

February 8, 2018

CASES

No. 17
The People &c.,
Appellant,
v.
Dennis O'Kane,
Respondent.

Order reversed and case remitted to County Court,
Albany County, for consideration of issues raised but
not determined on the appeal to that court, if any.
Opinion by Judge Wilson.
Chief Judge DiFiore and Judges Rivera, Stein, Fahey,
Garcia and Feinman concur.

3 No. 18
The People &c.,
Respondent,
v.
Joseph Sposito,
Appellant.

Order, insofar as appealed from, affirmed, in a
memorandum.
Chief Judge DiFiore and Judges Rivera, Fahey,
Garcia, Wilson and Feinman concur.
Judge Stein took no part.

MOTIONS

1 Mo. No. 2018-91
The People &c.,
 Appellant,
 v.
Doran Allen,
 Respondent.

Motion for assignment of counsel granted and Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, NY 10005 assigned as counsel to the respondent on the appeal herein.

4 Mo. No. 2017-1181
In the Matter of David M.J.B.

Motion for leave to appeal denied.

Erie County Department of Social Services,
 Respondent;
Cynthia M.,
 Appellant.

3 Mo. No. 2018-165
The People &c.,
 Respondent,
 v.
Joseph A. Bateman,
 Appellant.

Motion for an extension of the time within which to apply for permission to appeal pursuant to CPL 460.20 granted and motion papers treated as a timely CPL 460.20 application.

2 Mo. No. 2017-1155
Board of Managers of the 125 North 10th
Condominium,
 Appellant,
 v.
125North10, LLC, &c., et al.,
 Respondents,
et al.,
 Defendants.
(And Third-Party Actions.)

Motion for reargument of motion for leave to appeal denied.

2 Mo. No. 2018-47
Contact Chiropractic, P.C., as Assignee of
Girtha Butler,
 Respondent,
 v.
New York City Transit Authority,
 Appellant.

 Mo. No. 2017-1217
Echo Westley Dixon,
 Appellant,
 v.
Governor Andrew M. Cuomo, et al.,
 Respondents.

3 SSD 3
Echo Westley Dixon,
 Appellant,
 v.
State of New York,
 Respondent.

3 SSD 2
In the Matter of Timothy Ellis,
 Appellant,
 v.
Joseph F. Cawley, &c. et al.,
 Respondents.

Motion by Gary Tsirelman, P.C. for leave to file a brief amicus curiae on the appeal herein granted and the proposed brief is accepted as filed. Three copies of the brief must be served, an original and nine copies filed, and the brief submitted in digital format within seven days.

On the Court's own motion, appeal transferred, without costs, to the Appellate Division, Fourth Department, upon the ground that a direct appeal does not lie when questions other than the constitutional validity of a statutory provision are involved (see NY Const, art VI, §§ 3[b][2], 5[b]; CPLR 5601[b][2]).

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[b]; CPLR 5602).

Motion for poor person relief dismissed as academic.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that no substantial constitutional question is directly involved.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that no substantial constitutional question is directly involved.

2 SSD 6
In the Matter of Beatrice R.H.,
 Respondent.
Dean E.H.,
 Appellant;
Penny F.H.,
 Non-Party Respondent.
(A.D. No. 2014-10563)

Appeal dismissed without costs, by the Court sua sponte, upon the ground that the order appealed from does not finally determine the proceeding within the meaning of the Constitution.

2 SSD 7
In the Matter of Beatrice R.H.,
 Respondent.
Dean E.H.,
 Appellant;
Penny F.H.,
 Non-Party Respondent.
(A.D. No. 2014-07498)

Appeal dismissed without costs, by the Court sua sponte, upon the ground that the order appealed from does not finally determine the proceeding within the meaning of the Constitution.

2 SSD 8
In the Matter of Beatrice R.H.,
 Respondent.
Dean E.H.,
 Appellant;
Penny F.H.,
 Non-Party Respondent.
(A.D. No. 2016-00155)

Appeal dismissed without costs, by the Court sua sponte, upon the ground that the order appealed from does not finally determine the proceeding within the meaning of the Constitution.

1 Mo. No. 2017-1212
The People &c.,
 Respondent,
 v.
Eric Jackson,
 Appellant.

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

1 Mo. No. 2018-13
In the Matter of New York City Asbestos
Litigation.

Mary Juni, &c.,
Appellant,
v.
A.O. Smith Water Products Co., et al.,
Defendants,
Ford Motor Company,
Respondent.

