

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 September 15, 2016.

PRESENT: Hon. Karla Moskowitz, Justice Presiding,  
Paul G. Feinman  
Judith J. Gische  
Barbara R. Kapnick  
Ellen Gesmer, Justices.

-----X  
Citibank, N.A., et al.,  
Plaintiffs-Respondents,

-against-

M-3769  
Index No. 651075/12

Keenan Powers & Andrews, PC, et al.,  
Defendants,

Arthur J. Powers,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, New York County, entered on or about November 19, 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 February 2017 Term.

ENTER:



DEPUTY 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 September 15, 2016.

Present: Hon. Karla Moskowitz, Justice Presiding,  
Paul G. Feinman  
Judith J. Gische  
Barbara R. Kapnick  
Ellen Gesmer, Justices.

-----X  
Security Pacific National Bank,  
Plaintiff-Respondent,

-against-

**M-3353**

Index No. 22899/92

Tracie Evans,  
Defendant-Appellant,

Arnold Lepelstat, et al.,  
Defendants-Respondents.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about April 14, 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 February 2017 Term, with no further enlargements to be granted.

ENTER:



DEPUTY 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 September 15, 2016.

Present: Hon. Karla Moskowitz, Justice Presiding,  
Paul G. Feinman  
Judith J. Gische  
Barbara R. Kapnick  
Ellen Gesmer, Justices.

-----X  
In the Matter of the Application of  
James A. Kane and A & A Private  
Investigations & Security, Ltd.,  
Petitioners,

**M-3535**  
Index No. 101222/15

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

-against-

Industrial Board of Appeals and  
New York State Commissioner of Labor,  
Respondents.

-----X

An Article 78 proceeding having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about October 8, 2015, to review a determination of respondents,

And, petitioner having moved for an enlargement of time to perfect the proceeding,

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 proceeding to the February 2017 Term.

ENTER:



DEPUTY 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 September 15, 2016.

Present - Hon. Karla Moskowitz, Justice Presiding,  
Paul G. Feinman  
Judith J. Gische  
Barbara R. Kapnick  
Ellen Gesmer, Justices.

-----x  
David Eshaghian,  
Plaintiff-Appellant,

-against-

M-3422  
Index No. 654481/15

Mahrokh Eshaghian, et al.,  
Defendants-Respondents,

-and-

First American Title Insurance Company,  
Defendant.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about June 9, 2016,

And plaintiff-appellant having moved for a stay the inquest with respect to attorney's fees, pending hearing and determination of the aforesaid appeal,

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

It is ordered that the stay is granted pursuant to the terms of the so ordered stipulation dated July 12, 2016.

ENTER:

  
\_\_\_\_\_  
DEPUTY 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 September 15, 2016.

PRESENT: Hon. Karla Moskowitz, Justice Presiding,  
Paul G. Feinman  
Judith J. Gische  
Barbara R. Kapnick  
Ellen Gesmer, Justices.

-----X

Jon Tebol,  
Plaintiff-Respondent,

-against-

M-3729  
Index No. 309811/12

Yafit Tietbohl,  
Defendant-Appellant.

-----X

Defendant-appellant, pro se, 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 June 22, 2016,

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

It is ordered that the motion is denied.

ENTER:



DEPUTY 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 September 15, 2016.

Present: Hon. Karla Moskowitz, Justice Presiding,  
Paul G. Feinman  
Judith J. Gische  
Barbara R. Kapnick  
Ellen Gesmer, Justices.

-----X

Joseph Lee De'Leone Angel, an infant by his legal guardian and adoptive mother, Deborah Angel, and Deborah Angel, Individually,  
Plaintiffs-Respondents-Appellants,

Yolanda Jenkins,  
Plaintiff-Respondent-Appellant,

-against-

**M-3845**

Index No. 8056/04

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

-and-

Jewish Child Care Association of New York,  
Defendant-Appellant-Respondent,

Joseph Seaborough,  
Defendant.

-----X

An appeal having been taken by defendant, Jewish Child Care Association of New York, from an order of the Supreme Court, Bronx County, entered on or about October 20, 2015; and two cross appeals having been taken by the above-titled plaintiffs from the same order and Court,

And, "Angel" plaintiffs having moved for an adjournment of defendant's direct appeal to the November 2016 Term of this Court and for an enlargement of time to perfect their cross appeal to August 20, 2016 for said November 2016 Term upon the parties agreed-upon briefing schedule,

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

Ordered that the motion is granted to the extent of enlarging plaintiffs' time to perfect their cross appeal to the December 2016 Term, sua sponte, the defendant's direct appeal is enlarged to the December 2016 Term.

ENTER:

A handwritten signature in black ink, appearing to read "Eric Schuck". The signature is written in a cursive style with a horizontal line underneath it.

DEPUTY 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 September 15, 2016.

Present: Hon. Karla Moskowitz, Justice Presiding,  
Paul G. Feinman  
Judith J. Gische  
Barbara R. Kapnick  
Ellen Gesmer, Justices.

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

**M-4021**  
Index No. 301863/13

-against-

James M. Colbert,  
Defendant-Appellant,

New York State Department of Taxation  
and Finance, et al.,  
Defendants.

-----X

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

And, plaintiffs-respondents having moved for leave to file a Supplemental Record on Appeal to include Exhibit D, plaintiffs-respondents' Memorandum of Law, in further support of the entry of Judgment of Foreclosure and Sale, dated September 23, 2014, 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 directing plaintiffs to **immediately** serve and file 9 copies of a Supplemental Record on Appeal containing the aforesaid Exhibit D to the motion papers, and adjourning the perfected appeal to the December 2016 Term.

ENTER:

  
DEPUTY 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 September 15, 2016.

Present - Hon. Karla Moskowitz, Justice Presiding,  
Paul G. Feinman  
Judith J. Gische  
Barbara R. Kapnick  
Ellen Gesmer, Justices.

-----X  
Justine Luongo, Attorney-In-Chief,  
Criminal Defense Practice, Legal  
Aid Society,  
Petitioner-Respondent,

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

-against-

**M-4075**  
Index No. 100250/15

Records Access Officer, Civilian  
Complaint Review Board,  
Respondent-Appellant,

-and-

Officer Daniel Pantaleo,  
Respondent-Intervenor-  
Appellant.

