff-Respondent,

-against-

M-6832
Index No. 651784/18

Martin Shkreli,
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about May 13, 2019, which denied defendant-appellant's motion to vacate a default judgment,

And defendant-appellant having moved for an order staying enforcement of the aforesaid judgment pending hearing and determination of the appeal,

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

It is ordered that the motion is 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 October 1, 2019.

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

-----X
Gerald A. Niznick, et al.,

Plaintiffs-Appellants,

-against-

M-3195
Index No. 650726/18

Sybron Canada Holdings, Inc., et al.,

Defendants-Respondents.
-----X

Plaintiffs-appellants 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 May 28, 2019 (Appeal Nos. 9422-9423),

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 October 1, 2019.

PRESENT: Hon. David Friedman, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Jeffrey K. Oing
Peter H. Moulton, Justices.

-----X

Amnon Shibolet, et al.,
Plaintiffs-Respondents,

-against-

Joseph Yerushalmi, et al.,
Defendants-Appellants,

M-3206
Index No. 600350/98

N.S.N. International Industries,
et al.,
Defendants.

-----X

Plaintiffs-respondents having moved for an order granting renewal, in the interest of justice, of this Court's decision and order, entered October 25, 2018 (Appeal No. 7466) and, upon renewal, deleting the directive that the Clerk is directed to enter judgment in accordance with our decision and replacing it with language, inter alia, directing the matter be remanded to a Special Referee for a new accounting,

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

It is ordered that the motion is denied and the stay of entry of judgment granted by a Justice of this Court on June 28, 2019 is 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 October 1, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Troy K. Webber
Jeffrey K. Oing, Justices.

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

-against-

M-6772
Ind. No 702/18

Travis Butler,
Defendant-Respondent.

-----x

An appeal having been taken to this Court from orders of the Supreme Court, Bronx County, entered on or about November 20, 2018 and March 7, 2019, and said appeal having been perfected,

And an order of this Court having been entered on July 16, 2019 (M-2634), denying defendant-respondent's motion for an order unsealing the minutes of the grand jury proceedings and relevant exhibits submitted to this Court under seal by the People,

And defendant-respondent having moved for reargument of this Court's July 16, 2019 order (M-2634),

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

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

BEFORE: Hon. Peter Tom
Justice of the Appellate Division

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

M-2036
Ind. No. 385/14

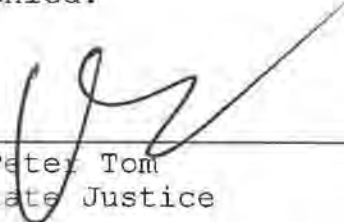
Respondent,
-against-

Derek Glover,

CERTIFICATE
DENYING LEAVE

Defendant.
-----X

I, Peter Tom, 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, Bronx County, entered on or about February 4, 2019 is hereby denied.



Hon. Peter Tom
Associate Justice

Dated: September 12, 2019
New York, New York

ENTERED OCT 01 2019

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 1, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Troy K. Webber
Jeffrey K. Oing, Justices.

-----X
Gerald Imber, M.D., P.C.,
Plaintiff-Appellant,

-against- M-3671
Index No. 653353/18

Carl Fischer Photography, Inc.,
Defendant-Respondent.
-----X

An appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about April 24, 2019,

And an order of this Court having been entered on June 20, 2019 (M-2483), granting plaintiff's motion to the extent of reinstating a temporary restraining order which had been vacated by the Supreme Court's April 24, 2019 order, on condition plaintiff perfects its appeal for the December 2019 Term of this Court,

And defendant-respondent Carl Fisher Photography, having moved for reargument of this Court's aforesaid order, entered on June 20, 2019 (Motion No. 2483), and upon reargument, modifying the order to condition the reinstatement of the stay upon plaintiff's posting of an undertaking in the amount \$3,200,000, and payment of monthly use and occupancy,

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 October 1, 2019.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Rosalyn H. Richter
Barbara R. Kapnick
Jeffrey K. Oing
Anil C. Singh, Justices.

-----X

Rigoberto Martinez-Gonzalez,
Plaintiff-Respondent,

-against-

56 West 75th Street, LLC, et al.,
Defendants.

- - - - -
[And a Third-Party Action]

M-3134
Index No. 22645/15E

- - - - -
Brusco Contracting Corp.,
Second Third-Party Plaintiff-Respondent,

-against-

Pearl Renovations, Inc.,
Second Third-Party Defendant-Appellant.

- - - - -
56 West 75th Street, LLC,
Third Third-Party Plaintiff-Respondent,

-against-

Pearl Renovations, Inc.,
Third Third-Party Defendant-Appellant,

Pear Drywall Finishing, Inc.,
Third Third-Party Defendant.

