

At a 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 10, 2019.

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

-----x

The People of the State of New York,  
Respondent,

-against-

M-3388  
Ind. Nos. 1944/16  
4309/16

Tonja Fenton,  
Defendant-Appellant.

-----x

An appeal having been taken to this Court from the judgment of the Supreme Court, New York County, rendered on or about August 28, 2017,

And defendant-appellant, pro se, having moved for an order to be released on her own recognizance or to be admitted to bail, pending hearing and determination of the aforesaid appeal,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from defendant-appellant dated August 26, 2019, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn in accordance with the aforesaid correspondence.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 10, 2019.

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

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

Respondent,

-against-

**M-6555**

Ind. No. 664/14

Domonic Whilby,

Defendant-Appellant.  
-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about May 2, 2017,

And defendant-appellant having moved to vacate the dismissal of the appeal, and upon reinstatement, for an enlargement of time to perfect same,

Now, upon reading and filing the affirmation of withdrawal of motion from counsel for defendant-appellant, dated September 10, 2019, and due deliberation having been had thereon,

It is ordered that the motion is withdrawn in accordance with the aforesaid affirmation.

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 10, 2019.

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

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

Franklin W. Hallock and Jane Hallock,  
Co-Petitioners-Respondents,

M-6943  
Index No. 500388/17

For the Appointment of a Guardian  
of the Person and Property of

Veronica L. Hallock,  
A Person Alleged to be Incapacitated,  
Respondent-Appellant.

-----X

An appeal having been taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about June 12, 2018,

Now, upon reading and filing the correspondence from counsel for respondent-appellant dated August 21, 2019, and due deliberation having been had thereon,

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

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 10, 2019.

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

-----X  
Yosef Allen,

Plaintiff-Respondent-Appellant,

-against-

**M-6990**

Index No. 158794/13

Manhattan Center Studios, Inc. and  
Manhattan Center Productions, Inc.,  
Individually and doing business as  
Manhattan Center Hammerstein Ballroom,  
et al.,  
Defendants-Appellants-Respondents,

International Protective Service Agency,  
a division of International Protective  
Group, LLC,  
Defendant-Respondent,

Strike Force Protective Services Company,  
Inc., and "John Doe",  
Defendants,

The Bowery Presents, LLC,  
Defendant-Appellant-Respondent.

-----X

Appeals having been taken from an order of the Supreme Court, New York County, entered on or about March 12, 2018, and said appeals having been perfected,

Now, upon reading and filing the stipulations of the parties hereto, dated August 20, 2019, August 23, 2019 and September 11, 2019, and due deliberation having been had thereon,

(M-6990)

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October 10, 2019

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

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 10, 2019.

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

-----X  
National Rifle Association of America,  
Petitioner-Appellant,

-against-

M-6991  
Index No. 158019/19

Letitia James, In Her Official Capacity  
as the Attorney General of the State  
of New York,  
Respondent-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about August 19, 2019, and petitioner-appellant having moved, *inter alia*, for a stay of the aforesaid order and certain discovery, pending hearing and determination of the appeal taken therefrom,

Now, upon reading and filing the correspondence of counsel for petitioner-appellant, dated August 27, 2019, and due deliberation having been had thereon,

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

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 10, 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

Farid A.  
Muhammad A.  
Amir A.  
Laila A.  
Yusuf A.

**CONFIDENTIAL**

M-6994

Docket Nos. NA-31057-16/16A  
NA-31058-16/16A  
NA-31059-16/16A  
NA-31060-16/16A  
NA-31061-16/16A

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

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

-against-

Abdoulkader T., also known as  
Abdoul K. T.,  
Respondent-Appellant

Rabiba Harounna T.  
Respondent,

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

-----X  
An appeal having been taken from an order of the Family Court, New York County, dated January 9, 2018,

Now, upon reading and filing the stipulation of the parties hereto, dated August 1, 2019, and due deliberation having been had thereon,

(M-6994)

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October 10, 2019

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

ENTERED:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 10, 2019.

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

-----X

Marc Latamie and DM Fountain, Inc.,  
Plaintiffs-Appellants,

-against-

**M-6997**

Index No. 650521/15

Benrimon Contemporary LLC, David  
Benrimon Fine Art LLC, Leon Benrimon  
and David Benrimon,  
Defendants-Respondents.

-----X

Appeals having been taken from two orders of the Supreme Court, New York County, both entered on or about December 13, 2018,

Now, upon reading and filing the stipulation of the parties hereto, dated August 16, 2019, and due deliberation having been had thereon,

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

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 10, 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 Support Proceeding  
Under Article 4 of the Family Court Act

Holly J. G.,  
Petitioner-Respondent,

**Confidential**  
**M-6999**

-against-

Docket No. F-27790-09/15B

Horace M.M., Jr.,  
Respondent-Appellant.

-----X

An appeal having been taken from an order of the Family Court, New York County, entered on or about January 31, 2018, and said appeal having been perfected,

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

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

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 10, 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  
Sheyheim S.,

**Confidential**  
**M-7009**

A Person Alleged to be a Juvenile  
Delinquent,  
Appellant.

