

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

Present - Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Richard T. Andrias  
David B. Saxe, Justices.

-----x  
In re: Eliyahu, An Infant

Nekadam Y.,  
Petitioner-Appellant,

**CONFIDENTIAL**

M-2925

Moshe N.,  
Petitioner,

Surrogate's Court  
File No. 2010-0178

-against-

Jennifer B. and David B.,  
Respondents-Respondents.

-----  
Anne Reiniger, Esq.,  
Attorney for the Child.

-----x  
Respondents-respondents having moved for dismissal of the appeal taken from the order of the Surrogate's Court, New York County, entered on or about August 20, 2015, and to enjoin petitioner and/or counsel from filing any further papers in this Court without prior permission, and for other relief,

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

It is ordered that the motion is granted to the extent of dismissing the appeal, and 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 July 21, 2016.

PRESENT: Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Richard T. Andrias  
David B. Saxe, Justices.

-----X  
In the Matter of a Proceeding  
for the Modification of Custody/  
Visitation under Section 240  
of the Domestic Relations Law

Barbara Hultay, on behalf of  
Ronald Stanton,  
Petitioner-Appellant,

M-2845  
Index No. 312771/12

-against-

Mei Wu-Stanton,  
Respondent-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on February 4, 2016, and from an order of the same Court and Justice entered on February 17, 2016, said appeals having been perfected,

And petitioner-appellant having moved for a stay pursuant to CPLR 5519(c) of the aforesaid orders,

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

It is ordered that the motion for a stay is denied and appellate preference is granted for the September 2016 Term, to the extent of directing that the appeals not be adjourned from 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 July 21, 2016.

PRESENT: Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Richard T. Andrias  
David B. Saxe, Justices.

-----X  
Bank of America, N.A., et al.,  
Plaintiffs-Respondents,

-against-

M-2811  
Index No. 35173/13

Aletha Angel,  
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about December 15, 2014, and said appeal having been perfected,

And, defendant-appellant having moved for an order granting her summary judgment,

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 July 21, 2016.

Present - Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Richard T. Andrias  
David B. Saxe, Justices.

-----x  
In the Matter of

Jamilla T., and  
Jamille T.,

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

M-2854  
Docket Nos.  
NN-41521-22/15

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

Shaaniell T.,  
Respondent-Appellant.

- - - - -  
Lawyers for Children, Inc.,  
Attorney for the Children.

-----x

Petitioner-respondent having moved for dismissal of the appeal taken from the order of the Family Court, New York County, entered on or about August 10, 2015 or, in the alternative, for a revised briefing schedule,

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 dismissing the appeal, 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 July 21, 2016.

PRESENT: Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Richard T. Andrias  
David B. Saxe, Justices.

-----X  
In Re: 91<sup>st</sup> Street Crane Collapse Index No. 771000/10  
Litigation

-----  
Maria Leo, Administratrix of the Estate of M-2627  
Her Son, Donald Christopher Leo, M-3005  
Plaintiff-Respondent, M-2628  
M-3006  
M-3061

-against-

James F. Lomma, J.F. Lomma Inc., and Index No. 117294/08  
New York Crane & Equipment Corp.,  
Defendants.

-----X  
New York Crane & Equipment Corp., James F.  
Lomma, J.F., Lomma Inc., and T.E.S. Inc.,  
initially sued as TES Inc.,  
Third-Party Plaintiffs-Appellants,

-against-

Sorbara Construction Corp.,  
Third-Party Defendant.

-----X  
New York Crane & Equipment Corp., James F.  
Lomma, J.F., Lomma Inc., and T.E.S. Inc.,  
initially sued as TES Inc.,  
Second Third-Party Plaintiffs-Appellants,

-against-

Brady Repair Co., Testwell, Inc.,  
Second Third-Party Defendants.

-----X

-----X  
In Re: 91<sup>st</sup> Street Crane Collapse  
Litigation

- - - - -  
Xhevahire Sinanaj and Selvi Sinanovic, as  
Co-Administrators of the Estate of Ramadan  
Kurtaj, Deceased & Selvi Sinanovic,  
Individually,  
Plaintiffs-Respondents,

-against-

**Action No. 2**  
Index No. 117469/08

James F. Lomma, New York Crane &  
Equipment Corp., J.F. Lomma Inc.,  
Defendants-Appellants.

-----X  
James F. Lomma, J.F. Lomma Inc., New  
York Crane & Equipment Corp.,  
Third-Party Plaintiffs-Appellants,

-against-

Sorbara Construction Corp., and Brady  
Marine Repair Co.,  
Third-Party Defendants,

-----X  
(And Additional Third-Party Actions)  
-----X

Appeals having been taken in Action No. 1 by third-  
party/second third-party plaintiffs New York Crane & Equipment  
Corp. and in Action No. 2 by defendants third-party plaintiffs,  
from judgments of the Supreme Court, New York County, entered on  
or about January 5, 2016,

And New York Crane & Equipment Corp. et al. having moved to  
consolidate the aforesaid appeals and for related relief  
(M-2627),

And proposed intervenor Sorbara Construction Corp., et al.  
having cross-moved by separate motions for leave to intervene in  
both appeals pursuant to CPLR 1013 (M-3005/M-3006),

And New York Crane & Equipment Corp., et al. in Action No. 2  
having moved to consolidate the aforesaid appeals and for related  
relief (M-2628),

