

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 21, 2016.

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

-----X

Joao Izarias,
Plaintiff-Respondent,

-against-

New York Convention Center Operating Corporation,
Defendant,

Tishman Construction Company of New York,
Defendant-Appellant,

Atlantic Hoisting & Scaffolding, LLC,
Defendant-Respondent.

-----X

New York Convention Center Operating Corporation,
Third-Party Plaintiff,

Tishman Construction Company of New York,
Third-Party Plaintiff-Appellant-Respondent,

-against-

Newport Painting & Decorating Co., Inc.,
Third-Party Defendant-Respondent-Appellant.

-----X

M-5626
Index No. 108353/11

Third-Party
Index No. 590026/12

-----X
 Newport Painting & Decorating Co.,
 Inc.,
 Second Third-Party Plaintiff-
 Appellant,

Second Third-Party
 Index No. 590595/13

-against-

Total Safety Consulting, LLC,
 Second Third-Party Defendant-
 Respondent.

-----X
 New York Convention Center Operating
 Corporation,
 Third Third-Party Plaintiff,

Third Third-Party
 Index No. 590637/13

Tishman Construction Company of
 New York,
 Third Third-Party Plaintiff-
 Appellant,

-against-

Total Safety Consulting, LLC,
 Third Third-Party Defendant-
 Respondent.

-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, both entered on or about October 10, 2014; and an appeal having been taken from the order of said Supreme Court on or about December 15, 2014,

Now, upon reading and filing the papers with respect to the motion, and a stipulation of the respective appellants dated October 27, 2015, having been filed with this Court, and due deliberation having been had thereon, it is

Ordered that the appeals and cross appeal are withdrawn in accordance with the aforesaid stipulation.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 January 21, 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 Catherine Romania, as Ancillary
Administrator of the Estate of

M-5538

Surrogate's Court
File No. 2012-2149/A

Sandra Mattera,

for Discovery and Turnover of
Property Pursuant to SCPA Section
2013.

Catherine Romania,
Petitioner-Appellant,

Joseph Markisz,
Respondent-Respondent.

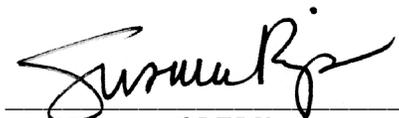
-----X
An appeal having been taken from an order of the Surrogate's Court, New York County, entered on or about October 28, 2013,

And respondent having moved for a preliminary injunction against the release of a certain investment account pending hearing and determination of the appeal,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from counsel for petitioner-appellant dated November 23, 2015, and due deliberation having been had thereon, it is

Ordered that the motion is 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 January 21, 2016.

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

-----X
RXR WWP Owner LLC,
Plaintiff-Appellant,

-against-

M-5289

Index No. 653553/13

WWP Sponsor, LLP, American Realty
Capital Properties, Inc., doing
business as American Realty
Capital, et al.,
Defendants-Respondents,

WWP Holdings, LLC,
Defendant.

-----X

Defendant-respondent, American Realty Capital Properties, 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 October 13, 2015 (Appeal Nos. 15862-15862A),

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated October 29, 2015, and due deliberation having been had thereon,

It is ordered that the motion is 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 January 21, 2016.

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

-----X
Nomura Asset Acceptance Corporation
Alternative Loan Trust, Series 2006-S3,
by HSBC Bank USA, National Association,
in its capacity as Trustee,
Plaintiff-Respondent-Appellant,

M-5469
Index No. 652619/12

-against-

Nomura Credit & Capital, Inc.,
Defendant-Appellant-Respondent.
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 18, 2014, and said appeal having been perfected,

And defendant-appellant-respondent having moved to strike plaintiff-respondent-appellant's reply brief,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties, filed November 4, 2015, and due deliberation having been had thereon, it is

Ordered that the motion is deemed withdrawn in accordance with the aforesaid stipulation. (See M-5470) decided simultaneously herewith.)

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 January 21, 2016.