- - - - -  
The Reporters Committee for  
Freedom of the Press and Twenty  
Media Organizations,  
Amici Curiae.

-----X  
Appeals having been taken to this Court by the above-named respondent-appellant and respondent-intervenor appellant from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about July 27, 2015,

And, The Reporters Committee for Freedom of the Press and Twenty Media Organizations, having moved for leave to file a brief as amici 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 to the extent of directing movants to **immediately** serve and file an original and 8 copies of the proposed brief amici curiae with the Clerk of the Court.

ENTER:

A handwritten signature in black ink, appearing to read "Eric Schuck", written in a cursive style.

---

DEPUTY 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 September 15, 2016.

Present: Hon. Karla Moskowitz, Justice Presiding,  
Paul G. Feinman  
Judith J. Gische  
Barbara R. Kapnick  
Ellen Gesmer, Justices.

-----X

Robinson Brog Leinwand Greene  
Grenovese & Gluck, P.C.,  
Plaintiff-Appellant-Respondent,

-against-

Vaad L'Hafotzas Sichos, Inc.  
and Zalman Chanin,  
Defendants-Respondents,

**M-3817**

Index No. 159138/14

-and-

Second Source Funding LLC, also  
known as 2D Source Funding and Sam  
Chanin,  
Defendants-Respondents-Appellants.

-----X

An appeal and cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 1, 2015, and said direct appeal having been perfected,

And counsel for defendants-respondents and defendants-respondents-appellants having moved for leave to withdraw as counsel and for an adjournment of the perfected appeal,

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

Ordered that the motion is granted to the extent of permitting counsel for defendants to withdraw solely as appellate counsel, without prejudice to proceedings in Supreme Court, and adjourning the perfected appeal to the January 2017 Term, with no further enlargements to be granted,

ENTER:

  
DEPUTY 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 September 15, 2016.

Present - Hon. Karla Moskowitz, Justice Presiding,  
Paul G. Feinman  
Judith J. Gische  
Barbara R. Kapnick  
Ellen Gesmer, Justices.

-----x  
Donn Gerelli Associates Insurance  
Agency, Inc., et al.,  
Petitioners-Appellants,

For a Judgment Pursuant to Article 78  
of the CPLR,

M-3735  
Index No. 101106/15

-against-

Benjamin M. Lawsky, etc.,  
Defendant-Respondent.

-----x

An appeal having been taken to this Court from the order and judgment of the Supreme Court, New York County, entered on or about July 7, 2016,

And petitioners-appellants having moved for a stay of execution and enforcement of the order pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is granted on condition petitioners-appellants perfect their appeal on or before December 5, 2016 for the February 2017 Term.

ENTER:



DEPUTY 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 September 15, 2016.

PRESENT: Hon. Karla Moskowitz, Justice Presiding,  
Paul G. Feinman  
Judith J. Gische  
Barbara R. Kapnick  
Ellen Gesmer, Justices.

-----X  
Scott A. Barbuto,  
Plaintiff-Respondent,

-against-

M-3456  
Index No. 150695/13

Club Ventures Investments LLC,  
doing business as Davidbartongym,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for an order staying the trial in the above-entitled action pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about January 29, 2016,

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

It is ordered that the motion is granted.

ENTER:



DEPUTY 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 September 15, 2016.

Present - Hon. Karla Moskowitz, Justice Presiding,  
Paul G. Feinman  
Judith J. Gische  
Barbara R. Kapnick  
Ellen Gesmer, Justices.

-----x

Andrew Zlotnick,

Plaintiff-Appellant,

-against-

M-3083  
Index No. 23243/12

New York Yankees Partnership, et al.,

Defendants-Respondents.

-----x

An appeal having been taken to this Court from the judgment of the Supreme Court, Bronx County, entered on or about December 23, 2015,

And plaintiff-appellant having moved for an order enlarging the record on appeal, or for other relief,

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

It is ordered that the motion is denied.

ENTER:



DEPUTY 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 September 15, 2016.

Present: Hon. Karla Moskowitz, Justice Presiding,  
Paul G. Feinman  
Judith J. Gische  
Barbara R. Kapnick  
Ellen Gesmer, Justices.

-----X  
Dolores Connolly and John Connolly,  
Plaintiffs-Appellants,

-against-

**M-3247**  
Index No. 150016/10

129 East 69<sup>th</sup> Street Corporation,  
et al.,  
Defendants-Respondents.

-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about September 24, 2015 and on or about February 29, 2016,

And, plaintiffs-appellants having moved for an enlargement of time to perfect the aforesaid 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 appeal taken from the order entered on or about September 24, 2015 to the January 2017 Term. So much of the motion which seeks an enlargement of time to perfect the appeal taken from the order entered on or about February 29, 2016 is denied, as premature, without prejudice to refile for said relief at a later time.

ENTER:



DEPUTY 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 September 15, 2016.

Present: Hon. Karla Moskowitz, Justice Presiding,  
Paul G. Feinman  
Judith J. Gische  
Barbara R. Kapnick  
Ellen Gesmer, Justices.

-----X  
Rui Qin Chen Juan and AA Ichiban,  
Inc.,  
Plaintiffs-Appellants,

-against-

**M-3722**  
Index No. 152958/16

213 West 28 LLC,  
Defendant-Respondent.

-----X

The above-named plaintiffs-appellants, in connection with the appeal from the order of the Supreme Court, New York County, entered on or about July 19, 2016, having moved in the nature of a preliminary appellate injunction, pursuant to CPLR 5518, enjoining defendant-respondent from terminating the commercial lease in question, pending hearing and determination of the aforesaid appeal,

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

Ordered that the motion is granted.

ENTER:



DEPUTY 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 September 15, 2016.

Present: Hon. Karla Moskowitz, Justice Presiding,  
Paul G. Feinman  
Judith J. Gische  
Barbara R. Kapnick  
Ellen Gesmer, Justices.