-----X

Second/third third-party defendant-appellant Pearl Renovations, Inc., 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 May 28, 2019 (Appeal Nos. 9446, 9446A, 9446B and 9446C), and for a stay of trial pending the determination of the within motion,

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

It is ordered that the 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 October 1, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Judith J. Gische
Troy K. Webber
Jeffrey K. Oing
Peter H. Moulton, Justices.

-----X

Borden LP,
Plaintiff,

-against-

M-3499
Index No. 657398/17

TPG Sixth Street Partners, et al.,
Defendants.

-----X

TPG Sixth Street Partners, LLC, et al.,
Third-Party Plaintiffs-Appellants,

-against-

Michael Borden, et al.,
Third-Party Defendants-Respondents,

Smudge Monster, LLC,
Third-Party Defendant.

-----X

Third-party defendants-respondents, Michael Borden and PRS1000, LLC, having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on June 6, 2019 (Appeal No. 9545),

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 October 1, 2019.

Present - Hon. Judith J. Gische, Justice Presiding,
Jeffrey K. Oing
Anil C. Singh
Peter H. Moulton, Justices.

-----X
Manhattan Mini Storage, LLC,
Petitioner-Respondent,

-against-

M-3332
Index No. 570619/17

Ebrain Consulting,
Respondent-Appellant.
-----X

Respondent-appellant having moved for leave to appeal to this Court from the decision and order of the Appellate Term, First Department, entered in the office of the Clerk of the Supreme Court, New York County, on or about March 18, 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 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 October 1, 2019.

Present - Hon. Judith J. Gische, Justice Presiding,
Jeffrey K. Oing
Anil C. Singh
Peter H. Moulton, Justices.

-----x

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

Dawn S.,
Petitioner-Appellant,

-against-

Michael L. Y.,
Respondent-Respondent.

Carmen Restivo, Esq.,
Attorney for the Children.

-----X

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

Michael L. Y.,
Petitioner-Appellant,

-against-

Dawn S.,
Respondent-Respondent.

Carmen Restivo, Esq.,
Attorney for the Children.

-----x

CONFIDENTIAL

M-3482
Docket Nos. V-510-13
V-510-13/15A
V-510-13/16B
V-19184-13/16A
V-32171-13/16A

CONFIDENTIAL

Docket Nos. V-19184-13
V-32171-13

An appeal having been taken to this Court by petitioner-appellant/respondent-respondent mother from the order of the Family Court, New York County, entered on or about May 24, 2018, which granted the father sole custody of the subject children,

And an order of this Court having been entered on February 10, 2019 (M-6645), inter alia, granting petitioner-appellant/respondent-respondent mother leave to prosecute the aforesaid appeal as a poor person, as well as leave to respond the appeal taken by movant father, and assigning Randall S. Carmel, Esq., as counsel to prosecute the appeal,

And an order of the Family Court, New York County, having been entered on or about May 15, 2019, in which the Court, after reviewing petitioner-appellant/respondent-respondent mother's 2018 tax return and a financial disclosure affidavit, noted that her income "far exceeds the maximum income... to qualif[y] for free court-appointed counsel" and, as a result, denied the mother's application for free court-appointed counsel due to her ineligibility,

And respondent-respondent/petitioner-appellant father having moved, by assigned counsel, to relieve the assigned appellate counsel afforded to petitioner-appellant/respondent-respondent mother by 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 granted, and assigned counsel Randall S. Carmel, Esq., is relieved as counsel on her appeal, as well as on respondent-respondent/petitioner-appellant father's appeal.

ENTERED:


CLERK

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

BEFORE: Hon. Peter Tom
Justice of the Appellate Division

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

M-2561
Ind. No. 4344/2007


Respondent,
-against-

Joseph Meldish,

CERTIFICATE
DENYING LEAVE

Defendant.
-----X

I, Peter Tom, 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, Bronx County, entered on or about April 8, 2019 is hereby denied.



Hon. Peter Tom
Associate Justice

Dated: September 12, 2019
New York, New York

ENTERED OCT 01 2019

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 1, 2019.

Present - Hon. Angela M. Mazzairelli, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-3760
Ind. No. 4124/17

Maria Esperanza,
Defendant-Appellant.

-----X

Defendant-appellant 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 November 1, 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, 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 October 1, 2019.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern, Justices.

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

-against-

M-3813
Ind. No. 2086/18

Elvin Minaya-Rodriguez,
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 September 7, 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, 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 October 1, 2019.

PRESENT: Hon. Angela M. Mazzairelli, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern, Justices.

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

CONFIDENTIAL

M-3487

-against-

Ind. No. 716/13

Raymond Ramos,
Defendant-Appellant.