And trial counsel for plaintiff-respondent in Action No. 1 having cross-moved for leave to intervene pursuant to CPLR 1013 and for related relief (M-3061),

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

It is ordered that the motions for consolidation are granted to the extent of permitting appellants to prosecute the appeals upon 10 copies of one record and one set of appellant points covering the appeals. The motions are otherwise denied with the exception of allowing New York Crane & Equipment Corp., et al., to withdraw their aforesaid appeals without prejudice. The Clerk of the Court is directed to remove the appeals under Cal. Nos. 1353 and 1357 from this Court's calendar (M-2627/M-2628). The cross-motions (M-3005/M-3006) are granted to the extent of permitting third-party defendant Sorbara Construction Corp., et al., leave to intervene as a respondent. The cross-motion by trial counsel for plaintiff-respondent in Action No. 1 is granted to the extent of permitting counsel to intervene as a non-party intervenor respondent (M-3061).

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 July 21, 2016.

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

-----x

U-Trend New York Investment L.P.,  
Individually and derivatively on  
behalf of Nominal Defendant  
Hospitality Suite International,  
S.A. and its wholly-owned  
subsidiary US Suite Corp.,  
Plaintiff-Respondent,

-against-

M-3068  
M-3071  
M-3170

Index No. 652082/14

US Suite LLC, Aura Investments Ltd.  
and 440 West 41<sup>st</sup> LLC,  
Defendants-Appellants,

-and-

Hospitality Suite International, S.A.  
and US Suite Corp.,  
Nominal Defendants-Appellants.

-----x

Appeals having been taken to this Court by defendants US Suite LLC, Aura Investments Ltd. and 440 West 41<sup>st</sup> LLC from orders of the Supreme Court, New York County, entered on or about November 13, 2015, and from orders of the same Court and Justice both entered on or about April 14, 2016, respectively,

And an appeal having been taken by defendants Aura Investments Ltd., Hospitality Suite International, S.A. and US Suite Corp. from a separate order of said Court and Justice entered on or about November 13, 2015,

And an appeal having been taken by defendants US Suite LLC and 440 West 41<sup>st</sup> LLC from an order of said Court and Justice entered on or about June 9, 2016,

And defendants US Suite LLC and Aura Investments Ltd. having moved for a stay of enforcement of the specified orders pending hearing and determination of the appeals taken therefrom (M-3068),

And Aura Investments Ltd., Hospitality Suite International S.A. and US Suite Corp. having jointly moved for a stay of the order entered on or about June 9, 2016 (M-3071),

And plaintiff-respondent having cross-moved to direct defendants to post an undertaking as a condition to a stay, for consolidation of all appeals, for expedited hearing of the appeal, and/or for other relief (M-3170),

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

It is ordered that the motion for a stay (M-3071) is granted to the extent of staying the distribution of the funds in the escrow account, pending hearing and determination of the appeal, on condition the appeals are perfected for the October 2016 Term, and it is further,

Ordered that the motion for a stay (M-3068) is granted to the extent of staying execution and enforcement of the orders dated April 11, 2016 and June 9, 2016, and otherwise denied, and it is further,

Ordered that the cross motion (M-3170) is granted to the extent of permitting appellants to prosecute the consolidated appeals upon 9 copies of one record and one set of appellant's points covering the consolidated appeals. The attention of the parties is directed to 22 NYCRR § 600.11. The cross 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 July 21, 2016.

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

-----X

In re the Board of Education of the  
City School District of the City of  
New York (DOE), et al.,  
Petitioners-Respondents,

M-3120  
Index No. 451028/13

-against-

United Federation of Teachers, et al.,  
Respondents-Appellants.

-----X

Respondents-appellants having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on March 8, 2016 (Appeal No. 416),

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 July 21, 2016.

Present: Hon. David Friedman, Justice Presiding,  
Richard T. Andrias  
David B. Saxe  
Rosalyn H. Richter, Justices.

-----X

Clarence Gaines, as the Executor of  
the Estate of Janie Gaines, Deceased,

Plaintiff-Respondent,

-against-

**M-2711**

Index No. 14471/03

The City of New York, et al.,

Defendants,

Department of Social Services of the  
City of New York,

Claimant-Appellant.

-----X

Claimant-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on March 29, 2016 (Appeal No. 633),

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 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 the Supreme Court, as affirmed by this Court, properly made?"

This Court further certifies that its determination was made as a matter of law and not in the exercise of discretion.

ENTER:

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

---

CLERK

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

Present: Hon. David Friedman, Justice Presiding,  
David B. Saxe  
Sallie Manzanet-Daniels  
Paul G. Feinman  
Judith J. Gische, Justices.

-----X  
B.F., et al.,  
Plaintiffs-Respondents,

-against-

**M-1973**

Index No. 800405/11

Reproductive Medicine Associates of  
New York, LLP, et al.,  
Defendants-Appellants.

-----X

Defendant-appellant Reproductive Medicine Associates of New York, LLP, having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on December 17, 2015 (Appeal No. 15289),

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 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 the Supreme Court, which was modified in part and otherwise affirmed by this Court, properly made?"

This Court further certifies that its determination was made as a matter of law and not in the exercise of discretion. (See M-2089, 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 July 21, 2016.

Present: Hon. David Friedman, Justice Presiding,  
David B. Saxe  
Sallie Manzanet-Daniels  
Paul G. Feinman  
Judith J. Gische, Justices.

