

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 29, 2016.

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

-----X
Commissioner of the State Insurance
Fund,
Plaintiff-Appellant,

-against-

M-765
Index No. 402625/09

NY Minute Management Corp. and
MY Minute Messenger, Inc.,
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about April 29, 2014, and said appeal having been perfected,

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

It is ordered that the appeal and motion are deemed withdrawn in accordance with the aforesaid stipulation.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 29, 2016.

Present: Hon. Peter Tom, Justice Presiding,
David Friedman
Richard T. Andrias
David B. Saxe, Justices.

-----X
In the Matter of the Applications
of The Friends of P.S. 163 Inc.,
et al.,
Petitioners-Respondents-Appellants,

For a Judgment Pursuant to Article 78 **M-812**
of the Civil Practice Rules and Law, Index No. 100546/15

-against-

Jewish Home Lifecare, Manhattan,
Respondent-Appellant-Respondent,

New York State Department of Health,
et al.,
Respondents.

-----X

An appeal and cross appeal having been taken from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about December 18, 2015, and said appeal and cross appeal having been perfected,

And, respondent-appellant-respondent having moved to dismiss petitioners-respondents-appellants' cross 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.

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 29, 2016.

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

-----X
Stone Column Trading House Limited,
Claimant-Appellant,

-against-

M-1032

Index No. 650228/13

Beogradska Banka A.D. in Bankruptcy,
Claimant-Respondent,

-against-

Stone Column Trading House Limited,
Claimant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about December 22, 2014, and said appeal having been perfected,

And claimant-appellant having moved for a calendar preference on 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 calendar preference for the first week of the May 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 29, 2016.

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

-----X
Confidence Beauty Salon Corp.,
Plaintiff-Appellant,

-against-

M-137
Index No. 157777/15

290 Third SA, LLC, et al.,
Defendants-Respondents.
-----X

Plaintiff-appellant having moved for an order staying the defendants, their attorneys, etc., from taking any action to terminate plaintiff-appellant's commercial lease pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about December 3, 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 29, 2016.

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

-----X
Wendy White,

Plaintiff-Respondent,

-against-

M-6300
Index No. 157064/13

Metropolitan Opera Association, Inc.,

Defendant-Appellant.
-----X

Defendant-appellant having moved for a stay of all proceedings pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about November 10, 2015,

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

It is ordered that the motion is granted on condition the appeal is perfected 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 29, 2016.

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

-----X
The People of the State of New York
ex rel. Titus McBride,

Petitioner-Appellant,

-against-

Warden Karen Collins, New York City
Department of Corrections, et al.,
Respondents-Respondents.

M-43
Index No. 101928/15
Ind. No. 1811/14
SCI No. 30208/15

-----X

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

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

It is ordered that the motion is granted to the extent of deeming the Request for Appellate Division Intervention received January 4, 2016, to be a timely filed notice of appeal from the order of Supreme Court, New York County, entered on or about November 20, 2015, and otherwise denied (CPLR 7003[b]), without prejudice to raising substantive arguments on direct 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 March 29, 2016.

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

-----X
Mimosa Equities Corp.,

Plaintiff-Respondent,

-against-

M-366
Index No. 150017/14

ACJ Associates LLC, et al.,

Defendants-Appellants.

-----X

Defendants-appellants having moved for reargument of the decision and order of this Court, entered on January 14, 2016 (Appeal No. 16649),

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 29, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,
Dianne T. Renwick
Richard T. Andrias
Barbara R. Kapnick, Justices.

-----X
141 Avenue A Associates LLC,
Petitioner-Respondent,

-against-

M-796
Index No. 570716/15

Jay Klein,
Respondent-Appellant.

-----X

Respondent Jay Klein 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 October 29, 2015,

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

It is ordered that the motion is granted. Respondent-appellant Jay Klein shall file two copies of the pre-argument statement and of this order with the Clerk of the Appellate Term with proof of service, pursuant to Section 600.17 of the Rules of this Court.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 29, 2016.