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

-----X
Nomura Asset Acceptance Corporation
Alternative Loan Trust, Series 2006-S3,
by HSBC Bank USA, National Association,
in its capacity as Trustee,
Plaintiff-Respondent-Appellant,
M-5470
Index No. 653390/12

-against-

Nomura Credit & Capital, Inc.,
Defendant-Appellant-Respondent.
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 18, 2014, and said appeal having been perfected,

And plaintiff-respondent-appellant having moved to strike plaintiff-respondent-appellant's reply brief,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties, filed November 4, 2015, and due deliberation having been had thereon, it is

Ordered that the motion is deemed withdrawn in accordance with the aforesaid stipulation. (See M-5469, decided simultaneously herewith.)

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 January 21, 2016.

Present - Hon. Peter Tom, Justice Presiding,
Dianne T. Renwick
David B. Saxe
Barbara R. Kapnick, Justices.

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

-against-

M-5721
Ind. No. 5874/14

Yasmine Johnson,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of **resentence** of the Supreme Court, New York County, rendered on or about July 31, 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 deeming the moving papers a timely filed notice of appeal.

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 January 21, 2016.

Present - Hon. Peter Tom, Justice Presiding,
Dianne T. Renwick
David B. Saxe
Barbara R. Kapnick, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-5725

Ind. No. 7321/91

Jose Santos Diaz,

Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about August 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 deeming the notice of appeal timely filed.

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 January 21, 2016.

Present - Hon. Peter Tom, Justice Presiding,
Dianne T. Renwick
David B. Saxe
Barbara R. Kapnick, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-5726

Ind. No. 2197/14

Azeez Powell,

Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about July 15, 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 deeming the notice of appeal timely filed.

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 January 21, 2016.

Present - Hon. Peter Tom, Justice Presiding,
Dianne T. Renwick
David B. Saxe
Barbara R. Kapnick, Justices.

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

-against-

M-5722
Ind. No. 3925/14

Pedro Montanez,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about February 18, 2015, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of deeming the moving papers a timely filed notice of appeal and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 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.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10006, 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. (See M-5723, decided simultaneously herewith.)

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 January 21, 2016.

Present - Hon. Peter Tom, Justice Presiding,
Dianne T. Renwick
David B. Saxe
Barbara R. Kapnick, Justices.

-----X

The People of the State of New York,
Respondent,

M-5723

Ind. Nos. 769/12

-against-

52/12

4974/12

Pedro Montanez,

5656/11

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about February 18, 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 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.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10006, 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. (See M-5722, decided simultaneously herewith.)

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 January 21, 2016.

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

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

-against-

M-5581
Ind. Nos. 1309N/14
3288N/14

Martin Bostic,
Defendant-Appellant.

-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about January 20, 2015, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of 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 reproduced 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.

Seymour W. James, Jr., Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. (212) 577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of 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 January 21, 2016.

Present - Hon. Peter Tom, Justice Presiding,
Dianne T. Renwick
David B. Saxe
Barbara R. Kapnick, Justices.

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

-against-

M-5556
Ind. No. 3747/13

Rafael Cintron,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about January 21, 2015, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of deeming the moving papers a timely filed notice of appeal and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 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 January 21, 2016.

Present - Hon. Peter Tom, Justice Presiding,
Dianne T. Renwick
David B. Saxe
Barbara R. Kapnick, Justices.

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

-against-

M-5647
Ind. No. 4747/13

Alvin Velez,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about July 1, 2014, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of deeming the moving papers a timely filed notice of appeal and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 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.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10006, 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 January 21, 2016.

Present - Hon. Peter Tom, Justice Presiding,
Dianne T. Renwick
David B. Saxe
Barbara R. Kapnick, Justices.

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

-against-

M-5735
Ind. No. 5550/13

Melissa Goncalves,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about June 4, 2015, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of deeming the notice of appeal as timely filed and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 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.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10006, 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 January 21, 2016.

Present - Hon. Peter Tom, Justice Presiding,
Dianne T. Renwick
David B. Saxe
Barbara R. Kapnick, Justices.