-----X  
B.F., et al.,  
Plaintiffs-Respondents,

-against-

**M-2089**  
Index No. 800405/11

Reproductive Medicine Associates of  
New York, LLP, et al.,  
Defendants-Appellants.

-----X

Defendant-appellant Alan B. Copperman, M.D., having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on December 17, 2015 (Appeal No. 15289),

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 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 the Supreme Court, which was modified in part and otherwise affirmed by this Court, properly made?"

This Court further certifies that its determination was made as a matter of law and not in the exercise of discretion. (See M-1973, 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 prominent initial "S".

---

CLERK

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

Present: Hon. David Friedman, Justice Presiding,  
David B. Saxe  
Sallie Manzanet-Daniels  
Paul G. Feinman  
Judith J. Gische, Justices.

-----X  
Marie Dennehy, et al.,  
Plaintiffs-Respondents,

**M-1974**  
-against- Index No. 800349/11

Alan B. Copperman, M.D., et al.,  
Defendants-Appellants.  
-----X

Defendants-appellants Reproductive Medicine Associates of New York, LLP and Reproductive Medicine Associates-International, LLP, having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on December 17, 2015 (Appeal No. 15288),

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 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 modified in part and otherwise affirmed 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. (See M-2101, 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 July 21, 2016.

Present: Hon. David Friedman, Justice Presiding,  
David B. Saxe  
Sallie Manzanet-Daniels  
Paul G. Feinman  
Judith J. Gische, Justices.

-----X

Marie Dennehy, et al.,  
Plaintiffs-Respondents,

-against-

**M-2101**

Index No. 800349/11

Reproductive Medicine Associates of  
New York, LLP, et al.,  
Defendants-Appellants.

-----X

Defendant-appellant, Alan B. Copperman, M.D., having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on December 17, 2015 (Appeal No. 15288),

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 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 modified in part and otherwise affirmed 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. (See M-1974, 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 July 21, 2016.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,  
Diane T. Renwick  
Sallie Manzanet-Daniels  
Troy K. Webber, Justices.

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

**CONFIDENTIAL**

-----  
Lincoln P.,  
Petitioner-Respondent,

**M-2718**  
Docket No. O-7509/16

-against-

Katiusca A.,  
Respondent-Appellant.

-----X  
Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal taken from the order of the Family Court, Bronx County, entered on or about April 21, 2016, and for assignment of counsel, a free copy of the transcript, 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, sua sponte, the appeal is dismissed (See CPLR 5511), and the motion is denied, as academic.

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 July 21, 2016.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,  
Diane T. Renwick  
David B. Saxe  
Judith J. Gische  
Marcy L. Kahn, Justices.

-----X  
Rafael Batista,  
Plaintiff-Respondent,

-against-

Manhattanville College, et al.,  
Defendants-Appellants,

**M-2625**  
Index No. 301184/07

The Female Academy of the Sacred Heart,  
Defendant.

[And Other Third-Party Actions]

-----X  
Plaintiff-respondent having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court entered on April 21, 2014 (Appeal No. 886),

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 the Supreme Court, as modified  
by this court Court, properly made?"

This Court further certifies that its determination was  
made as a matter of law and not in the exercise of discretion.

ENTER:

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

---

CLERK

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

Present - Hon. Rolando T. Acosta, Justice Presiding,  
Dianne T. Renwick  
David B. Saxe  
Rosalyn H. Richter  
Judith J. Gische, Justices.

-----x

Proctor Wong, etc., et al.,  
Plaintiffs-Respondents,

-against-

Martinez Realty Corp., et al.,  
Defendants-Appellants,

M-2675  
M-2801  
Index No. 380371/11

-and-

The People of the State of New York,  
et al.,  
Defendants.

-----x

Plaintiffs-respondents having moved for dismissal of the appeal from the order and judgment (one paper) of the Supreme Court, Bronx County, entered on or about May 15, 2015 (M-2675),

And defendants-appellants having cross-moved for an enlargement of time to perfect the aforesaid appeal (M-2801),

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

It is ordered that the motion is granted and the appeal is dismissed. The cross motion 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 July 21, 2016.

Present - Hon. Rolando T. Acosta, Justice Presiding,  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Troy K. Webber  
Marcy L. Kahn, Justices.

-----x

Marisa Soto-Henry,  
Plaintiff-Respondent,

-against-

Christopher Henry,  
Defendant-Appellant,

M-2802  
Index No. 102061/12

Michael Pottinger, 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 May 20, 2016,

And defendant-appellant having moved for a stay of the aforesaid order entered May 20, 2016 to the extent it confirmed the special referee's report directing that transfer of the subject apartment be set aside,

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 granting a stay on condition defendant Christopher Henry post a \$200,000 bond and that he continues to pay all expenses on the property, and upon further condition that the appeal be perfected for the November 2016 Term. Defendants are enjoined from re-conveying, financing, or otherwise encumbering the property 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 July 21, 2016.

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

-----X

In re Elaine Ward,  
Petitioner-Appellant,

-against-

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

-----X

M-2722  
M-2723  
Index No. 100341/12

Petitioner-appellant, pro se, having moved by separate motions for reargument of (M-2723), or in the alternative, for leave to appeal to the Court of Appeals (M-2722), from the decision and order of this Court, entered on April 28, 2016 (Appeal Nos. 957-958-959),

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 (M-2722/M-2723).

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 July 21, 2016.

Present - Hon. Rolando T. Acosta, Justice Presiding,  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Troy K. Webber  
Marcy L. Kahn, Justices.