Docket No. D-21560/18

-----X

An appeal having been taken from an order of the Family Court, Bronx County, entered on or about January 8, 2019,

Now, upon reading and filing the correspondence from counsel for the appellant dated July 23, 2019, and due deliberation having been had thereon,

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

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 10, 2019.

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

-----X  
JMW 75 LLC,

Plaintiff-Appellant,

-against-

M-7058

Index No. 156352/17

Belkin Burden Wenig & Goldman, LLP,  
Defendant-Respondent.

-----X

Appeals having been taken from the order of the Supreme Court, New York County, entered on or about August 13, 2018 and from the judgment, same Court, entered on or about September 11, 2018, and the appeal from the August 13, 2018 order having been withdrawn on or about March 12, 2019,

Now, upon reading and filing the stipulation of the parties hereto, dated September 3, 2019, and due deliberation having been had thereon,

It is ordered that the appeal from the judgment entered on or about September 11, 2018, previously perfected, is withdrawn in accordance with the aforesaid stipulation.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 10, 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

Jennifer Smith,  
Petitioner-Appellant,

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

**M-7065**  
Index No. 154125/18

-against-

Sheila Poole, as Acting Commissioner of  
New York State Office of Children and  
Family Services, and David Hansell, as  
Commissioner of the New York City  
Administration for Children's Services,  
Respondents-Respondents.

-----X

An Article 78 proceeding having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about September 11, 2018,

Now, upon reading and filing the stipulation of the parties hereto, dated August 22, 2019, and due deliberation having been had thereon,

It is ordered that the Article 78 proceeding is deemed withdrawn in accordance with the aforesaid stipulation.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 10, 2019.

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

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

-against-

**M-7060**  
Ind. No. 1135/13

Jose Collazo,  
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, rendered on or about January 8, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated August 13, 2019, and due deliberation having been had thereon,

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

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 10, 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

Ashlynn R.  
Yeovanny R.  
Ian Noell C.,

**CONFIDENTIAL**  
**M-6931**

Docket Nos. NA-42585-16  
NA-42584-16  
NA-42583-16

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

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

Maria R.,  
Respondent-Appellant,

Yeovany R.  
Respondent,

-----  
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 18, 2019, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and the certification of Joy Fasanya, Esq., dated August 15, 2019, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Carol L. Kahn, Esq., 225 Broadway, Suite 1510, New York, NY 10007, Telephone No. 212-227-0206, as

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

ENTERED:

  
CLERK

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



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 10, 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

Yumara T.,  
Yulinda T.,  
Yasmin T., and  
Yaheem T.,

**CONFIDENTIAL**  
M-6935

Children Under 18 Years of Age Alleged to be Abused and/or Neglected Under Article 10 of the Family Court Act. Docket Nos. NA-11789/17  
NA-11790/17  
NA-11787/17  
NA-11788/17

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

Raymond K.,  
Respondent-Appellant.

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

-----X

An order of this Court having been entered on June 20, 2019 (M-2579), *inter alia*, granting respondent-appellant's motion for leave to prosecute, as a poor person, the appeal taken from the Decision after Fact Finding Hearing of the Family Court, Bronx County, entered on or about June 19, 2018, and assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Lewis S. Calderon, Esq., as counsel therefor,

And respondent-appellant having moved for an order amending the notice of appeal and the aforementioned order of assignment to include the Order of Disposition, same Court, entered on or about April 23, 2019, for leave to prosecute said appeal, as a poor person, and for assignment of counsel, a free copy of the transcript, and for related relief,

October 10, 2019

Now, upon reading and filing the papers with respect to the motion, and the certification of Beatrice Mayol, Esq., dated August 14, 2019, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) amending respondent-appellant's notice of appeal and the order of assignment to include the Order of Disposition entered on or about April 23, 2019; (2) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Lewis S. Calderon, Esq., 155-03 Jamaica Avenue, Jamaica, NY 11432, Telephone No. 718-883-1560, as counsel for purposes of prosecuting the appeal from the orders; (3) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (4) 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 (5) directing appellant to perfect this appeal, in compliance with Section 1250.9 of the Practice Rules of the Appellate Division, **within 60 days** of the filing of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTERED:

  
CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 10, 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.

- - - - -  
Veronica D.,  
Petitioner-Appellant,

**CONFIDENTIAL**  
M-6959  
Docket No. V-7722-15/18

-against-

Loreni S.,  
Respondent-Respondent.

- - - - -  
Cassandra Celestin, Esq.,  
The Children's Law Center,  
Attorney For the Child.

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

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

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to §1120 of the Family Court Act, 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 each party to the appeal, and an

(M-6959)

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October 10, 2019

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. 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 10, 2019.

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

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

-against-

M-6804  
Ind. No. 1735/18

Joshua Brignoni,  
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 December 12, 2018, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28<sup>th</sup> Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete record.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 10, 2019.

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

-----X

The People of the State of New York,  
Respondent,

-against-

M-6876  
Ind. No. 5065/14

Eric Keaton,  
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 April 27, 2017, 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.

(M-6876)

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October 10, 2019

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

ENTERED:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 10, 2019.

