

May 12, 2015

CASES

2                    No. 60  
In the Matter of Tayinha Banos,  
    Respondent,  
    v.  
John Rhea &c., et al.,  
    Appellants,  
et al.,  
    Respondent.

Order reversed, without costs, motion to dismiss petition as time-barred granted, and certified question answered in the negative.  
Opinion by Judge Stein.  
Judges Read, Pigott and Abdus-Salaam concur.  
Judge Fahey dissents in an opinion in which Chief Judge Lippman and Judge Rivera concur.

1                    No. 59  
In the Matter of Luther Dempsey,  
    Appellant,  
    v.  
New York City Department of Education, et  
al.,  
    Respondents.

Order affirmed, with costs, and certified question not answered as unnecessary.  
Opinion by Judge Fahey.  
Judges Read, Pigott, Abdus-Salaam and Stein concur.  
Chief Judge Lippman dissents in an opinion in which Judge Rivera concurs.

2                    No. 61  
In the Matter of Viola Dial,  
    Respondent,  
    v.  
John Rhea, &c.,  
    Appellant,  
690 Gates, LP,  
    Respondent.

Order reversed, without costs, motion to dismiss petition as time-barred granted, and certified question not answered as unnecessary.  
Opinion by Judge Stein.  
Judges Read, Pigott and Abdus-Salaam concur.  
Judge Fahey dissents in an opinion in which Chief Judge Lippman and Judge Rivera concur.

No. 121

In the Matter of the Hon. Jeffrey P. Dorrance,  
a Town Justice, Green Island Town Court,  
Albany County.

On consideration of the continuation of this Court's  
March 26, 2015 suspension, with pay, of Honorable  
Jeffrey P. Dorrance from his office of Justice of the  
Green Island Town Court, Albany County, it is  
determined that the suspension continue, with pay,  
effective immediately.  
Chief Judge Lippman and Judges Read, Pigott,  
Rivera, Abdus-Salaam, Stein and Fahey concur.

2                    No. 46  
Dorothy M. Faison, &c.,  
Appellant,  
v.  
Tonya Lewis, &c., et al.,  
Defendants,  
Bank of America, N.A.,  
Respondent.

Order, insofar as appealed from, reversed, with costs,  
and defendant Bank of America, N.A.'s motion to  
dismiss the complaint against it pursuant to CPLR  
3211(a)(5) denied.  
Opinion by Judge Rivera.  
Judges Read, Pigott and Fahey concur.  
Chief Judge Lippman dissents in an opinion in which  
Judges Abdus-Salaam and Stein concur.

3                    No. 57  
The People &c.,  
Respondent,  
v.  
Anthony N. Pacherille,  
Appellant.

Order affirmed, in a memorandum.  
Judges Read, Pigott, Abdus-Salaam and Fahey  
concur.  
Judge Rivera dissents in an opinion in which Chief  
Judge Lippman concurs.  
Judge Stein took no part.

## MOTIONS

2 Mo. No. 2015-305

Maher Abdelqader,  
Respondent,

v.

Anwar Abdelqader, et al.,  
Appellants,  
et al.,  
Defendant.

Motion for leave to appeal dismissed upon the ground that the orders sought to be appealed from do not finally determine the action within the meaning of the Constitution.

3 Mo. No. 2015-417

In the Matter of Bienvenido Aponte,  
Appellant,

v.

NBTY, Inc., et al.,  
Respondents.  
Workers' Compensation Board,  
Respondent.

Motion for leave to appeal denied with one hundred dollars costs and necessary reproduction disbursements.

1 Mo. No. 2015-315

Theatre District Realty Corp.,  
Appellant,

v.

Ilana Appleby,  
Respondent.

Motion for leave to appeal denied with one hundred dollars costs and necessary reproduction disbursements.

1 Mo. No. 2015-303

The People &c.,  
Respondent,

v.

Daniel Baisley,  
Appellant.

Motion for leave to appeal denied.  
Motion for poor person relief dismissed as academic.

1 Mo. No. 2015-399  
The People &c.,  
Respondent,  
v.  
Rashid Bilal,  
Appellant.

Motion by appellant to strike portions of the supplemental appendix for respondent and related references in respondent's brief granted and said material deemed stricken.

1 Mo. No. 2015-471  
The People &c.,  
Respondent,  
v.  
Rashid Bilal,  
Appellant.

Motion by respondent to enlarge the record denied.

Mo. No. 2015-401  
The People &c.,  
Respondent,  
v.  
Wilson Bradley,  
Appellant.

Motion for leave to appeal dismissed upon the ground that this Court does not have jurisdiction to entertain the motion from the order of the Appellate Term (see CPLR 5602[a]).  
Motion for poor person relief dismissed as academic.

1 Mo. No. 2015-349  
In the Matter of Albertina C.,  
Appellant,  
v.  
Administration for Children's Services,  
Respondent,  
Jamar J., et al.,  
Respondents.

Motion for leave to appeal denied.