-----x

Sung Hwan Co., Ltd.,  
Plaintiff-Appellant,

-against-

M-2936  
Index No. 112444/01

Rite Aid Corporation,  
Defendant-Respondent.

-----x

An appeal having been taken to this Court from the judgment of the Supreme Court, New York County, entered on or about March 2, 2015, and said appeal having been perfected,

And plaintiff-appellant having moved for leave to file a supplemental appendix containing unofficially reported cases and documents filed in other litigations, and requesting the Court to take judicial notice of such findings,

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 taking judicial notice of case law cited in plaintiff-appellant's brief, and allowing plaintiff to submit copies of any decision not reported by Westlaw and Lexis in a compendium of decisions by August 10, 2016, and the motion is otherwise denied. Any references to documents other than the unpublished court decision contained in the proposed compendium are deemed stricken, sua sponte, from the appellant's brief.

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 July 21, 2016.

Present - Hon. Rolando T. Acosta, Justice Presiding,  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Troy K. Webber  
Marcy L. Kahn, Justices.

-----x

Patrolmen's Benevolent Association  
of the State of New York, Inc., on  
behalf of itself and all Police  
Officers,  
Plaintiff-Appellant,

M-3151  
Index No. 652620/16

-against-

The City of New York, and the New York  
City Office of Labor Relations,  
Defendants-Respondents.

-----x

A purported appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about May 17, 2016,

And plaintiff-appellant having moved for a stay of the order entered June 17, 2016, which denied plaintiff-appellant's application for a temporary restraining order pending a motion for a preliminary injunction,

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

It is ordered that the motion is deemed one for relief pursuant to CPLR 5704(a) and, as such, is granted to the extent of granting, pending a decision by Supreme Court on plaintiff's motion for a preliminary injunction, a temporary restraining order enjoining defendants from implementing the terms of the agreement between the City and the Municipal Labor Committee, as identified in the text at p. 2 of the order to show cause dated May 17, 2016, with respect to all members of the bargaining unit represented by plaintiff as set forth in the same text of that order to show cause. This order shall be without effect on or after the date on which an order of Supreme Court, New York

County, is entered deciding the motion for a preliminary injunction made pursuant to notice by the same order to show cause, and without prejudice to plaintiff's right to seek relief from this Court if the injunction is denied in Supreme 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 July 21, 2016.

Present - Hon. Rolando T. Acosta, Justice Presiding,  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Troy K. Webber  
Marcy L. Kahn, Justices.

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

Jacquelin M., M-1994  
Petitioner-Appellant, M-1995  
M-3132  
-against- M-3133  
M-3187  
Joseph M., Docket Nos. V-613-14/10  
Respondent-Respondent. V-618-19/10  
203/10  
-----  
Janet Neustaetter, Esq., The Children's  
Law Center,  
Attorney for the Children.

-----x  
An appeal having been taken to this Court from the order of the Family Court, Bronx County, entered on or about May 20, 2015, and said appeal having been perfected,

And The Children's Law Center (by Janet Neustaetter, Esq.,) court attorney for the subject children, having moved for an order directing petitioner-appellant to provide a complete set of transcripts to both them and respondent-respondent, and for adjournment of the appeal (M-1994),

And petitioner-appellant having moved pro se, and in separate motions, to enlarge the record on appeal to include certain documents (M-1995/M-3132), and for leave to prosecute the appeal as a poor person, for leave to have the appeal heard on the original record and upon a reproduced appellants brief, and for other relief (M-3133),

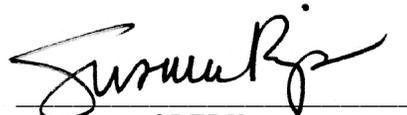
And the court attorney for the subject children, having separately cross-moved for a further adjournment of the aforesaid appeal, and for an order directing petitioner-appellant to provide a complete set of transcripts from the proceedings appealed from (M-3187),

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

It is ordered that the motion and cross motion filed by the court attorney for the subject children (M-1994/M-3187) are granted to the extent of directing petitioner-appellant mother to file a complete set of transcripts underlying the order appealed, to serve each respondent with a complete set of the transcripts, and adjourning the appeal to the November 2016 Term, with leave to seek further adjournments, if necessary, and it is further

Ordered that petitioner-appellant's motions to enlarge the record on appeal (M-1995/M-3132) and the motion for poor person relief (M-3133) 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 July 21, 2016.

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

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

- - - - -  
Damian L.,  
Petitioner-Appellant,

M-2684  
Docket No. V-43104/14

-against-

Ai L.,  
Respondent-Respondent.

-----X

An appeal having been taken from the order of the Family Court, New York County, entered on or about December 7, 2015,

Now, upon reading and filing the stipulation of the parties hereto, dated April 25, 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 July 21, 2016.

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

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

Appellant,

-against-

M-3174  
Ind. No. 1005/11

Toffanie Mars,

Defendant-Respondent.

-----X

The People having appealed to this Court from an order of the Supreme Court, New York County, entered on or about April 15, 2015,

Now, upon reading and filing the stipulation of the parties hereto dated June 24, 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 July 21, 2016.

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

-----X

The People of the State of New York,

Respondent,

-against-

M-3180

Ind. No. 1967/13

Arthur Dawson,

Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, rendered on or about March 24, 2015,

Now, upon reading and filing the stipulation of the parties hereto, dated June 14, 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 July 21, 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-3221  
Ind. No. 2754/13

Tamel Dixon,  
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, Bronx County, rendered on or about June 11, 2015,

Now, upon reading and filing the stipulation of the parties hereto, dated June 21, 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 July 21, 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-3229**  
Ind. No. 1835/11

Gregory Kennedy,  
Defendant-Appellant.