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

-against-

M-5736
Ind. No. 4082/12

Santo Valenzuela,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about July 9, 2015, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of deeming the notice of appeal as timely filed and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 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.

Seymour W. James, Jr., Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of 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 January 21, 2016.

Present - Hon. Peter Tom, Justice Presiding,
Dianne T. Renwick
David B. Saxe
Barbara R. Kapnick, Justices.

-----X

Silvia Perina,

Plaintiff-Appellant,

-against-

M-5741

Index No. 401403/13

Animal Care and Control of NYC,

Defendant-Respondent.

-----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 October 8, 2013,

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 June 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 January 21, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,
David B. Saxe
Sallie Manzanet-Daniels
Barbara R. Kapnick, Justices.

-----X
Lennon Thomas,

Plaintiff-Respondent,

-against-

M-5684
Index No. 310469/10

The City of New York, P.O. Crockwell,
Shield #8100 and John Doe Police
Officers #1 through #5,

Defendants-Appellants.

-----X

Defendants-appellants having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about December 18, 2014,

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 June 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 January 21, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,
Dianne T. Renwick
David B. Saxe
Barbara R. Kapnick, Justices.

-----X
316 Second Avenue NH, LLC, et al.,
Plaintiff-Respondent,

-against-

M-5597
Index No. 600217/10

316 Second Avenue, LLC, et al.,
Defendants-Appellants.
-----X

Defendant-appellant 316 Second Avenue, LLC 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 27, 2014,

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 June 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 January 21, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,
Dianne T. Renwick
David B. Saxe
Barbara R. Kapnick, Justices.

-----X
Kateri Residence, etc., et al.,
Plaintiffs-Respondents,

-against-

M-5611
Index No. 102836/06

Antonia C. Novello, M.D., etc.,
et al.,
Defendants-Appellants.

-----X

Defendants-appellants having moved for an enlargement of time to perfect the appeals from the orders of the Supreme Court, New York County, entered on or about June 3, 2014 (mot. seq. no. 003) and September 24, 2014, 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 to the extent of enlarging the time to perfect the appeals to the June 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 January 21, 2016.

PRESENT - Hon. Peter Tom, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Richard T. Andrias, Justices.

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

Yvonne S.Y. Liu,
Petitioner-Appellant,

-against-

M-6133
Index No. 162232/15

Wyna Liu, et al.,
Respondents-Respondents.

-----X

Petitioner-appellant having moved pursuant to CPLR 5704(a) for certain relief denied by a Justice of the Supreme Court, New York County, on or about December 7, 2015, and for leave to appeal to this Court from the aforesaid order, and 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.

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 January 21, 2016.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

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

-against-

M-5792
Ind. No. 2597/13

Jahmeekga Joseph,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about May 28, 2015, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of deeming the notice of appeal as timely filed and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 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.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10006, 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 January 21, 2016.

Present - Hon. Angela M. Mazzairelli, Justice Presiding,
John W. Sweeny, Jr.
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

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

-against-

M-5794
Ind. No. 469/15

Alfredo Diaz, also known as Jimmy
Diaz,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about August 3, 2015, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of deeming the notice of appeal as timely filed and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 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.

Seymour W. James, Jr., Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of 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 January 21, 2016.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

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

-against-

M-5793
Ind. No. 5738/13

John Doherty,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about August 4, 2015, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of 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 reproduced 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.

Seymour W. James, Jr., Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. (212) 577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of 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 January 21, 2016.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Barbara R. Kapnick, Justices.

-----X
In the Matter of the Application of
Raphael Fernandez,
Petitioner,

For a Judgment Pursuant to Article 78 M-5812
of the Civil Practice Law and Rules, M-5283
Index No. 400873/14

-against-

New York City Housing Authority,
Respondent.

