

June 25, 2015

**CASES**

1                    No. 105  
Amalgamated Bank,  
    Respondent,  
    v.  
Helmsley-Spear, Inc.,  
    Defendant,  
Schneider & Schneider, Inc.,  
et al.,  
    Appellants.

Order, insofar as appealed from, affirmed, with costs, in a memorandum.  
Chief Judge Lippman and Judges Read, Pigott, Rivera, Abdus-Salaam, Stein and Fahey concur.

4                    No. 117  
The People &c.,  
    Respondent,  
    v.  
Stanley A. Brown,  
    Appellant.

Order affirmed, without costs. Defendant's contentions have not been preserved for this Court's review.  
Chief Judge Lippman and Judges Read, Pigott, Rivera, Abdus-Salaam, Stein and Fahey concur.

1                    No. 76  
The People &c.,  
    Respondent,  
    v.  
Richard Gonzalez,  
    Appellant.

Order reversed, defendant's motion to suppress granted and indictment dismissed, in a memorandum.  
Chief Judge Lippman and Judges Read, Pigott, Rivera, Abdus-Salaam, Stein and Fahey concur.

1                    No. 120  
Greater New York Taxi Association, et al.,  
    Appellants,  
    v.  
New York City Taxi and Limousine  
Commission, &c., et al.,  
    Respondents,  
Nissan Taxi Marketing, N.A., LLC., et al.,  
    Intervenors-Respondents.

Order affirmed, with costs, and certified question answered in the affirmative.  
Opinion by Judge Stein.  
Chief Judge Lippman and Judges Read, Pigott, Rivera, Abdus-Salaam and Fahey concur.

1                    No. 111  
The People &c.,  
    Respondent,  
    v.  
Cleveland Lovett,  
    Appellant.

On defendant's appeal from so much of the order of the Appellate Division, First Department, as affirmed the order of Supreme Court, New York County, denying defendant's motion for resentencing, appeal dismissed; order otherwise appealed from affirmed, in a memorandum.  
Chief Judge Lippman and Judges Read, Pigott, Rivera, Abdus-Salaam, Stein and Fahey concur.

1                    No. 95  
Universal American Corp.,  
    Appellant,  
    v.  
National Union Fire Insurance Company of  
Pittsburgh, PA.,  
    Respondent.

Order affirmed, with costs.  
Opinion by Judge Rivera.  
Judges Read, Pigott, Abdus-Salaam, Stein and Fahey concur.  
Chief Judge Lippman took no part.

                    No. 150  
In the Matter of Viking Pump, Inc. and  
Warren Pumps, LLC,  
Insurance Appeals.  
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Viking Pump, Inc. and Warren Pumps, LLC,  
    Appellants,  
TIG Insurance Company, et al.,  
    Respondents.

Certification of questions by the Supreme Court of the State of Delaware, pursuant to section 500.27 of the Rules of Practice of the Court of Appeals (22 NYCRR 500.27), accepted and the issues presented are to be considered after briefing and argument.  
Judges Read, Pigott, Rivera, Abdus-Salaam, Stein and Fahey concur.  
Chief Judge Lippman took no part.

1                    No. 110  
The People &c.,  
    Respondent,  
    v.  
Kareem Washington,  
    Appellant.

Order affirmed, in a memorandum.  
Chief Judge Lippman and Judges Read, Pigott, Rivera, Abdus-Salaam, Stein and Fahey concur.

**MOTIONS**

4                    SSD 31  
In the Matter of Christina A. Agola, A  
Suspended Attorney,  
                         Appellant.  
Grievance Committee of the Seventh Judicial  
District,  
                         Respondent.

Appeal dismissed without costs, by the Court sua  
sponte, upon the ground that no substantial  
constitutional question is directly involved.  
Judges Rivera and Fahey took no part.

2                    Mo. No. 2015-513  
Yuliya Angelova,  
                         Respondent,  
                         v.  
Vladislav Ruchinsky,  
                         Appellant.

Motion for leave to appeal denied.

                         Mo. No. 2015-614  
The People &c.,  
                         Respondent,  
                         v.  
James Ballard,  
                         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. 2015-627  
James Brady,  
                         Appellant,  
                         v.  
Jeffrey Katz, et al.,  
                         Respondents.

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

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James Brady,  
                         Appellant,  
                         v.  
450 West 31st Street Owner's Corp., et al.,  
                         Respondents.

2                    Mo. No. 2015-590  
Ross R. Caliguri,  
Appellant,  
v.  
JPMorgan Chase Bank, N.A., &c.,  
Respondent.

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

3                    Mo. No. 2015-619  
In the Matter of Destiny C. et al., &c.

Motion for leave to appeal denied.

Columbia County Department of Social  
Services,  
Respondent;  
Goliath C.,  
Appellant;  
Jeanine C.,  
Respondent.

3                    Mo. No. 2015-634  
In the Matter of Destiny C. et al., &c.

Motion for leave to appeal denied.