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

-----X
Graham Court Owners Corp.,
Petitioner-Landlord-Appellant,

-against-

M-6344
Index No. 570009/15

Keith Taylor,
Respondent-Tenant-Respondent,

-and-

Nichelle E. Williams, et al.,
Respondents.
-----X

Petitioner-landlord-appellant 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 August 7, 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 29, 2016.

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

-----X
Tonyia Watson,
Claimant-Appellant,

-against-

The State of New York,
Defendant-Respondent.
-----X

Court of Claims
M-447
Claim No. 125779

An appeal having been taken to the Court of Appeals of the State of New York from the order of the Court of Claims, Albany County, entered on or about October 14, 2015, and said appeal having been transferred to this Court, sua sponte, by the Court of Appeals by order dated January 5, 2016,

And claimant-appellant having moved for leave to prosecute the aforesaid appeal as a poor person, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief

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

It is ordered that the motion is denied.

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 29, 2016.

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

-----X
Tonya Muro Phillips,
Plaintiff-Respondent,

-against-

M-240
Index No. 307883/12

Roger Phillips,
Defendant-Appellant.
-----X

Appeals having been taken to this Court by defendant from orders of the Supreme Court, New York County, entered on or about April 15, 2015, June 29, 2015 and November 10, 2013; and an appeal having been taken from the order and judgment (one paper) of said Court entered on or about June 19, 2015,

And defendant-appellant having moved for an enlargement of time to perfect the appeal from the order entered on or about April 15, 2015,

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

It is ordered that the motion is granted to the extent of deeming the appeal from the order entered on or about April 15, 2015 as subsumed into the appeal from the order and judgment (one paper) entered on or about June 19, 2015, and it is further,

Ordered that, sua sponte, the appeals are consolidated, and appellant is permitted 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 time to perfect the consolidated appeals is enlarged to the September 2016 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 29, 2016.

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

-----X

Yacelli Camacho, an infant, by her mother and natural Guardian, Francesca Estevez and Francisca Estevez, Individually,

Plaintiffs-Respondents,

-against-

M-441
Index No. 350152/13

New York Plumbing and Heating Corp.
and Mehmet Selim,

Defendants-Appellants.

-----X

Defendants-appellants having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about March 13, 2015,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the October 2016 Term.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 29, 2016.

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

-----X

In the Matter of the Application of
Flanagan & Associates, PLLC, now
known as Law Office of Richard J.
Flanagan, PLLC,
Petitioner-Appellant,

For a Judgment Pursuant to § 5225(b)
of the Civil Practice Law and Rules,
etc.,

M-490
Index No. 650835/14

-against-

City of New York
Respondent-Respondent.

-----X

Petitioner-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about April 7, 2015,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the October 2016 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 29, 2016.

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

-----X
Bovis Lend Lease (LMB), Inc.,
Plaintiff-Appellant,

-against-

Lower Manhattan Development
Corporation,
Defendant-Respondent.

M-1147

Index No. 603243/09

-----X
Bovis Lend Lease (LMB), Inc.,
Third-Party Plaintiff-
Appellant,

-against-

Arch Insurance Company,
Third-Party Defendant-
Respondent,

Associated General Contractors
of NYS, LLC,
Proposed Amicus Curiae.
-----X

An appeal having been taken by third-party plaintiff-appellant from an order of the Supreme Court, New York County, entered on or about April 21, 2015, and said appeal having been perfected,

And the Associated General Contractors of New York State, LLC having moved for leave to file a brief amicus curiae in connection with the aforesaid appeal,

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

It is ordered that the motion is granted, and movant is directed to file 9 copies of the brief, as annexed to the moving papers, as amicus curiae forthwith.

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 29, 2016.

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

-----X
Bank of America, N.A., etc.,
Plaintiff-Respondent,

-against-

M-798
Index No. 35173/13

Aletha Angel,
Defendant-Appellant,

Thomas Munro, et al.,
Defendants-Respondents.

-----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 plaintiff having moved for an order requiring defendant to correct and supplement her Appendix, and correct the Table of Contents, and dismissing the aforesaid appeal unless said material is corrected as directed below, and for an adjournment 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 granted to the extent of directing defendant-appellant to file a supplemental appendix within 30 days of this Court's order, said appendix to include the complete affirmation of Craig K. Beiderman dated November 24, 2014, with all exhibits, and the complete affirmation of Christine Andreoli, dated December 1, 2014, with all exhibits, as well as a corrected Table of contents. It is further ordered that defendant-appellant is directed to file said supplemental appendix on or before July 11, 2016 for the September 2016 Term, to which Term the appeal is adjourned.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 29, 2016.

