

December 14, 2017

CASES

2 No. 55
The People &c.,
 Respondent,
 v.
Otis Boone,
 Appellant.

Order reversed and a new trial ordered.
Opinion by Judge Fahey.
Chief Judge DiFiore and Judges Rivera, Feinman and Tom concur.
Judge Garcia concurs in result in an opinion, in which Judge Stein concurs.
Judge Wilson took no part.

1 No. 127
Marie Dennehy, et al.,
 Respondents,
 v.
Alan B. Copperman, M.D., et al.,
 Appellants.

Order insofar as appealed from affirmed, with costs, and certified question answered in the affirmative.
Opinion by Chief Judge DiFiore.
Judges Rivera, Stein, Fahey and Wilson concur.
Judge Garcia dissents in an opinion.
Judge Feinman took no part.

1 No. 126
B.F., et al.,
 Respondents,
 v.
Reproductive Medicine Associates of New York, LLP, et al.,
 Appellants.

Order insofar as appealed from affirmed, with costs, and certified question answered in the affirmative.
Opinion by Chief Judge DiFiore.
Judges Rivera, Stein, Fahey and Wilson concur.
Judge Garcia dissents in an opinion.
Judge Feinman took no part.

3 No. 147 SSM 32
James E. Freligh II,
 Appellant,
 v.
Government Employees Insurance Company,
 Respondent.

On review of submissions pursuant to section 500.11 of the Rules, order reversed, with costs, and case remitted to the Appellate Division, Third Department, for consideration of issues raised but not determined on the appeal to that court. Triable issues of fact exist as to plaintiff's claim for lost wages. Chief Judge DiFiore and Judges Rivera, Stein, Fahey, Garcia, Wilson and Feinman concur.

2 No. 148 SSM 37
Antonio Garcia,
 Appellant,
 v.
Government Employees Insurance Company,
 Respondent.

On review of submissions pursuant to section 500.11 of the Rules, order affirmed, with costs. There is no ambiguity in the policy as to coverage or divisibility. The parties contracted for \$2 million of coverage. Plaintiff's remaining contention lacks merit. Chief Judge DiFiore and Judges Rivera, Stein, Fahey, Garcia, Wilson and Feinman concur.

 No. 124
Global Reinsurance Corporation of America,
successor in interest to Constitution
Reinsurance Corporation,
 Respondent,
 v.
Century Indemnity Company, successor in
interest to CCI Insurance Company, successor
in interest to Insurance Company of North
America,
 Appellant.

Following certification of a question by the United States Court of Appeals for the Second Circuit and acceptance of the question by this Court pursuant to section 500.27 of this Court's Rules of Practice, and after hearing argument by counsel for the parties and consideration of the briefs and the record submitted, certified question answered in the negative. Opinion by Judge Feinman. Chief Judge DiFiore and Judges Rivera, Stein, Fahey, Garcia and Wilson concur.

MOTIONS

1 Mo. No. 2017-1002
In the Matter of Ira J. Benlevi,
 Appellant,
 v.
New York City Department of Buildings,
 Respondent.

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

3 Mo. No. 2017-896
In the Matter of Sharon K. Bland,
 Appellant,
 v.
Gellman, Brydges & Schroff
et al.,
 Respondents.
Workers' Compensation Board,
 Respondent.

Motion, insofar as it seeks leave to appeal from those portions of the Appellate Division order that affirmed the February 2, 2015 and February 25, 2015 Workers' Compensation Board decisions, and that part of the January 20, 2015 Workers' Compensation Board amended decision denying the application for reconsideration and/or full Board review, dismissed upon the ground that such portions of the order do not finally determine the proceedings within the meaning of the Constitution; motion, insofar as it seeks leave to appeal from that portion of the Appellate Division order that dismissed the appeal from the January 27, 2015 Workers' Compensation Board amended decision, dismissed upon the ground that as to that portion of the order, appellant is not a party aggrieved; motion for leave to appeal otherwise denied.

Judge Stein took no part.

In the Matter of Sharon K. Bland,
 Appellant,
 v.
Ronco Communications et al.,
 Respondents.
Workers' Compensation Board,
 Respondent.

2 Mo. No. 2017-967
Murray Breidbart, et al.,
Appellants,
v.
Melvin L. Wiesenthal, et al.,
Defendants,
Brooklawn Associates, et al.,
Respondents.

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

2 Mo. No. 2017-899
John Bruzzese,
Appellant,
v.
Sylvia Bruzzese,
Respondent;
Peter D. Barlet, et al.,
Nonparty-Respondents.