-----X  
NYCTL 2012-A Trust and The Bank of  
New York Mellon, as collateral  
Agent and Custodian for NYCTL 2012-A  
Trust,

Plaintiff-Respondent,

-against-

**M-3941**  
Index No. 301863/13

Jack M. Colbert,  
Defendant-Appellant,

New York State Department of Taxation  
and Finance, et al.,  
Defendants.

-----X

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

And, defendants-appellants having moved to stay the foreclosure sale of the subject premises pending determination of the appeal,

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

Ordered that the motion is granted.

ENTER:



DEPUTY 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 September 15, 2016.

Present: Hon. Karla Moskowitz, Justice Presiding,  
Paul G. Feinman  
Judith J. Gische  
Barbara R. Kapnick  
Ellen Gesmer, Justices.

-----X  
Elizabeth A. Spielfogel,  
Plaintiff,

-against-

**M-3616**  
Index No. 350249/07

Larry R. Spielfogel,  
Defendant.  
-----X

Defendant having moved, pursuant to CPLR 5704(a), to vacate an ex parte order of the Supreme Court, New York County, issued July 13, 2016, which granted plaintiff's request for a private investigator to gain access to a certain warehouse maintained by defendant to obtain photographs of a motorcycle collection defendant purportedly hid from plaintiff during their matrimonial action,

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 vacating the provision of the aforesaid order granting a private investigator access to said warehouse, and modifying the order to bar defendant from entering said warehouse pending disposition of the application before Supreme Court.

ENTER:

  
DEPUTY 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 September 15, 2016.

PRESENT: Hon. Karla Moskowitz, Justice Presiding,  
Paul G. Feinman  
Judith J. Gische  
Barbara R. Kapnick  
Ellen Gesmer, Justices.

-----X

Zeng Ji Liu, et al.,  
Plaintiffs-Respondents,

-against-

M-3153  
Index No. 150340/12

All Taxi Management, Inc.,  
Defendant-Appellant,

-and-

Djibril Bathily, et al.,  
Defendants.

-----X

Defendant-appellant having moved for an order staying the trial in the above-entitled action pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about June 3, 2016,

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

It is ordered that the motion is denied.

ENTER:

  
DEPUTY 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 September 15, 2016.

Present - Hon. Karla Moskowitz, Justice Presiding,  
Paul G. Feinman  
Judith J. Gische  
Barbara R. Kapnick  
Ellen Gesmer, 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-4005

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 take judicial notice of the April 10, 2014 Offering Plan related to Southbridge Towers, 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:



DEPUTY 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 September 15, 2016.

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

-----X

Magen David of Union Square,  
Plaintiff-Respondent,

The Sixteenth Street Synagogue,  
Plaintiff-Appellant,

3 West Development, LLC,  
Plaintiff-Respondent,

M-3882  
Index No. 600573/08

-against-

3 West 16th Street, LLC,  
Defendant-Respondent.

-----X

3 West 16th Street, LLC,  
Third-Party Plaintiff,

-against-

Steven J. Ancona,  
Third-Party Defendant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about September 26, 2014,

Now, upon reading and filing the stipulation of the parties hereto, dated July 15, 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:

  
DEPUTY 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 September 15, 2016.

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

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

-and-

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

**SEALED**  
M-3861  
Index No. 652274/12

-against-

Education Loan Trust IV, Bank of  
New York and Kildare Capital, Inc.,  
Respondents,

U.S. Education Loan Trust IV, LLC,  
U.S. Education Servicing, LLC, and  
Dr. Henry Howard,  
Respondents-Respondents-Appellants.

-----X

Appeals and cross appeals having been taken from orders of the Supreme Court, New York County, entered on or about July 24, 2015 and November 18, 2015,

Now, upon reading and filing the stipulation of the parties hereto, filed December 31, 2015 and July 28, 2016, and due deliberation having been had thereon,

It is ordered that the previously consolidated appeals and cross appeals, previously perfected, are withdrawn in accordance with the aforesaid stipulation.

ENTER:



DEPUTY 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 September 15, 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 and/or Visitation Under  
Article 6 of the Family Court Act.

-----  
Keyona M. W.,  
Petitioner-Appellant,  
  
-against-

**M-3980**  
Docket Nos. V-15176-15/15B  
V-15177-15/15B  
V-15176-15/15A  
V-15177-15/15A

Isiah R. S.,  
Respondent-Respondent.

-----X

Eugene P. McGloin, Esq., Family Court attorney for the subject child, Meagan S., having moved on said child's behalf for leave to respond, as a poor person, to the appeal from the order of the Family Court, Bronx County, entered on or about May 5, 2016, and for assignment of counsel, a free copy of the transcript, 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) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Tennille M. Tatum-Evans, Esq., 260 Convent Avenue, Suite #34, New York, NY 10031, Telephone No. (347) 645-6660, 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. The aforesaid appeal is, sua sponte, adjourned to the December 2016 Term.

ENTER:

  
DEPUTY 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 September 15, 2016.

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

-----X  
Jeffrey Pikus,

Petitioner-Appellant-Respondent,

-against-

Stuart D. Goldstein, et al.,

Respondents-Respondents-Appellants.  
-----X

**M-3814X**

**M-2640**

Index No. 653201/14

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 22, 2016, and due deliberation having been had thereon,

It is ordered that the appeal and cross appeal are withdrawn in accordance with the aforesaid stipulation (M-3814X). Petitioner's motion to enlarge the time to perfect the aforesaid appeal is denied as moot (M-2640).

ENTER:



DEPUTY 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 September 15, 2016.

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

-----X  
Stuart D. Goldstein, et al.,

Plaintiffs-Respondents-Appellants,

-against-

**M-2637**

**M-3812X**

Index No.651209/14

Jeffrey S. Pikus, et al.,

Defendants-Appellants-Respondents.  
-----X

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 22, 2016, and due deliberation having been had thereon,

It is ordered that the appeal and cross appeal are withdrawn in accordance with the aforesaid stipulation (M-3812X). Defendants motion to enlarge the aforesaid appeal is denied as moot (M-2637).

ENTER:



DEPUTY 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 September 15, 2016.