1 Mo. No. 2015-353  
In the Matter of Jesus R.C.,  
Appellant,  
v.  
Karen J.O.,  
Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2015-309  
Jessica Carioscia et al.,  
Appellants,  
v.  
Julie Welischar, &c., et al.,  
Defendants,  
Megan Lochner, &c. et al.,  
Respondents.

Motion for leave to appeal denied with one hundred dollars costs and necessary reproduction disbursements.

3 Mo. No. 2015-367  
In the Matter of Ling Chen,  
Appellant,  
v.  
Reuters America Holdings, Inc. et al.,  
Respondents.  
Workers' Compensation Board,  
Respondent.

Motion for leave to appeal dismissed upon the ground that the order sought to be appealed from does not finally determine the proceeding within the meaning of the Constitution.  
Motion for poor person relief dismissed as academic.

4 Mo. No. 2015-312  
In the Matter of Ralph Dahlgren,  
Appellant,  
v.  
New York State Department of Motor  
Vehicles, et al.,  
Respondents.

Motion for leave to appeal denied with one hundred dollars costs and necessary reproduction disbursements.

2 Mo. No. 2015-311  
Gaetano Demetrio,  
Appellant,  
v.  
Stewart Title Insurance Company,  
Respondent.

Motion for leave to appeal denied with one hundred dollars costs and necessary reproduction disbursements.

2 Mo. No. 2015-388  
Gaetano Demetrio,  
Appellant,  
v.  
Stewart Title Insurance Company,  
Respondent.

Motion by United Policyholders for leave to appear amicus curiae on the motion for leave to appeal herein granted and the brief is accepted as filed.

1                    Mo. No. 2015-340  
Mark C. Denison, &c.,  
                  Appellant,  
                  v.  
Anthony Pozsonyi,  
                  Respondent,  
et al.,  
                  Defendants.

Motion for leave to appeal denied with one hundred dollars costs and necessary reproduction disbursements.

1                    Mo. No. 2015-297  
In the Matter of Trevor Duncan, M.D.,  
                  Appellant,  
                  v.  
The New York City Department of Education,  
                  Respondent.

Motion for leave to appeal denied with one hundred dollars costs and necessary reproduction disbursements.

2                    Mo. No. 2015-343  
Regina Farage,  
                  Appellant,  
                  v.  
Lance Ehrenberg, Esq.,  
                  Respondent.

Motion for leave to appeal denied with one hundred dollars costs and necessary reproduction disbursements.

1                    Mo. No. 2015-314  
Frebar Development Corporation,  
                  Plaintiff,  
  
Dr. Fred L. Pasternack,  
                  Appellant,  
                  v.  
Elana Waksal Posner,  
                  Respondent.

Motion for leave to appeal denied with one hundred dollars costs and necessary reproduction disbursements.

1 Mo. No. 2015-332  
The People &c.,  
Respondent,  
v.  
James Frey,  
Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2015-324  
The People &c., ex rel. Santo Gonzalez,  
Appellant,  
v.  
Joseph T. Smith, &c.,  
Respondent.

Motion for reconsideration of this Court's  
February 12, 2015 dismissal order denied.  
Judges Stein and Fahey took no part.

2 Mo. No. 2015-257  
In the Matter of Charles T. Rawley,  
Respondent,  
v.  
Jessica Graham,  
Appellant.

Motion for leave to appeal dismissed upon the  
ground that the order sought to be appealed from  
does not finally determine the proceeding within the  
meaning of the Constitution.  
Motion for poor person relief dismissed as academic.

2 Mo. No. 2015-258  
In the Matter of Jessica Graham,  
Appellant,  
v.  
Charles T. Rawley,  
Respondent.

Motion for leave to appeal dismissed upon the  
ground that the order sought to be appealed from  
does not finally determine the proceeding within the  
meaning of the Constitution.  
Motion for poor person relief dismissed as academic.

3 Mo. No. 2015-296  
In the Matter of Shawn Green,  
Appellant,  
v.  
Brian Fischer &c.,  
Respondent.

Motion for reargument of motion for leave to appeal  
denied.  
Judges Stein and Fahey took no part.

4                    Mo. No. 2015-364  
Hamilton Equity Group, LLC, &c.,  
Respondent,  
v.  
Brian Kumahor, &c.,  
Appellant,  
et al.,  
Defendants.

Motion for leave to appeal denied with one hundred dollars costs and necessary reproduction disbursements.  
Judge Fahey took no part.

3                    Mo. No. 2015-320  
In the Matter of Maryann E. Hanna,  
Appellant.  
Commissioner of Labor,  
Respondent.

Motion for reargument of motion for leave to appeal denied.

3                    Mo. No. 2015-376  
In the Matter of Joseph S. Heil,  
Appellant,  
v.  
New York State and Local Retirement System  
et al.,  
Respondents.

Motion for leave to appeal denied with one hundred dollars costs and necessary reproduction disbursements.

4                    Mo. No. 2015-346  
In the Matter of Richard H., &c.,  
Appellant,  
v.  
State of New York, et al.,  
Respondents.

Motion for leave to appeal denied.  
Judge Fahey took no part.

1                    Mo. No. 2015-304  
The People &c.,  
Respondent,  
v.  
Eric Hood,  
Appellant.

Motion for leave to appeal denied.  
Motion for poor person relief dismissed as academic.