-----X

An appeal having been taken from of the Supreme Court, New York County, rendered on or about February 1, 2012,

Now, upon reading and filing the stipulation of the parties hereto, dated June 29, 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 July 21, 2016.

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

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

Respondent,

-against-

**M-3262**  
Ind. No. 4283/85

Carlos Carronero,

Defendant-Appellant.  
-----X

Defendant having moved for dismissal of the appeal taken from an order of the Supreme Court, Bronx County, entered on or about September 3, 2015,

Now, upon reading and filing the stipulation of the parties hereto, dated June 23, 2016, and due deliberation having been had thereon,

It is ordered that the motion 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 July 21, 2016.

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

-----X  
Taberna Preferred Funding II, Ltd.,  
Taberna Preferred Funding IV, Ltd.,  
and Taberna Preferred Funding VI,  
Ltd., by and through TP Management  
LLC, solely in its capacity as  
collateral manager and attorney-in-fact,  
Plaintiffs-Appellants-Respondents,

-against-

Advance Realty Group LLC, also known as  
Metrogate LLC, Advance Capital Partners,  
LLC, Advance Realty Development, LLC,  
Peter Cocziello, Rothschild Realty  
Managers, LLC, now known as Almanac  
Realty Investors, LLC, Five Arrows  
Realty Securities, III, LLC, now known  
as Almanac Realty Securities III, LLC,  
John D. McGurk, D. Pike Aloman, and  
Patricia Sheridan,  
Defendants-Respondents-Appellants,

M-3218  
Index No. 652884/13

-and-

John Does 1-50 and Jane Does 1-50,  
Defendants.

-----X

An appeal and cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 3, 2014,

Now, upon reading and filing the stipulation of the parties hereto, dated June 27, 2016, and due deliberation having been had thereon,

It is ordered that the appeal and cross appeal, previously perfected, 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 July 21, 2016.

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

-----X  
Jaynie S.,  
Petitioner-Respondent,

-against-

**M-2788**  
Docket No. O-63/13

Gaetano D.,  
Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal taken from the order of the Family Court, Bronx County, Integrated Domestic Violence Court (IDV), entered on or about December 5, 2013, and for assignment of counsel, a free copy of the transcript, 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, as moot (134 AD3d 473 [App. No. 16349], lv. denied 26 NY3d 917).

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 July 21, 2016.

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

-----X

In the Matter of the Application of  
Cecilia Gullas,  
Petitioner,

-against-

M-2236  
DC #11  
Index No. 400254/13

Apple Corporation, et al.,  
Respondents.

-----X

An Article 11 proceeding to review a determination respondents having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about January 14, 2013,

And said proceeding not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 19, 2016, pursuant to Rule 600.12(c) of said Rules of Practice, and there being no response by counsel and/or petitioner,

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

Ordered that the motion is granted and the petition is dismissed.

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 July 21, 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-2137**

Ind. Nos. 3269/92  
6844/95

Antonio Rodriguez, also known as  
Miguel Concepcion, also known as  
Anthony Cepeda,  
Defendant-Appellant.

-----X

Defendant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate counsel, with respect to the timely filing of a notice of appeal from a judgment of Supreme Court, New York County, rendered on or about June 30, 1992 under Ind. No. 3269/92), and for the same relief with respect to a judgment of said Supreme Court, rendered on or about August 9, 1996 (Under Ind. No. 6844/95), 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 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 July 21, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
Sallie Manzanet-Daniels  
Barbara R. Kapnick  
Marcy L. Kahn, Justices.

-----X  
The People of the State of New York  
ex rel. Felix Morales,  
Petitioner,

-against-

M-2588  
Ind. No. 5578/13

Warden Lemon, Warden of Rikers  
Island, GMDC, C-73,  
Respondent(s).

-----X

The above-named petitioner having moved for leave to appeal from seeking the order of the Supreme Court, New York County, in the interests of justice, denying and dismissing his writ of habeas corpus, and to be released from custody,

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 received by this Court on May 11, 2016, as timely filed and otherwise denied, without prejudice to future proceedings.

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 July 21, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,  
David Friedman  
Rolando T. Acosta  
Karla Moskowitz, Justices.

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

-against-

M-1825  
Index No. 8472/99

Jose Maurad,  
Defendant-Appellant.

-----X

Defendant-appellant, pro se, having moved for clarification of the decision and order of this Court, entered on November 19, 2015 (Appeal No. 1684),

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 July 21, 2016.

Present: Hon. Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Rosalyn H. Richter  
Ellen Gesmer, Justices.

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

-against-

Reginald Goldman,  
Defendant-Appellant.

**M-2560**

Ind. Nos. 1572/10  
3986/10  
1441/11  
1380/13

-----X

Defendant 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 March 28, 2016, 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 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, 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 July 21, 2016.

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

-----X

Seth Mitchell, CFA,

Plaintiff-Appellant,

-against-

New York University ("NYU"), et al.,

Defendants-Respondents.

-----X

**M-2844**

Index No. 150622/13

Plaintiff-appellant having renewed his motion for reargument of the decision and order of this Court entered on June 16, 2015 (Appeal No. 15574),

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 July 21, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
Rosalyn H. Richter  
Judith J. Gische  
Troy K. Webber, Justices.

