

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 22, 2016.

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

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

Jeanine H.,  
Petitioner-Appellant,

M-204  
Docket No. V-42946-14/14A

-against-

Robert Allen B.,  
Respondent-Respondent.

-----X  
An appeal having been taken from the order of the Family Court, New York County, entered on or about January 26, 2015,

Now, upon reading and filing the stipulation of the parties hereto, dated December 28, 2015, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 March 22, 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-923  
Ind. No. 1822/13

Ericson Pena,  
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about October 21, 2014,

Now, upon reading and filing the stipulation of the parties hereto, dated February 23, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 March 22, 2016.

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

-----X  
Albert Ramos,

Plaintiff-Respondent,

-against-

M-994X  
Index No. 302830/11

Larry Scher, M.D.,

Defendant-Appellant.  
-----X

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

Now, after pre-argument conference, and upon reading and filing the stipulation of the parties hereto, "so ordered" February 26, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 March 22, 2016.

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

-----X  
Town New Development Sales &  
Marketing LLC, et al.,  
Plaintiffs-Respondents,

-against-

M-999X  
Index No. 653281/13

Charles Reid Price,  
Defendant-Appellant.

- - - - -

[And a third-party action]

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about August 4, 2015,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" February 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 March 22, 2016.

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

-----X  
Fross, Zelnick, Lehrman & Zissu, P.C.,  
Plaintiff-Respondent,

-against-

M-1001X  
Index No. 106044/11

Louise Geer, As Trustee of the Dille  
Family Trust,  
Defendant-Appellant,

-and-

Flint Dille, et al.,  
Defendants.

-----X

An appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about June 23, 2015,

Now, after pre-argument conference, and upon reading and filing the stipulation of the parties hereto, "so ordered" February 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 March 22, 2016.

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

-----X  
Standard Power, LLC,  
Plaintiff-Appellant-Respondent,

-against-

M-1066X  
Index No. 402640/11

Alliance Energy, New York, LLC,  
Defendant-Respondent-Appellant.  
-----X

An appeal and cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 7, 2015,

Now, after pre-argument conference, and upon reading and filing the stipulation of the parties hereto, "so ordered" March 2, 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 March 22, 2016.

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

-----X  
Carlos Santiago,  
Plaintiffs,

-against-

M-1067X  
Index No. 311534/11

E&A Transport Corp., et al.,  
Defendants.

-----X  
(And other third-party actions)  
-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about November 9, 2015,

Now, after pre-argument conference, and upon reading and filing the stipulation of the parties hereto, "so ordered" March 2, 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 March 22, 2016.

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

-----X  
Rodney Sylvester,  
Plaintiff-Respondent,

-against-

M-1068X  
Index No. 302404/13

Canute J. Parsard and Sean Rahiem  
Parsard,,  
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about November 4, 2015,

Now, after pre-argument conference, and upon reading and filing the stipulation of the parties hereto, "so ordered" March 2, 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 March 22, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
Richard T. Andrias  
David Friedman  
Rolando T. Acosta, Justices.

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

-against-

M-1055  
Ind. No. 1755/13

Panasea Avery,  
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about February 2, 2015,

Now, upon reading and filing the stipulation of the parties hereto, dated February 26, 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 March 22, 2016.

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

-----X  
Lee Pokoik, also known as Leon  
Poloik,  
Plaintiff-Respondent-Appellant,

-against-

M-998X  
Index No. 115224/10

Gary Pokoik,  
Defendant-Appellant-Respondent,

-and

Jonathan Pokoik, et al.,  
Defendants-Respondents.

-----X

An appeal and cross appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about April 22, 2015, and an appeal from an order, from the same Court and Justice, entered on or about April 15, 2015,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" February 29, 2016, 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 March 22, 2016.

