

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 May 10, 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-1769  
Ind. No. 4054/11

Alfredo Arvelo,  
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about November 19, 2012,

Now, upon reading and filing the papers with respect to the motion, including the stipulation of the parties filed on April 5, 2016, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid motion.

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 May 10, 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-1876  
Ind. No. 4764/13

Osiris Medina,  
Defendant-Appellant.

-----X

An appeal having been taken from the judgments of the Supreme Court, New York County, rendered on or about November 14, 2014 and December 18, 2014,

Now, upon reading and filing the stipulation of the parties hereto, dated March 31, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 May 10, 2016.

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

-----X  
Randall Henriksen and Wendy  
Berkowitz-Henriksen,  
Plaintiffs-Respondents,

-against-

M-1839X  
Index No. 159053/14

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

-----X

An appeal having been taken from an order of the Supreme Court, New County, entered on or about October 29, 2015,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 7, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 May 10, 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,

Maria C., also known as Angela C.,  
Petitioner-Appellant,

-against-

M-1501  
Docket No. V-10093/13

Angie C.,  
Respondent-Respondent,

Commissioner of Social Service  
of the State of New York,  
Petitioner-Respondent,  
- - - - -

Seymour W. James, Jr., Esq.  
The Legal Aid Society,  
Juvenile Rights Division  
Attorney For the Child, Angie C.,

Mark Leider, Esq.  
Lawyers for Children,  
Attorney for the Child, Chastity C.

-----X

An appeal having been taken from an order of the Family Court, New York County, entered on or about July 24, 2014,

Now, upon reading and filing the stipulation of the parties hereto, dated March 21, 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 May 10, 2016.

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

-----X  
Dr. Kenneth E. McCulloch, doing  
business as McCulloch Orthopaedic  
Surgical Services, PLLC,  
Plaintiff-Appellant,

-against-

M-1520  
Index No. 156064/14

United Healthcare Insurance Company  
of New York, also known as The  
Empire Plan (Patient Carol Everett),  
Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about June 8, 2015,

Now, upon reading and filing the stipulation of the parties hereto, dated March 23, 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 May 10, 2016.

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

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

-against-

M-935  
Ind. No. 4299/11

Allen Proctor,  
Defendant-Appellant.

-----X

An order of this Court having been entered on October 20, 2015 (M-2299) assigning Richard Weinstein, Esq., as counsel to prosecute defendant's appeal from the judgment of the Supreme Court, New York County, rendered on or about April 27, 2012; and a motion having been made to relieve such counsel, and for other relief,

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

It is ordered that the motion is granted to the extent of striking the designation of assigned counsel Richard Weinstein, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Marianne Karas, Esq., 980 Broadway Suite 324 Thornwood, NY 10594, Telephone No. (914)434-5935, 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 May 10, 2016.

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

-----X

Carlyle Financial LLC,  
Plaintiff-Respondent,

-against-

Lagoon Development Corp., et al.,  
Defendants-Appellants.

-----X

M-1076

M-1008

Index No. 382222/09

Defendant-appellant Lagoon Development Corp., having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, Bronx County, entered on or about August 26, 2013 (M-1076),

And plaintiff-respondent having cross moved to dismiss the aforesaid appeal (M-1008),

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 enlarging the time to perfect the appeal to the October 2016 Term (M-1076). The cross motion is granted unless the appeal is perfected for said Term (M-1008).

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 May 10, 2016.

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

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

-against-

M-1390  
Ind. No. 1289/15

Omarlin Cabrera,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, Bronx County, rendered 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 to the extent of deeming the notice of appeal timely filed.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 10, 2016.

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

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

-against-

M-1417  
Index No. 102836/06

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

-----X

Defendants-appellants having moved for an enlargement of time to perfect the appeals from the orders of the Supreme Court, New York County, entered on or about June 3, 2014 and September 24, 2014, respectively,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeals to the 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 May 10, 2016.