-----X  
Craig Crovato,

Plaintiff-Respondent,

-against-

H&M Hennes & Mauritz, L.P., et al.,  
Defendants-Appellants,

Diversified Construction Corp., etc.,  
et al.,  
Defendants.

- - - - -

[And Third-Party Actions]

-----X

M-3099

Index Nos. 304191/10  
83792/11  
83835/12

Defendants-appellants having moved for reargument of the decision and order of this Court entered on June 14, 2016 (Appeal No. 1216N),

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 July 21, 2016.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
Richard T. Andrias  
Karla Moskowitz  
Marcy L. Kahn, Justices.

-----X  
117-119 Leasing Corp.,  
Plaintiff-Respondent-Appellant,

-against-

**M-2182**  
**M-2576**

Index No. 654310/13

Reliable Wool Stock, LLC,  
Defendant-Appellant-Respondent,

Soho Sanctuary Ltd.,  
Additional Defendant-Respondent-  
Appellant.

-----X

A decision and order of this Court having been entered on May 3, 2016 (Appeal Nos. 1039 - 1040), unanimously affirming an order of the Supreme Court, New York County, entered on March 27, 2015,

And defendant-appellant-respondent, Reliable Wool Stock, Inc., having moved for an order for costs of the joint record on appeal and costs of this motion (M-2182),

And plaintiff-respondent-appellant, 117-119 Leasing Corp., having cross-moved for certain sanctions against defendant-appellant-respondent (M-2576),

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 and cross motion 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 July 21, 2016.

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

-----X  
Garthon Business Inc., et al.,  
Plaintiffs-Appellants,

-against-

**M-2735**

Index No. 653715/14

Kirill Ace Stein, et al.,  
Defendants-Respondents.

-----X

A decision and order of this Court having been entered on April 26, 2016 (Appeal Nos. 16521N, 16521NA and 16521NB), reversing the order of Supreme Court, New York County, entered on or about April 1, 2015,

And defendant-respondent, Kirill Ace Stein, having moved for modification of the aforesaid decision and order 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 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 July 21, 2016.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
          Rolando T. Acosta  
          David B. Saxe  
          Barbara R. Kapnick  
          Marcy L. Kahn, Justices.

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

Lydia M.,  
Petitioner-Respondent,

M-2344  
DC #1  
Docket No. 0-9614/13

-against-

Octavis U.,  
Respondent-Appellant.

-----X

An appeal having been taken to this Court from the order of the Family Court, Bronx County, entered on or about April 28, 2015,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 19, 2016, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time to perfect said appeal,

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

Ordered that appellant's time in which to perfect the appeal is enlarged to the December 2016 Term and counsel is directed to so perfect.

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 July 21, 2016.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Rolando T. Acosta  
David B. Saxe  
Barbara R. Kapnick  
Marcy L. Kahn, Justices.

-----X  
In the Matter of

Anthony P.,

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

- - - - -  
Administration for Children's Services,  
Petitioners-Respondents,

M-2345  
DC #2  
Docket No. NN-4514/12

Dina B.,  
Respondent-Appellant.

- - - - -  
Scott A. Rosenberg, Esq., The Legal Aid Society, Juvenile Rights Division,  
Law Guardian for the Child.

-----X

An appeal having been taken to this Court from the order of the Family Court, Bronx County, entered on or about October 23, 2014,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 19, 2016, pursuant to Rule 600.12(c) of said Rules of Practice, and there being no response thereto,

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

Ordered that the aforesaid appeal is dismissed.

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 July 21, 2016.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Rolando T. Acosta  
David B. Saxe  
Barbara R. Kapnick  
Marcy L. Kahn, Justices.

-----X  
In the Matter of

Kiya R., and  
Alyssa R.,

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

M-2347  
DC #4  
Docket Nos.  
NA-9635-36/14

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

Stacey R.,  
Respondent-Appellant.

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

-----X

An appeal having been taken by respondent from the order of the Family Court, Bronx County, entered on or about September 24, 2014,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 19, 2016, pursuant to Rule 600.12(c) of said Rules of Practice, and there being no response thereto,

Now, upon the Court's own motion, it is  
Ordered that the aforesaid appeal is dismissed.

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 July 21, 2016.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
Rolando T. Acosta  
David B. Saxe  
Barbara R. Kapnick  
Marcy L. Kahn, Justices.

-----X  
Richard Williamson, as Successor  
Liquidating Trustee on behalf of  
Lipper Convertibles, L.P.,  
Plaintiff-Appellant,

-against-

Culbro Corp. Pension Fund, et al.,  
Defendants,

M-2299  
DC #35  
Index Nos. 100827/04

RLH Family Fund and Richard Hirsch,  
Defendants-Appellants,

-and-

James F. Hoge, Jr.,  
Defendant-Appellant.

-----X

Separate appeals having been taken by from the order of the Supreme Court, New York County, entered on or about May 5, 2010,

And said appeals not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 19, 2016, pursuant to Rule 600.12(c) of said Rules of Practice, and there being no response by counsel and/or appellants,

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

Ordered that the motion is granted and the appeals are dismissed.

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 July 21, 2016.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
Rolando T. Acosta  
David B. Saxe  
Barbara R. Kapnick  
Marcy L. Kahn, Justices.