Columbia County Department of Social  
Services,  
Respondent;  
Goliath C.,  
Respondent;  
Jeanine C.,  
Appellant.

2                    Mo. No. 2015-738  
The People &c.,  
Respondent,  
v.  
Immanuel Flowers,  
Appellant.

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

4                    Mo. No. 2015-447  
In the Matter of Dorean G.

Erie County Department of Social Services,  
Respondent;  
Shawntai M., &c.,  
Appellant.

Motion for leave to appeal denied.

1                    Mo. No. 2015-633  
In the Matter of Joshua Manuel G. et al., &c.

Cathy C.,  
Appellant,  
Edwin Gould Services for Children and  
Families,  
Respondent;  
et al.,  
Respondent.

Motion for leave to appeal denied.

1                    Mo. No. 2015-667  
In the Matter of Davontay Peter H., &c.

Makeba H.,  
Appellant,  
St. Dominic's Home,  
Respondent,  
Administration for Children's Services,  
Respondent.

Motion for leave to appeal denied.

1                    SSD 28  
Michael Wesley Harris, &c.,  
Appellant,  
v.  
The Union Theological Seminary in the City  
of New York,  
Respondent.

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

2                    Mo. No. 2015-345  
Doreen Harris, &c.,  
    Appellant,  
    v.  
City of New York et al.,  
    Respondents.

On the Court's own motion, appeal dismissed, without costs, upon the ground that the order appealed from does not finally determine the action within the meaning of the Constitution. 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. Motion for poor person relief dismissed as academic.

1                    Mo. No. 2015-419  
Felix Hernandez,  
    Appellant,  
    v.  
The City of New York,  
    Respondent,  
et al.,  
    Defendants.

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

4                    Mo. No. 2015-661  
The People &c.,  
    Respondent,  
    v.  
Quanaparker Howard,  
    Appellant.

Motion for poor person relief granted.

2                    Mo. No. 2015-605  
In the Matter of Willie Ivy,  
    Appellant,  
    v.  
Albert Prack, &c.,  
    Respondent.

On the Court's own motion, appeal dismissed, without costs, upon the ground that the order appealed from does not finally determine the proceeding within the meaning of the Constitution. Motion for a stay dismissed as academic.

1 Mo. No. 2015-624  
In the Matter of Isaiah Jaysean J., &c.

Cierra Tassandra J.,  
Appellant;  
New Alternatives for Children,  
Respondent.

1 SSD 35  
KeySpan Gas East Corporation,  
Respondent,  
v.  
Munich Reinsurance America, Inc. et al.,  
Defendants,  
Century Indemnity Company, et al.,  
Appellants.

3 SSD 27  
Stacy S. Killon,  
Respondent,  
v.  
Robert A. Parrotta,  
Appellant.

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

Appeal dismissed without costs, by the Court sua sponte, upon the ground that it does not lie. The terms of this Court's remittitur were not violated. Chief Judge Lippman and Judge Rivera took no part.

Appeal, insofar as it seeks review of the Appellate Division order entered February 27, 2015, dismissed without costs, by the Court sua sponte, upon the ground that no substantial constitutional question is directly involved. Defendant's appeal from the February 27, 2015 Appellate Division order brings up for review only the prior nonfinal Appellate Division order entered August 30, 2012 (see CPLR 5601[d]; CPLR 5601[a]; Matter of Hertz Corp. [Commissioner of Labor], 100 NY2d 553, 554 [2003]; Curiale v Ardra Ins. Co., 86 NY2d 774 [1995]; Matter of Greatsinger, 66 NY2d 680, 682-683 [1985]; Gilroy v American Broadcasting Co., 46 NY2d 580, 584 [1979]). Judge Stein took no part.

1                   SSD 30  
In the Matter of James Melvin Lee,  
                  Appellant,  
          v.  
People of the State of New York, et al.,  
                  Respondents.

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

2                   SSD 25  
Wilhelm Noel,  
                  Appellant,  
          v.  
Bryan Tyler,  
                  Respondent.

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

2                   Mo. No. 2015-550  
In the Matter of Christopher P. (Anonymous),  
et al.,  
                  Appellants,  
          v.  
Jason Sidney G. (Anonymous), et al.,  
                  Respondents.  
(And Another Proceeding)

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

1                   Mo. No. 2015-583  
PS 157 Lofts LLC, et al.,  
                  Respondents,  
          v.  
Kimberly Austin, et al.,  
                  Appellants.

Motion to dismiss appeal granted and appeal dismissed, with four hundred dollars costs and one hundred dollars cost of motion, upon the ground that the Court does not have jurisdiction to entertain an appeal from an order of the Appellate Term of Supreme Court (see NY Const, art VI, § 3[b]; CPLR 5601).  
Motion for sanctions and other relief denied.