Present - Hon. Peter Tom, Justice Presiding,  
David Friedman  
Rosalyn H. Richter  
Barbara R. Kapnick  
Ellen Gesmer, Justices.

-----x

Mark S. Goldstein, as Guardian of the Property of Shirley Scott, also known as Beckett,  
Plaintiff-Appellant,

M-1908  
Index No. 304695/13

-against-

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

-----x

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about November 21, 2014,

And an order of this Court having been entered on February 25, 2016 (M-5546/M-5646), inter alia, enlarging the time to perfect the appeal to the June 2016 Term, and remanding the matter to Supreme Court, Bronx County, for a traverse hearing to determine the issue of whether service of the order with notice of entry was properly effected,

And defendant-respondent The Village of Pelham Manor having moved for an adjournment of the pending appeal pending the outcome of the traverse hearing previously ordered by the order by this Court (M-5546/M-5646),

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

It is ordered that the motion is denied, as moot.

ENTER:

  
DEPUTY 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 September 15, 2016.

Present - Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
Sallie Manzanet-Daniels  
Ellen Gesmer, Justices.

-----X  
Deutsche Bank, AG,

Plaintiff-Respondent,

-against-

M-2593  
Index No. 161257/13

Alexander Vik, et al.,

Defendants-Appellants.  
-----X

Defendants-appellants having moved for reargument of the decision and order of this Court, entered on April 12, 2016 (Appeal No. 813),

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, upon reargument, the decision and order of this Court entered on April 12, 2016 (Appeal No. 813), is recalled and vacated and a new decision and order substituted therefor. (See Appeal No. 813, decided simultaneously herewith.)

ENTER:



\_\_\_\_\_  
DEPUTY 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 September 15, 2016.

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

-----X  
Modesto Costa,

Claimant-Appellant,

-against-

The State of New York,

Defendant-Respondent.  
-----X

**M-3165**  
Court of Claims  
Motion No. 85009

Claimant-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 May 26, 2016 (Appeal No. 480),

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:



\_\_\_\_\_  
DEPUTY 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 September 15, 2016.

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

-----X  
Amtrust-NP SFR Venture, LLC,  
Plaintiff-Respondent,

-against-

**M-3550**  
Index No. 810148/12

James Vazquez, also known as James  
Vasquez,  
Defendant-Appellant,

City of New York Environmental Control  
Board, et al.,  
Defendants.

-----X

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 June 21, 2016 (Appeal No. 1504),

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:

  
\_\_\_\_\_  
DEPUTY 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 September 15, 2016.

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

-----X

In the Matter of

Tiera G.,  
Markeith G., and  
Davion W.,

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

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

M-2981  
Docket Nos.  
NA-24971-73/14

Deon W.,  
Respondent-Appellant.

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

Joseph Santos, Esq.,  
Counsel for the Child Davion W.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from three orders of the Family Court, Bronx County, entered on or about March 15, 2016, and for assignment of counsel, a free copy of the transcript, 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) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Steven N. Feinman, Esq., One North

Broadway, Suite 412, White Plains, NY 10601, Telephone No. 914-949-8214, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:



---

DEPUTY CLERK

---

<sup>1</sup>Service of appellant's brief upon respondent(s) shall include assigned counsel's copy of the transcript.

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 September 15, 2016.

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

-----X

In the Matter of

Nakelia T.,

A Child Under 18 Years old Alleged to  
be Neglected and/or Abused Under  
Article 10 of the Family Court Act.

- - - - -

Administration for Children's Services,  
Petitioner-Respondent,

M-3046  
Docket No. NN-41422/15

Ihesiah M.,  
Respondent-Appellant.

- - - - -

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

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about June 8, 2016, and for assignment of counsel, a free copy of the transcript, for a stay of the order pending hearing and determination of the aforesaid 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) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Neal D. Futerfas, Esq., 50 Main Street, Suite 1000, White Plains, NY 10606, Telephone No. 914-552-6076, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City

of New York from funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

The motion to the extent it seeks a stay of the order is denied.

ENTER:



DEPUTY CLERK

---

<sup>1</sup>Service of appellant's brief upon respondent(s) shall include assigned counsel's copy of the transcript.

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 September 15, 2016.

Present: Hon. David Friedman, Justice Presiding,  
Diane T. Renwick  
Richard T. Andrias  
Judith J. Gische  
Troy K. Webber, Justices.

-----X  
Thomas McGinty,  
Plaintiff,

-against-

Structure-Tone, et al.,  
Defendants,  
-----  
Structure-Tone, et al.,  
Third-Party Plaintiffs,

**M-3327**  
Index Nos. 307933/08  
84116/09  
653776/15

-against-

Eurotech Construction Corp.,  
Third-Party Defendant.  
-----  
Eurotech Construction Corp.,  
Plaintiff-Appellant,

-against-

QBE Insurance Corp.,  
Defendant-Respondent  
-----X

Plaintiff-appellant Eurotech Construction 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 June 7, 2016 (Appeal No. 1412N),

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

It is ordered that the motion is denied.

ENTER:

A handwritten signature in black ink, appearing to read "Eric Schuck". The signature is written in a cursive style with a large initial "E".

---

DEPUTY 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 September 15, 2016.

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

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

-against-

M-3168A  
Ind. No. 305/13  
Case No. 3951C/13

Raymond Mayrant,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of **resentence** of the Supreme Court, Bronx County, rendered on or about February 11, 2016, 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 deeming the notice of appeal timely filed from the original sentence 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, trial, sentence and **resentence**. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTER:

  
DEPUTY 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 September 15, 2016.

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

-----x  
The Nonhuman Rights Project, Inc.,  
on behalf of Kiko,  
Petitioner-Appellant,

-against-

M-3443  
Index No. 150149/16

Carmen Presti, et al.,  
Respondents-Respondents.

-----x

A purported appeal having been taken to this Court from a decision of the Supreme Court, New York County, entered on or about January 29, 2016, in which the Court declined to show an order to show cause,

And in an order entered July 28, 2016, a Justice of this Court denied petitioner's motion for leave to appeal from the aforesaid January 29, 2016 decision,

And petitioner-appellant having moved for leave to amend the record on appeal,

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

It is ordered that the motion is denied.

