

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 28, 2016.

PRESENT - Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X
Atlantic Development Group, LLC,
Knickerbocker Construction II, LLC,
et al.,
Plaintiffs-Appellants,

-against-

M-1619X
Index No. 113972/11

Interstate Fire & Casualty Company and
New York Steel Fabricators, LLC,
Defendants-Respondents.
-----X

Appeals having been taken from the orders of the Supreme Court, New York County, entered on or about August 19, 2014 and August 20, 2015, respectively,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" March 24, 2016, and due deliberation having been had thereon,

It is ordered that the appeals are withdrawn in accordance with the aforesaid stipulation.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 28, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

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

-against-

M-1828
Ind. No. 2094/15

Edwin Serrano,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about July 8, 2015,

Now, upon reading and filing the stipulation of the parties hereto, dated March 28, 2016, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 28, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

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

-against-

M-1835
Ind. No. 2920/14

Latreese Shufford,
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, rendered on or about June 15, 2015,

Now, upon reading and filing the stipulation of the parties hereto, dated April 1, 2016, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 28, 2016.

PRESENT - Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X
In the Matter of the Application of
Alan D. Kroll, as Preliminary Executor
of the Estate of

Lewis S. Wechsler,
Deceased,

M-1615X
File No. 2006-2277/A

to Compel the Turnover of Property by
Joan K. Wechsler.

-----X
An appeal and cross appeal having been taken from the order of the Surrogate's Court, New York County, entered on or about June 12, 2015,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" March 28, 2016, and due deliberation having been had thereon,

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 28, 2016.

PRESENT - Hon. Peter Tom, Justice Presiding,
Angela M. Mazzaelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X
Luis Jaquez,
Plaintiff-Appellant,

-against-

M-1559
Index No. 20120/12E

Lind-Ric Housing Company, Inc.,
et al.,
Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about June 30, 2015,

Now, upon reading and filing the stipulation of the parties hereto, dated March 22, 2016, and due deliberation having been had thereon,

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 28, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

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

-against-

M-1506
Ind. No. 5259/14

Jeffrey Taylor,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (Charles Solomon, J.) entered on or about February 23, 2016, 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 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice Solomon as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Seymour W. James, Jr., Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 28, 2016.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X

In the Matter of

Natalia N. R.,
and Nitthanean R.,

M-1090

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

Docket Nos. NN-30545-46/13
P-45113-14/15
V-38452-53/15

- - - - -
Administration for Children's
Services, Commissioner of Social
Services,
Petitioners-Respondents,

Antwain D.,
Petitioner-Appellant,

Joy R., (Deceased),
Respondent.

- - - - -
Seymour W. James, Jr., Esq.,
The Legal Aid Society,
Juvenile Rights Division,
Attorney for the Child.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, appeals from three separate orders of the Family Court, New York County, all of which were entered on or about January 7, 2016, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Tennille M. Tatum-Evans, Esq., 260 Convent Avenue, Suite #34, New York, NY 10031, Telephone No. (347) 645-6660, 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;¹ **within 30 days (FCS 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 Rule 600.11 of the Rules of this Court, **within 60 days** of the receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:



CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 28, 2016.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X

In the Matter of

Demetrius C.
and Deborah C.,

M-1398

Docket Nos. NA-32159/14
NA-32160/14
V-21947/09/14G
V-21947/09/15G
V-21947/09/15H

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

- - - - -

Administration for Children's
Services,
Petitioner-Respondent,

David C.,
Respondent-Appellant.

- - - - -

Tennille M. Tatum-Evans, Esq.,
Attorney for Child, Demetrius C.

- - - - -

Seymour W. James, Jr., Esq.,
The Legal Aid Society,
Juvenile Rights Division,
Attorney for Child, Deborah C.

-----X

Jonathan A. Nelson, Esq., Family Court attorney for subject child, Demetrius C., having moved on said child's behalf for leave to respond, as a poor person, to the appeal from the orders of the Family Court, New York County, entered on or about May 19, 2015 and February 7, 2016, for assignment of counsel, a free copy of the transcript, and for related relief,

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

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Tennille M. Tatum-Evans, Esq., 260 Convent Avenue, Suite #34, New York, NY 10031, Telephone No. (347) 645-6660, 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 respondent-appellant and 8 copies thereof are filed with this Court.

