

December 19, 2017

CASES

1 No. 130
In the Matter of Prometheus Realty Corp., et
al.,
 Respondents,
 v.
New York City Water Board, et al.,
 Appellants.

Order reversed, with costs, petition dismissed, and
certified question not answered as unnecessary.
Opinion by Judge Fahey.
Judges Stein, Garcia, Wilson and Feinman concur.
Judge Rivera dissents in an opinion, in which Chief
Judge DiFiore concurs.

1 No. 123
The People &c.,
 Appellant,
 v.
Dwight Smith,
 Respondent.

Order modified by reinstating the indictment and
remitting the case to Supreme Court, Bronx County,
for further proceedings in accordance with the
opinion herein and, as so modified, affirmed.
Opinion by Judge Rivera.
Chief Judge DiFiore and Judges Wilson and Feinman
concur.
Judge Garcia dissents in an opinion, in which Judges
Stein and Fahey concur.

1 No. 129
In the Matter of Lisa T.,
 Respondent,
 v.
King E. T.,
 Appellant.

Order affirmed, without costs, and certified question
answered in the affirmative.
Opinion by Judge Stein.
Judges Rivera, Fahey, Garcia and Feinman concur.
Judge Wilson dissents in an opinion, in which Chief
Judge DiFiore concurs.

3 No. 125
In the Matter of Joseph A. Terranova, Jr.,
 Appellant,
 v.
Lehr Construction Co. et al.,
 Respondents.
Workers' Compensation Board,
 Respondent.

Order reversed, with costs, and case remitted to the
Appellate Division, Third Department, with
directions to remand the matter to the Workers'
Compensation Board for further proceedings in
accordance with the opinion herein.
Opinion by Judge Wilson.
Chief Judge DiFiore and Judges Rivera, Stein, Fahey
and Garcia concur.
Judge Feinman took no part.

MOTIONS

Mo. No. 2017-1101
Susan Aranoff,
Respondent,
v.
Gerald Aranoff,
Appellant.

Motion for leave to appeal dismissed upon the ground that the Court of Appeals does not have jurisdiction to entertain it (see NY Const, art VI, § 3; CPLR 5602).

2 Mo. No. 2017-1065
In the Matter of Alvin Brown,
Appellant,
v.
NYS Dept. of Parole, &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. 2017-1113
Barbara Burns, &c.,
Appellant,
v.
Sudhir Goyal, et al.,
Defendants,
Rakesh B. Patel, et al.,
Respondents.

Motion by respondents Rakesh B. Patel and Suffolk Heart Group, LLP for reargument denied.

3 Mo. No. 2017-1050
In the Matter of Carol D. Commissiong,
Respondent.
Jacaranda Club LLC, &c.,
Appellant.
Commissioner of Labor,
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.

1 Mo. No. 2017-1063
In the Matter of Community Related Services,
Inc. (CRS),
Respondent,
v.
New York State Department of Health et al.,
Appellants.

Motion for leave to appeal dismissed upon the
ground that the order sought to be appealed from is
not the final paper from which leave to appeal may
be sought (see CPLR 5611).

2 Mo. No. 2017-1035
Alejandro Courtney, Jr.,
Appellant,
v.
State of New York,
Respondent.

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

2 Mo. No. 2017-1067
In the Matter of GuideOne Specialty Mutual
Insurance Company,
Respondent,
v.
Walter Sierra Cruz,
Appellant.

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

3 Mo. No. 2017-1068
In the Matter of Jay's Distributors, Inc.,
Appellant,
v.
Jarry Boone, &c., et al.,
Respondents.

Motion for reargument of motion for leave to appeal
denied.

1 Mo. No. 2017-1054
The People &c.,
Respondent,
v.
Tong Khuu,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2017-1045
In the Matter of KJ,
Appellant,
v.
New York City Housing Authority,
Respondent.

Motion for reargument of motion for leave to appeal denied.

2 Mo. No. 2017-1073
In the Matter of City of Long Beach,
Appellant,
v.
Sun NLF Limited Partnership, et al.,
Respondents,
Louis Bombart et al.,
Respondents.

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

1 Mo. No. 2017-1019
In the Matter of Justine Luongo, &c.,
Appellant,
v.
Records Access Officer, Civilian Complaint
Review Board,
Respondent,
Daniel Pantaleo,
Intervenor-Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2017-1062
In the Matter of Scott Maione,
Appellant,
v.
New York State Office of Temporary and
Disability Assistance, et al.,
Respondents.

Motion for reargument of motion for leave to appeal denied.

4 Mo. No. 2017-1099
Paul Marinaccio, Sr.,
Respondent,
v.
Town of Clarence,
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.
Judge Fahey took no part.

3 Mo. No. 2017-1039
John C. McPhillips,
Appellant,
v.
State of New York,
Respondent.

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

3 Mo. No. 2017-1046
In the Matter of Jean G. Pierre,
Appellant.
FJC Security Services, Inc.,
Respondent.
Commissioner of Labor,
Respondent.

Motion for reargument of motion for leave to appeal denied.

4 Mo. No. 2017-1034
In the Matter of Michael Pilarz,
Appellant,
v.
Kevin Helfer, &c.,
Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2017-1066
R.F. Schiffmann Associates, Inc., et al.,
Appellants,
v.
Baker & Daniels LLP,
Respondent,
Weaver Popcorn Company, Inc.,
Defendant.

Motion for leave to appeal denied.
Cross motion for the imposition of sanctions denied.
Judge Feinman took no part.

1 Mo. No. 2017-1091
Susan Reinhard,
Appellant,
v.
Connaught Tower Corporation,
Respondent,
et al.,
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.
Judge Feinman took no part.

1 Mo. No. 2017-1042
River Park Residences, LP,
Respondent,
v.
Richman Plaza Garage Corp.,
Appellant,
et al.,
Respondents.

Motion for leave to appeal dismissed upon the ground that the Court of Appeals does not have jurisdiction to entertain this motion for leave to appeal from an order entered in this proceeding commenced in Civil Court of the City of New York (see NY Const, art VI, § 3[b][7]; CPLR 5602[a]).

2 Mo. No. 2017-1064
In the Matter of Kevin P. Smith,
Appellant,
v.
Gregory Lasak, &c., et al.,
Respondents.

On the Court's own motion, appeal dismissed, without costs, upon the ground that no substantial constitutional question is directly involved.
Motion for leave to appeal denied.

1 Mo. No. 2017-1078
The People &c.,
Respondent,
v.
Carlos Sorias,
Appellant.

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

1 Mo. No. 2017-1049
Veleron Holding, B.V., &c.,
Appellant,
v.
Morgan Stanley, et al.,
Respondents.

Motion for leave to appeal denied.
Chief Judge DiFiore took no part.

2 Mo. No. 2017-1040
In the Matter of Mara C. Wagner,
 Appellant,
 v.
Adam J. Czerwinski,
 Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2017-1080
In the Matter of Jesse C.W., &c.

Motion for leave to appeal denied.

Little Flower Children and Family Services of
New York et al.,
 Respondents;
Londa K.,
 Appellant,
Brenton W.,
 Respondent.

4 Mo. No. 2017-1074
Scott Wintermute,
 Appellant,
 v.
Vandemark Chemical, Inc.,
 Respondent.

Motion for leave to appeal dismissed upon the
ground that this Court has jurisdiction to entertain a
motion for leave to appeal pursuant to CPLR
5602(a)(1)(ii) from a final judgment of Supreme
Court only where a prior nonfinal Appellate Division
order necessarily affects that judgment, and the prior
nonfinal Appellate Division order here granting a
new trial is not such an order.