ENTER:



DEPUTY 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 September 15, 2016.

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

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

Respondent,

-against-

M-3315  
Ind. No. 591/14

Brian Harley,

Defendant-Appellant.

-----X

An order of a Justice of this Court having been entered on May 24, 2016 (M-1405), granting defendant leave to appeal to this Court from the order of the Supreme Court, New York County,, entered on or about February 11, 2016,

And defendant-appellant pro se having moved for leave to prosecute the appeal as a poor person, 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, sua sponte, the notice of appeal is deemed timely filed, and it is further,

Ordered that poor person relief 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.

Leonard J. Levenson, Esq., 225 Broadway, Suite 1804, New York, NY 10007, Telephone No. (212) 732-0522, 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:

A handwritten signature in black ink, appearing to read "Eric Schuck", written in a cursive style.

---

DEPUTY 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 September 15, 2016.

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

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

-against-

M-3389  
Ind. No. 4139/12

Ajamu White, also known as Darwin Britt,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to file a pro se supplemental brief in connection with an appeal from a judgment of the Supreme Court, New York County, rendered on or about November 25, 2013, for a copy of the trial transcripts and for an enlargement of time to perfect 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 directing defendant to serve and file 8 copies of his pro se supplemental brief on or before November 7, 2016 for the January 2017 Term, to which Term the appeal is adjourned. The Clerk of the Court is directed to forward to the Warden at the State correctional facility wherein defendant is incarcerated a transcript of the minutes relating to defendant's appeal, said transcript to be made available to appellant and returned by appellant to this Court when submitting the pro se supplemental brief hereto. The appeal will not be heard unless and until all material furnished to appellant has been returned.

ENTER:



DEPUTY 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 September 15, 2016.

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

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

-----  
Elisa N.,  
Petitioner-Respondent,

-against-

M-3304  
Docket Nos. V-30766/14  
V-30767/14

Yoav I.,  
Respondent-Appellant.

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

-----x  
An order of this Court having been entered on April 14, 2016 (M-1039), granting respondent-appellant leave to prosecute, as a poor person, the appeal from the order of the Family Court, New York County, entered on or about January 20, 2016, and assigning Larry S. Bachner, Esq., as counsel to prosecute the appeal,

And assigned counsel for respondent-appellant having moved for leave to withdraw as counsel in connection with the aforesaid appeal, for an enlargement of time to perfect the appeal, or in the alternative, for leave to file the brief over appellant's objection, and,

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 relieving Larry S. Bachner, Esq., as counsel and substituting, pursuant to Article 18b of the County Law and § 1120 of the Family Court Act, Neal D. Futerfas, Esq., 50 Main Street, Suite #1000, White Plains, NY 10606, Telephone No. 914-552-6076, as counsel to prosecute the appeal. The poor person relief granted by the order of this Court entered April 14, 2016 is continued, and the time to perfect the appeal is enlarged to the February 2017 Term. The motion is otherwise denied.

ENTER:

A handwritten signature in black ink, appearing to read "Eric Schuck", written in a cursive style.

---

DEPUTY 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 September 15, 2016.

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

-----X  
Ronald Grassel,  
Petitioner-Appellant,

For a Judgment Pursuant to CPLR  
Article 75

-against-

M-3488  
Index No. 600009/14

Department of Education of the City  
of New York, et al.,  
Respondents-Respondents.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, entered on or about September 18, 2015, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, for an enlargement of time to perfect the appeal, and for other relief,

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

It is ordered that said motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the attorney for respondents and file 8 copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record. The time to perfect the appeal is enlarged to the February 2017 Term.

ENTER:

  
DEPUTY 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 September 15, 2016.

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

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

Respondent,

-against-

M-3361  
Ind. No. 2681/09

Howard Clarke,

Defendant-Appellant.  
-----x

Defendant-appellant having moved for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, New York County, rendered on or about December 16, 2010,

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 January 2017 Term.

ENTER:

  
\_\_\_\_\_  
DEPUTY 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 September 15, 2016.

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

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

-against-

M-3594  
Ind. No. 3545/14

Jaered Greene,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County (Eugene Oliver, Jr., J.), entered on or about June 16, 2016, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the 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 permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the 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 Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice Oliver as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Seymour W. James, Jr., Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

The time in which to perfect the appeal is enlarged to the May 2017 Term.

ENTER:



DEPUTY 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 September 15, 2016.

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

-----x  
Valley National Bank, as successor to  
The Park Avenue Bank,

Plaintiff-Respondent,

-against-

Stephen L. Gurba and Evelyn Gurba,

Defendants-Appellants.  
-----x

M-3325  
Index No. 102457/10

Defendants-appellants having jointly moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about May 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 enlarging the time to perfect the appeal to on or before November 7, 2016 for the January 2017 Term. Appellants are permitted to file a single joint record and separate appellate briefs.

ENTER:

  
\_\_\_\_\_  
DEPUTY 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 September 15, 2016.

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

-----x

Wells Fargo Bank, N.A.,  
Plaintiff-Respondent,

-against-

Veejai Rajaram,  
Defendant-Appellant,

M-3378  
Index No. 381087/12

-and-

Mortgage Electronic Registration  
Systems, Inc., etc., et al.,  
Defendants.

-----x

Plaintiff-respondent having moved for dismissal of the appeal taken from the judgment of the Supreme Court, Bronx County, entered on or about October 8, 2014, for failure to timely perfect,

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

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

ENTER:



DEPUTY 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 September 15, 2016.

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

-----X  
Wagner Davis, P.C.,

Plaintiff-Respondent,

-against-

James Brady Jr., Jane Brady, James  
Catering Inc., Loft Eleven, West Side  
Loft at 37<sup>th</sup> Street Inc.,

M-3641  
Index Nos. 570702/14  
300135/10

Defendants-Appellants.  
-----X

Defendants-appellants, pro se, 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 March 30, 2016,

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

It is ordered that the motion is denied.

ENTER:

  
DEPUTY 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 September 15, 2016.

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

-----X  
In the Matter of a Petition for  
Letters of Administration, c.t.a.,  
In the Estate of

Paula X. Assimakopoulos,  
Deceased.