ENTER:

A handwritten signature in black ink, appearing to read "Susan R. Jones". The signature is fluid and cursive, with a prominent initial "S" and "R".

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 28, 2016.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X

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

M-1627

Docket No. V-38067-15/15A

Walter S., Jr.,
Petitioner-Appellant,

-against-

Cynthia H.,
Respondent-Respondent.

-----X

Respondent-respondent having moved for leave to respond, as a poor person, to the appeal from the order of the Family Court, New York County, entered on or about December 7, 2015, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Tennille M. Tatum-Evans, Esq., 260 Convent Avenue, Suite #34, New York, NY 10031, Telephone No. (347) 645-6660, 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 petitioner-appellant and 8 copies thereof are filed with this Court.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 28, 2016.

Present - Hon. Peter Tom, Justice Presiding,
David Friedman
Richard T. Andrias
Judith J. Gische
Barbara R. Kapnick, Justices.

-----X
Jorge DaSilva,
Plaintiff-Appellant,

-against-

KS Realty, L.P., et al.,
Defendants-Respondents,

M-6305
Index No. 305435/10

3223 Johnson Avenue Services, Inc.,
Defendant.

-----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 November 5, 2015 (Appeal No. 16077),

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

It is ordered that the motion, to the extent that it seeks reargument, is granted and, upon reargument, the decision and order of this Court entered on November 5, 2015 (Appeal No. 16077) is recalled and vacated and a new decision and order substituted therefor. (See Appeal No. 16077, decided simultaneously herewith.) The motion, to the extent it seeks leave to appeal to the Court of Appeals, is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 28, 2016.

Present: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
Sallie Manzanet-Daniels
Barbara R. Kapnick
Ellen Gesmer, Justices.

-----X
Edith Lieber,
Plaintiff-Appellant,

-against-

M-1483
Index No. 110917/10

New York City Transit Authority
and Metropolitan Transit Authority,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from a judgment of the Supreme Court, New York County, entered on or about February 23, 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 granted to the extent of enlarging the time to perfect the appeal to the October 2016 Term.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 28, 2016.

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

-----X
Accounting by Lyndsay Howard-Zita,
Ercil Howard-Wroth and Melvin J.
Zalel, as Executors of the Estate of
Nathan S. Howard, Deceased,
Petitioners-Appellants,

M-858
File No. 1660A-05

-against-

Gerard Penneroux,
Objectant-Respondent.

-----X
Petitioners-appellants having moved for an enlargement of time to perfect the appeal from the order of the Surrogate's Court, New York County, entered on or about December 29, 2011,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the November 2016 Term, with leave to seek further enlargements, if necessary.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 28, 2016.

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

-----X
Leon D. DeMatteis Construction
Corp. and QBE Insurance Company,
Plaintiffs-Respondents,

M-1462
Index No. 103751/11

-against-

Utica National Assurance Company,
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal from the order and judgment of the Supreme Court, New York County, entered on or about June 24, 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 granted to the extent of enlarging the time to perfect the appeal to the September 2016 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 28, 2016.

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

-----X
Janelle Martinez, an Infant By His
Mother and Natural Guardian,
Brenda Marquez,
Plaintiff-Appellant,

-against-

M-1319
Index No. 350373/10

New York City Health and Hospitals
Corporation (Lincoln Hospital),
Defendant-Respondent.
-----X

Appeals having been taken from the orders of the Supreme Court, Bronx County, entered on or about March 16, 2015 and September 16, 2015, respectively,

And plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order of said Court, entered on or about March 16, 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 granted to the extent of enlarging the time to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about March 16, 2015, to the September 2016 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 28, 2016.

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

-----x
Alan J. Gerson, Individually and as
Administrator of the Estate of
Sophie Gerson, Estate of Sophie Gerson,
and Herman Gerson,

Plaintiffs-Appellants,

-against-

M-1178
Index No. 651131/14

American International Group, Inc.,
et al.,

Respondents-Respondents.
-----x

Plaintiffs-appellants having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about June 18, 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 granted to the extent of enlarging the time to perfect the appeal to the October 2016 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 28, 2016.

