

March 26, 2019

CASES

2 No. 11
Lilya Andryeyeva, &c., et al.,
 Respondents,
 v.
New York Health Care, Inc., d/b/a New York
Home Attendant Agency, et al.,
 Appellants.

Order reversed, with costs, matter remitted to Supreme Court, Kings County, for further proceedings in accordance with the opinion herein and certified question answered in the negative. Opinion by Judge Rivera. Chief Judge DiFiore and Judges Stein, Wilson and Feinman concur. Judge Garcia dissents and votes to affirm in an opinion in which Judge Fahey concurs.

2 No. 47 SSM 4
In the Matter of Delkap Management, Inc. et
al.,
 Respondents,
 v.
New York State Division of Human Rights,
 Appellant,
et al.,
 Respondent.

On review of submissions pursuant to section 500.11 of the Rules, judgment, insofar as appealed from, reversed, with costs, petition dismissed in its entirety, and cross petition granted to the extent that the determination of the New York State Division of Human Rights is confirmed. The Appellate Division erroneously set aside a portion of the agency's determination. Chief Judge DiFiore and Judges Rivera, Stein, Fahey and Wilson concur. Judges Garcia and Feinman dissent and vote to affirm, insofar as appealed from, for reasons stated by the Appellate Division (see Matter of Delkap Mgt., Inc. v New York State Div. of Human Rights, 144 AD3d 1148 [2016]).

2 No. 12
Adriana Moreno, &c., et al.,
 Respondents,
 v.
Future Care Health Services, Inc., et al.,
 Appellants.

Order, insofar as appealed from, reversed, with costs, matter remitted to the Appellate Division, Second Department, for further proceedings in accordance with the opinion herein and certified question answered in the negative.
Opinion by Judge Rivera.
Chief Judge DiFiore and Judges Stein, Wilson and Feinman concur.
Judge Garcia dissents and votes to affirm in an opinion in which Judge Fahey concurs.

2 No. 46 SSM 3
In the Matter of Stephen Schoonmaker,
 Appellant,
 v.
New York State Department of Motor
Vehicles,
 Respondent.

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

MOTIONS

1 Mo. No. 2018-1230
In the Matter of the People &c. ex rel. Lizzie-
Anne Beal, on Behalf of A.P.,
 Appellant,
 v.
Joseph Ponte, &c.,
 Respondent.

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

2 Mo. No. 2018-1171
In the Matter of Anthony E. Berg,
 Appellant,
 v.
Mary E. Berg,
 Respondent.

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

1 Mo. No. 2019-6
The People &c.,
 Respondent,
 v.
John Blum,
 Appellant.

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

3 Mo. No. 2018-1236
Richard Chamberlain et al.,
 Appellants,
 v.
New York State Department of Taxation and
Finance 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 with one hundred
dollars costs and necessary reproduction
disbursements.

2 Mo. No. 2019-136
Bevolyn Darby, &c.,
 Respondent,
 v.
Utopia Home Care, Inc., et al.,
 Appellants.

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. 2018-1235
Samuel Edelman et al.,
Appellants,
v.
New York State Department of Taxation and
Finance 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 with one hundred
dollars costs and necessary reproduction
disbursements.

1 Mo. No. 2019-117
In the Matter of Josephine F.,
Appellant,
v.
Rodney W.,
Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2019-4
Matthew Ferber,
Appellant,
v.
Olde Erie Brew Pub & Grill, LLC, &c., et al.,
Defendants,
Valjon, Inc., &c.,
Respondent.

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

4 Mo. No. 2019-53
The People &c. ex rel. Trevor Frederick,
Appellant,
v.
Superintendent, Auburn Correctional Facility,
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.
Motion for poor person relief dismissed as academic.

3 Mo. No. 2019-107
The People &c. ex rel. Marcus Frye,
Appellant,
v.
Paul Piccolo, &c.,
Respondent.

Motion for reargument of motion for leave to appeal
denied.

2 Mo. No. 2019-20
Globe Trade Capital, LLC,
Respondent,
v.
Thomas J. Hoey, Jr., et al.,
Appellants,
et al.,
Defendants.

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

2 Mo. No. 2018-1198
Theodore Granata, Jr., &c., et al.,
Respondents,
v.
City of White Plains,
Appellant.

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

2 Mo. No. 2018-1229
Theodore Granata, Jr., &c., et al.,
Respondents,
v.
City of White Plains,
Appellant.

Motion by City of Yonkers, et al. for leave to file a brief amici curiae on the motion for leave to appeal herein granted and the brief is accepted as filed.
Chief Judge DiFiore took no part.