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

-----x

Eliezer Scohen, Individually and as  
Executor and Co-Trustee of the  
Estate of Leah Schoen,  
Plaintiff-Appellant/  
Appellant-Respondent,

-against-

M-1245  
Index No. 111971/06

Ruth Lemberger, Individually and as  
Co-Trustee under the Last Will and  
Testament of Leah Schoen, deceased,  
Defendant-Respondent/  
Respondent-Appellant,

Merrill Lynch & Co., Inc. and  
Townsend & Valente, LLP,  
Defendants.

-----x

Plaintiff having taken an appeal to this Court from an order and judgment of the Supreme Court, New York County, entered on or about March 31, 2008 and on or about April 17, 2008, respectively,

And plaintiff having taken an appeal to this Court from the order of said Court, entered on or about January 21, 2009,

And defendant Ruth Lemberger having taken a cross appeal to this Court from the aforesaid order entered on or about January 21, 2009,

And plaintiff having moved for an enlargement of time to perfect the appeals, and for other relief,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated February 16, 2016, and due deliberation having been had thereon,

It is ordered that the appeals, cross appeal and motion are deemed 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 March 22, 2016.

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

-----X  
Luis Eduardo Lopez,  
Plaintiff-Respondent,

-against-

550 Adler Realty RL, LLC, et al., M-422  
Defendants-Respondents, Index No. 305635/10

-and-

Five Star Carting LLC,  
Defendant-Appellant.

-----X  
Five Star Carting LLC,  
Third-Party Plaintiff,

-against-

Third-Party  
Index No. 83953/11

TAH Cleaning Service Corporation,  
Third-Party Defendant.

-----X  
550 Adler Realty RL, LLC, et al.,  
Second Third-Party Plaintiffs,

-against-

Second Third-Party  
Index No. 838853/12

TAH Cleaning Service Corporation,  
Second Third-Party Defendant.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about June 3, 2014,

Now, upon reading and filing the stipulation of the parties hereto, dated January 8, 2016, and due deliberation having been had thereon,

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 22, 2016.

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

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

Joe Conneely, et al.,  
Plaintiffs,

-against-

Leon D. DeMatteis Construction Corp.,  
Defendant-Appellant,

M-933  
Index No. 111980/09

-and-

Branch Radiographic Labs, Inc.,  
Defendant-Respondent,

-and-

The City of New York, et al.,  
Defendants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 21, 2014,

Now, upon reading and filing the stipulation of the parties hereto, dated February 9, 2016, and due deliberation having been had thereon,

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

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 22, 2016.

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

-----X  
Antonia Pirraglia, Individually and  
as the Administratrix of the Estate  
of Giovanni Pirraglia, Deceased,  
Plaintiff-Appellant,

**M-934**  
Index No. 24088/03

-against-

Alec S. Goldenberg, M.D.,  
Defendant,

Lewis W. Teperman, M.D. and NYU  
Hospital Center,  
Defendants-Respondents.

-----X

An appeal having been taken from a judgment of the Supreme Court, Bronx County, entered on or about March 24, 2014, and said appeal having been perfected,

Now, upon reading and filing the stipulation of the parties hereto, dated February 17, 2016, and due deliberation having been had thereon,

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 22, 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

Aime O.,

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

M-6499  
M-294

Docket No. NN-36455/14

- - - - -  
Commissioner of Social Services of  
the City of New York,  
Petitioner-Respondent,

Taeshyralyn R.,  
Respondent-Appellant.

-----X

An appeal having been taken from an order of the Family Court, New York County, entered on or about January 6, 2015,

And petitioner-respondent having moved for dismissal of the aforesaid appeal (M-6499),

Now, upon reading and filing the papers with respect to the motion and the stipulation of the parties hereto, filed January 19, 2016, and due deliberation having been had thereon (M-294),

It is ordered that the appeal, previously perfected, is withdrawn in accordance with the aforesaid stipulation (M-294). The motion to dismiss the aforesaid appeal is denied as moot (M-6499).

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 March 22, 2016.