-----X

Defendant having moved for permission to file a late notice of appeal and for leave to prosecute, as a poor person, an appeal taken from the order of the Supreme Court, New York County (Reed, J.), entered on or about March 29, 2019, 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: (i) directing assigned counsel to file a civil notice of appeal, if timely, pursuant to CPLR 5513(a), (see, Correction Law 168-n(3); and (ii) 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 the Supreme Court as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's assigned counsel, Christina Swarns, Esq., Office of the Appellate Defender, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

The time within which appellant shall perfect the appeal, if timely, 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 October 1, 2019.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern, Justices.

-----X
In the Matter of the Application of
Barbara Amis,
Petitioner,

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

M-3852
Index No. 100229/19

-against-

New York City Housing Authority,
Respondent.

-----X

An Article 78 proceeding having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about May 24, 2019, to review a determination of Respondent,

And petitioner, pro se, having moved for leave to prosecute the proceeding as a poor person, upon the original record and reproduced petitioner's brief,

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

It is ordered that the motion is granted to the extent of permitting the proceeding to be heard on the original record and upon a reproduced petitioner's brief, on condition that petitioner serves one copy of such brief upon the attorney for the respondent 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. Petitioner is permitted to dispense with payment of the required fee for the subpoena and filing of the record.

ENTERED:


CLERK

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

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

The People of the State of New York,

M-2912
Ind. No. 861/15

-against-

CERTIFICATE
GRANTING LEAVE

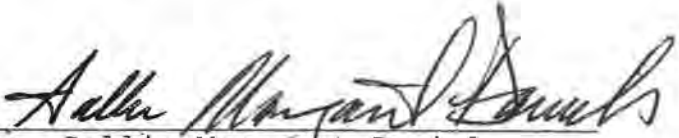
James Corey,

Defendant.

-----X

I, Sallie Manzanet-Daniels, a Justice of the Appellate Division, First Judicial Department, do hereby certify that in the proceedings herein questions of law or fact are involved which ought to be reviewed by the Appellate Division, First Judicial Department, and, pursuant to Section 460.15 of the Criminal Procedure Law, permission is hereby granted to the above-named defendant to appeal to the Appellate Division, First Judicial Department, from the order of the Supreme Court, New York County, entered on or about March 29, 2019.¹

Dated: September 12, 2019
New York, New York


Hon. Sallie Manzanet-Daniels
Associate Justice

ENTERED

OCT 01 2019

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 1, 2019.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern, Justices.

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

-against-

Raymond Johnson,
Defendant-Appellant.

CONFIDENTIAL

M-2998

Ind. No. 344/16

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, Bronx County, rendered on or about December 20, 2016, or, in the alternative, for a writ of error coram nobis, and for poor person relief and assigned counsel,

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

It is ordered that the motion is granted to the extent of deeming the moving papers a timely filed notice of appeal. The motion, to the extent that it seeks poor person relief, is denied, with leave to renew, upon defendant's submission of a notarized affidavit, pursuant to CPLR 1101(a) and 22 NYCRR 1250.4(d)(1) and (4), setting forth, inter alia, his indigency and facts sufficient to establish that defendant has no funds or assets with which to prosecute the appeal.

ENTERED:


CLERK

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

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

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

M-3056
Ind. No. 1221/13

-against-

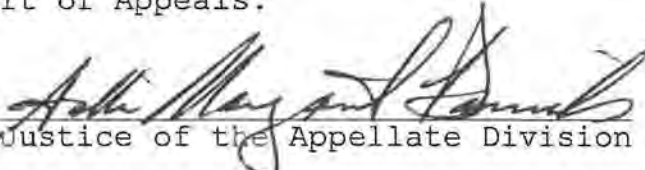
CERTIFICATE
GRANTING LEAVE TO APPEAL
TO THE COURT OF APPEALS

Darryl Hemphill,
Defendant-Appellant.

-----x

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

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


Justice of the Appellate Division

Dated: September 10, 2019
New York, New York

ENTERED: OCT 0 1 2019

*Description of Order:

Supreme Court, Bronx County, entered on January 6, 2016
App. Div., First Dept., Appeal No. 8849, affd on June 11, 2019.

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 1, 2019.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern, Justices.

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

-against-

M-3588
Ind. No. 1654/18

Randy Vasquez,
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 March 26, 2019, for poor person relief and assignment of counsel,

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

It is ordered that the motion is granted to the extent of deeming the notice of appeal as timely filed. That branch of the motion seeking poor person relief is 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 his indigency as well as the terms of defendant's retainer agreement with trial counsel, Susan Calvello, Esq., including the amount and sources of funds utilized 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 October 1, 2019.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern, Justices.

-----x
Susan A.,

Petitioner-Respondent,

-against-

CONFIDENTIAL

M-3743

Docket No. F-44460-10/16L

Christopher O.,
Respondent-Appellant.