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

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

Respondent,

**CONFIDENTIAL**

**M-6898**

-against-

Ind. No. 1057/15

Hermes Gonzalez,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from the order of the Supreme Court, New York County (Burke, J.), entered on or about July 11, 2019, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

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

The Clerk of the Supreme Court shall expeditiously make and files with the criminal court (CPL 460.70) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice Burke as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Janet E. Sabel, Esq., The Legal Aid Society, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

(M-6898)

-2-

October 10, 2019

Janet E. Sabel, Esq., The Legal Aid Society, 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 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 10, 2019.

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

-----X

The People of the State of New York,  
Respondent,

-against-

**M-6910**

Ind. No. 627/18

Tyshawn Valentine,  
Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on or about April 9, 2019, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about April 9, 2019,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and the notice of appeal filed on defendant's behalf,

It is ordered that the appeal is permitted 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.

Janet E. Sabel, Esq., The Legal Aid Society, 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 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 10, 2019.

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

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

Respondent,

**CONFIDENTIAL**

**M-6986**

-against-

Ind. No. 1867/17

Angel Diaz,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from the order of the Supreme Court, Bronx County (Fabrizio, J.), entered on or about March 18, 2019, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

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

The Clerk of the Supreme Court shall expeditiously make and files with the criminal court (CPL 460.70) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice Fabrizio as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Janet E. Sabel, Esq., The Legal Aid Society, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

(M-6986)

-2-

October 10, 2019

Janet E. Sabel, Esq., The Legal Aid Society, 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 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 10, 2019.

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

-----X

The People of the State of New York,  
Respondent,

-against-

M-7061  
Ind. No. 4032/14

Nate Miller also known as Nate Smiller,  
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 December 1, 2017, 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.

(M-7061)

-2-

October 10, 2019

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

ENTERED:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 10, 2019.

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

-----X

The People of the State of New York,  
Respondent,

-against-

M-7062  
Ind. No. 3413/17

Jeffrey Stokes,  
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about May 8, 2019, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about May 8, 2019,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and the notice of appeal filed on defendant's behalf,

It is ordered that the appeal is permitted 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.

Janet E. Sabel, Esq., The Legal Aid Society, 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 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 10, 2019.

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

-----X

The People of the State of New York,  
Respondent,

-against-

M-7063  
Ind. No. 3056/15

Winston Pengel,  
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about April 30, 2019, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about April 30, 2019,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and the notice of appeal filed on defendant's behalf,

It is ordered that the appeal is permitted 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.

Janet E. Sabel, Esq., The Legal Aid Society, 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 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 10, 2019.

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

-----X

The People of the State of New York,  
Respondent,

-against-

M-7064  
Ind. No. 431/18

Warren Lee,  
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about May 8, 2019, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about May 7, 2019,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and the notice of appeal filed on defendant's behalf,

It is ordered that the appeal is permitted 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.

Janet E. Sabel, Esq., The Legal Aid Society, 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 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 10, 2019.

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

-----X

The People of the State of New York,  
Respondent,

-against-

M-7066  
Ind. Nos. 933/19  
4146/18

Roger Alvarado,  
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about May 19, 2019, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about April 15, 2019,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and the notice of appeal filed on defendant's behalf,

It is ordered that the appeal is permitted 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.

Janet E. Sabel, Esq., The Legal Aid Society, 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 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 10, 2019.

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

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

-against-

M-7067  
Ind. No. 3264/17

Marie Vasquez,  
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about May 9, 2019, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about April 16, 2019,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and the notice of appeal filed on defendant's behalf,

It is ordered that the appeal is permitted 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.

Janet E. Sabel, Esq., The Legal Aid Society, 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 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 10, 2019.

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

-----X

The People of the State of New York,  
Respondent,

-against-

M-7068  
Ind. No. 2782N/18

Alexander Bonilla,  
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about May 3, 2019, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about April 16, 2019,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and the notice of appeal filed on defendant's behalf,

It is ordered that the appeal is permitted 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.

Janet E. Sabel, Esq., The Legal Aid Society, 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 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 10, 2019.

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

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

-against-

M-6869  
Ind. Nos. 2086/14  
390/17

Gregorio Garcia,  
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, Bronx County, rendered on or about September 28, 2017, 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.

(M-6869)

-2-

October 10, 2019

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

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 10, 2019.

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

-----X

The People of the State of New York,  
Respondent,

**CONFIDENTIAL**

M-6899

-against-

Ind. No. 2842/86

Danny Rivera,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to prosecute, as a poor person, the appeal taken from the order of the Supreme Court, Bronx County (Bruce, J.), entered on or about June 28, 2019, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

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

The Clerk of the Supreme Court shall expeditiously make and files with the criminal court (CPL 460.70) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice Bruce as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Janet E. Sabel, Esq., The Legal Aid Society, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

(M-6899)

-2-

October 10, 2019

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

ENTERED:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 10, 2019.

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

-----X  
Harvey Gladstein,  
Plaintiff-Respondent-Appellant,

-against-

Thomas F. Keane and Susan Keane,  
Defendants-Appellants-Respondents.