Present - Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Sallie Manzanet-Daniels
Judith J. Gische
Ellen Gesmer, Justices.

-----X

John Haranda,
Plaintiff-Appellant,

-against-

M-997
M-1206
Index No. 652396/14

Liu Dan, et al.,
Defendants-Respondents.

-----X

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about May 2, 2015,

And, plaintiff-appellant having moved for an enlargement of time to perfect the appeal (M-997),

And, defendants-respondents having cross-moved for dismissal of the aforesaid appeal (M-1206),

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

It is ordered that, sua sponte, the notice of appeal is deemed timely filed and served (CPLR 5520[a]), and it is further,

Ordered that the motion (M-997) is granted to the extent of enlarging the time to perfect the appeal to the November 2016 Term. The cross motion (M-1206) is granted to the extent of dismissing the appeal unless it is perfected for said November 2016 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 28, 2016.

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

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

-against-

M-966
Ind. No. 6026/04

Luis Arroyo,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on February 20, 2007 (Appeal No. 266), unanimously affirming a judgment of the Supreme Court, New York County (William Wetzel, J.), rendered on July 11, 2005,

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

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

It is ordered that said application is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 28, 2016.

PRESENT - Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Richard T. Andrias
Karla Moskowitz, Justices.

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

-against-

M-5719
Ind. No. 1780/06

Freddy Medina,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on March 8, 2012 (Appeal No. 7035), unanimously affirming a judgment of the Supreme Court, New York County (Marcy Kahn, J.), rendered on July 1, 2008, as amended November 21, 2008,

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

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

It is ordered that said application is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 28, 2016.

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

-----X

Hector Taveras,

Plaintiff-Appellant,

M-187

Index No. 304958/10

-against-

1149 Webster Realty Corp., et al.,

Defendants-Respondents.

-----X

Defendant-respondent, A&K Convenience Store, Inc., having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on December 15, 2015 (Appeal No. 15923),

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

It is ordered that the motion, to the extent it seeks reargument, is denied. So much of the motion which seeks leave to appeal to the Court of Appeals, is granted, and this Court, pursuant to CPLR 5713, certifies that the following question of law, decisive of the correctness of its determination, has arisen, which in its opinion ought to be reviewed by the Court of Appeals:

"Was the order of this Court, which reversed the order of the Supreme Court, properly made?"

This Court further certifies that its determination was made as a matter of law and not in the exercise of discretion. Pending disposition of the appeal in the Court of Appeals, please retain the briefs and records in your chambers for use in the event of a remittitur. (See M-210, decided simultaneously herewith.)

ENTER:

A handwritten signature in black ink, appearing to read "Susan R. Jones". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 28, 2016.

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

-----X

Hector Taveras,

Plaintiff-Appellant,

M-210

Index No. 304958/10

-against-

1149 Webster Realty Corp., et al.,

Defendants-Respondents.

-----X

Defendant-respondent, 1149 Webster Realty Corp., 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 December 15, 2015 (Appeal No. 15923),

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

It is ordered that the motion, to the extent it seeks reargument, is denied. So much of the motion which seeks leave to appeal to the Court of Appeals, is granted, and this Court, pursuant to CPLR 5713, certifies that the following question of law, decisive of the correctness of its determination, has arisen, which in its opinion ought to be reviewed by the Court of Appeals:

"Was the order of this Court, which reversed the order of the Supreme Court, properly made?"

This Court further certifies that its determination was made as a matter of law and not in the exercise of discretion. Pending disposition of the appeal in the Court of Appeals, please retain the briefs and records in your chambers for use in the event of a remittitur. (See M-187, decided simultaneously herewith.)

ENTER:

A handwritten signature in black ink, appearing to read "Susan R. Jones". The signature is written in a cursive style with a large initial "S" and "R".

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 28, 2016.

PRESENT - Hon. Peter Tom, Justice Presiding,
Dianne T. Renwick
Richard T. Andrias
Karla Moskowitz
Sallie Manzanet-Daniels, Justices.