2 Mo. No. 2019-62
Theodore Granata, Jr., &c., et al.,
Respondents,
v.
City of White Plains,
Appellant.

Motion by County of Suffolk for leave to file a brief amicus curiae on the motion for leave to appeal herein granted and the brief is accepted as filed.
Chief Judge DiFiore took no part.

2 Mo. No. 2019-65
Theodore Granata, Jr., &c., et al.,
Respondents,
v.
City of White Plains,
Appellant.

Motion by Town of Clarkstown for leave to file a brief amicus curiae on the motion for leave to appeal herein granted and the brief is accepted as filed.
Chief Judge DiFiore took no part.

2 Mo. No. 2019-66
Theodore Granata, Jr., &c., et al.,
 Respondents,
 v.
City of White Plains,
 Appellant.

Motion by Town of Ramapo for leave to file a brief amicus curiae on the motion for leave to appeal herein granted and the brief is accepted as filed. Chief Judge DiFiore took no part.

3 Mo. No. 2019-5
The People &c.,
 Respondent,
 v.
Charles J. Gressler,
 Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2018-1228
Marsha Hewitt,
 Appellant,
 v.
Palmer Veterinary Clinic, PC,
 Respondent,
et al.,
 Defendant.

Motion for leave to appeal granted.

4 Mo. No. 2019-1
In the Matter of Qabail Hizbullahankhamon,
 Appellant,
 v.
Anthony Annucci, &c.,
 Respondent.

Motion for leave to appeal denied.

3 Mo. No. 2019-104
In the Matter of State of New York,
 Respondent,
 v.
David J.,
 Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2019-18
In the Matter of Jasiah T.-V. S.J.

Heart Share Human Services of New York,
Roman Catholic Diocese of Brooklyn,
 Respondent;
Joshua W.,
 Respondent,
Shatesse J.,
 Respondent,
Taffee W.,
 Nonparty-Appellant,
et al.,
 Nonparty-Respondent.

Motion for leave to appeal dismissed upon the
ground that movant is not a party aggrieved (see
CPLR 5511).

3 Mo. No. 2018-1237
In the Matter of JPK Imports/Oneonta, Inc.,
&c.,
 Respondent,
 v.
New York State Division of Human Rights,
 Appellant.
(And Another Related Proceeding.)

Motion for leave to appeal denied.

2 Mo. No. 2019-94
In the Matter of Marjorie Velasquez,
 Respondent,
 v.
Robert Kattau,
 Appellant,
Suffolk County Department of Social
Services,
 Respondent.

Motion for leave to appeal denied.

4 Mo. No. 2018-1216
Patrick Loreto, &c. et al.,
 Appellants,
 v.
Wells Fargo Bank, N.A., &c., et al.,
 Respondents,
et al.,
 Defendants.

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

2 Mo. No. 2019-9
In the Matter of Azaka Lubin,
 Appellant,
 v.
City of New York 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. 2018-1218
Kristy Montanaro,
 Respondent,
 v.
Robert M. Weichert et al.,
 Appellants.

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

3 Mo. No. 2019-3
In the Matter of the Claim of Jonathan
Mullane,
 Appellant.
Commissioner of Labor,
 Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2018-1241
Never Used Cars, LLC, &c.,
Plaintiff,

v.

Nat Hoe Equities Corp., et al.,
Defendants.

(Action No. 1)

3615-15 Realty I, LLC,
Appellant,

v.

Bedford Avenue Associates I, LLC, et al.,
Respondents,

et al.,

Defendant.

(Action No. 2)

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

3 Mo. No. 2018-1204
Rhonda Rosenheck,
Respondent,

v.

Jonathan Peter Schachter,
Appellant.

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

1 Mo. No. 2019-15
La Nona Jean Salinas,
Appellant,

v.

World Houseware Producing Co., Ltd., et al.,
Respondents.

Motion for leave to appeal granted.

4 Mo. No. 2019-40
In the Matter of William J. Townsend III,
Respondent,

v.

Rashida Mims,
Appellant.

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