

December 16, 2014

CASES

4 No. 235 SSM 24
The People &c.,
 Appellant,
 v.
Robert L. Ingram,
 Respondent.

On review of submissions pursuant to section 500.11 of the Rules, order affirmed, in a memorandum. Chief Judge Lippman and Judges Read, Smith, Pigott, Rivera and Abdus-Salaam concur.

 No. 222
The People &c.,
 Appellant,
 v.
On Sight Mobile Opticians,
 Respondent.

Order reversed and judgments of the Sixth District Court, Suffolk County, reinstated, in a memorandum. Chief Judge Lippman and Judges Read, Smith, Pigott, Rivera and Abdus-Salaam concur.

1 No. 219
The People &c.,
 Respondent,
 v.
Clifford Jones,
 Appellant.

Order reversed and case remitted to Supreme Court, New York County, for further proceedings in accordance with the opinion herein. Opinion by Judge Pigott. Chief Judge Lippman and Judges Read, Smith and Rivera concur. Judge Abdus-Salaam concurs in a separate concurring opinion.

1 No. 205
The People &c.,
 Respondent,
 v.
Graham Reid,
 Appellant.

Order reversed, defendant's motion to suppress granted and indictment dismissed. Opinion by Judge Smith. Chief Judge Lippman and Judges Pigott and Rivera concur. Judge Read dissents in an opinion. Judge Abdus-Salaam took no part.

2 No. 223
In the Matter of Delilah Rigano, &c.,
 Respondent,
 v.
Vibar Construction, Inc.,
 Appellant.
(And Another Proceeding.)

Order reversed, with costs, and matters remitted to
the Appellate Division, Second Department, for
consideration of issues raised but not determined on
the appeal to that court.
Opinion by Chief Judge Lippman.
Judges Read, Smith, Pigott, Rivera and Abdus-
Salaam concur.

MOTIONS

1 Mo. No. 2014-1172
ACE Securities Corp., &c.,
Appellant,
v.
DB Structured Products, Inc.,
Respondent.

Motion by CXA-13 Corporation for leave to appear amicus curiae on the appeal herein granted only to the extent that the proposed brief is accepted as filed. Three copies of the brief must be served and an original and nine copies filed within seven days. Judge Abdus-Salaam took no part.

1 SSD 76
Eric Alexander,
Respondent,
v.
Hany Alexander,
Appellant.

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

1 Mo. No. 2014-1187
Anita L. Apt, et al.,
Appellants,
v.
Morgan Stanley DW, Inc., et al.,
Respondents,
et al.,
Defendant.

Motion by Public Investors Arbitration Bar Association 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 and an original and nine copies filed within seven days.

1 Mo. No. 2014-1220
Julie Conason, et al.,
Respondents,
v.
Megan Holding, LLC, et al.,
Appellants.

Motion by Association for Neighborhood and Housing Development et al. for leave to appear amici curiae on the appeal herein granted only to the extent that the proposed brief is accepted as filed. Three copies of the brief must be served and an original and nine copies filed within seven days.

4 Mo. No. 2014-1048
CSMC 2007-C1 Oswego Road, LLC,
Respondent,
v.
Kimbrook Route 31, LLC, et al.,
Appellants,
et al.,
Defendants.

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

 Mo. No. 2014-1221
The People &c.,
Respondent,
v.
Michael Diack,
Appellant.

Motion by New York Civil Liberties Union for leave to appear amicus curiae on the appeal herein granted only to the extent that the proposed brief is accepted as filed. Three copies of the brief must be served and an original and nine copies filed within seven days.

2 Mo. No. 2014-1044
In the Matter of Kirin Doyle,
Respondent,
v.
Robin Debe,
Appellant.
(And Another Proceeding.)

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

3 Mo. No. 2014-1008
In the Matter of Lenny Emiliano,
Appellant,
v.
Albert Prack, &c.,
Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2014-1038
In the Matter of Exeter Building Corp., et al.,
 Appellants,
 v.
Town of Newburgh, et al.,
 Respondents.

Motion for leave to appeal granted.

1 Mo. No. 2014-1041
In the Matter of Lourdes G.,
 Respondent,
 v.
Julio P.,
 Appellant.

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 SSD 75
Victor Jordan, &c,
 Appellant,
 v.
Andrew Jordan, 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. 2014-1200
Eugene Margerum, et al.,
 Appellants-Respondents,
 v.
City of Buffalo, et al.,
 Respondents-Appellants.

Motion by Buffalo Professional Firefighters Association, Local 282, IAFF for leave to appear amicus curiae on the appeal herein granted only to the extent that the proposed brief is accepted as filed. Three copies of the brief must be served and an original and nine copies filed within seven days.

