

December 22, 2016

CASES

2 No. 207
The People &c.,
 Respondent,
 v.
Joseph Bridgeforth,
 Appellant.

Order reversed and a new trial ordered.
Opinion by Judge Abdus-Salaam.
Chief Judge DiFiore and Judges Pigott, Rivera, Stein
and Fahey concur.
Judge Garcia concurs in result in a separate
concurring opinion.

1 No. 206
The People &c.,
 Respondent,
 v.
Steven Finkelstein,
 Appellant.

Order affirmed.
Opinion by Judge Pigott.
Chief Judge DiFiore and Judges Abdus-Salaam,
Stein, Fahey and Garcia concur.
Judge Rivera dissents in an opinion.

2 No. 197
The People &c.,
 Respondent,
 v.
Immanuel Flowers,
 Appellant.

Order affirmed.
Opinion by Judge Garcia.
Chief Judge DiFiore and Judges Pigott, Rivera,
Abdus-Salaam, Stein and Fahey concur.

4 No. 201
Andrew J. Hain, &c.,
 Respondent,
 v.
Angela J. Jamison, et al.,
 Appellants,
Drumm Family Farm, Inc.,
 Respondent.

Order, insofar as appealed from, reversed, with costs,
and defendant Drumm Family Farm, Inc.'s motion for
summary judgment dismissing the Jamison
defendants' claims against it denied.
Opinion by Judge Stein.
Chief Judge DiFiore and Judges Pigott, Rivera,
Abdus-Salaam, Fahey and Garcia concur.

1 No. 208
The People &c.,
 Respondent,
 v.
James Miller,
 Appellant.

Order reversed and a new trial ordered.
Opinion by Judge Pigott.
Chief Judge DiFiore and Judges Rivera, Abdus-
Salaam, Stein, Fahey and Garcia concur.

2 No. 198
In the Matter of Raymond Newcomb et al.,
 Appellants,
 v.
Middle Country Central School District,
 Respondent.

Order reversed, with costs, and matter remitted to
Supreme Court, Suffolk County, for further
proceedings in accordance with the opinion herein.
Opinion by Chief Judge DiFiore.
Judges Pigott, Rivera, Abdus-Salaam, Stein, Fahey
and Garcia concur.

1 No. 199
The People &c.,
 Respondent,
 v.
Robert Patterson,
 Appellant.

Order, insofar as appealed from, affirmed.
Opinion by Judge Stein.
Chief Judge DiFiore and Judges Pigott, Abdus-
Salaam, Fahey and Garcia concur.
Judge Rivera concurs in result in a separate
concurring opinion.

2 No. 196
Anthony Turturro, &c., et al.,
 Respondents,
 v.
City of New York,
 Appellant,
Louis Pascarella, et al.,
 Defendants.

Order, insofar as appealed from, affirmed, with costs.
Opinion by Judge Fahey.
Chief Judge DiFiore and Judges Rivera, Abdus-
Salaam, Stein and Garcia concur.
Judge Pigott dissents in an opinion.

3 No. 203
The People &c.,
 Appellant,
 v.
Brandon Warrington,
 Respondent.

Order reversed and case remitted to the Appellate Division, Third Department, for consideration of the facts and issues raised but not determined on the appeal to that court, in a memorandum.
Judges Pigott, Rivera, Abdus-Salaam, Stein, Fahey and Garcia concur.
Chief Judge DiFiore took no part.

MOTIONS

1 Mo. No. 2016-1027
In the Matter of Essleiny A., &c.

Rafael A.,
 Appellant;
Griselda P.,
 Respondent;
Administration for Children's Services,
 Respondent.

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

1 Mo. No. 2016-1036
Amtrust-NP SFR Venture, LLC,
 Respondent,
 v.
James Vazquez, &c.,
 Appellant,
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.

1 Mo. No. 2016-1046
The People &c.,
 Respondent,
 v.
Adamou Arbi,
 Appellant.

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

1 Mo. No. 2016-1030
In the Matter of Elena Balyberdina,
 Appellant,
 v.
National Institute for the Psychotherapies,
 Respondent.

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

2 Mo. No. 2016-1061
John Behringer,
Respondent,
v.
19407 Linden, LLC, &c., et al.,
Defendants,
Ali Abdullah Sadiq,
Appellant.

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

2 Mo. No. 2016-1011
Beltway Capital, LLC,
Respondent,
v.
Virginia Gutierrez et al.,
Defendants,
James Bianco 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.

2 Mo. No. 2016-998
Peter Bingham et al.,
Plaintiffs,
v.
347 11th Street, LLC, et al.,
Appellants,
et al.,
Defendant.
First Mercury Financial Corporation, et al.,
Third-Party Respondents,
et al.,
Third-Party Defendant.

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

1 Mo. No. 2016-1044
The People &c.,
 Respondent,
 v.
Nasean Bonie,
 Defendant.

Dina Sforza, &c.,
 Nonparty Appellant.

2 Mo. No. 2016-1052
In the Matter of James Carver, &c., et al.,
 Appellants,
 v.
Nassau County Interim Finance Authority, et
al.,
 Respondents,
County of Nassau, et al.,
 Respondents.

