

November 24, 2015

**CASES**

No. 170  
The People &c.,  
Respondent,  
v.  
Abdelouahad Afilal,  
Appellant.

Order reversed and accusatory instrument dismissed,  
in a memorandum.  
Chief Judge Lippman and Judges Pigott, Rivera,  
Abdus-Salaam, Stein and Fahey concur.

No. 167  
The People &c.,  
Respondent,  
v.  
Joseph Conceicao,  
Appellant.

Order reversed, defendant's guilty plea vacated and  
case remitted to Criminal Court of the City of New  
York, Bronx County, for further proceedings on the  
accusatory instrument.  
Opinion by Judge Pigott.  
Judges Abdus-Salaam, Stein and Fahey concur.  
Chief Judge Lippman concurs in result in a separate  
concurring opinion.  
Judge Rivera dissents in part in an opinion.

No. 209 SSM 26  
The People &c.,  
Respondent,  
v.  
Stephen Pellegrino,  
Appellant.

On review of submissions pursuant to section 500.11  
of the Rules, order affirmed, in a memorandum.  
Judges Pigott, Abdus-Salaam, Stein and Fahey  
concur.  
Chief Judge Lippman dissents in an opinion in which  
Judge Rivera concurs.

1 No. 168  
The People &c.,  
Respondent,  
v.  
Federico Perez,  
Appellant.

Order affirmed.  
Opinion by Judge Pigott.  
Judges Abdus-Salaam, Stein and Fahey concur.  
Chief Judge Lippman dissents in an opinion in which  
Judge Rivera concurs, Judge Rivera in a separate  
dissenting opinion.

1                    No. 169  
The People &c.,  
    Appellant,  
    v.  
Javier Sanchez,  
    Respondent.

Order reversed and judgment of Supreme Court,  
Bronx County, reinstated.  
Opinion by Judge Pigott.  
Judges Abdus-Salaam, Stein and Fahey concur.  
Chief Judge Lippman dissents in an opinion in which  
Judge Rivera concurs, Judge Rivera in a separate  
dissenting opinion.

                          No. 207 SSM 24  
The People &c.,  
    Respondent,  
    v.  
Mactar Sougou,  
    Appellant.

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

                          No. 208 SSM 25  
The People &c.,  
    Respondent,  
    v.  
Rita Thompson,  
    Appellant.

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

## MOTIONS

2                    Mo. No. 2015-1160  
Michael Amalfitano, &c.,  
    Appellant,  
    v.  
NBTY, Inc., et al.,  
    Respondents.

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

2                    Mo. No. 2015-1119  
Aurora Loan Services, LLC,  
    Respondent,  
    v.  
Mario Lucero, et al.,  
    Defendants,  
Rosa Soto,  
    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.

2                    Mo. No. 2015-1168  
In the Matter of Vivian Barbagallo,  
    Respondent,  
    v.  
Erick Cotto-Donis,  
    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.

3                    Mo. No. 2015-1163  
The People &c.,  
    Respondent,  
    v.  
Wayne D. Benson,  
    Appellant.

Motion for leave to appeal denied.

3                    Mo. No. 2015-1155  
In the Matter of Sharon K. Bland,  
                          Appellant,  
                          v.  
Gellman, Brydges & Schroff et al.,  
                          Respondents.  
Workers' Compensation Board,  
                          Respondent.

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In the Matter of Sharon K. Bland,  
                          Appellant,  
                          v.  
Ronco Communications et al.,  
                          Respondents.  
Workers' Compensation Board,  
                          Respondent.

2                    Mo. No. 2015-1124  
In the Matter of Wilbur F. Breslin, &c.,  
                          Appellant,  
                          v.  
Superior Steakhouse Systems Holding Corp.,  
&c., et al.,  
                          Respondents.

1                    Mo. No. 2015-1136  
Certain Underwriters at Lloyd's London &c.,  
                          Respondent,  
                          v.  
Huron Consulting Group, Inc., et al.,  
                          Appellants.

3                    Mo. No. 2015-1140  
In the Matter of Coming Soon LLC,  
                          Appellant,  
                          v.  
Commissioner of Labor,  
                          Respondent.

Motion for reargument of motion for leave to appeal  
denied.  
Judge Stein took no part.

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

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

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

4                    Mo. No. 2015-1170  
Patricia J. Curto,  
    Appellant,  
    v.  
Mark Diehl et al.,  
    Respondents.

Motion for reargument of motion for leave to appeal  
denied.  
Judge Fahey took no part.