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

-----X  
SUK Incorporated, et al.,  
Plaintiffs-Respondents,

-against-

**M-5**  
Index No. 155192/13

Flushing Workers Center, et al.,  
Defendants-Appellants.  
-----X

Defendants-appellants having moved for an enlargement of time to perfect the consolidated appeal taken from orders of the Supreme Court, New York County, entered on or about February 4, 2014 and April 3, 2015,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from counsel for defendants-appellants dated February 3, 2016, and due deliberation having been had thereon,

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

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 March 22, 2016.

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

-----X  
Tower National Insurance Company,  
Plaintiff-Respondent,

-against-

**M-28**

Index No. 651306/13

JVA Industries, Inc. Taconic  
Builders, Inc., et al.,  
Defendants-Appellants.

-----X

Appeals having been taken from the orders and judgments of the Supreme Court, New York County, entered on or about April 14, 2015 and July 22, 2015,

And plaintiff-respondent having moved to strike the aforesaid notices of appeal,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated January 15, 2016, and due deliberation having been had thereon, it is

Ordered that the motion and appeals are deemed 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 March 22, 2016.

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

-----X  
Shannon Woods as Administrator for the  
Estate of Gale Ortiz and Shannon Woods,  
Individually,  
Plaintiffs,

-against-

The New York City Transit Authority  
Defendant-Respondent,

M-312  
Index No. 301308/13

-and-

Louis Rose, M.D.,  
Non-Party Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about January 11, 2016,

And non-party appellant having moved to stay the deposition of non-party appellant Louis Rose, M.D., pending hearing and determination of the aforesaid appeal,

Now, upon reading and filing the papers with respect to the motion and the stipulation of the parties dated February 2, 2016, and due deliberation having been had thereon,

It is ordered that the motion is deemed 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 March 22, 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-

Larry Davis,  
Defendant-Appellant.

M-462  
Ind. Nos. 1469/13  
[superceded 2832/11]

-----x  
An appeal having been taken to this Court from the judgment of the Supreme Court, New York County, rendered on or about July 23, 2013,

And assigned counsel Robert S. Dean, Esq. having moved for an order directing the prosecution to disclose any affirmation or submission in support of their application for re-presentment to a second grand jury, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from assigned counsel dated February 2, 2016, and due deliberation having been had thereon,

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

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 March 22, 2016.

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

-----X

Lloyd A. Gelwan,  
Plaintiff-Appellant,

-against-

Youni Gems, et al.,  
Defendants-Respondents,

M-466  
Index No. 653656/13

-and-

Sabharwal & Associates,  
Nominal Defendant-Appellant.

-----X

Appeals having been taken to this Court from orders of the Supreme Court, New York County, entered on or about August 12, 2014 (mot. seq. no. 001) and March 19, 2015 (mot. seq. no. 006), respectively,

And plaintiff-appellant having moved for an enlargement of time to perfect the appeals, and for consolidation of same,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from plaintiff-appellant, dated February 26, 2016, and due deliberation having been had thereon,

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

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 March 22, 2016.

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

-----X  
Vianka Acevedo,  
Plaintiff-Respondent,

-against-

Caesar Acevedo, M-729  
Defendant-Appellant, Index No. 23201/12

Wilton Vargas, et al.,  
Defendants.

-----X

Defendant-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 January 23, 2015,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from counsel for defendant-appellant, dated February 25, 2016, and due deliberation having been had thereon,

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

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 March 22, 2016.

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

-----X

Kevin Pludeman, et al.,  
Plaintiffs-Appellants,

-against-

**M-807**

Index No. 101059/04

Northern Leasing Systems, Inc.,  
et al.,

Defendants-Respondents.

-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about August 4, 2014 and on or about January 7, 2015,

And plaintiffs-appellants having moved for an enlargement of time to perfect the aforesaid appeals, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and the interim order of this Court, dated February 25, 2016, and due deliberation having been had thereon,

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

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 March 22, 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-6076  
Ind. No. 1558/95

Victor Manuel,  
Defendant-Appellant.