2                    SSD 34  
The People &c., ex rel. Cory Reid,  
    Appellant,  
    v.  
C. Augustus, &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. 2015-664  
Steven C. Ridge,  
    Appellant,  
    v.  
Alice Gold, et al.,  
    Defendants,  
Jay Braymiller,  
    Respondent.

Motion to dismiss appeal denied.

1                    Mo. No. 2015-506  
Evelyn Rivera, as Administratrix of the Estate  
of Wilbur Rodriguez, Deceased,  
    Appellant,  
    v.  
Montefiore Medical Center,  
    Respondent.

Motion to dismiss appeal denied.

1                    Mo. No. 2015-543  
In the Matter of Sheila Robinson,  
    Appellant,  
    v.  
The People &c., 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.

1                    Mo. No. 2015-690  
The People &c.,  
    Appellant,  
    v.  
Javier Sanchez,  
    Respondent.

Motion for assignment of counsel granted and  
Seymour W. James, Jr., Esq., The Legal Aid Society,  
199 Water Street, New York, NY 10038 assigned as  
counsel to the respondent on the appeal herein.

2                    Mo. No. 2015-298  
In the Matter of State of New York,  
    Respondent,  
    v.  
Carl S. (Anonymous),  
    Appellant.

Motion for leave to appeal denied.

4                    Mo. No. 2015-532  
In the Matter of Anthony C.S., et al.

Motion for leave to appeal denied.

Monroe County Department of Human  
Services,  
    Respondent;  
Joshua S., Sr.,  
    Appellant.

                    Mo. No. 2015-685  
The People &c.,  
    Respondent,  
    v.  
Marino Serrano,  
    Appellant.

Motion for assignment of counsel granted and  
Seymour W. 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                    SSD 29  
In the Matter of Akhtar Ali Sheikh,  
    Appellant,  
    v.  
New York City Taxi and Limousine  
Commission,  
    Respondent.

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

                    Mo. No. 2015-674  
The People &c.,  
    Respondent,  
    v.  
Mactar Sougou,  
    Appellant.

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

3 Mo. No. 2015-585  
In the Matter of William T.

Stephanie Dunham, &c.,  
Respondent;  
William T.,  
Appellant.

Mo. No. 2015-675  
The People &c.,  
Respondent,  
v.  
Rita Thompson,  
Appellant.

4 Mo. No. 2015-475  
The People &c. ex rel. Nouchie Vellon,  
Appellant,  
v.  
Dale Artus, &c.,  
Respondent.

Mo. No. 2015-390  
In the Matter of the Estate of Stanley A.  
Wagner, Deceased.  
  
Jaan Aarismaa, IV,  
Appellant,  
  
John L. Wagner, as Executor of Stanley A.  
Wagner, Deceased,  
Respondent.

Motion for leave to appeal denied.

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

Motion for leave to appeal dismissed upon the ground that it does not lie from the order of an individual Justice of the Appellate Division (see NY Const, art VI, § 3[b]; CPLR 5602).

Appeal transferred, without costs, by the Court sua sponte, 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 (NY Const, art VI, §§ 3[b][2], 5[b]; CPLR 5601[b][2]).  
Motion for leave to appeal dismissed upon the ground that it does not lie (see CPLR 5602[a]). Chief Judge Lippman took no part.

Mo. No. 2015-659  
In the Matter of the Estate of Stanley A.  
Wagner, Deceased.

Jaan Aarismaa, IV,  
Appellant,

John L. Wagner, as Executor of Stanley A.  
Wagner, Deceased,  
Respondent.

1 Mo. No. 2015-524  
In the Matter of Rodney W.,  
Respondent,  
v.  
Josephine F.,  
Appellant.

3 SSD 33  
In the Matter of John Zanetti et al.,  
Appellants,  
v.  
New York State Tax Appeals Tribunal et al.,  
Respondents.

Motion by petitioner-appellant for affirmative relief dismissed upon the ground that the Court of Appeals does not have jurisdiction to entertain it (see NY Const, art VI, § 3).

Cross motion by respondent-respondent for the imposition of sanctions denied.  
Chief Judge Lippman took no part.

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.

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

3                    Mo. No. 2015-579  
In the Matter of Sequoyah Z.  
et al., &c.

Albany County Department for Children,  
Youth and Families,  
    Respondent;  
Melissa Z.,  
    Respondent.

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In the Matter of Sequoyah Z.  
et al., &c.,

Albany County Department for Children,  
Youth and Families,  
    Respondent;  
Jimmy Z.,  
    Appellant.

Motion for leave to appeal denied.

3                    Mo. No. 2015-588  
In the Matter of Sequoyah Z.  
et al., &c.

Albany County Department for Children,  
Youth and Families,  
    Respondent;  
Melissa Z.,  
    Appellant.

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In the Matter of Sequoyah Z.  
et al., &c.,

Albany County Department for Children,  
Youth and Families,  
    Respondent;  
Jimmy Z.,  
    Respondent.

Motion for leave to appeal denied.