-----X

23 East 39th Street Management Corporation,
Plaintiff-Appellant-Respondent,

-against-

M-471
Index No. 117303/08

23 East 39th Street Developer, LLC,
Defendant-Respondent-Appellant,

Bruce Benjamin, etc.,
Defendants.

-----X

23 East 39th Street Developer, LLC,
Counterclaim Plaintiff-Respondent-
Appellant,

-against-

Allen Gutterman,
Counterclaim Defendant-Appellant-
Respondent.

-----X

Defendant counterclaim plaintiff-respondent-appellant
23 East 39th Street Developer, LLC 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
December 29, 2015 (Appeal No. 15969-71),

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

It is ordered that the motion is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 28, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
Rosalyn H. Richter
Marcy L. Kahn, Justices.

-----X
Blanca Viruet,
Plaintiff-Appellant,

-against-

M-1499
Index No. 104158/09

The Mount Sinai Medical Center, Inc.,
et al.,
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about September 5, 2014, and said appeal having been perfected,

And defendants having moved for an order striking the brief and record and dismissing the aforesaid appeal, or in the alternative, adjourning the appeal to afford defendants sufficient time to defendant's to file a respondent's brief,

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

It is ordered that the motion is granted to the extent of adjourning the appeal to the September 2016. Motion otherwise denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 28, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
Rosalyn H. Richter
Marcy L. Kahn, Justices.

-----X
Richard John Powers, Individually and
as Executor of the Estate of Meg Felice
Charlop, Deceased,
Plaintiff-Appellant,

M-1563
Index No. 307791/10

-against-

Kyong Kwan Min,
Defendant,

New York City Transit Authority,
Metropolitan Transit Authority,
MTA Bus Company, Manhattan and
Bronx Surface Transit Operating
Authority and Wayne W. Forde,
Defendants-Respondents.

-----X
Richard John Powers, Individually and
as Executor of the Estate of Meg Felice
Charlop, Deceased,
Third-Party Plaintiff,

Third-Party
Index No. 83863/11

-against-

Min's Fish Market, Inc., et al.,
Third-Party Defendants.

-----X
Appeals having been taken from orders of the Supreme Court, New York County, entered on or about September 21, 2015, and January 19, 2016, and said appeals having been perfected,

And, defendants-respondents having moved to strike certain portions of plaintiff's notice of appeal, record on appeal and appellant's brief,

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

Ordered that the motion is denied, without prejudice to addressing the issue directly on appeal, which is adjourned to the September 2016 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 28, 2016.

Present: Hon. Peter Tom, Justice Presiding,
David B. Saxe
Rosalyn H. Richter
Barbara R. Kapnick, Justices.

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

ex rel. Jonathan Genao,
Petitioner,

M-82

Ind. No. 1424/15

-against-

Warden Lemon,
Respondent.

-----X

The above-named petitioner having moved for, inter alia, a writ of habeas corpus to be issued from this Court,

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

It is ordered that the motion be and the same hereby is granted only to the extent of transferring the proceeding to and be heard before a Justice of the Supreme Court of the State of New York, New York County, 100 Centre Street, New York, NY 10013, forthwith, and

It is further ordered that service by mail of a copy of this writ of habeas corpus, petition and supporting papers, by the Clerk of this Court, contemporaneous with the entry hereof, upon the Warden at George Motchan Detention Center, 15-15 Hazen St., East Elmhurst, NY 11370; the Attorney General of the State of New York, 120 Broadway, New York, New York 10271; and the District Attorney of New York County, One Hogan Place, New York, NY 10013, be deemed due and sufficient notice.

The motion is otherwise denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 28, 2016.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David B. Saxe
Karla Moskowitz
Marcy L. Kahn, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-695
Ind. No. 483/10

Kibie Hepburn,

Defendant-Appellant.

-----X

Assigned counsel for defendant having moved for an order dismissing defendant's appeal taken from a judgment of the Supreme Court, New York County, rendered on or about June 17, 2010, as abandoned,

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

It is ordered that the motion is granted to the extent of deeming the appeal withdrawn.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 28, 2016.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David B. Saxe
Karla Moskowitz
Marcy L. Kahn, Justices.