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

-----X
The People of the State of New York
ex rel. Ramel Credle,
Petitioner,

-against-

M-106
Ind. No. 4300/15

Cyrus R. Vance, District Attorney,
et al.,
Respondent(s).

-----X

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

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

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

It is further ordered that service by mail of a copy of this writ of habeas corpus, petition and supporting papers, by the Clerk of this Court, contemporaneous with the entry hereof, upon the Warden at Rikers Island, 1600 Hazen Street, East Elmhurst, NY 11370; the Attorney General of the State of New York, 120 Broadway, New York, New York 10271; and the District Attorney of New York County, 1 Hogan Place, New York, New York 10013, be deemed due and sufficient notice.

The motion is otherwise denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 29, 2016.

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

-----X
The People of the State of New York
ex rel. Daniel S. Parke, on behalf
of Victor Gonzalez,
Petitioner-Appellant,

-against-

M-6256
Index No. 102182/15
SCID No. 30223/15

Joseph Ponte, Commissioner of the
Department of Corrections,
Respondent-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about December 14, 2015,

And an order of a Justice of this Court having been entered on December 14, 2015, reducing petitioner's bail to \$20,000 cash/\$40,000 bond with surety,

And petitioner having moved for a bail reduction pending 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 continuing the relief granted by the aforesaid order of a Justice of this Court on December 14, 2015 and on further condition that the appeal is perfected on or before August 8, 2016 for 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 29, 2016.

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

-----X

Adam Brook, M.D., PH.D., et al.,

Plaintiffs-Appellants,

-against-

M-725

Index No. 650921/12

Peconic Bay Medical Center, et al.,

Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about February 4, 2016,

And, plaintiffs-appellants having moved for an order directing the immediate deposition of witness, defendant-respondent, Joan Hoil, and compelling discovery of the documents and e-mails necessary for such disposition,

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 29, 2016.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
David B. Saxe
Sallie Manzanet-Daniels, Justices,

-----X
Louise A. Cantrell, Administrator of
the Estates of Edward D. Cantrell,
Isabella Cantrell and Natalia Cantrell
(Decedents) Individually and as the M-23
Personal Representatives of the Estates Index No. 159840/13
and Beneficiaries of Decedents,
Plaintiffs-Appellants,

-against-

General Security, Inc., et al.,
Defendants-Respondents.
-----X

An order of this Court having been entered on June 2, 2015 (M-1606/M-1787) dismissing plaintiffs appeal,

And plaintiffs having moved for renewal and reargument of the aforesaid order of this Court, and for other 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 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 29, 2016.

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

-----X

In re Lisa Reed,

Petitioner-Appellant,

-against-

M-217
Index No. 653927/13

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

Respondents-Respondents.

-----X

Petitioner-appellant having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on December 15, 2015 (Appeal No. 16373),

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 29, 2016.

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

-----X

Linares Bonaerge,
Plaintiff-Respondent-Appellant,

-against-

Leighton House Condominium, et al.,
Defendants-Respondents-Appellants,

1695 First Avenue Associates, L.P.,
et al.,
Defendants,

M-442
M-450
Index Nos. 306511/09
83726/10

Integrated Construction Services, Inc.,
Defendant-Respondent.

- - - - -

Integrated Construction Services, Inc.,
Third-Party Plaintiff-Respondent,

-against-

Rockledge Scaffold Corp.,
Third-Party
Defendant-Appellant-Respondent.

-----X

Third-party defendant-appellant-respondent, Rockledge Scaffold Corp., having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on December 29, 2015 (Appeal Nos. 16506-16507 and 16508) [M-450],

And defendants-respondents-appellants, Leighton House Condominium, and Cooper Square Realty having moved for leave to appeal to the Court of Appeals from the aforesaid order of this Court [M-442],

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-442/M-450].

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 29, 2016.