-----X  
In the Matter of

Brandon R.,  
and Brian M.,

**M-1975**

Docket Nos. NA-9183/16  
NA-9184/16

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

- - - - -  
Commissioner of the Administration  
of Social Services of the City of  
New York,  
Petitioner-Appellant,

Pamie D.,  
Respondent-Respondent,

Rayshawn R.,  
Respondent-Respondent.

-----X

An appeal having been taken from an order of the Family Court, Bronx County, entered on or about April 13, 2016,

And, municipal petitioner-appellant having moved for an order remanding the subject children to the Commissioner of Administration for Children's Services, notwithstanding the order releasing the subject children to their respondent parents,

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 July 21, 2016.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Dianne T. Renwick  
Sallie Manzanet-Daniels  
Barbara R. Kapnick, Justices.

-----X  
PK Restaurant, LLC, doing business  
as 212 Restaurant and Bar,  
Plaintiff-Appellant-Respondent,

-against-

Ira Lifshutz, et al., M-2412  
Defendants-Respondents-Appellants, M-2805  
M-2836  
Index No. 654177/13

133 East 65th Street Associates, LLC,  
et al.,  
Defendants-Respondents,

133 East 65th Street Corporation,  
et al.,  
Defendants.

-----X

Plaintiff-appellant-respondent having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court entered on April 5, 2016 (Appeal No. 84) [M-2412],

And defendant-respondent 133 East 65th Street Associates, LLC and Peter Steensen having cross-moved for certain sanctions [M-2836],

And defendants-respondents Ira Lifshutz and 115 East 37th Realty LLC having cross-moved for certain sanctions [M-2805],

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 [M-2412/M-2805/M-2836].

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 July 21, 2016.

Present - Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Richard T. Andrias  
David B. Saxe, Justices.

-----X  
Robert Muhammad,  
Plaintiff-Appellant,

-against-

M-2892  
Index No. 101748/13

Emigrant Mortgage Company, et al.,  
Defendants-Respondents.  
-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, New York County, entered on or about September 26, 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 denied and, sua sponte, the appeal is dismissed.

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 July 21, 2016.

Present - Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Richard T. Andrias  
David B. Saxe, Justices.

-----x  
HSBC Bank, USA, NA, etc.,  
Plaintiff-Respondent,

-against-

M-2780  
Index No. 381191/08

Ahamedul Kabir,  
Defendant-Appellant,

Bank of America, N.A., etc., et al.,  
Defendants.

-----x

Plaintiff-respondent having moved for dismissal of the appeal from the order of the Supreme Court, Bronx County, entered on or about February 23, 2015, for failure to timely perfect,

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

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

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 July 21, 2016.

PRESENT: Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Richard T. Andrias  
David B. Saxe, Justices.

-----X  
Connie Pizarro,  
Plaintiff-Appellant,

-against-

M-3057  
Index No. 301581/13

Executive Towers Owners Corp.,  
Defendant-Respondent,

-and-

Consolidated Edison Company of New York,  
Inc., et al.,  
Defendants.

-----X

Defendant-respondent having moved for dismissal of the appeals taken from orders of the Supreme Court, Bronx County, entered on or about December 15, 2014 and May 21, 2015, respectively, for failure to timely perfect,

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 dismissed.

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 July 21, 2016.

PRESENT: Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Richard T. Andrias  
David B. Saxe, Justices.

-----X  
Angela Segura,  
Plaintiff-Appellant,

-against-

Scattered Sites, L.P.,  
Defendant-Respondent.

M-3126  
Index No. 154714/13

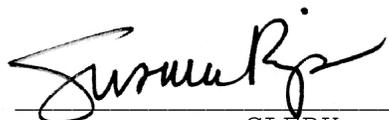
-----X

Defendant-respondent having moved for dismissal of the appeal taken from the order of the Supreme Court, New York County, entered on or about May 20, 2015, for failure to timely perfect,

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

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

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 July 21, 2016.

Present: Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Diane T. Renwick  
Richard T. Andrias  
David B. Saxe, Justices.

-----X  
In the Matter of the Application of  
Jonathan P. Seegars,  
Petitioner-Appellant,

**M-2283**

For a Order Pursuant to Article 78 Index No. 402200/12  
of the Civil Practice Law and Rules,

-against-

New York City Housing Authority,  
Respondent-Respondent.  
-----X

Petitioner-appellant having moved pro se for leave to prosecute, as a poor person, the appeal from an order of the Supreme Court, New York County, entered on or about May 24, 2013, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, for an enlargement of time to perfect said appeal, and for other relief,

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

It is ordered that the motion is denied in its entirety, and sua sponte, the appeal is dismissed.

ENTER:



CLERK

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-971  
Ind. No. 2158/05

-against-

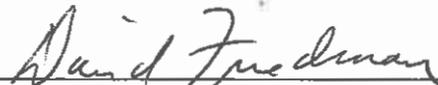
CERTIFICATE  
DENYING LEAVE

Eduardo Cajigas,  
Defendant.

-----X

I, DAVID FRIEDMAN, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, section 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the Order of the Supreme Court, New York County, entered on or about December 30, 2015, is hereby denied.

Dated: New York, New York  
June 28, 2016

  
\_\_\_\_\_  
DAVID FRIEDMAN  
Justice of the Appellate Division

**ENTERED** JUL 21 2016

JUL 21 2016

✓

✓

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-1  
Ind. No. 2493/91

-against-

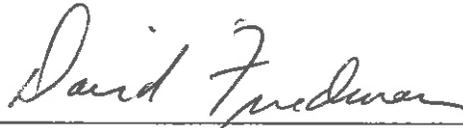
CERTIFICATE  
DENYING LEAVE

Genaro Campos,  
Defendant.