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

Damon Vincent B-D.,
Petitioner-Respondent,

-against-

M-1033
Docket Nos. V-12621/08
V-12621-09/09

Dianna Antoinette P.,
Respondent-Appellant.
-----X

Respondent-appellant having moved to withdraw the appeals taken from the orders of the Family Court, Bronx County, entered on or about May 11, 2009, the Order of Visitation entered on or about November 13, 2009, and the Order of Final Custody/Visitation entered on or about October 23, 2009, respectively,

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 appeals are deemed withdrawn.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 28, 2016.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David B. Saxe
Karla Moskowitz
Marcy L. Kahn, Justices.

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

Respondent,

-against-

M-850

Ind. No. 1530/15

Waun Smith,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about November 19, 2015, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

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

Richard M. Greenberg, 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 120 days from the date of filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 28, 2016.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David B. Saxe
Karla Moskowitz
Marcy L. Kahn, Justices.

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

Respondent,

-against-

M-1027
Ind. No. 3103/13

Jose Delacruz,

Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about July 15, 2015, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 28, 2016.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David B. Saxe
Karla Moskowitz
Marcy L. Kahn, Justices.

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

-against-

M-1028
Ind. No. 2200/13

Kroucher Deleon, also known as
Krouche Deleon,
Defendant-Appellant.

-----X

An order of this Court having been entered on February 11, 2016 (M-6128), inter alia, granting defendant's motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about January 31, 2014, under Indictment No. 2200/13, and assigning counsel therefor,

And defendant-appellant having moved for an order amending the notice of appeal and the aforementioned order to include the judgment of resentence of said Court rendered on or about May 1, 2014, under the same indictment number,

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 granted to the extent of amending defendant's the aforementioned order to include the judgment of resentence rendered on or about May 1, 2014 under the same indictment number, and extending the poor person relief previously granted to cover same.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 28, 2016.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Richard T. Andrias
Karla Moskowitz, Justices.

-----X
Ronald Sheppard, et al.,
Plaintiffs-Respondents,

-against-

M-1062
Index No. 100408/11

Donald Sheppard, Jr., Donald Sheppard
III, Ricky D. Daniels and Daniels
Wilhelmina Funeral Home, Inc.,
Defendants-Appellants.

-----X

Defendant-appellant, Donald Sheppard, Jr., having renewed his motion for leave to prosecute, as a poor person, the appeal from an order of the Supreme Court, New York County, entered on or about October 5, 2015, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that the motion is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 28, 2016.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David B. Saxe
Karla Moskowitz
Marcy L. Kahn, Justices.

-----x

In the Matter of the Application of
Brunilda Freytes,

Petitioner-Appellant,

For a Judgment Pursuant to Article 78
of the CPLR,

M-1026
Index No. 101441/14

-against-

City of New York, et al.,

Respondents-Respondents.

-----x

Petitioner-appellant having moved for an enlargement of time to perfect the appeal from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about April 30, 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 granted to the extent of enlarging the time to perfect the appeal to the September 2016 Term.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 28, 2016.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Karla Moskowitz
Judith J. Gische
Troy K. Webber, Justices.

-----X
Sincere Holloway, an infant, under the age of fourteen years, by his mother and natural guardian, Tasha Holloway,

Plaintiffs-Appellants,

-against-

M-1116
Index No. 350177/09

Neighborhood Partnership Housing Development Fund Company, Inc., et al.,

Defendants-Respondents.
-----X

Plaintiffs-appellants having moved for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, Bronx County, entered on or about May 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 granted to the extent of enlarging the time to perfect the appeal to the September 2016 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 28, 2016.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David B. Saxe
Karla Moskowitz
Marcy L. Kahn, Justices.

-----x
In the Matter of the Application of
Hilda Gil,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78
of the CPLR,

M-992
Index No. 100406/14

-against-

The Department of Education of the City
of New York, et al.,
Respondents-Respondents.
-----x

Petitioner-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about April 21, 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 granted to the extent of enlarging the time to perfect the appeal to the October 2016 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 28, 2016.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

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

-against-

M-6463
Docket No. 31258C/06

William Sosa,
Defendant-Appellant.