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

-----X

Getty Properties Corp., et al.,
Plaintiffs-Respondents,

-against-

1314 Sedgwick Ave. LLC, 262-12
Hillside Ave. LLC, 1224 Route 22
LLC, 310 Bay Shore Road LLC,
751 White Plains Road LLC,
1245 Nepperham Ave. LLC, 26-27
College Point Bouelvard #2 LLC,
2 Montauk Highway LLC, 600 White
Plains Road, LLC, 857 Rte. 6 Mahopac
LLC, 49-25 Van Dam Street LLC,
also known as 49-25 VanDam Street
LLC, 31-05 Queens Blvd. LLC,
69 BK Street LLC, also known as
A69 BK Street, LLC, 67 Quaker Ridge
Road LLC, One Pleasantville Road
LLC, 894 Route 109 LLC, 185 East
Lincoln Avenue LLC and Robert G.
Del Gadio,

Defendants-Appellants,

1714 New York Ave. LLC, 292
Railroad Ave., LLC, 286 Ashburton
Ave., LLC and Frank Mascolo,

Defendants-Appellants,

Getty Petroleum Marketing Inc.,
Defendant.

-----X

Appeals having been taken from an order of the Supreme Court, New York County, entered on or about May 15, 2015,

M-674
M-277
Index No. 651762/12

And, the 1714 New York Avenue, LLC defendants-appellants having moved for an enlargement of time to perfect their appeal from the aforesaid order (M-674),

And, by separate motion, the 1314 Sedgwick Ave. LLC defendants-appellants having moved for the same relief (M-277),

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 granted to the extent of enlarging the time to perfect the appeals, which are sua sponte consolidated, to the September 2016 Term. Appellants are permitted to prosecute the appeals upon ten copies of one record and one copy of appellants' points covering the aforesaid appeals

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 29, 2016.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Dianne T. Renwick
Karla Moskowitz
Marcy L. Kahn, Justices.

-----X
Carvel Federal Savings Bank,
Plaintiff-Respondent,

-against-

M-907
Index No. 810037/11

David Carroll, Mia Michaux Carroll,
et al.,
Defendants-Appellants.

-----X

Defendants-appellants 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 April 13, 2015, and for a stay of all proceedings, pending hearing and determination of said appeal,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to July 11, 2016 for the September 2016 Term, and granting a stay of all proceedings pending hearing and determination of said 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 March 29, 2016.

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

-----X

The People of the State of New York,

Respondent,

-against-

M-652
Ind. No. 3717/11

Enisael Trinidad-Gomez,

Defendant-Appellant.

-----X

Counsel for defendant-appellant having moved for an order dismissing defendant's appeal taken from a judgment of the Supreme Court, New York County, rendered on or about December 5, 2012, as abandoned,

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

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 29, 2016.

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

-----X

Hotel Carlyle Owners Corporation,
Plaintiff-Respondent,

-against-

M-448

Index No. 157070/12

Murray Schwartz,
Defendant-Appellant.

-----X

Appeals having been taken from an order of the Supreme Court, New York County, entered on or about February 26, 2014, and from orders and judgments of the same Court and Justice entered on or about April 28, 2014 and May 12, 2014, and from an order, same Court and Justice, entered on or about August 22, 2014, respectively,

And plaintiff-respondent having moved for an order dismissing the appeals 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.

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 29, 2016.

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

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

Respondent,

-against-

M-630
Ind. No. 4187/14

Richard Vazquez,

Defendant-Appellant.

-----X

Defendant having renewed his application for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about May 13, 2015, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 29, 2016.

Present: Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Richard T. Andrias
Judith J. Gische, Justices.

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

-against-

Jerry Colon,
Defendant-Appellant.

M-445

Ind. No. 1658/13
Case No. 6427C/13

-----X

An order of this Court having been entered on January 22, 2015 (M-6336) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about October 22, 2014, and assigning Seymour W. James, Jr., Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

It is ordered that the motion is granted to the extent of striking the designation of assigned counsel Seymour W. James, Jr., Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Matthew Galluzo, Esq. Galluzo & Johnson LLP, 48 Wall Street, 11th Floor, New York, NY 10005, Telephone No. (212) 918-4662, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

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 29, 2016.