-----x

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about February 14, 1997,

And defendant-appellant having moved for an enlargement of time to file briefs, appendices and notes of issue, and for other relief,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from counsel for defendant-appellant dated December 7, 2015, and due deliberation having been had thereon,

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

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 March 22, 2016.

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

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

Respondent,

-against-

M-3829  
Ind. No. 1083/12

John Hop Wah,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about July 17, 2015, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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 March 22, 2016.

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

-----X

In re Frank Mestecky,  
Petitioner ,

M-123  
Index No. 100106/14

-against-

City of New York, et al.,  
Respondents.

-----X

Petitioner having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on November 5, 2015 (Appeal No. 16075),

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 confirmed the determinations of respondent properly made?"

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in in the County of New York on March 22, 2016.

Present: Hon. Peter Tom, Justice Presiding,  
Rolando T. Acosta  
Karla Moskowitz  
Judith J. Gische, Justices.

-----X

Phyllis Algernon,

Plaintiff-Respondent,

-against-

Munza Ramgoolie and Rajesh Ramgoolie,

Defendants-Appellants.

-----X

**M-298**

Index No. 308078/11

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about December 16, 2015,

And defendants-appellants having moved for a stay of all proceedings, including trial, 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 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 March 22, 2016.

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

-----X  
443 East 78 Realty LLC,  
Petitioner-Landlord-Appellant,

-against-

M-4707  
Index No. 570444/15

Reuben B. Tupas,  
Respondent-Tenant-Respondent.

-----X

Respondent-tenant-respondent having moved for leave to appeal to this Court from the decision and order of the Appellate Term, entered in the office of the Clerk of the Supreme Court, New York County, on or about June 30, 2015, 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.

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 March 22, 2016.

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

-----x

Stanley Jonas and Axiom Management  
Partners, LLC,  
Plaintiffs-Appellants,

-against-

Nation Life Insurance Company, et al.,  
Defendants-Respondents.

M-636

M-762

Index No. 651733/13

-----x

Appeals having been taken to this Court by plaintiffs-appellants from orders of the Supreme Court, New York County, entered on or about April 27, 2015, May 1, 2015, May 4, 2015, December 3, 2015, and December 4, 2015, and from a judgment entered on May 11, 2015, respectively,

And plaintiffs-appellants having moved for consolidation of the appeals from the order entered on April 27, 2015, the five orders entered December 3, 2015 and December 4, 2015 and the judgment entered May 11, 2015 (M-636),

And defendants-respondents having cross-moved to dismiss the appeal taken from the order entered December 3, 2015 (mot. seq. no. 11), denying plaintiffs-appellants' motion to reargue the trial court's April 24, 2015 order (M-762),

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 to the extent of permitting appellant to prosecute the appeals upon 10 copies of one record and one set of appellant's points covering the appeals and enlarging the time in which to perfect the consolidated appeals to the October 2016 Term (M-636). The cross motion is granted to the extent of deeming the appeal from the order entered December 3, 2015 (mot. seq. no. 11), withdrawn in accordance with the parties' stipulation dated February 24, 2016 (M-762).

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 March 22, 2016.

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

-----X  
Bari Restaurant & Pizzeria Equipment  
Corp., et al.,  
Plaintiffs-Respondents-Appellants,

-against-

Estate of Nicholas D. Carone, and Helen  
Carone,  
Defendants-Appellants-Respondents.

**M-444**  
**M-657**  
Index No. 154315/14

-----X

An appeal and cross appeal having been taken from two short-form orders of the Supreme Court, New York County, entered on or about March 16, 2015, which incorporated by reference a transcript entered on April 2, 2015,

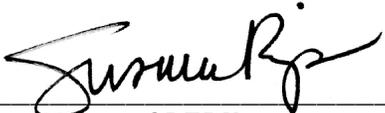
And defendants-appellants-respondents having moved for an enlargement of time to perfect the aforesaid appeal (M-444),

And plaintiffs-respondents-appellants having cross-moved for an enlargement of time to perfect the aforesaid cross appeal (M-657),

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 granted to the extent of enlarging the time to perfect the appeal and cross appeal to the October 2016 Term.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 22, 2016.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Sallie Manzanet-Daniels  
Barbara R. Kapnick  
Troy K. Webber, Justices.