-----X

Respondent People having moved for reargument of the decision and order of this Court entered on May 7, 2015 (Appeal No. 15030),

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

It is ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 28, 2016.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Richard T. Andrias
Rosalyn H. Richter, Justices.

-----X

Nur Nabi, et al.,
Plaintiffs-Appellants,

-against-

M-1617

M-1618

Con Edison Company of New York,
Defendant-Respondent.

Index No. 307138/10

-----X

Plaintiffs-appellants having moved by separate motions for reargument of (M-1617), and for leave to appeal to the Court of Appeals (M-1618), from the decision and order of this Court entered on January 28, 2016 (Appeal No. 34),

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.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 28, 2016.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Karla Moskowitz
Judith J. Gische
Troy K. Webber, Justices.

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

Yosef Israel A.,
Petitioner-Respondent,

-against-

M-862
Docket No V-42354/11

Rachel Marie T.,
Respondent-Appellant.

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

Rachel Marie T.,
Petitioner-Appellant,

-against-

Docket No. V-14254/12

Yosef Israel A.,
Respondent-Respondent.

-----X

Appeals having been taken from the orders of the Family Court, New York County, entered on or about October 2, 2015, November 4, 2015 and November 9, 2015, respectively,

And respondent-appellant mother having moved for a stay of the custody order pending hearing and determination of the appeals taken therefrom,

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

It is ordered that the motion is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 28, 2016.

PRESENT - Hon. John W. Sweeny, Jr., Justice Presiding,
Rolando T. Acosta
Richard T. Andrias
Karla Moskowitz, Justices.

-----X
In re David R. Kozlow, Jr.,
Petitioner,

-against-

The City of New York, etc.,
Respondents.

M-83
Index No. 101725/13

-----X

Petitioner 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 December 8, 2015 (Appeal No. 16329),

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

It is ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 28, 2016.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,
Diane T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

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

- - - - - **M-965**
Princetta Satiya S., Docket No. V-560/14/15C
Petitioner-Appellant,

-against-

Felix Zamar J.,
Respondent-Respondent.

-----X

Petitioner-appellant having renewed her motion for leave to prosecute, as a poor person, the appeal from an Order of Dismissal of the Family Court, New York County, entered on or about October 26, 2015, for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Tennille M. Tatum-Evans, Esq., 260 Convent Avenue, Suite 34, New York, NY 10031, Telephone No. (347) 645-6660, 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;¹

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

within 30 days (FCS 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 Rule 600.11 of the Rules of this Court, **within 60 days** of the receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 28, 2016.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Karla Moskowitz
Judith J. Gische
Troy K. Webber, Justices.

-----X
Highbridge House Ogden LLC,
Plaintiff-Respondent,

-against-

M-1527
Index No.650793/14

Highbridge Entities LLC,
Defendant-Appellant.
-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about May 27, 2015, October 28, 2015 and March 10, 2016, respectively,

And defendant-appellant having moved to stay the release of certain escrow funds, pending hearing and determination of the aforesaid appeals,

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

It is ordered that the motion is granted to the extent of staying the release of the aforesaid escrow funds on condition the appeals, which are, sua sponte, consolidated, are perfected for the October 2016 Term. Appellant is permitted to prosecute the appeals upon ten copies of one record and one set of appellant's points covering the aforesaid appeals.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 28, 2016.

PRESENT - Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Sallie Manzanet-Daniels
Barbara R. Kapnick
Troy K. Webber, Justices.

-----X
The People of the State of New York
ex rel. Paris Lamont Goodwin,

Petitioner,

-against-

Warden, et al.,

M-1117
Ind. No. 3258/14

Respondent(s).

-----X
The above-named petitioner having moved for, inter alia, a writ of habeas corpus to be issued from this Court,

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

It is ordered that the motion is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 28, 2016.

Present: Hon. Rolando T. Acosta, Justice Presiding,
Diane T. Renwick
Sallie Manzanet-Daniels
Barbara R. Kapnick
Troy K. Webber, Justices.