3 Mo. No. 2016-1032
In the Matter of Willie Clark,
 Appellant,
 v.
Anthony J. Annucci, &c.,
 Respondent.

3 Mo. No. 2016-1055
Consolidated Mortgage, LLC,
 Appellant,
 v.
Westport Golf Investors, LLC, et al.,
 Defendants,
John F. Hall et al.,
 Respondents.
(And a Third-Party Action.)

Motion for reargument denied.

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

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

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. 2016-1053
In the Matter of Danny Donohue, &c., et al.,
 Appellants,
 v.
Nassau County Interim Finance Authority et
al.,
 Respondents,
Edward Mangano, &c., et al.,
 Respondents.

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

4 Mo. No. 2016-1012
In the Matter of Frank Garcia,
 Appellant,
 v.
Anthony 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.
Motion for poor person relief dismissed as academic.

2 Mo. No. 2016-997
The People &c.,
 Respondent,
 v.
Bogdan Grabowski,
 Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2016-1041
The People &c.,
 Respondent,
 v.
Johannes Hiram,
 Appellant.

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

2 Mo. No. 2016-1056
Andrew Hoffman,
Appellant,
v.
Anthony J. Colleluori, et al.,
Respondents.

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

3 Mo. No. 2016-1021
Marita E. Hyman,
Appellant,
v.
Arthur Schwartz, et al.,
Respondents.

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

Marita E. Hyman,
Appellant,
v.
Arthur Schwartz,
Respondent.

1 Mo. No. 2016-994
In the Matter of IDS Property Casualty
Insurance Company,
Respondent,
v.
Dave Jagsarran, Sr.,
Appellant.

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

1 Mo. No. 2016-996
Jack Kelly Partners LLC,
Respondent,
v.
Elsa Zegelstein, 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.

4 Mo. No. 2016-1017
In the Matter of Constantine Jackson,
 Appellant,
 v.
Anthony 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.
Motion for poor person relief dismissed as academic.
Judge Fahey took no part.

2 Mo. No. 2016-1058
In the Matter of John Jaronczyk, &c., et al.,
 Appellants,
 v.
Nassau County Interim Finance Authority, et al.,
 Respondents,
Edward Mangano, &c., et al.,
 Respondents.

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

2 Mo. No. 2016-1018
The People &c.,
 Respondent,
 v.
Kevin Johnson,
 Appellant.

Motion for leave to appeal dismissed upon the ground that appellant is not a party aggrieved (see CPLR 5511).
Motion for poor person relief dismissed as academic.

2 Mo. No. 2016-1029
Nicole M. Koster,
 Appellant,
 v.
Thomas M. Davenport, et al.,
 Respondents.

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

3 Mo. No. 2016-1025
Loch Sheldrake Beach and Tennis Inc.,
 Respondent,
 v.
Helen Akulich,
 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.

4 Mo. No. 2016-1059
The People &c. ex rel. Jesse Luscomb,
 Appellant,
 v.
Susan Kickbush, &c.,
 Respondent.

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).
Motion for poor person relief dismissed as academic.

1 Mo. No. 2016-1007
MP Cool Investments Ltd.,
 Appellant,
 v.
Dan Forkosh, et al.,
 Respondents.

Motion for leave to appeal denied.

3 Mo. No. 2016-1002
In the Matter of Michael B. Oliver,
 Appellant,
 v.
Board of Assessors of the Towns of
Champlain et al.,
 Respondents.

Motion for leave to appeal dismissed upon the ground that the orders sought to be appealed from do not finally determine the proceeding within the meaning of the Constitution.
Motion for poor person relief dismissed as academic.

1 Mo. No. 2016-1043
Margie Revels,
 Appellant,
 v.
Ronald W. Schoeps, Jr.,
 Defendant,
Sherman Avenue Six, Inc. et al.,
 Respondents.

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

2 Mo. No. 2016-1019
The People &c.,
 Respondent,
 v.
John E. Sanderline,
 Appellant.

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

4 Mo. No. 2016-1039
Michael Stebick, et al.,
 Respondents,
 v.
Rita McGee, et al.,
 Appellants,
et al.,
 Defendant.

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

2 Mo. No. 2016-1008
Tanaysha T., et al.,
 Appellants,
 v.
City of New York, et al.,
 Respondents,
et al.,
 Defendant.

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. 2016-1069
Stanislaw Wejs,
 Appellant,
 v.
John Edward Heinbockel et al.,
 Respondents,
et al.,
 Defendants.

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

1 Mo. No. 2016-1066
The People &c.,
 Respondent,
 v.
Mark Wellman,
 Appellant.

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

1 Mo. No. 2016-999
Teresa Williams,
 Appellant,
 v.
Prudential Financial, Inc., et al.,
 Respondents.

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

1 Mo. No. 2016-1090
In the Matter of Daisy Wright, et al.,
 Appellants,
 v.
Jewish Home Lifecare, Manhattan,
 Respondent,
New York State Department of Health, et al.,
 Respondents.
(And Another Proceeding.)

Motion for leave to appeal dismissed upon the ground that the order sought to be appealed from does not finally determine the proceedings within the meaning of the Constitution.