3                    Mo. No. 2015-1138  
In the Matter of Dantaida  
De Guzman,  
    Respondent,  
    v.  
State of New York Civil Service Commission,  
    Appellant.

Motion for leave to appeal denied.

2                    Mo. No. 2015-1132  
Anthony Dixon, &c., et al.,  
    Appellants,  
    v.  
City of New York, et al.,  
    Respondents.

Motion for leave to appeal denied.

3                    Mo. No. 2015-1120  
Alvin Fulton,  
    Appellant,  
    v.  
State of New York,  
    Respondent.

Motion for leave to appeal denied.

2                    Mo. No. 2015-1154  
In the Matter of Dior Polo G. (Anonymous).  
  
Carrie D. Tillman,  
    Appellant;  
Ronald Rossi, 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.

2 Mo. No. 2015-1122  
In the Matter of Danielle Gauthier,  
Respondent,  
v.  
Linda Joyce, &c., et al.,  
Appellants.

Motion for leave to appeal denied.

2 Mo. No. 2015-1162  
Sandra L. Hughes,  
Respondent,  
v.  
Neville T. Hughes,  
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.

3 Mo. No. 2015-1142  
In the Matter of Elvin Lebron,  
Appellant,  
v.  
Anthony J. Annucci, &c.,  
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.

1 Mo. No. 2015-1146  
In the Matter of Stephanie Lewis,  
Appellant,  
v.  
NYC Health and Hospitals Corporation, et al.,  
Respondents.

Motion, insofar as it seeks leave to appeal against respondents New York City Health and Hospitals Corporation and Bellevue Hospital Center, dismissed as untimely (see CPLR 5513[b]; CPLR 5514[a]); motion for leave to appeal otherwise denied.

3 Mo. No. 2015-1112  
In the Matter of Gerald E. Loehr et al.,  
Respondents,  
v.  
Administrative Board of the Courts of the  
State of New York,  
Appellant.

Motion for leave to appeal denied upon the ground that an appeal lies as of right (see CPLR 5601[b][1]). Chief Judge Lippman took no part.

2                    Mo. No. 2015-1161  
In the Matter of Erich Milord,  
                  Appellant,  
          v.  
New York State Department of Motor  
Vehicles,  
                  Respondent.

Motion for reargument of motion for leave to appeal  
denied.

3                    Mo. No. 2015-1159  
Monticello Raceway Management, Inc.,  
                  Appellant,  
          v.  
Concord Associates, L.P.,  
                  Respondent.

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

2                    Mo. No. 2015-1147  
In the Matter of Teddy Israel Moore, &c., a  
Disbarred Attorney.  
  
Grievance Committee for the Second,  
Eleventh, and Thirteenth Judicial Districts,  
                  Respondent;  
Teddy Israel Moore,  
                  Appellant.

Motion for reargument of motion for leave to appeal  
denied.

1                    Mo. No. 2015-1121  
Nancy Perez, et al.,  
                  Respondents,  
          v.  
Jane M. Fitzgerald, D.C., et al.,  
                  Appellants.

Motion for leave to appeal denied.

3 Mo. No. 2015-1153  
In the Matter of John Ramos,  
Appellant,  
v.  
D. Venettozzi, &c., et al.,  
Respondents.

Motion for leave to appeal denied.

1 Mo. No. 2015-1148  
In the Matter of Mildred R.,  
Appellant,  
v.  
Elizabeth R.,  
Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2015-1125  
RTN Networks, LLC,  
Appellant,  
v.  
Telco Group, Inc. et al.,  
Respondents.

Motion, insofar as it seeks leave to appeal from the August 2015 Appellate Division order, dismissed upon the ground that such order does not finally determine the action within the meaning of the Constitution; motion for leave to appeal otherwise denied.

2 Mo. No. 2015-1167  
RW Holdings, LLC,  
Appellant,  
v.  
Johanna Mayer, 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. 2015-1131  
S. Nicolía & Sons Realty Corp.,  
Appellant,  
v.  
A.J.A. Concrete Ready Mix, Inc., &c., et al.,  
Respondents.

Motion for leave to appeal denied with one hundred dollars costs and necessary reproduction disbursements.  
Motion for a stay dismissed as academic.



3                    Mo. No. 2015-1172  
In the Matter of Yujian Sheng,  
                  Appellant,  
                  v.  
Time Warner Cable, Inc., et al.,  
                  Respondents.  
Workers' Compensation Board,  
                  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.

3                    Mo. No. 2015-1156  
Lyndsey Wilcox,  
                  Appellant,  
                  v.  
Newark Valley Central School District et al.,  
                  Respondents,  
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.