

March 21, 2019

CASES

No. 18
Moshe Marcel Ajdler,
Appellant,
v.
Province of Mendoza, a Province of the
Republic of Argentina,
Respondent.

Following certification of questions by the United States Court of Appeals for the Second Circuit and acceptance of the questions 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 record submitted, first certified question answered in the negative and second certified question not answered as unnecessary.

Opinion by Judge Feinman.
Chief Judge DiFiore and Judges Rivera, Stein, Fahey, Garcia and Wilson concur.

No. 48
Dr. Robert D. Haar, M.D.,
Appellant,
v.
Nationwide Mutual Fire Insurance Company,
Respondent,
John and Jane Doe Corps., 1-10, John and
Jane Doe 1-10,
Defendants.

Certification of a question by the United States Court of Appeals for the Second Circuit, pursuant to section 500.27 of this Court's Rules of Practice, accepted and the issues presented are to be considered after briefing and argument.

Chief Judge DiFiore and Judges Rivera, Stein, Fahey, Garcia, Wilson and Feinman concur.

3
No. 14
In the Matter of Madison County Industrial
Development Agency et al.,
Appellants,
v.
State of New York Authorities Budget Office
et al.,
Respondents.

Order affirmed, with costs.

Opinion by Chief Judge DiFiore.
Judges Rivera, Stein, Fahey, Garcia, Wilson and Feinman concur.

3 No. 45 SSM 1
The People &c.,
 Respondent,
 v.
Perry Pendell,
 Appellant.

On review of submissions pursuant to section 500.11
of the Rules, order, insofar as appealed from,
affirmed, in a memorandum.
Chief Judge DiFiore and Judges Rivera, Stein, Fahey,
Garcia, Wilson and Feinman concur.

MOTIONS

Mo. No. 2019-209
The People &c.,
Respondent,
v.
Mauricio Altamirano,
Appellant.

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 appellant on the appeal herein.

1 Mo. No. 2019-179
The People &c.,
Respondent,
v.
Jonathan Batticks,
Appellant.

Motion for assignment of counsel granted and Janet E. Sabel, Esq., The Legal Aid Society, 199 Water Street, New York, NY 10038 assigned as counsel to the appellant on the appeal herein.

1 Mo. No. 2019-77
In the Matter of Xavier C.,
Respondent,
v.
Armetha K.,
Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2018-1160
In the Matter of Amanda R. Compton,
Appellant,
v.
Robert R. Compton et al.,
Respondents.

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

1 Mo. No. 2019-84
In the Matter of Antoine D.,
Appellant,
v.
Kyla Monique P.,
Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2019-7
In the Matter of Linda D.,
Respondent,
v.
Theo C.,
Appellant.

In the Matter of Theo C.,
Appellant,
v.
Linda D.,
Respondent.

3 Mo. No. 2019-166
In the Matter of Tyrell FF., &c.

Schenectady County Department of Social
Services,
Respondent;
Jaquasisa GG.,
Appellant.

1 Mo. No. 2019-154
The People &c.,
Respondent,
v.
James Forbes,
Appellant.

1 Mo. No. 2019-93
In the Matter of Messiah G., &c.

Giselle F.,
Appellant;
Catholic Guardian Services,
Respondent.

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

Motion for poor person relief granted.

Motion for assignment of counsel granted and Janet
E. Sabel, Esq., The Legal Aid Society, 199 Water
Street, New York, NY 10038 assigned as counsel to
the appellant on the appeal herein.

Motion, insofar as it seeks leave to appeal from that
portion of the Appellate Division order that affirmed
the September 2017 Family Court order, dismissed
upon the ground that such portion of the order does
not finally determine the proceeding within the
meaning of the Constitution; motion for leave to
appeal otherwise denied.

Mo. No. 2019-160
The People &c.,
Respondent,
v.
Reginald Herbin,
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.

1 Mo. No. 2018-1234
In the Matter of Evan J., &c.

Motion for leave to appeal denied.