**M-3377**  
Surrogate's Court  
File No. 1154/12

- - - - -  
Eva Lana,  
Petitioner-Appellant,

-against-

Nicolle Assimakopoulos-Panuthos,  
Respondent-Respondent.

-----X

An appeal having been taken from a decree of the Surrogate's Court, New York County, entered on or about September 25, 2013, and said appeal having been perfected,

And petitioner-appellant having moved for an order extending her time to file a "corrected brief" as directed by the order of this Court entered on March 3, 2016 (M-304), and for clarification of said order,

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

Ordered that the motion is granted only to the extent of extending petitioner's time to file a corrected brief as set forth in the aforesaid order of this Court entered on March 3, 2016 (M-304), and also permitting petitioner to refer to the expended record and to file a supplemental record on appeal for the December 2016 Term, and adjourn the perfected appeal to said December 2016 Term, with no further adjournments to be granted.

ENTER:

  
DEPUTY 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 September 15, 2016.

Present - Hon. Karla Moskowitz, Justice Presiding,  
Paul G. Feinman  
Judith J. Gische  
Barbara R. Kapnick  
Ellen Gesmer, Justices.

-----x  
Yates Restoration Group, LLC, et al.,

Plaintiffs-Appellants,

-against-

M-3792  
Index No. 153219/14

Endurance American Specialty Insurance  
Co., 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 June 24, 2015,

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

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

ENTER:



DEPUTY 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 September 15, 2016.

PRESENT: Hon. Karla Moskowitz, Justice Presiding,  
Paul G. Feinman  
Judith J. Gische  
Barbara R. Kapnick  
Ellen Gesmer, Justices.

-----X  
Wilfredo Lorenzo,  
Plaintiff,

-against-

M-3786  
Index No. 24436/05

343 LLC, Alisa Construction Co., Inc.,  
Eliou Steel Fabrication, Inc., Siegel  
Bros. Supply Co., Inc., and Shaw  
Belting Co., Inc.,  
Defendants-Appellants.

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

Defendants-appellants Siegel Bros. Supply Co., Inc. and Shaw Belting Co., Inc. having moved for an enlargement of time to perfect their appeal from an order of the Supreme Court, Bronx County, entered on or about October 19, 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 December 2016 Term.

ENTER:

  
\_\_\_\_\_  
DEPUTY 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 September 15, 2016.

Present: Hon. Karla Moskowitz, Justice Presiding,  
Paul G. Feinman  
Judith J. Gische  
Barbara R. Kapnick  
Ellen Gesmer, Justices.

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

-against-

**M-3384**  
Ind. No. 2522N/12

Michael DeMartino,  
Defendant-Appellant.

-----X

An order of this Court having been entered on January 14, 2016 (M-5606), granting defendant's motion to deem his moving papers a timely filed notice of appeal,

And 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 September 4, 2014, 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:

  
DEPUTY 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 September 15, 2016.

Present: Hon. Karla Moskowitz, Justice Presiding,  
Paul G. Feinman  
Judith J. Gische  
Barbara R. Kapnick  
Ellen Gesmer, Justices.

-----X

Neil Miller,  
Plaintiff-Appellant,

-against-

**M-3547**

Index No. 156110/12

News American Inc., also known as  
The New York Post,  
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Supreme Court, New York County, entered on or about January 6, 2016, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, for an enlargement of time to perfect said appeal, and for other relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the attorney for respondent and file 8 copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record. So much of the motion which seeks an enlargement of time to perfect the appeal is denied, as premature.

ENTER:



---

DEPUTY 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 September 15, 2016.

Present: Hon. Karla Moskowitz, Justice Presiding,  
Paul G. Feinman  
Judith J. Gische  
Barbara R. Kapnick  
Ellen Gesmer, Justices.

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

-against-

**M-3541**  
Ind. No. 1114/12

Reginald Goldman,  
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 June 9, 2016, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:

A handwritten signature in black ink, appearing to read "Eric Schuck", written in a cursive style.

---

DEPUTY 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 September 15, 2016.

Present: Hon. Karla Moskowitz, Justice Presiding,  
Paul G. Feinman  
Judith J. Gische  
Barbara R. Kapnick  
Ellen Gesmer, Justices.

-----X  
Ten Sheridan Associates LLC,  
Plaintiff-Respondent-Appellant,

-against-

**M-3725**  
Index No. 151253/14

Lilian Cohen,  
Defendant-Appellant-Respondent.  
-----X

Plaintiff-respondent-appellant having moved for an enlargement of time to perfect its cross appeal and for defendant to perfect her direct appeal both taken from an order of the Supreme Court, New York County, entered on or about August 15, 2015,

Now, upon reading and filing the papers with respect to the motion, and a stipulation between the parties dated July 22, 2016, 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 and cross appeal to the January 2017 Term.

ENTER:

  
\_\_\_\_\_  
DEPUTY 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 September 15, 2016.

PRESENT: Hon. Karla Moskowitz, Justice Presiding,  
Paul G. Feinman  
Judith J. Gische  
Barbara R. Kapnick  
Ellen Gesmer, Justices.

-----X  
Gramercy Park Residence Corp.,  
Plaintiff-Respondent,

-against-

M-3824  
Index No. 603071/02

Elaine Ellman,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the consolidated appeals from the orders of the Supreme Court, New York County, entered on or about July 14, 2014 and October 6, 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 consolidated appeals to the January 2017 Term.

ENTER:



DEPUTY 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 September 15, 2016.

PRESENT: Hon. Karla Moskowitz, Justice Presiding,  
Paul G. Feinman  
Judith J. Gische  
Barbara R. Kapnick  
Ellen Gesmer, Justices.

-----X  
Robert DePasca,  
Plaintiff-Appellant,

-against-

Anna DePasca,  
Defendant-Respondent.

M-3778  
Index No. 302021/11

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the orders of the Supreme Court, New York County, entered on or about June 26, 2015 and October 20, 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 January 2017 Term.

ENTER:

  
DEPUTY 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 September 15, 2016.