-----x

An appeal having been taken to this Court by respondent from an order of the Family Court, New York County, entered on or about April 10, 2019, amended by an order entered on or about May 23, 2019,

And respondent-appellant having moved for leave to prosecute said appeal as a poor person, for the assignment of 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 denied, with leave to renew, upon submission of an affidavit addressing the issue of how respondent was able to pay for Family Court counsel and explaining why such funds are not available for the prosecution of 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 October 1, 2019.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern, Justices.

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

-against-

M-3673
Ind. Nos. 2707/14
4839/16
Dwight Reid,
Defendant-Appellant.

-----X

An order of this Court having been entered on October 16, 2018 (M-4098), granting defendant 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 31, 2017, and assigning Robert S. Dean, Esq., Center for Appellate Litigation, as counsel to prosecute the appeal,

And defendant-appellant having moved for an order relieving assigned counsel Robert S. Dean, Esq., and substituting Julia P. Kuan, Esq., Romano & Kuan PLLC, as counsel to prosecute the appeal; and for continuation of the poor person relief previously granted by the aforesaid order of this Court entered on October 16, 2018 (M-4098),

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

It is ordered that the motion is granted to the extent of striking the designation of Robert S. Dean, Esq., Center for Appellate Litigation, as assigned counsel to prosecute defendant-appellant's appeal. That branch of the motion seeking to substitute Julia P. Kuan, Esq., Romano & Kuan PLLC, as such counsel is denied, as unnecessary. The poor person relief

previously granted is continued, and defendant-appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the complete record, whichever is later.

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 October 1, 2019.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern, Justices.

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

-against-

M-3735
Ind. No. 1461/16

James Markico,
Defendant-Appellant.

-----X

Assigned counsel for defendant-appellant having moved for an order relieving Christina Swarns, Esq., Office of the Appellate Defender, as such counsel or, in the alternative, dismissing defendant-appellant's appeal which was taken from a judgment of the Supreme Court, Bronx County, rendered on or about January 9, 2018, without prejudice to reinstatement at such time appellant becomes amenable to the jurisdiction 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 granted to the extent of deeming the appeal withdrawn, and is otherwise denied.

ENTERED:


CLERK

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

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

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

M-3486
Ind. No. 309/12

-against-


CERTIFICATE
GRANTING LEAVE

Charles Little,
Defendant-Appellant.

-----X

I, Barbara R. Kapnick, a Justice of the Appellate Division, First Judicial Department, do hereby certify that in the proceedings herein questions of law or fact are involved which ought to be reviewed by the Appellate Division, First Judicial Department, and, pursuant to Section 460.15 of the Criminal Procedure Law, permission is hereby granted to the above-named defendant to appeal to the Appellate Division, First Judicial Department, from the order of the Supreme Court, Bronx County, entered on or about June 6, 2019.¹

Dated: September 13, 2019
New York, New York


Hon. Barbara R. Kapnick
Associate Justice

ENTERED

OCT 01 2019

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

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 1, 2019.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-3733
Ind. No. 2205/17

William Harris,
Defendant-Appellant.

-----X

Assigned counsel for defendant-appellant having moved for an order relieving Christina Swarns, Esq., Office of the Appellate Defender, as such counsel or, in the alternative, dismissing defendant-appellant's appeal which was taken from a judgment of the Supreme Court, Bronx County, rendered on or about April 12, 2018, without prejudice to reinstatement at such time appellant becomes amenable to the jurisdiction 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 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 October 1, 2019.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern, Justices.

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

-against-

M-3595
Ind. No. 1393/18

Tiffany Thompson,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about March 26, 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 as 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 October 1, 2019.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-3677
Ind. No. 1096N/18

Ayrovv Sime, also known as
Ayrovv Sime Tineo,
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 December 10, 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 deeming the moving papers a timely filed notice of 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 October 1, 2019.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern, Justices.

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

-against-

M-3881
Ind. No. 2948/17

Saka Pierre Louis,
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, Bronx County, rendered on or about June 7, 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 moving papers a timely filed notice of 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 October 1, 2019.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-3882
Ind. No. 942/19

Alexsio Baez,
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, Bronx County, rendered on or about July 2, 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 moving papers a timely filed notice of 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 October 1, 2019.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-3886
SCI No. 1559/19

William Medina,
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 23, 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 moving papers a timely filed notice of 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 October 1, 2019.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern, Justices.

-----X
In the Matter of the Application of
Kiska Construction Inc.,
Petitioner-Appellant,

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

M-3484
Index No. 155620/16

-against-

New York City Transit Authority,
Respondent-Respondent.

-----X

Petitioner-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 September 24, 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 January 2020 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 October 1, 2019.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Ellen Gesmer, Justices.