-----X

**M-3796**

**M-6866**

Index No. 152121/15

Defendants-appellants-respondents having moved for an enlargement of time to perfect their appeals taken from a judgment of the Supreme Court, New York County, entered on or about May 24, 2018, and two orders of the same Court, both entered on or about October 10, 2018, (M-3796)

And plaintiff-respondent-appellant having cross-moved for an enlargement of time to perfect his appeals taken from the order of the Supreme Court, New York County, entered on or about October 10, 2018 (Mot. Seq. 11), and the aforementioned judgment of the Supreme Court, New York County, entered on or about May 24, 2018, (M-6866),

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

(M-3796/M-6866)

-2-

October 10, 2019

It is ordered that the motion (M-3796) and cross motion (M-6866) are granted to the extent of enlarging the time to perfect the appeals and cross-appeals to the February 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 10, 2019.

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

-----X

The People of the State of New York,  
Respondent,

-against-

M-3856

M-6925

Ind. No. 12131/91

Lorenzo Martinez,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal taken from only that part of the order of the Supreme Court, New York County, entered on or about February 1, 2016, which is appealable as of right, (M-6925), and for other relief (M-3856),

Now, upon reading and filing the papers with respect to the motions, and the correspondence of counsel for defendant-appellant dated August 27, 2019, and due deliberation having been had thereon,

It is ordered that motion M-6925 is granted to the extent of enlarging the time to perfect the aforesaid appeal to the January 2020 Term. Motion M-3856 is deemed withdrawn in accordance with the aforesaid correspondence.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 10, 2019.

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

-----X

F. L.,  
Plaintiff-Respondent,

-against-

D. T.,  
Defendant-Appellant.

-----X

**CONFIDENTIAL**

M-6923

Index No. 4124/05

Defendant-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, Bronx County, entered on or about October 11, 2018,

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 deemed one seeking to vacate the dismissal of the appeal and, as such, is granted, the appeal is reinstated, and the time to perfect the appeal is enlarged to the January 2020 Term (see, 22 NYCRR 1250.10[c]), 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 10, 2019.

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

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

-against-

**M-6984**

Ind. No. 938/13

Raymond Castro,  
Defendant-Appellant.

-----X

An order of this Court having been entered on August 27, 2013, corrected September 16, 2013 (M-3122 & M-3286), *inter alia*, granting defendant's motion for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about April 13, 2013, under Indictment No. 938/13, and assigning counsel therefor,

And defendant-appellant having moved for an order amending the original order of assignment entered August 27, 2013 to reflect the correct county as Bronx County,

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

It is ordered that said motion is denied as unnecessary, Bronx County being reflected in the corrected order of this Court entered September 16, 2013.

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 10, 2019.

Present - Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Rosalyn H. Richter  
Angela M. Mazzarelli  
Troy K. Webber, Justices.

-----X  
Mario Ayars,

Plaintiff-Respondent,

-against-

M-7090

Index No. 158178/17

The Port Authority of New York and  
New Jersey,  
Defendant-Appellant,

-and-

George Washington Bridge Bus Station  
Development Venture LLC, et al.,  
Defendants.

-----X

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about June 26, 2018, and said appeal having been perfected,

And the New York State Trial Lawyers' Association having moved for leave to file a brief amicus curiae in connection with the aforesaid appeal,

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

It is ordered that the motion is granted, and the six copies of the proposed amicus curiae brief submitted with the moving papers are deemed 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 10, 2019.

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

-----X  
Younomics Private Student Loan  
Trust,  
Plaintiff-Respondent,

-against-

**M-6871**

Index No. 101732/12

Mordechai Flam and Abraham Flam,  
Defendants-Appellants.

-----X

Defendants-appellants having moved for an enlargement of time to perfect the appeal taken from orders of the Supreme Court, New York County, entered on or about November 28, 2016 and two orders entered on or about September 1, 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 March 2020 Term, with leave to seek further enlargements as 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 10, 2019.

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

-----X  
Jacob Frydman, Winter 866 UN LLC,  
United Realty Partners, LLC, et al.,  
Petitioners-Respondents,

-against-

**M-6993**

Index No. 652796/18

Evunp Holdings LLC and Eli  
Verschleiser,  
Respondents-Appellants.

-----X

Respondents-appellants having moved for an enlargement of time to perfect the appeal taken from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about October 17, 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, 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 10, 2019.

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

-----x  
Evelyn Rodriguez,

Plaintiff-Respondent,

-against-

M-7023

Index No. 100718/16

Joseph Kalata, et al.,

Defendants-Appellants.  
-----x

An appeal having been taken to this Court from the order and judgment of the Supreme Court, New York County, entered on or about August 6, 2019,

And plaintiff-respondent having moved to dismiss the appeal upon the ground that all material issues raised on this appeal were resolved by this Court's decision entered on June 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, without prejudice to plaintiff-respondent addressing such issues directly on appeal. Plaintiff-respondent's request for oral argument on this 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 10, 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-7224**  
Ind. No. 4348/09

Torin Williams,  
Defendant-Appellant.

-----X

Defendant having moved, pursuant to CPLR 1101 and County Law § 722, for an order permitting him to obtain his trial transcripts, as a poor person, for the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about November 23, 2010, and for related relief,

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

It is ordered that the motion is granted.