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

-----X  
James Pettus,

Petitioner-Appellant,

-against-

M-1683

Index No. 251457/15

Court Officer for Hon. Guzman, et al.,  
Respondent-Respondent.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County, entered on or about November 9, 2015, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that 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 May 10, 2016.

Present: Hon. Peter Tom, Justice Presiding,  
Diane T. Renwick  
Rosalyn H. Richter  
Barbara R. Kapnick  
Troy K. Webber, Justices.

-----X

In the Matter of the Petition of the Public Administrator, New York County, and Thomas A. LeViness, as Co-Administrators CTA of the Estate of

Huguette M. Clark

Deceased,

For a Decree Directing the Turnover and Delivery of Information Regarding Estate Assets Pursuant to SCPA § 2103, Awarding Damages, Rescission of Purported Gifts, Impress of Constructive Trusts and Related Relief.

M-1521  
Surrogate's Court  
File No. 1375/95

- - - - -

In the Matter of the Petition of The Public Administrator, New York County, and Thomas A. LeViness, as Co-Administrators CTA of the Estate of

Huguette M. Clark,

Deceased,

For a Breach of Fiduciary Duty and other Requested Relief.

-----X

An appeal and cross appeal having been taken from the order of the Surrogate's Court, New York County, entered on or about August 19, 2015,

And petitioners having moved to modify the extant stay issued by this Court to allow the above-noted appellants to file stipulations of partial voluntary discontinuance of the proceedings as to them, pursuant to the directive of the Surrogate's 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 modifying the stay to allow the moving petitioners and the above-noted settling respondents to file in Surrogate's Court stipulations for the discontinuance of the action as to them, as reflected in the stipulations (See Exhibits B, F and I).

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 May 10, 2016.

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

-----X

Kelly Ann Junior, et al.,  
Plaintiffs-Appellants,

-against-

M-1373  
Index No. 102435/12

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

-----X

Plaintiffs-appellants having moved for an enlargement of time to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about June 30, 2014, and for a subpoena from this Court for the full County Clerk file under New York County Index No. 102435/12,

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. Appellant's counsel is directed to subpoena the original record in its existing form, motion otherwise denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 10, 2016.

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

-----X

Marc Winthrop,  
Plaintiff-Respondent,

-against-

Rosenthal & Rosenthal, Inc.,  
Defendant-Appellant.

-----X

M-959

M-964

Index No. 651142/14

Defendant-appellant having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on January 28, 2016 (Appeal No. 36) [M-959],

And The Business Council of New York State, Inc. having moved for leave to file a brief amicus curiae in support of defendant-appellant's motion for reargument or leave to appeal to the Court of Appeals [M-964],

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, to the extent they seek reargument and leave to file a brief amicus curiae, are granted and, upon reargument, the decision and order of this Court, entered on January 28, 2016 (Appeal No. 36), is recalled and vacated and a new decision and order substituted therefor. (See Appeal No. 36, decided simultaneously herewith.) That portion of the motion [M-959] seeking leave to appeal to the Court of Appeals is denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 10, 2016.

PRESENT - Hon: Angela M. Mazzarelli, Justice Presiding,  
Dianne T. Renwick  
David B. Saxe  
Judith J. Gische  
Marcy L. Kahn, Justices.

-----X

Mano Enterprises, Inc.,  
Plaintiff-Respondent-Appellant,

-against-

Metropolitan Life Insurance Company,

Defendant-Appellant-Respondent.

M-1809  
M-1904  
Index No. 652486/13

-----X

Appeals having been taken from the orders of the Supreme Court, New York County, entered on or about November 7, 2014 and May 18, 2015, respectively,

And plaintiff-respondent-appellant having cross-appealed from the order of said Court entered on or about November 7, 2014,

And plaintiff-respondent-appellant having moved for an order striking the record on appeal, or in the alternative, dismissing defendant's appeal from the order entered November 7, 2014 (M-1809),

And defendant-appellant-respondent having cross-moved for, inter alia, leave include defendant's reply Memorandum of Law, leave to strike the term "joint record" from the record on appeal, and sanctions against the plaintiff-respondent-appellant for frivolous motion practice, and other relief (M-1904),

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 directing defendant to file, immediately, a supplemental record containing defendant's Memorandum of Law in support of its motion for summary judgment and defendant's reply Memorandum of Law, at defendant-appellant's own expense, and deeming the term "joint record" to be struck from the record on appeal. The motion and cross motion are otherwise denied.