-----X
Isaac Ralph Dweck,
Plaintiff-Respondent,

-against-

M-3778
Index No. 152015/14

Ancient Modern Art, LLC, doing
business as Lois Hill Accessories,
Lois Hill Accessories LLC and
Lois Hill,
Defendants-Appellants.

-----X

Defendants-appellants having moved for an enlargement of time to perfect the appeal taken from a judgment of the Supreme Court, New York County, entered on or about October 18, 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 January 2020 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 October 1, 2019.

Present - Hon. Angela M. Mazzairelli, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern, Justices.

-----X
Teledata Technology Solutions, Inc.,
Anush Ramachandran and David Price,
Plaintiffs-Respondents,

-against-

M-3799
Index No. 655866/17

Sandton Fund Assignments, LLC,
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 October 23, 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 January 2020 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 October 1, 2019.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern, Justices.

-----x

Elizabeth Velez, as Mother and Natural guardian of R.M. and Elizabeth Velez, Individually, Marta Morales and Juan Matos,

Plaintiffs-Respondents,

M-3842
Index No. 24703/14E

-against-

The City of New York, The New York City Police Department and The New York City Fire Department,
Defendants-Appellants.

-----x

Defendants-appellants 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 June 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 January 2020 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 October 1, 2019.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern, Justices.

-----X
Philip Seid doing business as
Chinatown Ice Cream Factory, Inc.,
Plaintiff-Respondent,

-against-

M-3859

Index No. 650636/18

116 Madison Street LLC,
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 October 10, 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 January 2020 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 October 1, 2019.

Present - Hon. Angela M. Mazzairelli, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern, Justices.

-----X

Neida Guzman,
Plaintiff-Respondent,

-against-

Jonathan Ettricks,
Defendant-Appellant.

-----X

CONFIDENTIAL

M-3870

Index No. 5281/10

Defendant-appellant having moved for an enlargement of time to perfect the appeal taken from an order and judgment (one paper) of the Supreme Court, Bronx County, entered on or about May 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 January 2020 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 October 1, 2019.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern, Justices.

-----x

Norman Bergman,
Plaintiff-Appellant,

-against-

M-3711
Index No. 153348/16

The Bank of New York Mellon, formerly known as The Bank of New York, as Trustee for the Certificate Holders of The CWBBS, Inc., CHL Mortgage Pass-Through Trust 2006-HYB1, Mortgage Pass Through Certificate Series, 2006-HYB1, Defendants-Respondents.

-----x

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about December 21, 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 January 2020 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 October 1, 2019.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern, Justices.

-----X
Ashleigh Abreu, infant by her Mother
and Natural Guardian Belkys Sosa,
Belle-Marie Abreu, infant by her
Mother and Natural Guardian Belkys
Sosa, John Abreu and Belkys Sosa,
Individually,
Plaintiffs-Appellants,

M-3805
Index No. 22344/12E

-against-

Su-Wang Miller, Carlos R. Rivas and
D. Rivas Corp.,
Defendants-Respondents.

-----X

Plaintiff-appellant, Belkys Sosa, having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, Bronx County, entered on or about July 23, 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 January 2020 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 October 1, 2019.

Present - Hon. Angela M. Mazzairelli, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern, Justices.

-----X

Lindita Coku, et al.,
Plaintiffs-Appellants,

-against-

M-3739
Index No. 157973/16

LIV Hudson Heights LLC,
Defendant-Respondent.

-----X

Plaintiffs-appellants having moved for an enlargement of time to perfect their appeal from an order of the Supreme Court, New York County, entered on or about February 4, 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 enlarging the time to perfect the appeal to the February 2020 Term, with leave to seek further enlargements if necessary.

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 October 1, 2019.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern, Justices.

-----x

The People of the State of New York,
Respondent,

-against-

M-3768
Ind. No. 1450/15

Robert DePalo,
Defendant-Appellant.

-----x

Defendant-appellant 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 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 appeal to the February 2020 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 October 1, 2019.

Present - Hon. Angela M. Mazzairelli, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern, Justices.

-----X
Callsome Solutions, Inc.,
Plaintiff-Respondent,

-against-

Google, LLC,
Defendant-Appellant.
-----X

M-3849
Index No. 652386/14

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 October 23, 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 March 2020 Term and marked final.

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 October 1, 2019.

Present - Hon. Angela M. Mazzairelli, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern, Justices.

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

-against-

Juan Scott,
Defendant-Appellant.

CONFIDENTIAL

M-3812
Ind. Nos. 4821/14
4860/14

-----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 November 7, 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 appeal to the April 2020 Term, with leave to seek further extensions, if necessary.

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 October 1, 2019.

PRESENT: Hon. Angela M. Mazzairelli, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern, Justices.