-----X

An Article 78 proceeding having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about September 9, 2014, to review a determination of respondent,

And petitioner having renewed the motion for leave to prosecute the proceeding as a poor person, upon the original record and reproduced petitioner's brief (M-5812),

And respondent having separately moved for dismissal of the aforesaid transferred proceeding (M-5283),

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 for poor person relief (M-5812) is granted to the extent of permitting the proceeding to be heard on the original record and upon a reproduced petitioner's brief, on condition that petitioner serves one copy of such brief upon the attorney for the respondent and file 8 copies of such brief, together with the original record, with this Court. Petitioner is permitted to dispense with payment of the required fee for the subpoena and filing of the record. The motion to dismiss the proceeding (M-5283) is granted unless the proceeding is perfected for the June 2016 Term, with no further enlargements to be granted.

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 January 21, 2016.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

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

-against-

M-5724
Ind. No. 694/15

Lloyd McFadden,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about May 28, 2015, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

The motion, to the extent that it seeks poor person relief, is denied, with leave to renew upon defendant's submission of a notarized affidavit, pursuant to CPLR 1101, setting forth facts sufficient to establish that defendant has no funds or assets with which to prosecute the appeal, including the amount and sources of his income and listing his property with its value. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

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 January 21, 2016.

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

-----X

R. S.,
Plaintiff-Respondent,

-against-

B. L.
Defendant-Appellant.

-----X

CONFIDENTIAL

M-5734

Index No. 350001/12

An appeal having been taken to this Court from a judgment of the Supreme Court, Bronx County, entered on or about April 15, 2015,

And defendant's counsel having moved to withdraw as counsel, and for an enlargement of time to perfect 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 granted to the extent of permitting Davidoff Hutcher & Citron LLP, (Malcolm S. Taub, Esq., as counsel) to withdraw as defendant's appellate counsel and enlarging the time to perfect the appeal to the June 2016 Term, and 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 January 21, 2016.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
David B. Saxe
Karla Moskowitz
Rosalyn H. Richter, Justices.

-----X
In the Matter of the Application of
44 Lexington Associates, LLC
Petitioner-Appellant,

Pursuant to Article 75 of the CPLR
Staying Arbitration of a Certain
Controversy,

M-6281
Index No. 154467/15

-against-

Supreme Security Systems, Ltd.,
Respondent-Respondent.

-----X
An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 22, 2015,

And petitioner-appellant having moved for a stay of said order, pending hearing and determination of the aforesaid appeal,

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

It is ordered that the stay is granted on condition the appeal is perfected for the June 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 January 21, 2016.

Present - Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
David B. Saxe
Karla Moskowitz, Justices.

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

-against-

M-5758
Ind. Nos. 1769/14

Delio Castillo Rodriguez,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about October 28, 2014, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of deeming the notice of appeal as timely filed and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 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.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10006, 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 January 21, 2016.

Present - Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
David B. Saxe
Karla Moskowitz, Justices.

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

Respondent,

-against-

M-5762
Ind. No. 2754/13

Tamel Dixon,

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 June 11, 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 January 21, 2016.

Present - Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
David B. Saxe
Karla Moskowitz, Justices.

-----X
In the Matter of the Application of
Adam Jamison,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

M-5835
Index No. 250637/14

Rafael A. Curbelo, Bronx ADA Records
Access Officer,
Respondent-Respondent.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County, entered on or about August 27, 2015, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, for the assignment of counsel, and for other relief,

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

It is ordered that said motion is 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 file 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 motion, to the extent it seeks assignment of counsel, 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 January 21, 2016.

Present - Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
David B. Saxe
Karla Moskowitz, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-5603
Ind. No. 4064/15

Angel Delarosa,

Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about August 13, 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 deeming the notice of appeal timely filed.

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 January 21, 2016.

Present - Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Richard T. Andrias
Rosalyn H. Richter, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-5728

Ind. No. 1023/15

Kegan Richards,

Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about August 12, 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 deeming the notice of appeal timely filed.

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 January 21, 2016.

Present - Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Richard T. Andrias
Rosalyn H. Richter, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-5729

Ind. No. 1704/15

Clifford McClinton,

Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about August 11, 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 deeming the notice of appeal timely filed.

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 January 21, 2016.