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

-----X

The People of the State of New York,
Respondent,

-against-

M-391
Ind. No. 3247/06

Michael Antwi,
Defendant-Appellant.

-----X

An appeal having been taken to this Court from the judgment of the Supreme Court, Bronx County, rendered on or about December 2, 2009,

And, an order of this Court having been entered on August 21, 2014 (M-3591) ordering that the aforesaid appeal be withdrawn,

And, an order of this Court having been entered on August 4, 2015 (M-2368), denying reinstatement of the aforesaid appeal,

And, defendant-appellant having moved for reargument/ reconsideration of the order of this Court entered on August 4, 2015 (M-2368),

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 29, 2016.

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

-----X

Arina Aristova,
Plaintiff-Respondent,

-against-

M-439
M-635
Index No. 311931/10

Michael Derkach,
Defendant-Appellant.

-----X

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

And, defendant having moved for dismissal of the direct appeal for failure to timely prosecute, and for an enlargement of time to perfect the cross appeal as a direct appeal (M-439),

And, plaintiff having cross-moved to withdraw the direct appeal and to dismiss the cross appeal (M-635),

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 deeming plaintiff's direct appeal withdrawn, deeming the defendant's cross appeal as the direct appeal, and enlarging the time to perfect defendant's appeal to the September 2016 Term, and otherwise denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 29, 2016.

Present - Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Dianne T. Renwick
Rosalynd H. Richter, Justices.

-----x

Bristol Management Company, et al.,

Plaintiffs-Appellants,

-against-

M-495

Index No. 109191/10

The Travelers Indemnity Company of America, et al.,

Defendants-Respondents.

-----x

Plaintiffs-appellants having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about April 13, 2015,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the October 2016 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 29, 2016.

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

-----X
Jean G. Pierre,
Petitioner-Appellant,

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

-against-

M-692
Index No. 101964/15

NYC Department of Homeless Services,
Defendant-Respondent.

-----X

Petitioner-appellant, pro se, having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, entered on or about January 19, 2016, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that said 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 29, 2016.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Karla Moskowitz
Judith J. Gische, Justices.

-----X

Lincoln Guild Housing Corp.,

Petitioner-Landlord-Appellant,

-against-

M-906

Index No. 570734/15

Issac M. Ovadiah and Janice E. Ovadiah,

Respondents-Tenants-Cross-Appellants.

-----X

Respondents-tenants-cross-appellants 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 November 30, 2015,

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

It is ordered that the motion is 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 29, 2016.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,
Rolando T. Acosta
Diane T. Renwick
Richard T. Andrias, Justices.

-----X
204 Columbia Heights, LLC,

Plaintiff-Appellant-Respondent,

-against-

M-1037

Index No. 161520/13

Anthony Manheim,

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 November 6, 2014, and said appeal having been perfected,

And, an appeal having been taken from an order, same Court and Justice, entered on or about February 24, 2016,

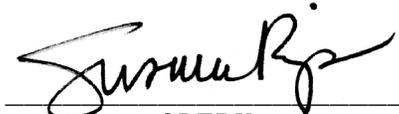
And, an order of this Court having been entered on December 3, 2015 (M-5571), denying an enlargement of the record on appeal; and adjourning the perfected appeal and cross appeal to the September 2016 Term,

And, plaintiff having moved to modify the aforesaid order of this Court (M-5571) to reflect the appeal and cross appeal as having been perfected and to place the appeal and cross appeal on this Court's calendar for the April 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. The Clerk is directed to maintain the appeal and cross appeal from the order entered on November 6, 2014, on this Court's calendar for the September 2016 Term. Sua sponte, defendant-respondent-appellant is directed to perfect the cross appeal from the order entered on February 24, 2016 on or before July 11, 2016, for the September 2016 Term, and the Clerk of the Court is directed to calendar the appeal and cross appeal from the November 6, 2014 order to be heard together with the appeal from the February 24, 2016 order on the same day of that 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 29, 2016.