-----X  
Gray Line New York Tours, Inc. and  
International Bus Services, Inc.,  
Plaintiffs-Respondents,

-against-

M-1004  
Index No. 114496/09

Big Apple Moving & Storage, Inc.,  
and Salvador Skerret,  
Defendants-Appellants.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, entered on or about May 6, 2015, and said appeal having been perfected,

And defendants-appellants having moved to strike the record on appeal and to adjourn the appeal to 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 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 March 22, 2016.

Present: Hon. David Friedman, Justice Presiding,  
Richard T. Andrias  
David B. Saxe  
Barbara R. Kapnick, Justices.

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

- - - - -  
Scott B.,  
Petitioner-Respondent,

**M-345**  
Docket No. O-42054/15

-against-

Anne Peyton B.,  
Respondent-Appellant.

-----X

An appeal having been taken from an order of the Family Court, New York County, entered on or about January 7, 2016,

And an order of a Justice of this Court having been entered on January 20, 2016, granting an interim stay of trial on condition that the temporary order of protection shall continue until this full bench motion is decided, and will be extended until the appeal is determined or until action by the Family Court,

And respondent-appellant having moved to stay trial, 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 motion is granted to the extent of granting a stay which incorporates the terms of the aforesaid interim stay, and on condition that respondent-appellant perfects the appeal for the September 2016 Term.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 22, 2016.

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

-----X  
U-Trend New York Investments 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-460  
Index No, 652082/14

US Suite LLC, Aura Investments Ltd.  
and 440 West 41 ST LLC,  
Defendants-Appellants,

-and-

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

-----X

Defendants-appellants having moved for a stay of proceedings pending hearing and determination of the appeal taken from the an order of the Supreme Court, New York County, entered on or about November 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 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 March 22, 2016.

Present - Hon. David Friedman, Justice Presiding,  
Richard T. Andrias  
David B. Saxe  
Barbara R. Kapnick, Justices.

-----x  
Juan Carlos Molina,

Plaintiff-Respondent,

-against-

M-654

Index No. 603763/06

James Chladek,

Defendant-Appellant.  
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about November 6, 2014, and said appeal having been perfected,

And plaintiff-respondent having moved for dismissal 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 motion is denied, without prejudice to raising the substantive arguments at oral argument.

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 March 22, 2016.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Dianne T. Renwick  
David B. Saxe  
Paul G. Feinman, Justices.

-----X  
Anthony Oddo,  
Plaintiff-Respondent,

-against-

M-6436  
Index No. 300305/11

Queens Village Committee for Mental  
Health for Jamaica Community  
Adolescent Program, Inc.,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to reargue or, in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on December 3, 2015 (Appeal No. 15615),

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, insofar as it seeks reargument, is denied.

It is further ordered that the motion, to the extent they seek leave to appeal to the Court of Appeals, is granted and this Court, pursuant to CPLR 5713, certifies that the following question of law decisive of the correctness of its determination, has arisen, which in its opinion ought to be reviewed by the Court of Appeals:

"Was the order of this Court, which affirmed the order of 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.

ENTER:

  
CLERK

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

BEFORE: Hon. John W. Sweeny, Jr.  
Justice of the Appellate Division

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

M-6092  
Ind. No. 2526/13

-against-

CERTIFICATE  
GRANTING LEAVE

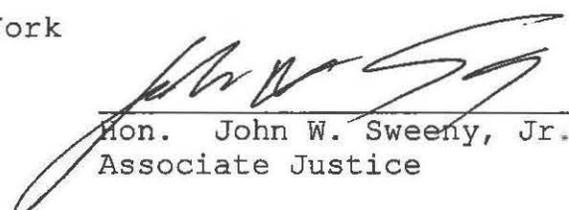
MELODY MACKEN,  
Defendant-Appellant.