-----X
Daniel Munoz,
Plaintiff,

M-988
Index No. 570717/15

-against-

KittyKind, Inc., et al.,
Defendant.
-----X

Plaintiff having moved for leave to appeal to this Court from an order of the Appellate Term entered on or about January 29, 2016; and for leave to prosecute said appeal as a poor person 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, to the extent it seeks leave to appeal from the Appellate Term, is denied. So much of the motion which seeks poor person relief is denied, as moot.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 28, 2016.

PRESENT - Hon. Rolando T. Acosta, Justice Presiding,
Richard T. Andrias
Sallie Manzanet-Daniels
Barbara R. Kapnick, Justices.

-----X
Lane Altschuler,
Plaintiff-Respondent,

-against-

Jobman 478/480, LLC.,
Defendant-Appellant.

M-647
Index No. 603556/09

-----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 January 7, 2016 (Appeal No. 16553-57),

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

It is ordered that the motion is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 28, 2016.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Sallie Manzanet-Daniels
Barbara R. Kapnick
Troy K. Webber, Justices.

-----X
Landau, P.C.,
Plaintiff-Appellant,

-against-

Oliveri & Schwartz, P.C.,
Defendant-Respondent.

M-1277
Index No. 601131/07

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about May 22, 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 granted to the extent of enlarging the time to perfect the appeal to the September 2016 Term.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 28, 2016.

Present - Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Sallie Manzanet-Daniels
Barbara R. Kapnick
Ellen Gesmer, Justices.

-----x
Wendy Siegfried,
Plaintiff-Appellant,

-against-

M-1433
Index No. 101662/12

West 63 Empire Associates, LLC,
et al.,
Defendants-Respondents.

-----x

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about August 14, 2014, and said appeal having been perfected,

And defendants-respondents having moved to enlarge the record on appeal and to adjourn the appeal to the June 2016 Term,

Now, upon reading and filing the papers with respect to the motion, including the stipulation filed with this Court on April 15, 2016, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of granting defendants leave to file a supplemental record on appeal containing the October 2015 Order (Exhibit A) and the moving papers for said order (Exhibit B). Defendants are directed to carry the cost of filing said supplemental record on appeal. The appeal is adjourned to the September 2016 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 28, 2016.

PRESENT: Hon. Diane T. Renwick, Justice Presiding,
Richard T. Andrias
David B. Saxe
Rosalyn H. Richter, Justices.

-----X
In the Matter of a Petition for
Letters of Administration, c.t.a.,
In the Estate of

Paula X. Assimakopoulos,
Deceased.

M-1482
Surrogate's Court
File No. 1154/12

- - - - -
Eva Lana,
Petitioner-Appellant.

-----X
An appeal having been taken from a Decree of the Surrogate's Court, New York County, entered on or about September 25, 2013, granting Limited Ancillary Letters of Administration, c.t.a., to respondent Nicolle Assimakopoulos-Panuthos, and said appeal having been perfected,

And petitioner-appellant, pro se, Eva Lana having moved for an extension of time to file a corrected brief,

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

Ordered that the motion is granted to the extent of extending petitioner's time to file a corrected brief, as set forth in this Court's order entered on March 3, 2016 (M-304), to on or before July 11, 2016 for the September 2016 Term, to which Term the appeal is adjourned.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 28, 2016.

Present - Hon. David B. Saxe, Justice Presiding,
Karla Moskowitz
Rosalyn H. Richter
Paul G. Feinman, Justices.

-----X
Pinhas Zahavi, etc.,
Plaintiff-Respondent-Appellant,

-against-

M-764
M-898
Index No. 151635/13

JSBarkats PLLC, sued herein as
JS Barkats, et al.,
Defendants-Appellants-Respondents.

-----X

Defendants-appellants-respondents having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on February 4, 2016 (Appeal No. 109) [M-764],

And plaintiff-respondent-appellant having cross-moved for resettlement and clarification of the aforesaid order [M-898],

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

It is ordered that the motion, to the extent it seeks reargument, and the cross motion are granted, and the decision and order of this Court entered on February 4, 2016 (Appeal No. 109) is recalled and vacated and a new decision and order substituted therefor. (See Appeal No. 109, decided simultaneously herewith.) The motion, to the extent it seeks leave to appeal to the Court of Appeals, is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 28, 2016.