ENTER:



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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 May 10, 2016.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
Diane T. Renwick  
David B. Saxe  
Judith J. Gische  
Marcy L. Kahn, Justices.

-----X  
In the Matter of the Retention of

Jerome P.,  
Respondent-Respondent,

**M-1951**  
Index No. 530681/15

A Patient Admitted to  
Manhattan Psychiatric Center,  
Petitioner-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, dated March 17, 2016,

And Marvin Bernstein, Esq., Director of Mental Hygiene Legal Services, having moved to be relieved as counsel for respondent-respondent and for the Court to substitute an 18-B attorney to respond to petitioner's appeal, and for related relief,

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

It is ordered that the motion is granted to the extent of (1) striking the designation of Marvin Bernstein, Esq., as counsel to respond to petitioner's appeal, and assigning, pursuant to Mental Hygiene Law §10.13[c], Steven N. Feinman, Esq., One North Broadway, Suite 412, White Plains, NY 10601, Telephone No. (914) 949-8214, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for petitioner-appellant and 8 copies thereof are filed with this Court.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 10, 2016.

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

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

-against-

M-931  
Ind. No. 159/16

Barbara Maisonet,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, Bronx County, rendered on or about February 16, 2016, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

Marianne Karas, Esq., 980 Broadway Suite 324, Thornwood, NY 10594, Telephone No. 914-434-5935, 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 May 10, 2016.

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

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

-against-

M-904  
Ind. No. 2327/15

Michael Valentin,  
Defendant-Appellant.

-----x

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about October 8, 2015, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 10 reproduced copies of such brief, together with the original record, with 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.

Steven Feldman, Esq., 626 EAB Plaza, RXR Tower, 6<sup>th</sup> Floor Uniondale, NY 11556, Telephone No. (516)522-2828, 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 May 10, 2016.

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

-----X

Cole Partners, Inc.,  
Plaintiff-Respondent,

-against-

**M-1148**

**M-1131**

Index No. 108911/10

100 Varick Street Management &  
Construction LLC, also known as  
100 Varick Street Management LLC,  
and 100 Varick Realty LLC,  
Defendants-Appellants.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, entered on or about March 3, 2015,

And, plaintiff-respondent having moved for an order dismissing the aforesaid appeal (M-1148),

And, defendants-appellants having cross-moved for an order enlarging the time to perfect the appeal (M-1131),

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 plaintiff-respondent's motion to dismiss the appeal is granted if defendants-appellants fail to perfect said appeal for the October 2016 Term (M-1148). Defendants-appellants time to perfect the appeal is enlarged to the October 2016 Term (M-1131).

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 May 10, 2016.

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

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

-against-

M-926  
SCI No. 1813/13

Ivan Ledee,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time to file a notice of appeal from a judgment of the Supreme Court, Bronx County, rendered on or about November 12, 2015, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

Matthew Galluzzo, Esq., Galluzzo & Johnson LLP, 48 Wall Street, 11<sup>th</sup> Floor,, New York, NY 10005, Telephone No. (212)918-4662, 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 May 10, 2016.

PRESENT: Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
David B. Saxe  
Rosalyn H. Richter  
Marcy L. Kahn, Justices.

-----X  
Pensmore Investments, LLC,  
Plaintiff-Respondent,

-against-

Gruppo, Levey & Co., Gruppo, Levey Holdings, Inc., Gruppo Levey Partners, Inc., The Jane Michael 1999 Trust, Claire Gruppo as Trustee for the Jane Michael 1999 Trust, The Claire Gruppo Trust, The Trustee for the Gruppo Trust, January Management, Inc., Magic Management, LLC., Claire Gruppo, Hugh Levey, William Sprague, Evan Levey, Frog Pond Partners, L.P., January Partners, L.P., and IFG Capital Management, LLC.,  
Defendants-Respondents,

M-894  
M-1326  
Index No. 650002/14

-----  
Wendy Levey,  
Proposed Intervenor-Appellant.