-----X
Martin Gjeka and Drite Gjeka,

Plaintiffs-Respondents,

-against-

Iron Horse Transportation, Inc.,
Michael Busch, Re-Steel Supply
Company, Inc. and 108-110 East 116th
Street LLC,
Defendants-Appellants.

M-3609

M-3629

M-3659

Index No. 304692/12

-----X
Iron Horse Transportation, Inc.,
and Michael Busch,
Third-Party Plaintiff-Appellant,

-against-

108-110 East 116th Street, LLC,
Third-Party Defendant-Appellant,

Third-Party
Index No. 89340/13

Ricky & Sons Construction Corp.,
Kuljit Kaur and Junior Carter
Mechanical Corp.,
Third-Party Defendants.

-----X

Separate appeals having been taken from an order of the Supreme Court, Bronx County, entered on or about October 11, 2018,

And defendant-appellant Re-Steel Supply Company, Inc. having moved for an enlargement of time to perfect its appeal taken from the aforesaid order (M-3609),

And defendant/third-party defendant-appellant 108-110 East 116th Street, LLC, having moved for the same relief (M-3629),

And defendants/third-party plaintiffs-appellants Iron Horse Transportation, Inc. and Michael Busch having also moved for the same relief (M-3659),

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

It is ordered that the motions are granted to the extent of enlarging the time to perfect the appeals to the January 2020 Term. The Clerk is directed to calendar the appeals to be heard together on the same date of that 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 October 1, 2019.

PRESENT: Hon. Angela M. Mazzairelli, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern, Justices.

-----X
Leslie Edwards,
Plaintiff-Respondent,

-against-

M-3551
Index No. 22326/17E

Amanda Aponte and Nelson Aponte,
Defendants-Appellants,

Tanya L. Hernandez, et al.,
Defendants.

-----X

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

And defendants-appellants having moved to vacate the dismissal of the appeal and, upon vacatur, 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, the dismissal vacated, the appeal reinstated, and the time to perfect the appeal is enlarged to the January 2020 Term (see, 22 NYCRR 1250.10[c]).

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 October 1, 2019.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern, Justices.

-----x

Nelux Holdings International N.V.,
Plaintiff-Appellant,

-against-

M-3655
Index No. 652562/15

Gila Dweck,
Defendant-Respondent.

-----x

Plaintiff-appellant having moved for an enlargement of time to perfect the appeals taken from two orders of the Supreme Court, New York County, both entered on or about September 18, 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 deemed one seeking to vacate the dismissal of the appeals and, as such, is granted, the appeals are reinstated, and the time to perfect said appeals is enlarged to the January 2020 Term (see, 22 NYCRR 1250.10[c]).

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 October 1, 2019.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern, Justices.

-----x

Mariusz Pajaczek, et al.,
Plaintiffs-Appellants,

-against-

M-3710

Index No. 112430/06

Cema Construction Corp., et al.,
Defendants-Respondents.

-----x

Plaintiffs-appellants having moved, pursuant to 22 NYCRR 1250.10(c), to vacate the dismissal of the appeal taken from the order of the Supreme Court, New York County, entered on or about May 16, 2018 and, upon vacatur, for an enlargement of time to perfect said 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 dismissal vacated, the appeal reinstated, and the time to perfect the appeal enlarged to the January 2020 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 October 1, 2019.

PRESENT: Hon. Angela M. Mazzairelli, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern, Justices.

-----X
Jonathan Dalmasi, as Administrator
of the Estate of Julia Rodriguez,
Plaintiff-Respondent,

-against-

M-3721
Index No. 24177/13

The City of New York,
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about October 19, 2017,

And defendant-appellant having moved to vacate the dismissal of the appeal and, upon vacatur, for an enlargement of time to perfect same, and to amend the caption to substitute the Administrator of the Estate of Julia Rodriguez as plaintiff,

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 dismissal vacated, the appeal reinstated, and the time to perfect same is enlarged to the to the January 2020 Term (see, 22 NYCRR 1250.10[c]). The caption is amended, as indicated.

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 October 1, 2019.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern, Justices.

-----x

Martin Trepel, DO,
Plaintiff-Appellant,

-against-

M-3747

Index No. 650541/18

Gregg Hodgins, et al.,
Defendants-Respondents.

-----x

Plaintiff-appellant having moved, pursuant to 22 NYCRR 1250.10(c), to vacate the dismissal of the appeal taken from the order of the Supreme Court, New York County, entered on or about January 9, 2019 and, upon vacatur, for an enlargement of time to perfect said 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 dismissal vacated, the appeal reinstated, and the time to perfect the appeal enlarged to the January 2020 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 October 1, 2019.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern, Justices.