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

-----X
Rock Church, Inc., et al.,
Petitioners-Respondents,

-against-

M-684
Index No. 151009/15

Rajendra Prasad Venigalla, Per-Arne
Bristulf, Joseph McChee, Sue Cruz,
Miriam Lee and Edwardo Alvarez,
Individually and as lawful and/or
unlawful members of the Board of
Trustees of Rock Church, Inc.,
Respondents-Appellants.

-----X

Respondents-appellants having moved for an enlargement of time to perfect the appeal from a judgment of the Supreme Court, New York County, entered on or about May 18, 2015,

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

It is ordered that the motion is denied, with leave to renew, upon submission of an attorney affirmation addressing the issue of whether a timely filed notice of appeal from the aforesaid judgment has been served and/or filed.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 29, 2016.

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

-----X
James Pettus and Charlene Thompson,
Petitioners-Appellants,

-against-

M-817
Index Nos. 251413/14
250113/15

Board of Directors, Owners 800 Grand
Concourse, Charles H. Greenthal,
Agent/Mgmt.,
Respondents-Respondents.

-----X

Petitioner-appellant James Pettus, pro se, having moved for leave to prosecute, as a poor person, the appeal from an order of the Supreme Court, Bronx County, entered on or about February 2, 2016, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that said 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 29, 2016.

Present: Hon. Rolando T. Acosta, Justice Presiding,
Diane T. Renwick
Richard T. Andrias
Karla Moskowitz, Justices.

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

-against-

M-355
Ind. No. 5961/06

Curtis Brown,
Defendant-Appellant.

-----X

An order of this Court having been entered on January 19, 2015 (M-5644) granting defendant leave to prosecute, as a poor person, the appeal from the orders of the Supreme Court, New York County, entered on or about May 12, 2015 and September 14, 2015, and assigning Richard M. Greenberg, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

It is ordered that the motion is granted to the extent of striking the designation of assigned counsel Richard M. Greenberg, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Matthew Galluzo, Esq., Galluzo & Johnson LLP, 48 Wall Street, 11th Floor, New York, NY 10005, Telephone No. (212) 918-4662, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

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 29, 2016.

Present - Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Richard T. Andrias
Karla Moskowitz, Justices.

-----X
Elizabeth Kay, as Executor of the
Estate of Sylvia Kay,
Plaintiff-Appellant,

-against-

Index No. 160803/14

Southbridge Towers, Inc., et al.,
Defendants-Respondents.

- - - - -

M-388

Kevin James Barth, as Executor of
the Estate of Joan Mary Barth,
Plaintiff-Appellant,

-against-

Index No. 650465/15

Southbridge Towers, Inc., et al.,
Defendants-Respondents.

-----x

Consolidated appeals having been taken by the respective plaintiffs-appellants from orders of the Supreme Court, New York County, both entered on or about April 9, 2015,

And, plaintiffs-appellants having jointly moved to enlarge the record on appeal, and for an enlargement of time to perfect the consolidated appeals,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the consolidated appeals to the October 2016 Term, and 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 March 29, 2016.

Present - Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Richard T. Andrias
Karla Moskowitz, Justices.

-----x
Jorge Amaya,
Plaintiff-Respondent, M-499
-against- M-613
M-614
Index No. 112140/10

Neighborhood Partnership Housing
Development Fund Company, Inc.,
Mecca Contracting, Inc., and J.C.
Realty Development Corp.,
Defendants/Appellants.

-----X
Mecca Contracting, Inc.,
Third-Party Plaintiff-Respondent-
Appellant,
-against- Index No. 590192/11

Salcora Construction Corp.,
Third-Party Defendant-Appellant-
Respondent.

-----X
Salcora Construction Corp.,
Second Third-Party Plaintiff-
Appellant-Respondent,
-against- Index No. 590554/12

Odys General Construction,
Second Third-Party Defendant-
Respondent.

-----x

Appeals and cross appeals having been taken to this Court from the order of the Supreme Court, New York County, entered on or about June 13, 2014,

And, Salcora Construction Corp. having moved for an enlargement of time to perfect their appeal (M-499),

And, Mecca Contracting, Inc. having cross-moved for an enlargement of time to perfect its cross appeal (M-613),

And, Neighborhood Partnership Housing Development Fund Company, Inc. and JC Realty Development Corp. having cross-moved for an enlargement of time to perfect their appeal (M-614),

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 and cross motions are granted to the extent of enlarging the time to perfect the appeals and cross appeals 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 29, 2016.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
David B. Saxe
Rosalyn H. Richter
Judith J. Gische
Barbara R. Kapnick, Justices.