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

(M-7224)

-2-

October 10, 2019

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

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 10, 2019

PRESENT: Hon. David Friedman, Justice Presiding,  
Judith J. Gische  
Jeffrey K. Oing  
Anil C. Singh  
Peter H. Moulton, Justices.

-----X  
Francesco Bellucia,  
Plaintiff-Respondent,

-against-

CF 620, et al.,  
Defendants-Appellants-Respondents,

Building Service 32BJ Health Fund, M-3144  
et al., Index Nos. 150207/11  
Defendants-Respondents-Appellants, 154546/12

Robinson Elevator LLC, et al., 155764/12  
Defendants-Respondents. 155973/13

- - - - -

Jesus Rivera, et al.,  
Plaintiffs-Respondents,

-against-

CF 620 Owner One, et al.,  
Defendants-Appellants-Respondents,

Building Service 32BJ Health Fund, et al.,  
Defendants-Respondents-Appellants,

Robinson Elevator Group, LLC, et al.,  
Defendants-Respondents,

Schimenti Construction Company, et al.,  
Defendants.

- - - - -

Brian Christian,  
Plaintiff,

-against-

Building Service 32BJ Health Fund, et al.,  
Defendants-Respondents-Appellants.

- - - - -

Robinson Elevator Group, LLC, et al.,  
Defendants-Respondents.

- - - - -

Efrain Hernandez,  
Plaintiff,

-against-

CF 620 Owner One, et al.,  
Defendants-Appellants-Respondents,

Building Service 32BJ Health Fund, et al.,  
Defendants-Respondents-Appellants,

Robinson Elevator Group, LLC, et al.,  
Defendants-Respondents.

- - - - -

Phillip Nicholas, et al.,  
Plaintiff,

-against-

CF 60 Owner One, et al.,  
Defendants-Appellants-Respondents,

Building Service 32BJ Health Fund, et al.,  
Defendants-Respondents-Appellants,

Robinson Elevator Group, LLC, et al.,  
Defendants-Respondents.

- - - - -

Glen Gerisch,  
Plaintiff,

-against-

CF 60 Owner One, LLC, et al.,  
Defendants-Appellants-Respondents,

Building Service 32BJ Health Fund, et al.,  
Defendants-Respondents-Appellants,

Robinson Elevator, LLC, et al.,  
Defendants-Respondents.

- - - - -

Joseph Marandola, et al.,  
Plaintiffs-Respondents-Appellants,

-against-

CF 60 Owner One, LLC, et al.,  
Defendants-Appellants-Respondents,

Building Service 32BJ Health Fund, et al.,  
Defendants-Respondents-Appellants,

Newmark Knight Frank Global Management  
Services, LLC,  
Defendants-Respondents.

- - - - -

David Kwarta,  
Plaintiff,

Robinson Elevator, LLC, et al.,  
Defendants-Respondents,

-against-

Henegan Construction Co., Inc., et al.,  
Defendants-Respondents-Appellants,

CF 60 Owner One, LLC, et al.,  
Defendants-Appellants-Respondents.

- - - - -

Joseph DeSimone,  
Plaintiff-Respondent,

-against-

Bonjour 620 I, LLC, et al.,  
Defendants-Appellants-Respondents,

Newmark Knight Global Management Services,  
et al.,  
Defendants-Respondents,

Henegan Construction, Inc.,  
Defendant-Respondent-Appellant.

- - - - -

Jose Molina, et al.,  
Plaintiffs-Respondents,

-against-

CF 60 Owner One, LLC, et al.,  
Defendants-Appellants-Respondents,

Henegan Construction, Inc.,  
Defendant-Respondent-Appellant,

Robinson Elevator Group, LLC, et al.,  
Defendants-Respondents.

-----X

Defendant-respondent Schindler Elevator Corporation 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 16 2019 (Appeal No. 8055/M-4980/M-5186),

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 10, 2019.

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

-----X  
Mutual Benefits Offshore Fund, Ltd.,  
Plaintiff-Respondent,

-against-

Emanuel Zeltser, et al.,  
Defendants-Appellants,

M-2900  
M-3492  
Index No. 650438/09

Alexander Fishkin, et al.,  
Defendants.

- - - - -  
Kayley Investments, Ltd.,  
Nonparty Appellant.

-----X  
Nonparty appellant Kayley Investments, Ltd. (M-2900), and defendant-appellant Sternik & Zeltser (M-3492) having moved by separate motions 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 30, 2019 (Appeal Nos. 9496-9497),

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

It is ordered that the motions are denied.

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 10, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,  
Dianne T. Renwick  
Peter Tom  
Barbara R. Kapnick  
Jeffrey K. Oing, Justices.

-----X

Federal National Mortgage Association,  
Plaintiff-Appellant,

-against-

**M-3230**

Index No. 159921/14

Cohn David also known as David Cohn,  
Defendant-Respondent,

Alberto Morales, et al.,  
Defendants.

-----X

Plaintiff-appellant having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on May 21, 2019 (Appeal No. 9380),

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 10, 2019.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Peter Tom, Justices.