-----X

I, DAVID FRIEDMAN, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, section 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the Order of the Supreme Court, Bronx County, entered on or about November 10, 2015, is hereby denied.

Dated: New York, New York  
June 28, 2016



\_\_\_\_\_  
DAVID FRIEDMAN  
Justice of the Appellate Division

ENTERED

JUL 21 2016

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-659  
Ind. No. 4305/97

-against-

CERTIFICATE  
DENYING LEAVE

Raminder Dhillon,  
Defendant.

-----X

I, DAVID FRIEDMAN, a Justice of the Appellate Division,  
First Judicial Department, do hereby certify that, upon  
application timely made by the above-named defendant for a  
certificate pursuant to Criminal Procedure Law, section 460.15,  
and upon the record and proceedings herein, there is no question  
of law or fact presented which ought to be reviewed by the  
Appellate Division, First Judicial Department, and permission to  
appeal from the Order of the Supreme Court, New York County,  
entered on or about December 10, 2015, is hereby denied.

Dated: New York, New York  
June 28, 2016

  
\_\_\_\_\_  
DAVID FRIEDMAN  
Justice of the Appellate Division

**ENTERED** JUL 21 2016



✓

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

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

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

M-2944  
Ind. No. 5516/08

-against-

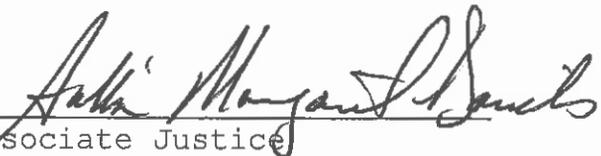
CERTIFICATE  
DENYING LEAVE

Robert Thomas,

Defendant.

-----X

I, Sallie Manzanet-Daniels, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about April 7, 2016, is hereby denied. In light of the above, defendant's request for poor person relief is denied as moot.

  
Associate Justice

Dated: July 11, 2016  
New York, New York

ENTERED:  
JUL 21 2016

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

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

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

M-2942  
Ind. No. 4675/12

-against-

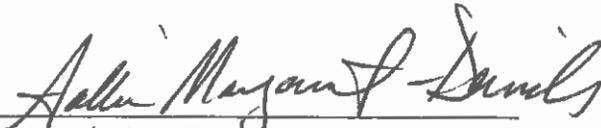
CERTIFICATE  
DENYING LEAVE

James Robbins,

Defendant.

-----X

I, Sallie Manzanet-Daniels, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about April 6, 2016, is hereby denied.

  
Associate Justice

Dated: July 11, 2016  
New York, New York

ENTERED: **JUL 21 2016**

✓

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

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

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

M-2947  
Ind. No. 6384/09

-against-

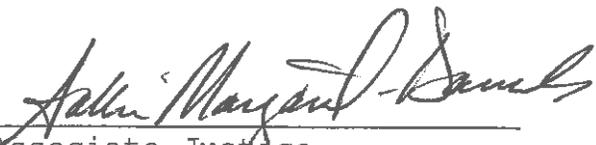
CERTIFICATE  
DENYING LEAVE

Jorge Jiminez,

Defendant.

-----X

I, Sallie Manzanet-Daniels, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about April 27, 2016, is hereby denied.

  
\_\_\_\_\_  
Associate Justice

Dated: July 11, 2016  
New York, New York

ENTERED: **JUL 21 2016**

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

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

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

M-1741  
Ind. No. 5632/96

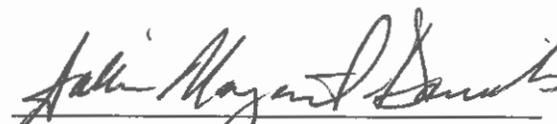
-against-

CERTIFICATE  
DENYING LEAVE

Gregorio Hernandez,

Defendant.  
-----X

I, Sallie Manzanet-Daniels, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County, entered on or about March 1, 2016, is hereby denied. In light of the above, defendant's request for poor person relief is denied as moot.

  
Associate Justice

Dated: July 11, 2016  
New York, New York

ENTERED: **JUL 21 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 July 21, 2016.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Troy K. Webber  
Marcy L. Kahn, Justices.

-----X

Carnegie Associates, Ltd., and  
Sherwood Schwarz,  
Plaintiffs-Appellants,

-against-

Lerner, Arnold & Winston, LLP,  
formerly known as, Abraham, Lerner &  
Arnold, LLP, Jonathan D. Abraham, Esq.  
and Charles Martin Arnold, Esq.,  
Defendants-Respondents.

M-2975  
Index No. 156680/12

-----X

Lerner, Arnold & Winston, LLP,  
formerly known as, Abraham, Lerner &  
Arnold, LLP, Jonathan D. Abraham, Esq.  
and Charles Martin Arnold, Esq.,  
Third-Party Plaintiffs,

-against-

Ohrenstein & Brown, LLP,  
Third-Party Defendant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 17, 2016, and said appeal having been perfected,

And plaintiffs-appellants having moved to stay the aforesaid order and the trial proceedings, pending hearing and determination of the appeal, and for an appellate calendar preference for the September 2016 Term,

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 stay the aforesaid Supreme Court's order and trial proceedings is granted. A calendar preference is granted for the September 2016 Term.

ENTER:



CLERK