-----X
Elinor R. Tatum,
Plaintiff-Respondent,

-against-

M-6442
M-6491

Curtis R. Simmons,
Defendant-Appellant,

Index No. 312689/12

-and-

Grimes & Zimet, John J. Grimes, Esq.,
Individually,
Non-Party Appellants.

-----X

Defendant-appellant and non-party appellants having moved by separate motions for reargument of the decision and order of this Court, entered on November 24, 2015 (Appeal No. 16228 A-E),

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

It is ordered that the motions are denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 29, 2016.

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

-----X

The People of the State of New York,
Respondent,

-against-

M-492
SCI Nos. 63/02
1162N/05

Giovanni Corporan, also known as,
Angel Santiago,
Defendant-Appellant.

-----X

Respondent having moved for reargument and/or clarification of the decision and order of this Court, entered on January 12, 2016 (Appeal No. 16603-16604),

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 29, 2016.

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

-----X
Intrepid Investments, LLC,
Plaintiff-Appellant,

NA Technology Support, LLC,
Plaintiff,

-against-

M-208
Index No. 654309/13

Selling Source, LLC,
Defendant-Respondent,

Clickgen, LLC, et al.,
Defendants.

-----X
Intrepid Investments, LLC,
Petitioner-Appellant,

-against-

Index No. 650705/14

Selling Source, LLC,
Respondent-Respondent.

-----X

Intrepid Investments, LLC having moved for consolidation of the appeals taken from the orders of the Supreme Court, New York County, entered on or about February 19, 2015, April 13, 2015 and September 10, 2015 (Index No. 654309/13), with the appeal from the order and judgment of said Court entered on or about April 13, 2015 (Index No. 650705/14),

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 appellant to prosecute the appeals upon 9 copies of one record and of one set of appellant's points covering the appeals and enlarging the time in which to perfect the consolidated appeal to on or before July 11, 2016 for the September 2016 Term. (See M-780, M-781 and M-809.)

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 29, 2016.

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

-----X

Intrepid Investments, LLC,
Plaintiff-Appellant,

NA Technology Support, LLC,
Plaintiff,

-against-

M-780

M-781

M-809

Index No. 654309/13

Selling Source, LLC,
Defendant-Respondent,

Clickgen, LLC, et al.,
Defendants.

-----X

Intrepid Investments, LLC,
Petitioner-Appellant,

-against-

Index No. 650705/14

Selling Source, LLC,
Respondent-Respondent.

-----X

Appeals having been taken from the orders of the Supreme Court, New York County, entered on or about February 19, 2015, April 13, 2015 and September 10, 2015 (Index No. 654309/13), and from the order and judgment of said Court entered on or about April 13, 2015 (Index No. 650705/14), and said appeals having been consolidated by an order of this Court dated March 15, 2016 (M-208),

And defendant-respondent Selling Source LLC having moved to dismiss the appeal taken from the judgment entered on or about April 13, 2015 (Index No. 650705/14) [M-780],

And defendant-respondent Selling Source LLC having moved separately to dismiss the appeal taken from the order entered on or about September 10, 2015 (Index No. 654309/13) [M-781],

And defendant-respondent Selling Source LLC having moved separately to dismiss the appeals taken from the order entered on or about February 19, 2015 and April 13, 2015 (Index No. 650705/14) [M-809],

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 granted to the extent of dismissing the appeals unless perfected on or before July 11, 2016 for the September 2016 Term. (See M-208, 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 March 29, 2016.

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

-----X

Rosmil Castillo, an infant, by her mother and natural guardian, Gisela Ramirez, and Gisela Ramirez, Individually,
Plaintiffs-Appellants,

M-341
Index No. 20888/10

-against-

Ronald Lefevre, et al.,
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about May 7, 2014,

And defendants-respondents having moved for an order dismissing plaintiffs' appeal, 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.

ENTER:


CLERK