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

-against- M-3876  
Ind. Nos. 876/06  
Andre Pinnock, 3547/16  
Defendant-Appellant.

-----X

An order of this Court having been entered on April 9, 2019 (M-229), inter alia, granting defendant's motion for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about May 2, 2017, under Indictment No. 3547/16, and assigning counsel therefor,

And an order of this Court entered on August 6, 2019 (M-2882), having denied defendant-appellant's motion to amend the aforementioned order of assignment to include the judgment of resentence of said Court, rendered on or about May 2, 2017, under Indictment No. 876/06, to deem the notice of appeal therefrom as timely filed, and for an enlargement of time to perfect the appeal,

And defendant-appellant having moved for reconsideration of this Court's August 6, 2019 order (M-2882),

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 for reconsideration is granted and, upon reconsideration, the moving papers are deemed a timely filed notice of appeal from the May 2, 2017 judgment of resentence, under Bronx County Ind. No. 876/06, and this Court's April 9, 2019 order of assignment is amended to include the May 2, 2017 judgment of resentence. The poor person relief granted

(M-3876)

-2-

October 10, 2019

therein is extended to cover same. The time within which appellant shall perfect this appeal is hereby enlarged until 120 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 10, 2019.

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

-----X  
BAC Home Loans Servicing, LP, Formerly  
known as Countrywide Home Loans  
Servicing LP,  
Plaintiff-Appellant,

**M-3764**  
Index No. 382072/09

-against-

Roland Moreno, et al.,  
Defendant-Respondent.

-----X

Defendant-respondent having moved for dismissal of the appeal taken from an order of the Supreme Court, Bronx County, entered on or about October 26, 2015,

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

It is ordered that the motion is 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 10, 2019.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Rosalyn H. Richter  
Barbara R. Kapnick  
Cynthia S. Kern  
Anil C. Singh, Justices.

-----X  
Rashan Anthony,  
Plaintiff-Appellant,

-against-

M-6919  
Index No. 101382/17

NYSE,  
Defendant-Respondent.  
-----X

Plaintiff-appellant, pro se, having moved for leave to prosecute, as a poor person, the appeal taken from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about October 3, 2018, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and an enlargement of time in which to perfect the appeal,

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 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 10, 2019.

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

-----X  
New York City School Construction  
Authority,  
Plaintiff-Appellant,

-against-

M-3496  
Index No. 656691/16

New South Insurance Company,  
Defendant-Respondent.  
-----X

Plaintiff-appellant having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on June 18, 2019 (Appeal No. 9646),

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 10, 2019.

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

-----X

Malka Kubersky,  
Plaintiff-Respondent,

-against-

**M-3628**

Index No. 155666/16

Cameron Industries, Inc., et al.,  
Defendants-Appellants.

-----X

Defendants-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 June 18, 2019 (Appeal No. 9650N),

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 10, 2019.

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

-----x  
Carlos E. Elias, as Administrator for  
the Estate of Concepcion Elias and  
Blanca Lemus,  
Plaintiffs-Appellants,

-against-

**M-6985**

Index No. 100561/15

Judith Tiongson, Keith Rayson,  
Pevelyn Rojas, Michael Awuah, Hedy  
Cardozzo, and The Hebrew Home Nursing  
Home, Bronx, New York,  
Defendants-Respondents.

-----X

Plaintiffs-appellants having moved for reargument of the decision and order of this Court, entered on July 16, 2019 (M-2382 and M-2574),

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 10, 2019.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Judith J. Gische  
Peter Tom  
Ellen Gesmer  
Anil C. Singh, Justices.

-----X

Antwan Thompson,  
Plaintiff-Appellant,

-against-

M-3163  
Index No. 161424/13

The City of New York,  
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on May 9, 2019 (Appeal No. 9266),

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 10, 2019.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,  
Rosalyn H. Richter  
Peter Tom  
Barbara R. Kapnick  
Cynthia S. Kern, Justices.

-----X  
In re GVS Properties LLC,  
Petitioner-Appellant,

-against-

Raybblin Vargas, et al.,  
Respondents-Respondents.

M-3185  
Index Nos. 570655/17  
78285/15

-----X

Petitioner-appellant having moved for renewal/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 7, 2019 (Appeal No. 9237),

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 10, 2019.

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

-----x

The People of the State of New York,  
Respondent,

**CONFIDENTIAL**

M-7083

-against-

Ind. No. 2720/16

Sanjay Tripathy,  
Defendant-Appellant.

-----x

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about July 11, 2018,

And defendant-appellant having moved for an order: (1) granting defendant-appellant's request that this Court review *in camera* the complainant's messages from the Seeking Arrangements website that were the subject of the People's *ex parte* motion and for which Judge Obus granted a protective order; and (2) granting defendant-appellant's request that this Court review *in camera* information provided by the People *ex parte* to Judge McGrath and which is sealed,

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

It is ordered that the motion is granted to the extent of directing that the materials at issue be provided to this Court for *in camera* review, with fourteen days of the entry hereof, with the directive that the materials not be disclosed to the defense and remain sealed.

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 10, 2019.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,  
Judith J. Gische  
Barbara R. Kapnick  
Cynthia S. Kern  
Peter H. Moulton, Justices.