Donavan J.,
Appellant;
Saint Dominic's Home,
Respondent.

2 Mo. No. 2019-182
In the Matter of Kaiden L.

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

Westchester County Department of Social
Services,
Respondent;
Kdaya R.,
Appellant.

2 Mo. No. 2019-34
In the Matter of Malgorzata Lengiewicz,
Respondent,
v.
Bogdan Lengiewicz,
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2019-61
In the Matter of Amber L.M.

Suffolk County Department of Social
Services,
Respondent;
Cheryl M.,
Respondent,
Richard N.,
Appellant.
(And Another Proceeding.)

Motion for leave to appeal denied.

2 Mo. No. 2019-155
The People &c.,
Respondent,
v.
Robert Maffei,
Appellant.

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 appellant on the appeal herein.

2 SSD 13
Nella Manko,
Appellant,
v.
Lenox Hill Hospital,
Respondent.

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.

1 Mo. No. 2019-167
The People &c.,
Respondent,
v.
Kevin Martinez,
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.

3 Mo. No. 2019-115
In the Matter of Jace N., &c.

Schenectady County Department of Social
Services,
Respondent;
Jessica N.,
Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2019-37
In the Matter of the Application for Discharge
of Anthony N., &c.,
Appellant,
v.
State of New York, et al.,
Respondents.

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

4 Mo. No. 2019-203
The People &c.,
Appellant,
v.
M. Robert Neulander,
Respondent.

Motion by New York Council of Defense Lawyers
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.

SSD 11
James Pettus,
Appellant,
v.
Board of Directors, Owners 800 Grand
Concourse,
Respondents.

Appeal transferred without costs, by the Court sua
sponte, to the Appellate Term, First Department,
upon the ground that a direct appeal does not lie (see
NY Const, art VI, §§ 3[b][2], 5[b]; CPLR
5601[b][2]).

2 Mo. No. 2019-218
The People &c. ex rel. Evans D. Prieston, on
behalf of Kenel Beaubrun,
 Respondent,
 v.
Nassau County Sheriff's Department,
 Appellant.

Motion by District Attorneys Association of the State of New York for leave to appear amicus curiae on the appeal herein granted only to the extent that the proposed brief is accepted as filed. Two copies of the brief must be served, an original and nine copies filed, and the brief submitted in digital format within seven days.

1 Mo. No. 2019-78
In the Matter of Noel R., &c.

Motion for leave to appeal denied.

LaQueenia S.,
 Appellant;
SCO Family of Services,
 Respondent.

1 Mo. No. 2019-52
In the Matter of Hiliana R.,
 Respondent,
 v.
Cesar A.P.J.,
 Appellant.

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

2 Mo. No. 2018-1224
Thomas Reilly,
 Respondent,
 v.
Cheryl Lynn Hager-Reilly,
 Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2019-165
In the Matter of the Claim of Rosemary
Rodriguez,
 Appellant,
 v.
New York City Transit Authority,
 Respondent.
Workers' Compensation Board,
 Respondent.

Motion by Transport Workers Union Local 100 for leave to appear amicus curiae on the motion for leave to appeal herein dismissed as untimely (see Rules of Ct of Appeals [22 NYCRR] § 500.23[a][3]).

2 Mo. No. 2019-157
The People &c.,
Respondent,
v.
Gilberto Serrano,
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 SSD 12
In the Matter of Joseph Striplin,
Appellant,
v.
Thomas Griffin, &c.,
Respondent.

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

4 Mo. No. 2018-1167
In the Matter of Aiden T.

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

Onondaga County Department of Children
and Family Services,
Respondent;
Melissa S. et al.,
Appellants.

4 Mo. No. 2019-103
In the Matter of Chrissy W.

Motion for leave to appeal denied.

Erie County Department of Social Services,
Respondent;
Christopher W.,
Appellant.

4 Mo. No. 2019-8
In the Matter of Malgorzata Elzbieta
Wojciulewicz,
Respondent,
v.
Shawn McCauley,
Appellant.

Motion for leave to appeal denied.