Present - Hon. Karla Moskowitz, Justice Presiding,  
Paul G. Feinman  
Judith J. Gische  
Barbara R. Kapnick  
Ellen Gesmer, Justices.

-----X  
Marietta Small, Public Administrator  
of Kings County, and Claudette  
Nesbitt, as Co-Administrators of  
the Estate of Miguel Nesbitt,  
Deceased,

Plaintiffs-Appellants,

M-3468  
Index No. 23325/03

-against-

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

-----X

Plaintiffs-appellants having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, Bronx County, entered on or about September 22, 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 January 2017 Term.

ENTER:



DEPUTY 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 September 15, 2016.

Present: Hon. Karla Moskowitz, Justice Presiding,  
Paul G. Feinman  
Judith J. Gische  
Barbara R. Kapnick  
Ellen Gesmer, Justices.

-----X  
Patricia Auffarth, as Executor of  
the Estate of Henry Auffarth, et al.,  
Plaintiffs-Respondents,

-against-

**M-3680**  
Index No. 600800/10

Herald National Bank,  
Defendant-Appellant.  
-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about October 1, 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 January 2017 Term.

ENTER:



DEPUTY 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 September 15, 2016.

PRESENT: Hon. Karla Moskowitz, Justice Presiding,  
Paul G. Feinman  
Judith J. Gische  
Barbara R. Kapnick  
Ellen Gesmer, Justices.

-----X  
In the Matter of

Joseph J. Johnson,  
Petitioner-Appellant,

For a Judgment Pursuant to Article 78  
of the CPLR,

-against-

M-3685  
Index No. 100342/15

The Westin New York at Times Square,  
Division of Human Rights,  
Respondent-Respondent.

-----X

Petitioner-appellant having moved for an enlargement of time to perfect the appeal from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about September 28, 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 November 7, 2016 for the January 2017 Term.

ENTER:



DEPUTY 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 September 15, 2016.

Present - Hon. Karla Moskowitz, Justice Presiding,  
Paul G. Feinman  
Judith J. Gische  
Barbara R. Kapnick  
Ellen Gesmer, Justices.

-----X  
Salim M. Abdush Shahid,

Plaintiff-Appellant,

-against-

M-4077  
Index No. 105695/95

N.Y.C. Department of Corrections,  
et al.,

Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about June 18, 2014,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the January 2017 Term, with no further enlargements to be granted.

ENTER:

  
\_\_\_\_\_  
DEPUTY 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 September 15, 2016.

PRESENT: Hon. Karla Moskowitz, Justice Presiding,  
Paul G. Feinman  
Judith J. Gische  
Barbara R. Kapnick  
Ellen Gesmer, Justices.

-----X  
In the Matter of the Application of  
Black United Fund of New York, Inc.,  
Petitioner,

Pursuant to Section 511 of the New York State Not-For-Profit Corporation Law, for leave to convey the real estate located at 2261 Seventh Avenue (Block 1918, Lot 1), 2265 Seventh Avenue (Block 1918, Lot 3), 2267 Seventh Avenue (Block 1918, Lot 4), 2269 Seventh Avenue (Block 1918, Lot 63), and 2271-73 Seventh Avenue (Block 1918, Lot 61), New York, New York, a parcel of improved land.

M-3423  
Index No. 110537/05

-----X

Non-party petitioner-appellant Black United Fund of New York, Inc., Houses Associates 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 20, 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 January 2017 Term, with no further enlargements to be granted.

ENTER:



DEPUTY 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 September 15, 2016.

Present - Hon. Karla Moskowitz, Justice Presiding,  
Paul G. Feinman  
Judith J. Gische  
Barbara R. Kapnick  
Ellen Gesmer, Justices.

-----x  
Navigators Insurance Company, etc.,  
et al.,  
Plaintiffs-Respondents,

-against-

M-3429  
Index No. 161419/14

Ironshore Indemnity, Inc.,  
Defendant-Appellant,

-and-

Transel Elevator & Electric, Inc.,  
initially sued herein as Transel  
Elevator, Inc.,  
Defendant-Appellant.

-----x

Separate appeals having been taken by defendants from the order of the Supreme Court, New York County, entered on or about October 26, 2015,

And defendant-appellant Transel having moved for an enlargement of time to perfect their 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 appeal taken by defendant Transel to the February 2017 Term. Sua sponte, the appeal taken by defendant Ironshore Indemnity, Inc. is enlarged to said February 2017 Term.

ENTER:



DEPUTY 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 September 15, 2016.

Present: Hon. Karla Moskowitz, Justice Presiding,  
Paul G. Feinman  
Judith J. Gische  
Barbara R. Kapnick  
Ellen Gesmer, Justices.

-----X

Grand Pacific Finance Corp.,  
Plaintiff-Respondent,

-against-

**M-3462**

Index No. 601164/09

97-111 Hale, LLC, et al.,  
Defendants-Appellants.

-----X

Defendants-appellants having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about October 20, 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 February 2017 Term.

ENTER:



DEPUTY 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 September 15, 2016.

Present: Hon. Karla Moskowitz, Justice Presiding,  
Paul G. Feinman  
Judith J. Gische  
Barbara R. Kapnick  
Ellen Gesmer, Justices.

-----X  
Cesar A. Benitez,  
Plaintiff-Respondent,

-against-

**M-3398**  
Index No. 300659/11

Church of St. Valentine Williamsbridge  
New York,  
Defendant-Appellant.

-----X  
Church of St. Valentine Williamsbridge  
New York,  
Third-Party Plaintiff,

-against-

Third-Party  
Index No. 84104/11

St. Thomas Syro-Malabar Catholic Diocese  
of Chicago in New York, et al.,  
Third-Party Defendants.

-----X

Defendant-appellant third-party plaintiff having moved for an enlargement of time to perfect the appeal taken from the order of the Supreme Court, Bronx County, entered on or about September 22, 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 February 2017 Term.

ENTER:



DEPUTY 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 September 15, 2016.

Present - Hon. Karla Moskowitz, Justice Presiding,  
Paul G. Feinman  
Judith J. Gische  
Barbara R. Kapnick  
Ellen Gesmer, Justices.

