

February 13, 2018

CASES

No. 10
The People &c.,
Respondent,
v.
Albert Edward,
Appellant.

Order affirmed, in a memorandum.
Chief Judge DiFiore and Judges Rivera, Stein, Fahey,
Garcia and Feinman concur, Judge Stein in a
concurring memorandum.
Judge Wilson dissents in a memorandum.

1 No. 1
Kelly Forman,
Respondent,
v.
Mark Henkin,
Appellant.

Order insofar as appealed from reversed, with costs,
order of Supreme Court, New York County,
reinstated and certified question answered in the
negative.
Opinion by Chief Judge DiFiore.
Judges Rivera, Stein, Fahey, Garcia, Wilson and
Feinman concur.

2 No. 4
The People &c.,
Respondent,
v.
Jude Francis,
Appellant.

Order affirmed, without costs.
Opinion by Judge Rivera.
Chief Judge DiFiore and Judges Stein, Fahey, Garcia,
Wilson and Feinman concur.

3 No. 2
In the Matter of James J. Kelly,
Appellant,
v.
Thomas P. DiNapoli, &c.,
Respondent.

Judgment affirmed, with costs.
Opinion by Judge Stein.
Chief Judge DiFiore and Judges Rivera, Garcia and
Feinman concur.
Judge Wilson dissents in an opinion, in which Judge
Fahey concurs.

3 No. 55 SSM 1
In the Matter of Robert W. Kowal,
 Appellant,
 v.
Thomas P. DiNapoli, &c. et al.,
 Respondents.

On review of submissions pursuant to section 500.11 of the Rules, judgment affirmed, with costs, in a memorandum.
Chief Judge DiFiore and Judges Rivera, Stein, Fahey, Garcia, Wilson and Feinman concur.

 No. 9
The People &c.,
 Respondent,
 v.
Douglas McCain,
 Appellant.

Order affirmed, in a memorandum.
Chief Judge DiFiore and Judges Rivera, Stein, Fahey, Garcia and Feinman concur, Judge Stein in a concurring memorandum.
Judge Wilson concurs in result in a separate concurring memorandum.

3 No. 3
In the Matter of Pat Sica,
 Respondent,
 v.
Thomas P. DiNapoli, &c.,
 Appellant.

Judgment reversed, with costs, and petition dismissed.
Opinion by Judge Stein.
Chief Judge DiFiore and Judges Rivera, Garcia, Fahey, Wilson and Feinman concur, Judge Wilson in a concurring opinion, in which Judge Fahey concurs.

MOTIONS

1 Mo. No. 2017-1167

Abax Lotus Ltd. et al.,
Respondents,

v.

China Mobile Media Technology Inc. et al.,
Defendants,
Zhang Zhengyu, &c.,
Appellant.

Motion for leave to appeal dismissed for failure to demonstrate timeliness as required by Rules of the Court of Appeals (22 NYCRR 500.22 [b][2]).

1 Mo. No. 2017-1200

The People &c.,
Respondent,

v.

Odell B.-P.,
Appellant.

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

1 Mo. No. 2017-1160

The People &c.,
Appellant,

v.

F. B.,
Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2017-1224

In the Matter of Benali, LLC,
Appellant,

v.

New York State Department of
Environmental Conservation et al.,
Respondents.

Motion for leave to appeal denied.

2 Mo. No. 2017-1214
In the Matter of Richard A. Brummel,
 Appellant,
et al.,
 Petitioner,
 v.
Architectural Review Board of Village of
East Hills, et al.,
 Respondents.

Motion for leave to appeal denied.

4 Mo. No. 2017-1232
In the Matter of Eric Burk,
 Respondent,
 v.
Sabrina Trento,
 Appellant.
(And Another Proceeding)

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

2 Mo. No. 2017-1206
In the Matter of Julius C.

Administration for Children's Services,
 Respondent;
Ebony W.,
 Appellant;
Julius C., et al.,
 Nonparty-Respondents.
(And Another Proceeding)

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. 2017-1145
Martha G. Cafferty, &c.,
 Appellant,
 v.
County of Broome et al.,
 Respondents.

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

3 Mo. No. 2018-4
In the Matter of Margaret Campise,
 Appellant.
Commissioner of Labor,
 Respondent.

Motion for reargument of motion for leave to appeal denied.

1 Mo. No. 2017-1195
In the Matter of Jonathan Coleman,
 Appellant,
 v.
New York City Department of Education
Division of Human Resources et al.,
 Respondents.