-----X  
Wendy Levey,  
Petitioner-Appellant,

-against-

Index No. 151395/15

Pensmore Investments, LLC, Hugh Levey, John Does and Jane Does,  
Respondents-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about May 19, 2015,

And respondent Pensmore Investments, LLC having moved for an order deeming all issues on appeal relating to judgment enforcement as moot (M-894),

And petitioner-appellant having cross moved for permission to intervene in a related appeal, for certain costs and for related relief (M-1326),

Now, upon reading and filing the papers with respect to the motion and cross motion, including the stipulation of the parties dated March 21, 2016, and due deliberation having been had thereon,

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

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 May 10, 2016.

PRESENT - Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
David B. Saxe  
Rosalyn H. Richter  
Marcy L. Kahn, Justices.

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

-against-

M-1079  
Ind. No. 1023/15

Kegan Richards,  
Defendant-Appellant.

-----x

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about August 12, 2015, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 10 reproduced copies of such brief, together with the original record, with 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.

Marianne Karas, Esq., 980 Broadway Suite 324 Thornwood, NY 10594, Telephone No. (914)434-5935, 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 May 10, 2016.

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

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

-against-

M-1059  
Ind. No. 397/14

Omix Serrano,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, Bronx County, rendered on or about May 15, 2015, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

Steven Feldman, Esq., 626 EAB Plaza, RXR Tower, 6<sup>th</sup> Floor Uniondale, NY 11556, Telephone No. (516)522-2828, 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 May 10, 2016.

PRESENT: Hon. David Friedman, Justice Presiding,  
Richard T. Andrias  
Karla Moskowitz  
Barbara R. Kapnick  
Troy K. Webber, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

M-1284  
Ind. No. 5244N/14

Omar Alvarado,  
Defendant-Appellant.

-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about May 28, 2015, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, including the correspondence from Bonnie B. Goldberg, Esq., dated March 31, 2016, and due deliberation having been had thereon,

It is ordered that the motion is withdrawn as moot.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 10, 2016.

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

-----X  
In the Matter of the Application of  
The State of New York,  
Petitioner-Appellant,

**CONFIDENTIAL**

M-1621

For Civil Management Pursuant to  
Mental Hygiene Law Article 10

Index No. 251703/13

-against-

Richard V.,  
Respondent-Respondent.

-----X

Petitioner-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, Bronx County, entered on or about May 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 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 May 10, 2016.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,  
Diane T. Renwick  
Sallie Manzanet-Daniels  
Barbara R. Kapnick, Justices.

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

-against- **M-1257**  
Ind. No. 3924N/13

Danilo Concepcion,  
Defendant-Appellant.  
-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about April 27, 2015, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 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) two transcripts of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 10, 2016.

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

-----X  
Terrell Brannon,  
Plaintiff-Appellant,

-against-

M-1467  
Index No. 157048/12

Thomas O'Neill,  
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, New York County, entered on or about March 30, 2015,

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

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

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 10, 2016.

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

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

-against-

M-1471  
Ind. No. 1979/09

Marcus King,  
Defendant-Appellant.

-----x

Defendant-appellant having moved, through assigned counsel, for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about January 11, 2012, and from the judgment of **resentence** of said Court rendered on or about October 29, 2015, respectively,

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

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

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 10, 2016.

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

-----X

In the Matter of the Petition of  
Carlton Simpson and Carl Simpson  
to Remove Merton Simpson, Jr., as  
Executor of the Will of

M-1487  
Surrogate's Court  
File No. 1145/13

Merton D. Simpson,

Deceased.