-----X
JP Morgan Chase Bank, National
Association,
Plaintiff-Respondent,

-against-

M-3524
Index No. 380586/11

Alexandra White also known as
Alexandra Dowling, Martha Jane
Mitchell-White also known as
MJ Mitchell, The Board of Managers
of the Parkchester North Condominium
Homeowners Association, Wings
Financial Federal Credit Union, City
of New York Environmental Control
Board, City of New York Parking
Violations Bureau, City of New York
Transit Adjudication Bureau,
Joseph Johnson, Walter Johnson,
Defendants,

Adam Plotch,
Non-Party Appellant.

-----X

An appeal having been taken from an order Supreme Court, Bronx County, entered on or about April 4, 2018,

And non-party appellant having moved to vacate of the dismissal of the appeal and, upon vacatur, 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 denied as unnecessary, said relief having been granted by an order of this Court entered on August 6, 2019 (M-2950), with leave to seek further enlargements, if necessary.

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 October 1, 2019.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern, Justices.

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

Tanya A.,
Petitioner-Respondent,

CONFIDENTIAL
M-3722
M-6859

Docket Nos. O-16032/16
O-16101/16

-against-

John S.,
Respondent-Appellant.

-----X

An appeal having been taken from an order of the Family Court, Bronx County, entered on or about December 1, 2017,

And respondent-appellant father having moved for an enlargement of time to perfect said appeal (M-6859),

And petitioner-respondent mother having cross-moved to dismiss the aforementioned appeal (M-3722),

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 cross motion is granted and the appeal is dismissed (M-3722). Respondent-appellant's application for an enlargement of time to perfect the appeal is denied, as academic (M-6859).

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 October 1, 2019.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern, Justices.

-----x

E.D. & F. Man Sugar, Inc., etc.,
Plaintiff-Respondent,

-against-

M-3608
Index No. 653963/12

ZZY Distributors, Inc., etc.,
et al.,
Defendants-Appellants.

-----x

An appeal having been taken to this Court from the judgment of the Supreme Court, New York County, entered on or about July 10, 2019,

And defendants-appellants having moved for the stay of the aforesaid judgment pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is granted to the extent of continuing the interim relief granted by an order of a Justice of this Court on July 22, 2019, upon all of the original terms and conditions set forth therein, and upon the further condition that the appeal is perfected for the January 2020 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 October 1, 2019.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern, Justices.

-----X
186 Norfolk LLC,
Petitioner-Landlord-Respondent,

-against-

M-3604
Index No. 570315/18

Fernando Euvin,
Respondent-Tenant-Appellant.

-----X

Respondent-tenant-appellant Fernando Euvin, having moved for leave to appeal to this Court from the decision and order of the Appellate Term, First Department, entered in the office of the Clerk of the Supreme Court, New York County, on or about June 6, 2019, and for civil poor person 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. Appellant shall file a copy of the informational statement, pursuant to section 1250.3(a) of the Practice Rules of the Appellate Division, and a copy of this order, with the Clerk of the Appellate Term, with proof of service, pursuant to section 1250.14(f) of the Practice Rules of the Appellate Division. That branch of the motion seeking poor person relief is granted to the extent of permitting appellant to dispense with payment of the required fee for the subpoena and filing of the 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 October 1, 2019.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

Tyrone Moore,

Defendant-Appellant.
-----X

CONFIDENTIAL

M-3560

Index No. 57066/13

Defendant-appellant having moved for leave to appeal to this Court from the decision and order of the Appellate Term, First Department, entered in the office of the Clerk of the Supreme Court, New York County, on or about April 24, 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 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 October 1, 2019.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern, Justices.

-----X
529 West 29th LLC,
Petitioner-Landlord-Appellant,

-against-

M-3657
Index No. 571106/18

Jose Reyes,
Respondent-Tenant-Respondent.

-----X

Petitioner-landlord-appellant having moved for leave to appeal to this Court from the decision and order of the Appellate Term, First Department, entered in the office of the Clerk of the Supreme Court, New York County, on or about April 24, 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 denied.

ENTERED:


CLERK

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

BEFORE: Hon. Peter Tom
Justice of the Appellate Division

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

M-6471
Ind. No. 7870/98

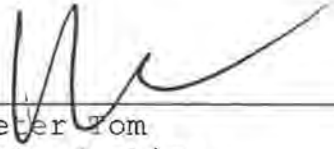
Respondent,
-against-

Sheldon Ennis,

CERTIFICATE
DENYING LEAVE

Defendant.
-----X

I, Peter Tom, 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, entered on or about November 14, 2018 is hereby denied.