Motion for leave to appeal denied.
Motion for poor person relief dismissed as academic.
Judge Wilson took no part.

2 Mo. No. 2017-1189
Kathy Cross,
 Appellant,
 v.
Friendship Restaurant Group, LLC, &c.,
 Respondent.

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

3 Mo. No. 2017-1201
In the Matter of Aubrey Dallas,
 Appellant,
 v.
William Lee, &c.,
 Respondent.

Motion for leave to appeal denied.

3 Mo. No. 2017-1229
The People &c.,
 Respondent,
 v.
Michael J. Deming,
 Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2017-1186
In the Matter of Stephen Dick Jr. et al.,
 Appellants,
 v.
State of New York Tax Appeals Tribunal 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.

4 Mo. No. 2018-24
In the Matter of Cathy Ann Emmons,
 Appellant,
 v.
Scott W. Tousley, Jr.,
 Respondent.
(And Another Proceeding.)

Motion for leave to appeal denied.

4 Mo. No. 2017-1239
In the Matter of Cyle F. et al.

Seneca County Division of Human Services,
 Respondent;
Alexander F.,
 Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2017-1218
In the Matter of Dominic M. Franza,
 Appellant,
 v.
Tina M. Stanford, &c., et al.,
 Respondents.

Motion for leave to appeal denied.

3 Mo. No. 2017-1191
In the Matter of Alvin Fulton,
 Appellant,
 v.
V. Trimarchi, et al.,
 Respondents.

Motion, insofar as it seeks leave to appeal from the May 2017 Appellate Division order granting appellant's motion to withdraw and discontinue his appeal to that court, dismissed upon the ground that appellant is not a party aggrieved by that order (see CPLR 5611); motion, insofar as it seeks leave to appeal from letters of the Clerk's Office of the Appellate Division, Third Department, dismissed upon the ground that letters are not appealable papers (see CPLR 5512[a]; CPLR 5602[a]).
Motion for poor person relief dismissed as academic.

4 Mo. No. 2018-22
In the Matter of Glenn A. Gartner,
 Respondent,
 v.
Kera H. Reed,
 Appellant.

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

1 Mo. No. 2017-1190
John Quealy Irrevocable Life Insurance Trust,
 Respondent,
 v.
AXA Equitable Life 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.

4 Mo. No. 2017-1213
In the Matter of Leroy Johnson,
 Appellant,
 v.
John B. Lempke, &c.,
 Respondent.

Motion for reconsideration of so much of this Court's November 16, 2017 order as dismissed appellant's appeal denied.

1 Mo. No. 2017-1219
The People &c.,
Respondent,
v.
Carlton Jones,
Appellant.

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

4 Mo. No. 2017-1156
Jacqueline M. Jones,
Appellant,
v.
Seneca County,
Respondent.
Frank Eldredge,
Respondent.

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

1 Mo. No. 2017-1208
In the Matter of Tyshawn M., a Person
Alleged to be a Juvenile Delinquent,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2017-1238
In the Matter of Angel P. et al., &c.

Jose C.,
Appellant,
Administration for Children's Services,
Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2017-1188
Property Clerk, New York City Police
Department,
Respondent,
v.
Torin Hylor,
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2017-1225
The People &c.,
Respondent,
v.
Ronald Robinson,
Appellant.

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

3 Mo. No. 2017-1231
The People &c.,
Respondent,
v.
Todd A. Rought,
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2017-1172
In the Matter of Khaliyq Sellers,
Appellant,
v.
Tina Stanford, &c.,
Respondent.

Motion for leave to appeal dismissed as untimely
(see CPLR 5513[b]).
Motion for poor person relief dismissed as academic.

3 Mo. No. 2017-1203
In the Matter of Eon Shepherd,
Appellant,
v.
Anthony J. Annucci, &c.,
Respondent.

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.

4 Mo. No. 2017-1205
In the Matter of Deborah Soule,
Appellant,
v.
Tina Stanford, &c.,
Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2017-1187
Charles J. Thomas, &c., et al.
 Appellants,
 v.
Matthew D. Farrago et al.,
 Defendants,
Anthony G. Curreri, 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 action within the meaning of the Constitution.

2 Mo. No. 2017-1193
Wells Fargo Bank, N.A., &c.,
 Respondent,
 v.
Emanuel Archibald,
 Appellant,
et al.,
 Defendants.

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.