4                    Mo. No. 2015-328  
The People &c.,  
    Respondent,  
    v.  
Quanaparker Howard,  
    Appellant.

Motion for leave to appeal granted.

3                    Mo. No. 2015-344  
Deborah Kaufman,  
    Appellant,  
    v.  
Medical Liability Mutual Insurance  
Company,  
    Defendant,  
Carter, Conboy, Case, Blackmore, Maloney &  
Laird, P.C.,  
    Respondent.

Motion for leave to appeal denied.  
Judge Stein took no part.

3                    Mo. No. 2015-366  
In the Matter of Susan M. Kent, &c., et al.,  
    Appellants,  
    v.  
Andrew M. Cuomo, &c., et al.,  
    Respondents.

Motion for leave to appeal denied with one hundred  
dollars costs and necessary reproduction  
disbursements.

1                    Mo. No. 2015-331  
In the Matter of Rena M.,  
    Respondent,  
    v.  
Derrick A.,  
    Appellant.

Motion for leave to appeal denied.

2                    Mo. No. 2015-302  
The People &c.,  
    Respondent,  
    v.  
Wilberto Martinez,  
    Appellant.

Motion for leave to appeal denied.  
Motion for poor person relief dismissed as academic.

2 Mo. No. 2015-291  
In the Matter of Latanya Morant,  
Respondent,  
v.  
Lonnell Rogers et al.,  
Respondents,  
Suffolk County Department of Social  
Services,  
Appellant.

Motion for leave to appeal dismissed upon the  
ground that the order sought to be appealed from  
does not finally determine the proceeding within the  
meaning of the Constitution.

3 Mo. No. 2015-362  
In the Matter of Kelly A. Preyer,  
Respondent,  
Irene S. Dische,  
Appellant,  
Commissioner of Labor,  
Respondent.

Motion for leave to appeal denied with one hundred  
dollars costs and necessary reproduction  
disbursements.

2 Mo. No. 2015-290  
In the Matter of Natasha Pryce,  
Respondent,  
v.  
Richard Greene,  
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2015-369  
In the Matter of Joseph P.S.R. (Anonymous),  
Respondent;  
Jessica G. (Anonymous),  
Appellant.

Motion for leave to appeal denied.  
Motion for poor person relief dismissed as academic.

4 Mo. No. 2015-357  
In the Matter of Gabrielle Smith,  
Respondent,  
v.  
Chester Thomas, Sr.,  
Appellant.

Motion for leave to appeal denied.

2                    Mo. No. 2015-289  
The People &c.,  
    Respondent,  
    v.  
Henry Sorto,  
    Appellant.

Motion for leave to appeal denied.  
Motion for poor person relief dismissed as academic.

3                    Mo. No. 2015-288  
St. Lawrence Factory Stores,  
    Appellant,  
    v.  
Ogdensburg Bridge and Port Authority,  
    Respondent.

Motion for leave to appeal denied with one hundred  
dollars costs and necessary reproduction  
disbursements.

3                    Mo. No. 2015-407  
St. Lawrence Factory Stores,  
    Appellant,  
    v.  
Ogdensburg Bridge and Port Authority,  
    Respondent.

Motion by the Associated General Contractors of  
New York State for leave to appear *amicus curiae* on  
the motion for leave to appeal herein granted and the  
brief is accepted as filed.

2                    Mo. No. 2015-318  
The People &c.,  
    Respondent,  
    v.  
Michael Strzelecki,  
    Appellant.

Motion for leave to appeal denied.  
Motion for poor person relief dismissed as academic.

4                    Mo. No. 2015-310  
Jerry Sweney,  
    Appellant,  
    v.  
County of Niagara et al.,  
    Respondents.  
(And A Third-Party Action.)

Motion for leave to appeal denied with one hundred  
dollars costs and necessary reproduction  
disbursements.

2 Mo. No. 2015-319  
The People &c.,  
Respondent,  
v.  
Jesus Torres,  
Appellant.

Motion for leave to appeal denied.  
Motion for poor person relief dismissed as academic.

2 Mo. No. 2015-508  
Viviane Etienne Medical Care, P.C., as  
assignee of Alem Cardenas,  
Respondent,  
v.  
Country-Wide Ins. Co.,  
Appellant.

Motion to file brief to reply to response to amici  
curiae submission denied.

4 Mo. No. 2015-323  
In the Matter of Charles Watson,  
Appellant,  
v.  
Joseph Bellnier, &c., et al.,  
Respondents.

Motion for leave to appeal denied.  
Motion for poor person relief dismissed as academic.

4 Mo. No. 2015-301  
Daniel Williams,  
Appellant,  
v.  
State of New York,  
Respondent.

Motion for leave to appeal denied.  
Motion for poor person relief dismissed as academic.

1 Mo. No. 2015-336  
James Zimmerman, et al.,  
Appellants,  
v.  
Jeffrey I. Kohn, Esq. et al.,  
Respondents.

Motion for leave to appeal denied with one hundred  
dollars costs and necessary reproduction  
disbursements.