Hon. Peter Tom
Associate Justice

Dated: September 16, 2019
New York, New York

ENTERED

OCT 01 2019

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

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

The People of the State of New York,

M-2912
Ind. No. 861/15

-against-

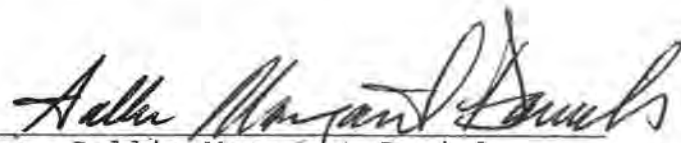
CERTIFICATE
GRANTING LEAVE

James Corey,

Defendant.
-----X

I, Sallie Manzanet-Daniels, a Justice of the Appellate Division, First Judicial Department, do hereby certify that in the proceedings herein questions of law or fact are involved which ought to be reviewed by the Appellate Division, First Judicial Department, and, pursuant to Section 460.15 of the Criminal Procedure Law, permission is hereby granted to the above-named defendant to appeal to the Appellate Division, First Judicial Department, from the order of the Supreme Court, New York County, entered on or about March 29, 2019.¹

Dated: September 12, 2019
New York, New York



Hon. Sallie Manzanet-Daniels
Associate Justice

ENTERED

OCT 01 2019

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

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

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

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

M-3056
Ind. No. 1221/13

-against-

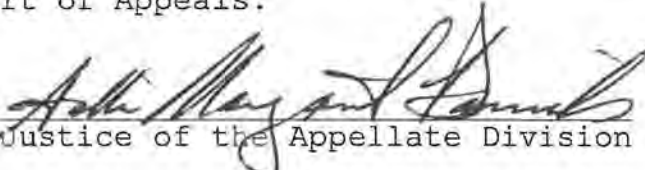
CERTIFICATE
GRANTING LEAVE TO APPEAL
TO THE COURT OF APPEALS

Darryl Hemphill,
Defendant-Appellant.

-----x

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

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


Justice of the Appellate Division

Dated: September 10, 2019
New York, New York

ENTERED: OCT 0 1 2019

*Description of Order:

Supreme Court, Bronx County, entered on January 6, 2016
App. Div., First Dept., Appeal No. 8849, affd on June 11, 2019.

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

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

BEFORE: Hon. Peter Tom
Justice of the Appellate Division

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

M-2036
Ind. No. 385/14

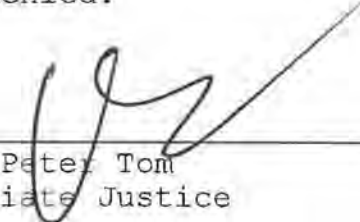
Respondent,
-against-

Derek Glover,

CERTIFICATE
DENYING LEAVE

Defendant.
-----X

I, Peter Tom, 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, Bronx County, entered on or about February 4, 2019 is hereby denied.



Hon. Peter Tom
Associate Justice

Dated: September 12, 2019
New York, New York

ENTERED OCT 01 2019

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

BEFORE: Hon. Peter Tom
Justice of the Appellate Division

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

M-2561
Ind. No. 4344/2007


Respondent,
-against-

Joseph Meldish,

CERTIFICATE
DENYING LEAVE

Defendant.
-----X

I, Peter Tom, 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, Bronx County, entered on or about April 8, 2019 is hereby denied.



Hon. Peter Tom
Associate Justice

Dated: September 12, 2019
New York, New York

ENTERED OCT 01 2019

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

BEFORE: Hon. Peter Tom
Justice of the Appellate Division

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

M-6471
Ind. No. 7870/98

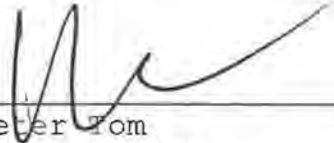
Respondent,
-against-

Sheldon Ennis,

CERTIFICATE
DENYING LEAVE

Defendant.
-----X

I, Peter Tom, 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, entered on or about November 14, 2018 is hereby denied.



Hon. Peter Tom
Associate Justice

Dated: September 16, 2019
New York, New York

ENTERED

OCT 01 2019

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

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

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

M-3486
Ind. No. 309/12

-against-


CERTIFICATE
GRANTING LEAVE

Charles Little,
Defendant-Appellant.

-----X

I, Barbara R. Kapnick, a Justice of the Appellate Division, First Judicial Department, do hereby certify that in the proceedings herein questions of law or fact are involved which ought to be reviewed by the Appellate Division, First Judicial Department, and, pursuant to Section 460.15 of the Criminal Procedure Law, permission is hereby granted to the above-named defendant to appeal to the Appellate Division, First Judicial Department, from the order of the Supreme Court, Bronx County, entered on or about June 6, 2019.¹

Dated: September 13, 2019
New York, New York


Hon. Barbara R. Kapnick
Associate Justice

ENTERED

OCT 01 2019

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

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