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

2 Mo. No. 2017-972
Virginia Perla De Chica,
Appellant,
v.
Ezequiel Saldana et al.,
Respondents.

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

4 Mo. No. 2017-878
Nicholas Dominick et al.,
Respondents
v.
Charles Millar & Son Co., et al.,
Appellants,
et al.,
Defendants.

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

1 Mo. No. 2017-883
Donato Realty, LLC, et al.,
Respondents,
v.
Utica First Insurance Company,
Appellant.

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

1 Mo. No. 2017-991
In the Matter of Manuel Gomez,
Appellant,
v.
Raymond Kelly, &c., et al.,
Respondents.

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

2 Mo. No. 2017-997
The People &c.,
Respondent,
v.
Rodolfo Hernandez,
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2017-948
Jay Deitz & Associates of Nassau County,
Ltd., et al.,
Respondents,
v.
Breslow & Walker, LLP, et al.,
Appellants.

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

2 Mo. No. 2017-994
In the Matter of Johnathan Johnson,
Appellant,
v.
Evelyn L. Braun, &c., et al.,
Respondents.

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. 2017-989
Kamco Supply Corp.,
Respondent,
v.
On the Right Track, LLC,
Appellant;
Southeastern Metal, Inc.,
Third-Party Appellant;
Kamco Supply Corp. of Boston, et al.,
Third-Party Respondents,
et al.,
Third-Party Defendant.

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

2 Mo. No. 2017-1017
In the Matter of Hisham Khaleel,
Appellant,
v.
Lidgett Vanreil, &c., et al.,
Respondents.

Motion for reconsideration of this Court's September 7, 2017 dismissal order denied.
Motion for reargument of motion for leave to appeal denied.
Motion for poor person relief dismissed as academic.
Motion for affirmative relief dismissed upon the ground that the Court of Appeals does not have jurisdiction to entertain it (see NY Const, art VI, § 3).

3 Mo. No. 2017-1025
In the Matter of Steven G. Mancini,
Appellant,
v.
Office of Children and Family Services et al.,
Respondents.
Workers' Compensation Board,
Respondent.

Motion for leave to appeal granted.

2 Mo. No. 2017-1096
In the Matter of Lylah D.M.

Administration for Children's Services,
Respondent;
Melissa D.,
Appellant,
et al.,
Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2017-1059
In the Matter of Peggy M.,
Appellant,
v.
Michael O'L.,
Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2017-1051
Vincenzo Milione,
Appellant,
v.
City University of New York, et al.,
Respondents.

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

1 Mo. No. 2017-1011
Seth Mitchell,
Appellant,
v.
State of New York,
Respondent.

Motion, insofar as it seeks leave to appeal from the May 18, 2017 letter, dismissed upon the ground that the letter is neither a judgment nor an order from which an appeal to this Court may be taken (see CPLR 5512[a]; CPLR 5602[a]); motion, insofar as it seeks leave to appeal from the Appellate Division order, dismissed upon the ground that the order does not finally determine the action within the meaning of the Constitution.

2 Mo. No. 2017-1003
Peggy Nestor, &c.,
Appellant,
v.
Putney Twombly Hall & Hirson, LLP, et al.,
Respondents,
et al.,
Defendants.

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

2 Mo. No. 2017-1015
The People &c.,
Respondent,
v.
Angel Quirindongo,
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2017-1006
The People &c.,
Respondent,
v.
Corey Reingold,
Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2017-973
Steven Rosen,
Appellant,
v.
Katherine Mosby,
Respondent.

Motion for leave to appeal dismissed upon the ground that the order sought to be appealed from does not finally determine the action within the meaning of the Constitution.
Judge Feinman took no part.

2 Mo. No. 2017-1009
The People &c.,
Respondent,
v.
Arlin Ruiz,
Appellant.

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

1 Mo. No. 2017-955
In the Matter of Estate of Oscar Stettiner,
Deceased.

International Art Center,
Appellant,
v.
Estate of Oscar Stettiner, et al.,
Respondents.

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

2 Mo. No. 2017-1014
Frank J. Vetro,
Appellant,
v.
Hampton Bays Union Free School District, et
al.,
Respondents.

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

1 Mo. No. 2017-999
Tonyia B. Watson,
Appellant,
v.
State of New York,
Respondent.
(And Another Action.)

Motion for reconsideration of this Court's September
5, 2017 dismissal order denied.
Motion for reargument of motion for leave to appeal
denied.
Judge Feinman took no part.