-----X

I, John W. Sweeny, Jr., a Justice of the Appellate Division, First Judicial Department, do hereby certify that in the proceedings herein questions of law or fact are involved which ought to be reviewed by the Appellate Division, First Judicial Department, and, pursuant to Section 460.15 of the Criminal Procedure Law, permission is hereby granted to the above-named defendant to appeal to the Appellate Division, First Judicial Department, from the order of the Supreme Court, New York County, entered on or about November 5, 2015 (Ronald A. Zweibel, J.).

Dated: March 3, 2016  
New York, New York

Entered: March 22, 2016

  
\_\_\_\_\_  
Hon. John W. Sweeny, Jr.  
Associate Justice

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



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-464  
Ind. No. 1708/09

-against-

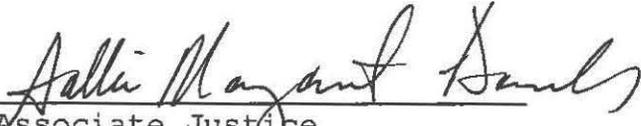
CERTIFICATE  
DENYING LEAVE

Kenneth Bazemore,

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 November 6, 2015, is hereby denied. In light of the above, defendant's request for poor person relief is denied as moot.

  
Associate Justice

Dated: March 3, 2016  
New York, New York

ENTERED: March 22, 2016

P.M. ORDERS  
FOR  
MARCH 22,  
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 March 22, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Rolando T. Acosta  
Dianne T. Renwick  
Karla Moskowitz, Justices.

-----X

Eli Cabinetry, Inc., Individually  
and on behalf of all other Lienors,  
Claimants or Creditors for work  
and/or materials due and owing in  
connection with the construction  
and improvement of certain real  
property described herein,  
Plaintiff-Respondent,

-against-

Action No. 1

M-686

Index No. 152751/14

P.C. Consulting Management Corp.,  
SP 103 E 86 LLC, Paul Gambino and  
"John Doe," said name being fictitious  
the name being unknown to the plaintiff  
person intended being an officer or  
director P.C. Consulting Management  
Corp.,

Defendants-Appellants.

-----X

P.C. Consulting Management Corp.,  
Plaintiff,

-against-

Action No. 2

Index No. 650700/15

SP 103 E 86 LLC and The Guarantee  
Company of North America-USA,  
Defendants.

-----X

Defendants PC Consulting and Paul Gambino having moved for a stay of a certain hearing pending hearing and determination of the appeal taken from the orders of the Supreme Court, New York County, entered on or about December 22, 2015 and from an order

of the same Court and Justice entered on or about February 8, 2016,

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

It is ordered that the motion is denied.

ENTER:

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 March 22, 2016.

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

-----X  
NYCTL 2012-A Trust, and The Bank of  
New York Mellon, as Collateral Agent  
and Custodian for the NYCTL 2012-A  
Trust,  
Plaintiffs-Respondents,

-against-

M-1106  
Index No. 301863/13

Jack M. Colbert, New York State  
Department of Taxation and Finance,  
New York City Parking Violations  
Bureau, New York City Environmental  
Control Board, United States of  
America,  
Defendants-Appellants.

-----X

An appeal having been taken from an order and judgment (one paper) of the Supreme Court, Bronx County, entered on or about July 7, 2015,

And defendant-appellant Jack M. Colbert, having moved to stay the sale of the premises known as 6035 Tyndall Avenue, Bronx, New York, until May 16, 2016, or in the alternative to set the matter down for a Traverse hearing, 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 motion is granted to the extent of staying said sale until May 16, 2016 and otherwise denied.

ENTER:



CLERK