-----X

Sclar Adler LLP, counsel for Merton Simpson, Jr., having moved to be relieved as counsel and for an order enlarging the time to perfect the appeals from an order of the Surrogate's Court, New York County, entered on or about August 24, 2015 and from an order of the same Court and Surrogate entered on or about February 3, 2016, respectively,

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

It is ordered that the motion is granted to the extent of granting Sclar Adler LLP leave to withdraw as counsel for Merton Simpson, Jr., enlarging the time to perfect the appeals, which are, sua sponte, consolidated, to on or before August 8, 2016 for the October 2016 Term. Appellant is directed to perfect the consolidated appeals upon 8 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 May 10, 2016.

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

-----X

In the Matter of the Settlement of the Final Account of Ann Piness Berman, Guardian of the Person and Property of

M-1500  
Index No. 500178/11

Merton Simpson,

Deceased.

-----X

Sclar Adler LLP, counsel for Merton Simpson, Jr., having moved to be relieved as counsel and for an order enlarging the time to perfect the appeals from an order of the Supreme Court, New York County, entered on or about June 25, 2015 and from an order of the same Court and Justice, entered on or about July 23, 2015, respectively,

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

It is ordered that the motion is granted to the extent of granting Sclar Adler LLP leave to withdraw as counsel for Merton Simpson, Jr., enlarging the time to perfect the appeals, which are, sua sponte, consolidated, to on or before August 8, 2016 for the October 2016 Term. Appellant is directed to perfect the consolidated appeals upon 10 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 May 10, 2016.

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

-----X

IN RE: NEW YORK CITY ASBESTOS LITIGATION

- - - - -

Frances Battipaglia, etc., et al.,  
Plaintiffs-Respondents,

-against-

M-1585  
Index No. 190303/11

A.O. Smith Water Products, et al.,  
Defendants,

Crane Co.,  
Defendant-Appellant.

-----X

Defendant-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 December 26, 2012,

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 March 2017 Term. (See M-1588, M-1599, M-1602, M-1590, M-1601, M-1586, M-1605, M-1587, 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 May 10, 2016.

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

-----X  
IN RE: NEW YORK CITY ASBESTOS LITIGATION  
-----

Marie F. Cichy, etc., et al.,  
Plaintiffs-Respondents,

-against-

M-1588  
Index No. 111237/03

A.O. Smith Water Products, et al.,  
Defendants,

Crane Co.,  
Defendant-Appellant.

-----X

Defendant-appellant, Crane Co., 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 January 29, 2013,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the March 2017 Term. (See M-1585, M-1599, M-1602, M-1590, M-1601, M-1586, M-1605, M-1587, 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 May 10, 2016.

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

-----X

IN RE: NEW YORK CITY ASBESTOS LITIGATION

-----

Lynda D'Andrade, etc., et al.,  
Plaintiffs-Respondents,

-against-

M-1599

Index No. 109496/03

A.W. Chesterton Company, et al.,  
Defendants,

Crane Co., et al.,  
Defendants-Appellants.

-----X

Defendant-appellant Crane Co. 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 24, 2013,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the March 2017 Term. (See M-1585, M-1588, M-1602, M-1590, M-1601, M-1586, M-1605, M-1587, 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 May 10, 2016.

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

-----X  
IN RE: NEW YORK CITY ASBESTOS LITIGATION

-----  
Robert Engle, Sr., et al.,  
Plaintiffs-Respondents,

-against-

M-1602  
Index No. 190172/11

Air & Liquid Systems Corporation,  
etc., et al.,  
Defendants,

Crane Co.,  
Defendant-Appellant.

-----X  
Defendant-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 December 13, 2012,

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 March 2017 Term. (See M-1585, M-1588, M-1599, M-1590, M-1601, M-1586, M-1605, M-1587, 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 May 10, 2016.

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

-----X  
IN RE: NEW YORK CITY ASBESTOS LITIGATION  
-----

Michael Patrick Gill,  
Plaintiff-Respondent,

-against-

M-1590  
Index No. 104174/03

A.O. Smith Water Products, et al.,  
Defendants,

Crane Co.,  
Defendant-Appellant.