Present - Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Richard T. Andrias
Rosalyn H. Richter, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-5733

Ind. No. 2423/13

Dapree Peterson,

Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about August 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 deeming the notice of appeal timely filed.

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 January 21, 2016.

Present - Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
David B. Saxe
Karla Moskowitz, Justices.

-----x
In the Matter of

Nassair S.,
Harold S., Jr., and
Jeviah T.,

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

Administration for Children's Services,
Petitioner-Respondent,

M-5963
Docket Nos. NN-5693/13
NN-25707/12
NN-25709/12

Chareshma T.,
Respondent-Appellant.

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

Respondent-appellant having moved for an enlargement of time to perfect the appeal from the Order of Disposition and Permanency Hearing of the Supreme Court, Bronx County, entered on or about October 6, 2014,

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 June 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 January 21, 2016.

Present - Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Richard T. Andrias
Rosalyn H. Richter, Justices.

-----X
OTR Media Group, Inc.,

Petitioner-Appellant,

-against-

M-5715
Index No. 151531/14

City of New York and New York City
Environmental Control Board,

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 June 30, 2014,

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 June 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 January 21, 2016.

Present - Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Richard T. Andrias
Rosalyn H. Richter, Justices.

-----x
Federal National Mortgage Association,
Plaintiffs-Appellants,

-against-

Lawrence R. Singer, also known as
Lawrence Singer, et al.,
Defendants-Respondents,

M-5810
Index No. 850039/11

Board of Managers of 4260 Broadway
Condominium, et al.,
Defendants.

- - - - -
Bank of America, N.A.,
Plaintiff-Appellant,

-against-

Lawrence Singer, et al.,
Defendants-Respondents,

Index No. 850200/13

Board of Managers of the 4260 Broadway
Condominium, 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 July 15, 2015 (mot. seq. nos. 001, 002),

And an order of this Court having been entered on September 29, 2015 (M-4202), granting a stay of the aforesaid order on condition the appeal be perfected for the February 2016 Term,

And plaintiffs-appellants having jointly moved for an enlargement of time to perfect the appeal,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the June 2016 Term, and the stay granted by the order of this Court entered September 29, 2015 (M-4202) is continued pending hearing and determination of the appeal.

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 January 21, 2016.

PRESENT: Hon. David Friedman, Justice Presiding,
Dianne T. Renwick
David B. Saxe
Karla Moskowitz, Justices.

-----x
One William Street Capital
Management, L.P.,
Petitioner-Appellant-Respondent,

-and-

The Depository Trust Company and
Cede Co.,
Nominal Petitioners,

SEALED
M-6137
Index No. 652274/12

For a Judgment Pursuant to Article 77
of the Civil Practice Law and Rules,

-against-

Education Loan Trust IV, et al.,
Respondents,

U.S. Education Loan Trust IV, LLC,
et al.,
Respondents-Respondents-Appellants.

-----X
An appeal and cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 24, 2015, and said appeal and cross appeal having been perfected,

And appeals having been taken by petitioner and respondents from an order of the Supreme Court, New York County, entered on or about November 18, 2015, and respondent's appeal having been perfected,

And petitioner having moved for consolidation of the aforesaid appeals and for leave to supplement the record on appeal,

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

It is ordered that the motion is granted to the extent of permitting appellants to prosecute the appeals upon 10 copies of one record and one set of appellants points covering the appeals and, sua sponte, enlarging the time in which to perfect the perfected appeal to the June 2016 Term. Petitioner is granted leave to file a supplemental record on appeal (containing the notice of appeal from the November 18, 2015 order, the order, the pre-argument statement, and the relevant underlying motion papers, and a brief before March 21, 2016 for said Term. Respondents are granted leave to file an answering brief, if so advised, on or before April 20, 2016 for said 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 January 21, 2016.

PRESENT - Hon: David Friedman, Justice Presiding,
John W. Sweeny, Jr.
David B. Saxe
Karla Moskowitz, Justices.