-----x  
Antoinette Lynn Bates,

Plaintiff-Appellant,

-against-

Chelsea Manor NYC, LLC, et al.,

Defendants-Respondents.  
-----x

M-3635  
Index No. 300369/15

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about September 23, 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 February 2017 Term.

ENTER:



DEPUTY 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 September 15, 2016.

Present: Hon. Karla Moskowitz, Justice Presiding,  
Paul G. Feinman  
Judith J. Gische  
Barbara R. Kapnick  
Ellen Gesmer, Justices.

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

-----  
Kevin McK.,  
Petitioner-Appellant,

-against-

Elizabeth A. E.,  
Respondent-Respondent.

**M-3352**

Docket No. V-1438-08/15S  
V-15245-07/15T  
V-1438-08/14T  
V-15245-07/14S  
V-15245-07/14R  
V-1438-08/14S

-----X

Petitioner-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Family Court, New York County, entered on or about April 16, 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 February 2017 Term.

ENTER:



DEPUTY 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 September 15, 2016.

Present: Hon. Karla Moskowitz, Justice Presiding,  
Paul G. Feinman  
Judith J. Gische  
Barbara R. Kapnick  
Ellen Gesmer, Justices.

-----X

Juliette Dejoie Cadichon and Jean  
Philippe Cadichon,  
Plaintiffs-Appellants,

-against-

Thomas Facelle, M.D.,  
Defendant-Appellant,

Good Samaritan Hospital, et al.,  
Defendants,

-and-

Louis May, M.D.,  
Defendant-Respondent.

-----X

**M-3248**

**M-3260**

Index No. 16878/03

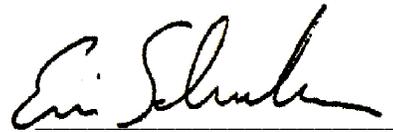
Separate appeals having been taken from an order of the Supreme Court, Bronx County, entered on or about September 24, 2015,

And, the respective appellants having moved by separate motions for an enlargement of time to perfect their respective appeals,

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 respective appeals to the February 2017 Term.

ENTER:



DEPUTY 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-3044  
Ind. No. 4382/09,  
5747/09

-against-

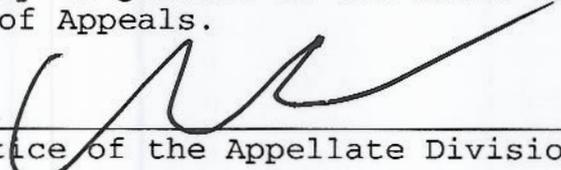
Dan Evans,

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: June 14, 2016  
New York, New York

ENTERED: **SEP 15 2016**

\*Description of Order:

Supreme Court, New York County, entered on June 22, 2011.  
App. Div., 1<sup>st</sup> Dept., Appeal No. 15935, Revd on May 19, 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. Karla Moskowitz  
Justice of the Appellate Division

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

Respondent,

-against-

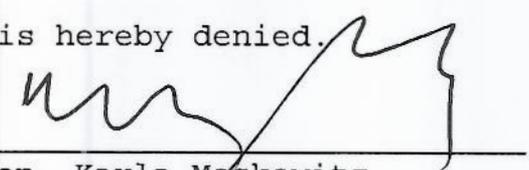
Gilberto Silva,

Defendant.  
-----X

M-1936  
Ind. No. 5525/1983

CERTIFICATE  
DENYING LEAVE

I, Karla Moskowitz, 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, §§ 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 March 21, 2016, is hereby denied.

  
\_\_\_\_\_  
Hon. Karla Moskowitz  
Associate Justice

Dated: *August 18, 2016*  
New York, New York

ENTERED: **SEP 15 2016**

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

BEFORE: Hon. Karla Moskowitz  
Justice of the Appellate Division

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

Respondent,

-against-

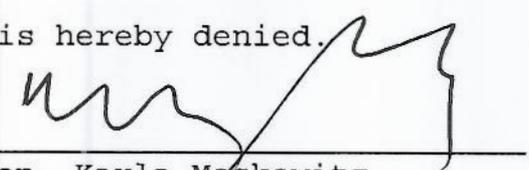
Gilberto Silva,

Defendant.  
-----X

M-1936  
Ind. No. 5525/1983

CERTIFICATE  
DENYING LEAVE

I, Karla Moskowitz, 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, §§ 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 March 21, 2016, is hereby denied.

  
\_\_\_\_\_  
Hon. Karla Moskowitz  
Associate Justice

Dated: *August 18, 2016*  
New York, New York

ENTERED: **SEP 15 2016**

CORRECTED ORDER - September 15, 2016

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-3044  
Ind. No. 4382/09,  
5747/09

-against-

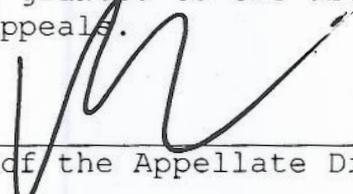
Dan Evans,

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 **Respondent** to appeal to the Court of Appeals.

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

Dated: June 14, 2016  
New York, New York

ENTERED: SEP 15 2016

\*Description of Order:

Supreme Court, New York County, entered on June 22, 2011.  
App. Div., 1<sup>st</sup> Dept., Appeal No. 15935, Revd on May 19, 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.

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 September 15, 2016.

Present - Hon. Rolando T. Acosta, Justice Presiding,  
Richard T. Andrias  
Sallie Manzanet-Daniels  
Barbara R. Kapnick  
Ellen Gesmer, Justices.

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

Respondent,

-against-

M-4326  
Ind. No. 4590/07

Dwight Smith,

Defendant-Appellant.  
-----x

A decision and order of this Court having been entered on August 25, 2016 (Appeal No. 16558), reversing, on the law, the judgment of the Supreme Court, Bronx County, rendered September 28, 2012, vacating defendant's pleas and dismissing the indictment,

And the Office of the District Attorney, Bronx County, having moved for a stay of the decision and order of this Court, pending the disposition of a motion for leave to appeal to the Court of Appeals,

And the Center of Appellate Litigation having opposed the 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.

ENTER:



DEPUTY CLERK