Present: Hon. Karla Moskowitz, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

-----X
Jennifer M. Pugh,

Petitioner-Appellant,

For a Judgment Pursuant to Article 78 M-911
of the Civil Practice Law and Rules, Index No. 101000/12

-against-

City of New York,
Respondent-Respondent.

-----X

Petitioner-appellant having renewed the motion for leave to prosecute, as a poor person, the appeal from an order of the Supreme Court, New York County, entered on or about April 26, 2013, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

Ordered that the motion is denied. Sua sponte, the time to perfect the appeal is enlarged to the October 2016 Term.

ENTER:


CLERK

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

BEFORE: Hon. Rosalyn H. Richter
Associate Justice of the Appellate Division

-----X
Suzanne Amini,
Plaintiff-Appellant,

M-1460
Ind. No. 305592/11

-against-

Joseph Nabavi,
Defendant-Respondent.

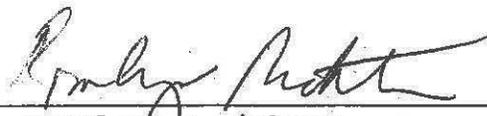
-----X

Plaintiff-Appellant Suzanne Amini, having moved, pursuant to CPLR 5701(c), for leave to appeal to the Appellate Division, First Department, from the interim order of Special Referee Louis Crespo of the Supreme Court, New York County, entered on or about March 10, 2016, and for a stay of such order, 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 application for leave to appeal is denied. The motion is otherwise denied, as moot.

Dated: April 6, 2016
New York, New York



Hon. Rosalyn H. Richter
Associate Justice

ENTERED

APR 28 2016

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

BEFORE: Hon. Troy K. Webber
Associate Justice of the Appellate Division

-----X
Anonymous, et al.

Plaintiff-Appellant,

-against-

Anonymous, et al.
Defendants-Respondents.

-----X

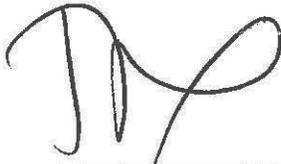
M-1297
Ind. No. 101478/15
SEALED

Plaintiff-Appellant having moved, pursuant to CPLR 5701(c), for leave to appeal to the Appellate Division, First Department, from the order of Acting Supreme Court Justice James E. d'Auguste of the Supreme Court, New York County, entered on or about March 8, 2016, and for a stay of all proceedings, 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 application for leave to appeal is denied. The motion is otherwise denied, as moot.

Dated: April 6, 2016
New York, New York



Hon. Troy K. Webber
Associate Justice

Entered on the
ENTERED APR 28 2016

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 28, 2016.

Present - Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Richard T. Andrias
Sallie Manzanet-Daniels
Troy K. Webber, Justices.

-----x
Susan Tabak,

Plaintiff-Appellant,

-against-

Jeffrey Tabak,

Defendant-Respondent.
-----x

M-1901
Index No. 311259/12

Plaintiff-appellant having moved for a stay of trial herein pending hearing and determination of the appeal from the order of the Supreme Court, New York County, entered on or about March 18, 2016),

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

It is ordered that the motion is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 28, 2016.

PRESENT - Hon. David Friedman, Justice Presiding,
David B. Saxe
Judith J. Gische
Barbara R. Kapnick, Justices.

-----X
Anthony Barnes,
Petitioner-Appellant,

For an Order Pursuant to Article 78
of the Civil Practice Law and Rules

-against-

M-2972A
Index No. 101392/14

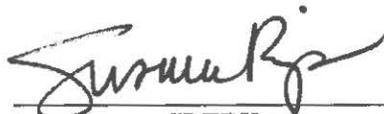
NYPD,
Respondent-Respondent.

-----X
Petitioner having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about April 16, 2015, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that the motion granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the attorney for respondent and files 8 copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record. (The order of this Court entered March 10, 2016 (M-2972) is hereby recalled and vacated).

ENTER:


CLERK