4 Mo. No. 2014-1211
Eugene Margerum, et al.,
Appellants-Respondents,
v.
City of Buffalo, et al.,
Respondents-Appellants.

Motion by National Association of Hispanic Firefighters for leave to appear amicus curiae on the appeal herein granted only to the extent that the proposed brief is accepted as filed. Three copies of the brief must be served and an original and nine copies filed within seven days.

4 Mo. No. 2014-1229
Eugene Margerum, et al.,
Appellants-Respondents,
v.
City of Buffalo, et al.,
Respondents-Appellants.

Motion by National Association for the Advancement of Colored People for leave to appear amicus curiae on the appeal herein granted only to the extent that the proposed brief is accepted as filed. Three copies of the brief must be served and an original and nine copies filed within seven days.

4 Mo. No. 2014-1231
Eugene Margerum, et al.,
Appellants-Respondents,
v.
City of Buffalo, et al.,
Respondents-Appellants.

Motion by International Municipal Lawyers Association 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 and an original and nine copies filed within seven days.

1 Mo. No. 2014-1080
The People &c.,
Respondent,
v.
Elias McFarland,
Appellant.

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

SSD 77
Monroe Equities, LLC,
Appellant,
v.
State of New York,
Respondent.

Appeal transferred without costs, by the Court sua
sponte, to the Appellate Division, Second
Department, upon the ground that a direct appeal
does not lie when questions other than the
constitutional validity of a statutory provision are
involved (NY Const, art VI, §§ 3[b][2], 5[b]; CPLR
5601[b][2]).

3 Mo. No. 2014-1079
In the Matter of Yotuhel Montane,
Appellant,
v.
Andrea Evans, &c.,
Respondent.

Motion to dismiss appeal granted and appeal
dismissed, without costs, upon the ground that the
issues presented have become moot.

1 Mo. No. 2014-1053
PAF-PAR LLC,
Appellant,
v.
Michael Silberberg, et al.,
Respondents.

Motion for leave to appeal granted.

1 Mo. No. 2014-1155
The People &c.,
Respondent,
v.
Federico Perez,
Appellant.

Motion for assignment of counsel granted and
Seymour James, Jr., 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. 2014-1192
In the Matter of Luz Solla,
Respondent,
v.
Elizabeth Berlin &c.,
Appellant,
et al.,
Respondents.

Motion by Peter Vollmer for leave to appear amicus
curiae on the appeal herein granted only to the extent
that the proposed brief is accepted as filed. Three
copies of the brief must be served and an original
and nine copies filed within seven days.

1 Mo. No. 2014-1213
In the Matter of Luz Solla,
Respondent,
v.
Elizabeth Berlin &c.,
Appellant,
et al.,
Respondents.

Motion by Robin Schimminger for leave to appear amicus curiae on the appeal herein granted only to the extent that the proposed brief is accepted as filed. Three copies of the brief must be served and an original and nine copies filed within seven days.

1 Mo. No. 2014-1218
In the Matter of Luz Solla,
Respondent,
v.
Elizabeth Berlin &c.,
Appellant,
et al.,
Respondents.

Motion by The Association of the Bar of the City of New York 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 and an original and nine copies filed within seven days.

1 Mo. No. 2014-1230
In the Matter of Luz Solla,
Respondent,
v.
Elizabeth Berlin &c.,
Appellant,
et al.,
Respondents.

Motion by The Legal Aid Society et al. for leave to appear amici curiae on the appeal herein granted only to the extent that the proposed brief is accepted as filed. Three copies of the brief must be served and an original and nine copies filed within seven days.

1 Mo. No. 2014-992
The People &c.,
Appellant,
v.
Victor Soto,
Respondent.

Motion to vacate this Court's September 8, 2014 dismissal order granted.

4 Mo. No. 2014-1219
The People &c.,
Appellant,
v.
Terrance Williams,
Respondent.

Motion by Center for HIV Law and Policy 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 and an original and nine copies filed within seven days.

4 Mo. No. 2014-1227
The People &c.,
Appellant,
v.
Terrance Williams,
Respondent.

Motion by New York Civil Liberties Union et al. for leave to appear amici curiae on the appeal herein granted only to the extent that the proposed brief is accepted as filed. Three copies of the brief must be served and an original and nine copies filed within seven days.

4 Mo. No. 2014-1202
In the Matter of Woodside Manor Nursing
Home, et al.,
Appellants,
v.
Nirav R. Shah, M.D., &c., et al.,
Respondents.

Motion by LeadingAge New York, Inc. for leave to appear amicus curiae on the appeal herein granted only to the extent that the proposed brief is accepted as filed.

3 Mo. No. 2014-1105
In the Matter of Arto ZZ.

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

Commissioner of the New York State Office
for People with Developmental Disabilities,
Respondent;
Arto ZZ.,
Respondent;
New York County District Attorney,
Appellant.