-----X

NYCTL 2015-A Trust, et al.,  
Plaintiffs-Respondents,

-against-

Diffo Properties Corp.,  
Defendant-Appellant,

M-2621  
Index No. 25211/16E

The State of New York-Department of  
Taxation and Finance, et al.,  
Defendants.

-----X

Defendant-appellant having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on April 16, 2019 (Appeal No. 8992),

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 10, 2019.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,  
Judith J. Gische  
Troy K. Webber  
Jeffrey K. Oing, Justices.

-----X  
Marion Scott Real Estate, Inc.,  
Plaintiff-Respondent,

-against-

M-6817  
Index No. 653953/14

Riverbay Corporation,  
Defendant-Appellant.  
-----X

Plaintiff-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 June 25, 2019 (Appeal No. 9702),

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 10, 2019.

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

-----x

Olga P.,  
Plaintiff-Appellant,

**Confidential**

M-7113

-against-

Index No. 310169/16

Ioannis Y.,  
Defendant-Respondent.

-----x

Appeals having been taken to this Court from orders of Supreme Court, New York County, entered on or about October 16, 2018, April 18, 2019, January 30, 2019 and November 27, 2018, the appeal from the October 16, 2018 order having been dismissed by order of this Court, entered on August 13, 2019 (M-2870),

And plaintiff-appellant, pro se, having moved for leave to enlarge the record on appeal to include medical records and temporary orders of protection,

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

It is ordered that the motion is denied. (See, M-6980, dated October 10, 2019, decided simultaneously herewith.)

ENTERED:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 10, 2019.

PRESENT: Hon. Rosalyn H. Richter, Justice Presiding,  
Judith J. Gische  
Barbara R. Kapnick  
Cynthia S. Kern  
Peter H. Moulton, Justices.

-----X  
111 West 57th Investment LLC, on  
behalf of itself and derivatively on  
behalf of 111 West 57th Partners LLC  
and 111 West 57th MEZZ 1 LLC,  
Plaintiff-Appellant,

-against-

M-6811  
Index No. 653067/19

111 West 57th Property Owner LLC,  
Defendant-Respondent,

111 West 57th Street Partners LLC  
and 111 West 57th MEZZ 1 LLC,  
Nominal Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about August 8, 2019, which vacated a notice of pendency filed May 23, 2019,

And plaintiff-appellant having moved for a stay of the aforesaid order or, alternatively, for an appellate injunction preventing defendant-respondent from transferring, assigning, disposing of, or encumbering the subject property, except for the sale of individual condominium units under specified terms, 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 granted to the extent of staying, pending the hearing and determination of the appeal, the sale or transfer of the subject property, other than the sale of individual condominium units in the ordinary course of business, on the condition that plaintiff-appellant perfect the appeal for the February 2020 Term.

(M-6811)

-2-

October 10, 201

The interim relief granted by an order of a Justice of this Court, dated August 8, 2019, is hereby vacated.

ENTERED:

  
CLERK



CORRECTED ORDER - NOVEMBER 1, 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 10, 2019

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Judith J. Gische  
Barbara R. Kapnick  
Cynthia S. Kern  
Peter H. Moulton, Justices.

-----X  
Andrew Kolchins,  
Plaintiff-Appellant-Respondent, M-6917  
M-6998  
-against-  
Index No. 653536/12  
Evolution Markets Inc.  
Defendant-Respondent-Appellant,

Andrew Ertel,  
Defendant-Respondent.  
-----X  
Evolution Markets Inc.,  
Plaintiff-Appellant, Index No. 651271/13  
-against-

Andrew Kolchins, Titan Energy Markets LLC  
and John Dall,  
Defendants-Respondents.  
-----X

An appeal and cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 2, 2019,

And defendant-respondent-appellant/plaintiff-appellant, Evolution Markets, Inc. having moved, (M-6917), pursuant to 22 NYCRR 1250.10(c), to vacate the dismissal of their appeal, and upon vacatur, for an enlargement of time to perfect said appeal; and to enlarge the Record on Appeal, (M-6998),

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 of Evolution's appeal, now deemed the cross appeal, vacated, and the

time to perfect said cross appeal enlarged to the January 2020 Term (M-6917). Plaintiff's perfected cross appeal, now deemed the direct appeal, is adjourned to the January 2020 Term. The motion to enlarge the record on appeal is granted to the extent that Evolution may file a supplemental record to include its Notice of Appeal and attachments thereto, and Statement pursuant to CPLR 5531, and is otherwise denied (M-6998).

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 10, 2019.

PRESENT: Hon. Rosalyn H. Richter,  
Peter Tom  
Ellen Gesmer  
Cynthia S. Kern  
Peter H. Moulton,

Justice Presiding,  
  
Justices.

-----X  
Lantau Holdings Ltd.,  
Plaintiff,

-against-

Orient Equal International Group Limited,  
et al.,  
Defendants.

-----  
Lantau Holdings Ltd.,  
Plaintiff-Respondent-Appellant,

-against

General Pacific Group Ltd.,  
Defendant-Appellant-Respondent,

SVK Capital Management Ltd., et al.,  
Defendants.