-----X

Defendant-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 January 14, 2013,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the March 2017 Term. (See M-1585, M-1588, M-1599, M-1602, M-1601, M-1586, M-1605, M-1587, 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 May 10, 2016.

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

-----X  
IN RE: NEW YORK CITY ASBESTOS LITIGATION  
-----

George W. Hische, et al.,  
Plaintiffs-Respondents,

-against-

M-1601  
Index No. 190125/11

Air & Liquid Systems Corporation,  
etc., et al.,  
Defendants,

Crane Co.,  
Defendant-Appellant.

-----X

Defendant-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 23, 2012,

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 March 2017 Term. (See M-1585, M-1588, M-1599, M-1602, M-1590, M-1586, M-1605, M-1587, 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 May 10, 2016.

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

-----X  
IN RE: NEW YORK CITY ASBESTOS LITIGATION

-----  
Douglas McLaughlin, et al.,  
Plaintiffs-Respondents,

-against-

M-1586  
Index No. 190449/10

Air & Liquid Systems Corporation, etc.,  
et al.,  
Defendants,

Crane Co.,  
Defendant-Appellant.

-----X

Defendant-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 12, 2012,

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 March 2017 Term. (See M-1585, M-1588, M-1599, M-1602, M-1590, M-1601, M-1605, M-1587, 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 May 10, 2016.

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

-----X  
IN RE: NEW YORK CITY ASBESTOS LITIGATION

-----  
Frederick A. Porta, et al.,  
Plaintiffs-Respondents,

-against-

M-1605  
Index No. 104029/03

A.O. Smith Water Products, et al.,  
Defendants,

Crane Co.,  
Defendant-Appellant.

-----X  
Defendant-appellant, Crane Co., 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 January 24, 2013,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the March 2017 Term. (See M-1585, M-1588, M-1599, M-1602, M-1590, M-1601, M-1586, M-1587, 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 May 10, 2016.

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

-----X  
In re: New York City Asbestos Litigation  
-----X

Joann R. Viohl, etc.,  
Plaintiffs-Respondents,

-against-

M-1587  
Index No. 103869/06

A.O. Smith Water Products, et al.,  
Defendants,

Crane Co.,  
Defendant-Appellant.

-----X

Defendant-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 December 14, 2012,

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 March 2017 Term. (See M-1585, M-1588, M-1599, M-1602, M-1590, M-1601, M-1586, M-1605, 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 May 10, 2016.

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

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

-against-

M-1292  
Ind. No. 1855/14

Paul Grossman,  
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 March 4, 2015, and a post-conviction order, same Court, entered on October 1, 2015, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 10, 2016.

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

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

-against-

M-1074  
Ind. No. 694/15

Lloyd McFadden,  
Defendant-Appellant.

-----x

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

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 10 reproduced copies of such brief, together with the original record, with 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.

Steven Feldman, Esq., 626 EAB Plaza, RXR Tower, 6<sup>th</sup> Floor Uniondale, NY 11556, Telephone No. (516)522-2828, 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

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

BEFORE: Hon. Peter Tom  
Justice of the Appellate Division

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

Respondent,

M-1963  
Ind. No. 5646/13

-against-

Jeffrey Bryant,

CERTIFICATE  
GRANTING LEAVE TO APPEAL  
TO THE COURT OF APPEALS

Defendant-Appellant.  
-----x

I, Peter Tom, a Justice of the Appellate Division, Supreme Court, First Department, do hereby certify that in the record and proceedings herein\* questions of law are involved which ought to be reviewed by the Court of Appeals and pursuant to CPL 460.20, it is

ORDERED that permission hereby is granted to the above-named appellant to appeal to the Court of Appeals.

  
\_\_\_\_\_  
Justice of the Appellate Division

Dated: April 19, 2016  
New York, New York

ENTERED: May 10, 2016

\*Description of Order:

Supreme Court, New York County, entered on June 17, 2014.  
App. Div., 1<sup>st</sup> Dept., Appeal No. 15497, Mod on March 1, 2016.