Motion by Dr. Philip J. Landrigan, et al. for leave to file a brief amici curiae on the appeal herein granted and the proposed brief dated January 2, 2018 is accepted as filed. Three copies of the brief must be served, an original and nine copies filed, and the brief submitted in digital format within seven days. Judge Feinman took no part.

1 Mo. No. 2018-153
In the Matter of New York City Asbestos
Litigation.

Mary Juni, &c.,
Appellant,
v.
A.O. Smith Water Products Co., et al.,
Defendants,
Ford Motor Company,
Respondent.

Motion by Coalition for Litigation Justice, Inc., et al. for leave to file a brief amici curiae on the appeal herein granted and the proposed brief is accepted as filed. Three copies of the brief must be served, an original and nine copies filed, and the brief submitted in digital format within seven days. Judge Feinman took no part.

2 SSD 4
L & L Associates Holding Corp.,
Respondent,
v.
Alicia Gitlitz, &c., et al.,
Defendants;
Jerry Castelle,
Non-Party Appellant.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that the order appealed from does not finally determine the action within the meaning of the Constitution.

2 Mo. No. 2017-1170
In the Matter of Syasiah A.-M. L.

Graham Windham Services to Families and
Children,
Respondent;
Valisha A.N.,
Appellant,
et al.,
Respondent.
(And Another Proceeding)

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

4 Mo. No. 2017-1126
In the Matter of Hashim Matthews,
Appellant,
v.
Anthony Annucci, &c.,
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.

2 Mo. No. 2017-1209
The People &c.,
Respondent,
v.
Richard Meaders,
Appellant.

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

4 Mo. No. 2017-1157
In the Matter of Ireisha P. et al.

Erie County Department of Social Services,
Respondent;
Shonita M.,
Appellant.

Motion for leave to appeal denied.

2 SSD 1
In the Matter of Anthony Pappas,
 Appellant,
 v.
Nassau County Supreme Court, et al.,
 Respondents.

Appeal dismissed without costs, by the Court sua
sponte, upon the ground that no substantial
constitutional question is directly involved.

1 Mo. No. 2017-1198
The People &c.,
 Respondent,
 v.
Julio Pizarro,
 Appellant.

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

3 Mo. No. 2017-1086
In the Matter of Kylee R., et al., &c.

Albany County Department for Children,
Youth and Families,
 Respondent;
David R.,
 Appellant.

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

2 Mo. No. 2017-1180
The People &c.,
 Respondent,
 v.
Luis Rodriguez,
 Appellant.

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

2 Mo. No. 2017-1179
In the Matter of Amoria S.

Administration for Children's Services,
Respondent;
Sharon M.M.,
Appellant,
et al.,
Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2017-1177
The People &c.,
Respondent,
v.
Darrell Smith,
Appellant.

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

4 Mo. No. 2017-1146
The People ex rel. Gerald Smith,
Appellant,
v.
Michelle Artus, &c.,
Respondent.

Motion for leave to appeal dismissed upon the ground that relator has been released from respondent's custody and, therefore, he is not entitled to the extraordinary writ of habeas corpus (see People ex rel. Wilder v Markley, 26 NY2d 648 [1970]; see also People ex rel. Bourlaye T. v Connolly, 25 NY3d 1054 [2015]).

4 Mo. No. 2017-1152
In the Matter of Justin T.

Onondaga County Department of Children
and Family Services,
Respondent;
Wanda T.,
Respondent,
Joseph M.,
Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2018-81
The People &c.,
Respondent,
v.
Gary Thibodeau,
Appellant.

Motion for poor person relief denied as unnecessary.

2 Mo. No. 2018-78
The People &c.,
Appellant,
v.
Michael Thomas,
Respondent.

Motion for assignment of counsel granted and Paul Skip Laisure, Esq., Appellate Advocates, 111 John Street, 9th Floor, New York, NY 10038 assigned as counsel to the respondent on the appeal herein.

3 Mo. No. 2017-1227
In the Matter of Vito Torchia Jr., an Attorney,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2017-1182
The People &c.,
Respondent,
v.
Dwan Torres,
Appellant.

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

3 SSD 5
In the Matter of Glasco Wright,
Appellant,
v.
New York State Department of Corrections
and Community Supervision et al.,
Respondents.

Appeal dismissed without costs, by the Court sua
sponte, upon the ground that no substantial
constitutional question is directly involved.

4 Mo. No. 2017-1228
In the Matter of Kaylee Z.

Erie County Department of Social Services,
 Respondent;
Rhiannon Z.,
 Appellant.

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