-----X

In the Matter of Steven Banks,
as Commissioner of Social Services of
the City of New York,

Petitioner-Respondent,

M-5678
Index No. 500033/15

For the Appointment of a Guardian of the
Personal Needs and Property Management of

Gwendolyn R.,

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 23, 2015,

And respondent-appellant having moved for an order amending the caption,

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 caption amended, as indicated above.

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 January 21, 2016.

PRESENT: Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Richard T. Andrias
Rosalyn H. Richter, Justices.

-----X
In the Matter of the Arbitration of

Berkeley Research Group LLC,
Petitioner-Respondent,

-against-

M-5699
Index No. 150745/15

Datatern, Inc.,
Respondent-Appellant.

-----X

An appeal having been taken from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about October 29, 2015,

And respondent-appellant having moved for a stay of enforcement of the aforesaid order, pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is granted, only to the extent of staying any portion of the order confirming the attorney fee award, on condition the appeal is perfected for the June 2016 Term and 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 January 21, 2016.

PRESENT - Hon: David Friedman, Justice Presiding,
John W. Sweeny, Jr.
David B. Saxe
Karla Moskowitz, Justices.

-----X

In the Matter of the Application of

Elaine Ward,
Petitioner-Appellant,

M-5683
Index No. 100341/12

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

-against-

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

-----X

Appeals having been taken from the orders of the Supreme Court, New York County, entered on or about October 24, 2014, December 12, 2014 and April 20, 2015, respectively,

And an order of this Court entered on November 24, 2015 (M-4169), inter alia, consolidating the aforesaid appeals,

And petitioner-appellant having moved for a traverse hearing, a preliminary appellate injunction vacating all previous orders subsequent to this Court's decision on a prior appeal, entered November 14, 2013, and other relief,

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

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

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 January 21, 2016.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Richard T. Andrias
David B. Saxe
Karla Moskowitz, Justices.

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

-against-

M-5925
Ind. No. 954/12

Felix Sicajan,
Defendant-Appellant.

-----X

Assigned counsel having moved for an order dismissing defendant's appeal from the judgment of the Supreme Court, New York County, rendered on or about June 28, 2013, without prejudice to reinstatement at such time appellant again becomes amenable to the jurisdiction of this Court,

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

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

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 January 21, 2016.

PRESENT - Hon. Dianne T. Renwick, Justice Presiding,
Richard T. Andrias
David B. Saxe
Karla Moskowitz, Justices.

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

-against-

M-5918
Ind. No. 1841/14

Antoine Pierre-Pierre,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about April 27, 2015, for leave to prosecute the appeal as a poor person upon the original record and upon a reproduced appellant's brief, and for assignment of counsel,

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

It is ordered that the motion is granted to the extent of deeming the moving papers a timely filed notice of appeal, and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 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.

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 January 21, 2016.

PRESENT - Hon. Dianne T. Renwick, Justice Presiding,
Richard T. Andrias
David B. Saxe
Karla Moskowitz, Justices.

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

-against-

M-5914
Ind. No. 5873/13

Adam Tang,
Defendant-Appellant.

-----x

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about December 8, 2014,

And defendant having renewed his motion for leave to prosecute said appeal as a poor person, for the assignment of counsel, and for related relief,

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

It is ordered that the motion is denied.

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 January 21, 2016.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Richard T. Andrias
David B. Saxe
Karla Moskowitz, Justices.

-----X
Holly Schiebl,
Plaintiff-Respondent,

-against-

M-5850
Index No. 20100/14E

Senior Care Emergency Medical Services, et al.,
Defendants-Appellants.

-----X

Defendants-appellants, Senior Care Emergency Medical Services, et al., having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about January 6, 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 June 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 January 21, 2016.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Richard T. Andrias
David B. Saxe
Karla Moskowitz, Justices.

-----X
Cheryl Douglas,
Plaintiff-Appellant,

-against-

M-5714
Index No. 18021/07

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

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about April 4, 2014,

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 June 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 January 21, 2016.