Notice: Within 10 days from the issuance of this certificate, a preliminary appeal statement must be filed with the Clerk of the Court of Appeals pursuant to Rule 500.9 of the Court of Appeals Rules.

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

BEFORE: Hon. Rolando T. Acosta  
Justice of the Appellate Division

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

M - 1391  
Ind. No. 10181/94

-against-

CERTIFICATE  
DENYING LEAVE

Raymond Johnson, a/k/a Raymond Kilgore,

Defendant.  
-----X

I, Rolando T. Acosta, 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 February 11, 2016, is denied.

  
\_\_\_\_\_  
Hon. Rolando T. Acosta  
Associate Justice

Dated: April 18, 2016  
New York, New York

ENTERED: May 10, 2016

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

BEFORE: Hon. Dianne T. Renwick  
Justice of the Appellate Division

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

M-1133  
Ind. No. 12131/91

-against-

Lorenzo Martinez,

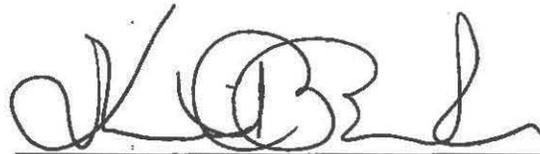
Extension of Time  
To File Certificate  
Motion

Defendant.  
-----X

The above-named defendant having moved for an extension of time to file a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15 for leave to appeal the order of Supreme Court, New York County, entered on or about December 30, 2015,

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

It is ordered that the motion is granted to the extent of granting defendant leave to file the certificate within 90 days from the date of entry hereof.

  
Justice

Dated: April 15, 2016  
New York, New York

ENTERED: May 10, 2016

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

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

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

M-1144  
Ind. No. 3729/97

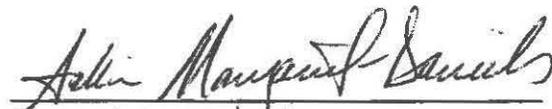
-against-

CERTIFICATE  
DENYING LEAVE

Curtis Davis,

Defendant.  
-----X

I, Sallie Manzanet-Daniels, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County, entered on or about February 8, 2016, is hereby denied. In light of the above, defendant's request for poor person relief is denied as moot.

  
Associate Justice

Dated: April 18, 2016  
New York, New York

ENTERED: May 10, 2016

P.M. ORDERS  
FOR  
MAY 10, 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 May 10, 2016.

PRESENT - Hon: David Friedman, Justice Presiding,  
Rolando T. Acosta  
Karla Moskowitz  
Barbara R. Kapnick  
Ellen Gesmer, Justices.

-----X  
Ithilien Realty Corp.,  
Plaintiff-Appellant,

-against-

M-1935  
Index No. 117013/09

180 Ludlow Development LLC,  
Defendant-Respondent,

Prime Asset Funding LLC,  
Defendant.

-----X

An appeal having been taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about October 20, 2015,

And plaintiff-appellant-respondent Ithilien Realty Corp. having moved for an order seeking a judgment for costs pursuant to 22 NYCRR §600.11(d)(1), as well as the costs and fees incurred in this motion,

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

It is ordered that the motion is denied, sua sponte, deem the title of the filed "Joint Record on Appeal" struck and deem the same record titled "Plaintiff's Record on 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 May 10, 2016.

Present: Hon. David Friedman, Justice Presiding,  
Rosalyn H. Richter  
Judith J. Gische  
Barbara R. Kapnick, Justices.

-----X

Mamadou L. Dabo,  
Plaintiff-Appellant,

**M-440**

**M-540**

-against-

Index No. 308176/12

Beatrice O. Sibblies,  
Defendant-Respondent.

-----X

An order of this Court having been entered on December 29, 2015 (M-4315), denying plaintiff's motion for stay,

And, plaintiff-appellant having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the aforesaid order [M-440],

And, defendant-respondent having cross-moved for sanctions [M-540],

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

It is ordered that the motion and cross motion are denied.

ENTER:



CLERK