M-3788  
Index Nos. 650085/17  
653920/16

-----X  
Plaintiff-respondent-appellant having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on July 2, 2019 (Appeal No. 9788),

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 10, 2019.

Present - Hon. Sallie Manzanet-Daniels, Justice Presiding,  
Judith J. Gische  
Troy K. Webber  
Peter H. Moulton, Justices.

-----x  
U.S. Bank National Association as Trustee  
for Merrill Lynch Mortgage Investors  
Trust, Mortgage Loan Asset-Backed  
Certificates, Series 2006-HE2,  
Plaintiff,

M-7215  
Index No. 35574/15E

-against-

David Lopez, et al.,  
Defendants.

-----x  
Defendant, David Lopez, having moved (1) pursuant to CPLR 5704(a) for an order granting a temporary stay of enforcement of a foreclosure judgment, denied by a Justice of the Supreme Court, Bronx County, in an order to show cause granted on September 6, 2019, pending the adjudication by the Supreme Court of his motion to vacate that judgment, and/or (2) permission to appeal to this Court pursuant to CPLR 5701(c),

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 10, 2019.

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

-----x

Anthony Newell,  
Plaintiff-Appellant,

M-7112  
Index No. 302650/15

-against-

Tina D. Bronston,  
Defendant-Respondent-Appellant,

Jose A. Javier,  
Defendant-Respondent.

-----x

An appeal having been taken to this Court by plaintiff-appellant from an order of the Supreme Court, Bronx County, entered on or about June 7, 2018, which granted the motion of defendant Bronston and the cross motion of defendant Javier for summary judgment, and said appeal having been perfected,

And an appeal having been taken to this Court by defendant-respondent Bronston from the aforesaid order of the Supreme Court, Bronx County, entered on or about June 7, 2018, insofar as it granted defendant Javier's motion for summary judgment,

And defendant-respondent Bronston having moved for an order: (1) vacating the dismissal of her appeal from the aforesaid order, and upon vacatur, for an extension of time to perfect same; (2) permitting her to perfect her appeal as a concurrent appellant with the appeal filed by plaintiff; (3) permitting her to correct the caption utilized by plaintiff in his Record and Brief to, inter alia, designate her as an appellant and to file a supplemental record to include her notice of appeal and an additional deposition transcript; and (4) adjourning plaintiff's perfected appeal to be heard concurrently with her 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 that the dismissal of defendant-respondent Bronston's appeal is vacated, the appeal reinstated, and the time to perfect said appeal is enlarged to the February 2020 Term, to which term plaintiff's appeal is adjourned. The concurrent appeals are consolidated, and defendant Bronston is permitted to file a supplemental record for the February 2020 Term which may include the deposition transcript omitted from the record filed by plaintiff, and

It is further ordered that that branch of the motion seeking to correct the case caption is granted to the extent of designating defendant Bronston as an appellant and correctly identifying her as Tina D. Bronston in place of "Tina D. Robinson."

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 10, 2019.

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

-----x

Olga P.,  
Plaintiff-Appellant,

**Confidential**

M-6980

-against-

Index No. 310169/16

Ioannis Y.,  
Defendant-Respondent.

-----x

Plaintiff-appellant having moved to vacate the dismissal of the appeal taken from the Final Order of Custody of the Supreme Court, New York County, entered on or about October 16, 2018, and upon vacatur, for reinstatement 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. (See, M-7113, dated October 10, 2019, decided simultaneously herewith.)

ENTERED:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 10, 2019.

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

-----X

Jacqueline S. formerly known  
as Jacqueline S. S.,  
Plaintiff-Respondent,

**Confidential**  
**M-3656**

-against-

Index No. 312320/14

Zarko S.,  
Defendant-Appellant.

-----X

Plaintiff-respondent having moved for dismissal of the appeal taken from an amended judgment of divorce of the Supreme Court, New York County, entered on or about January 30, 2019 and from Findings of Facts and Conclusions of Law, same Court, entered on or about March 22, 2017,

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

It is ordered that the motion is granted and the appeal is dismissed.

ENTERED:

  
CLERK



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

BEFORE: Hon. Cynthia S. Kern  
Associate Justice of the Appellate Division

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

M - 6884  
Ind. No. 7112/91

-against-

CERTIFICATE  
DENYING LEAVE

David Ramos,

Defendant.

-----X

I, Cynthia S. Kern, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, section 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County (Ruth Pickholz, J.), entered on July 25, 2019, is hereby denied.

Dated: September 27, 2019  
New York, New York

*CSK*

\_\_\_\_\_  
Hon. Cynthia S. Kern  
Associate Justice

ENTERED: OCT 10 2019

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

BEFORE: Hon. Peter H. Moulton  
Justice of the Appellate Division

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

M-7080  
Ind. No. 3545/09

-against-


CERTIFICATE  
GRANTING LEAVE

Shalik Watson,  
Defendant-Appellant.  
-----X

I, Peter H. Moulton, 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, dated July 25, 2019.<sup>1</sup>

Dated: September 30, 2019  
New York, New York



  
Hon. Peter H. Moulton  
Associate Justice

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

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