PRESENT - Hon. Dianne T. Renwick, Justice Presiding,
Richard T. Andrias
David B. Saxe
Karla Moskowitz, Justices.

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

Respondent,

-against-

Arthur Murillo,

M-6011
Ind. No. 2290/11

Defendant-Appellant.
-----X

Defendant-appellant, in connection with an appeal taken from the judgment of the Supreme Court, New York County, rendered on or about March 12, 2013, having moved for leave to file a pro se supplemental brief,

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

It is ordered that the 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 January 21, 2016.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Richard T. Andrias
David B. Saxe
Karla Moskowitz, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-6008
Ind. No. 4299/11

Allen Proctor,
Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant-appellant from the judgment of the Supreme Court, New York County, rendered on or about April 27, 2012,

And an order of this Court entered on October 20, 2015 (M-2289) assigning Richard M. Weinstein, Esq., as appellate counsel for purposes of prosecuting said appeal,

And defendant-appellant having moved for an order relieving assigned counsel,

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

It is ordered that the motion is denied, the Clerk of this Court is directed to forward the current address and telephone information with respect to assigned counsel Weinstein to the defendant at his place of incarceration for use on the appeal under Ind. No. 4299/11.

ENTER:


CLERK

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

BEFORE: Hon. DAVID FRIEDMAN
Justice of the Appellate Division

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

M-4600
Ind. No. 982/10

-against-

CERTIFICATE
GRANTING LEAVE

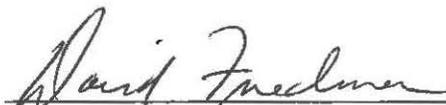
Lawrence Folks,
Defendant-Appellant.
-----X

I, DAVID FRIEDMAN, a Justice of the Appellate Division, First Judicial Department, do hereby certify that in the proceedings herein questions of law or fact are involved which ought to be reviewed by the Appellate Division, First Judicial Department, and, pursuant to Section 460.15 of the Criminal Procedure Law, permission is hereby granted to the above-named defendant to appeal to the Appellate Division, First Judicial Department, from the Order of the Supreme Court, Bronx County, entered on or about August 13, 2015.¹

Dated: New York, New York
January 11, 2016

ENTERED

JAN 21 2016



DAVID FRIEDMAN

Justice of the Appellate Division

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

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

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

BEFORE: Hon. DAVID FRIEDMAN
Justice of the Appellate Division

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

M-4205
Ind. No. 8307/97

-against-

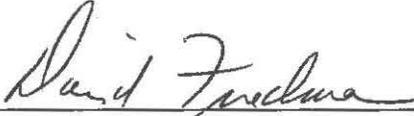
CERTIFICATE
DENYING LEAVE

Francisco Espinal,
Defendant.
-----X

I, DAVID FRIEDMAN, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application 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, entered on or about April 24, 2015, is hereby denied.

Dated: New York, New York
January 11, 2016

ENTERED



DAVID FRIEDMAN
Justice of the Appellate Division

JAN 21 2016

✓

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

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

-----X
BDC MANAGEMENT SERVICES, LLC, BDIP
HOLDINGS, INC., BDIP, LLC and TOPSIN
PARTNERS LBO, LP,

M-6524
Index No. 652217/15

Plaintiffs-Respondents,

-against-

SCOTT SINGER, TODD SINGER, and REGNIS
MANAGEMENT LLC f/k/a BDC MANAGEMENT,
L.L.C.,

Defendants-Appellants.
-----X

Defendant-Appellant Scott Singer having moved for an Order staying or modifying the Temporary Restraining Order entered by the Supreme Court, New York County (Kornreich, J.), on December 4, 2015 (the Order), and,

Now, upon deeming the motion as one for leave to appeal to this Court from the Order, pursuant to CPLR 5701(c), and upon learning that the Order is no longer in effect, the Supreme Court having issued a preliminary injunction by Decision and Order dated January 7, 2016,

It is ordered that the motion is denied as moot.



Barbara R. Kapnick
Associate Justice

Dated: January 13, 2016
New York, New York

Entered: JAN 21 2016