

June 28, 2016

CASES

1 No. 110
The People &c.,
 Respondent,
 v.
Tyrell Ingram,
 Appellant.

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

4 No. 105
The People &c.,
 Appellant,
 v.
Jamell R. McCullough,
 Respondent.

Order reversed and case remitted to the Appellate
Division, Fourth Department, for consideration of the
facts and issues raised but not determined on the
appeal to that court, in a memorandum.
Chief Judge DiFiore and Judges Pigott, Stein and
Garcia concur.
Judge Rivera dissents and votes to affirm in an
opinion in which Judges Abdus-Salaam and Fahey
concur.

1 No. 111
The People &c.,
 Respondent,
 v.
Isma McGhee,
Also Known as Izzy,
 Appellant.

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

1 No. 83
In the Matter of New York City Asbestos
Litigation.

Doris Kay Dummitt, &c.,
Respondent,

v.

A.W. Chesterton, et al.,
Defendants,
Crane Co.,
Appellant.

Order affirmed, with costs.
Opinion by Judge Abdus-Salaam.
Judges Pigott, Rivera, Stein and Fahey concur.
Judge Garcia concurs in result in a separate
concurring opinion.
Chief Judge DiFiore took no part.

1 No. 85
In the Matter of New York City Asbestos
Litigation.

Ruby E. Konstantin, &c.,
Respondent,

v.

630 Third Avenue Associates, et al.,
Defendants,
Tishman Liquidating Corporation,
Appellant.

Order affirmed, with costs, and certified question not
answered as unnecessary, in a memorandum.
Judges Pigott, Rivera, Abdus-Salaam, Stein, Fahey
and Garcia concur.
Chief Judge DiFiore took no part.

4 No. 113
The People &c.,
Respondent,

v.

Dennis J. Sincerbeaux,
Appellant.

Order affirmed, without costs.
Opinion by Chief Judge DiFiore.
Judges Abdus-Salaam, Stein and Garcia concur.
Judge Rivera dissents in an opinion in which Judge
Pigott concurs.
Judge Fahey took no part.

1 No. 109
The People &c.,
Respondent,

v.

Charles Smith,
Appellant.

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

4 No. 84
In the Matter of Eighth Judicial District
Asbestos Litigation.

Joann H. Suttner, &c.,
Respondent,

v.

A.W. Chesterton Company, et al.,
Defendants,
Crane Co.,
Appellant.

Order affirmed, with costs.
Opinion by Judge Abdus-Salaam.
Judges Pigott, Rivera, Stein and Fahey concur.
Judge Garcia concurs in result in a separate
concurring opinion.
Chief Judge DiFiore took no part.

MOTIONS

1 Mo. No. 2016-491
Hosam Alrqi,
Appellant,
v.
New York University, et al.,
Respondents.

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

2 Mo. No. 2016-482
In the Matter of Paul Berger et al.,
Appellants,
v.
New York City Department of Health and
Mental Hygiene,
Respondent.

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

4 Mo. No. 2016-481
In the Matter of Gregory O. Brandon, Sr.,
Respondent,
v.
Bobbie L. King,
Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2016-500
In the Matter of Russell D. Brookins,
Respondent,
v.
Catherine Mary McCann,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2016-480
The People &c.,
Respondent,
v.
Frank Bugett,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2016-575
CF HY LLC,
Respondent,
v.
Hudson Yards LLC, et al.,
Defendants,
Baruch Singer,
Appellant.

Motion to dismiss appeal granted and appeal dismissed, with four hundred dollars costs and one hundred dollars costs of motion, upon the ground that no appeal lies as of right pursuant to CPLR 5601(d) from the April 2016 order of Supreme Court because that order does not finally determine the action within the meaning of the Constitution.

1 Mo. No. 2016-459
Terry Edmund et al.,
Appellants,
v.
Albert Einstein Hospital, et al.,
Respondents,
Jacobi Hospital, et al.,
Defendants.

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

2 Mo. No. 2016-504
The People &c.,
Respondent,
v.
Oscar Remberto Figueroa,
Appellant.

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

2 Mo. No. 2016-580
In the Matter of Dior Polo G. (Anonymous).

Carrie D. Tillman,
Appellant;
Ronald Rossi, et al.,
Respondents.

Motion for reargument of motion for leave to appeal denied.

3 Mo. No. 2016-489
In the Matter of Shane Hyatt,
Appellant,
v.
Anthony J. Annucci, &c.,
Respondent.

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

1 Mo. No. 2016-483
Israel Discount Bank of New York, &c.,
Appellant,
v.
EisnerAmper LLP,
Respondent.

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

4 Mo. No. 2016-505
The People &c.,
Respondent,
v.
Jonathan Jamison,
Appellant.

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

1 Mo. No. 2016-511
Donette Kingston,
Appellant,
v.
New York City Police Department,
Respondent.

Motion for reargument of motion for leave to appeal
denied.

4 Mo. No. 2016-508
In the Matter of Amariese L. et al.

Erie County Department of Social Services,
Respondent;
Tiffany N.,
Appellant.
(And Two Other Proceedings.)

Motion for leave to appeal denied.

2 Mo. No. 2016-493
Nella Manko,
 Appellant,
 v.
Lenox Hill Hospital,
 Respondent.

Motion to amend this Court's order dated March 24, 2016 &c. denied.
Motion, insofar as it seeks leave to appeal from the June 2014 Appellate Division order, dismissed upon the ground that it does not lie, appellant having previously moved in the Court of Appeals for leave to appeal (24 NY3d 1207 [2015]) from the same Appellate Division order from which she currently seeks leave to appeal (see Selinger v Selinger, 90 NY2d 842 [1997]); motion, insofar as it seeks leave to appeal from the remaining orders, otherwise dismissed upon the ground that such orders do not finally determine the action within the meaning of the Constitution.
Motion for poor person relief dismissed as academic.

1 Mo. No. 2016-537
In the Matter of Celene M., &c.,
 Appellant.

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

2 Mo. No. 2016-486
In the Matter of State of New York,
 Respondent,
 v.
Ruben M. (Anonymous),
 Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2016-458
Martin Associates, Inc.,
 Appellant,
et al.,
 Plaintiff,
 v.
Illinois National Insurance Company,
 Respondent,
et al.,
 Defendants.

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

2 Mo. No. 2016-457
Melvon Moore, et al.,
 Appellants,
 v.
City of New York, et al.,
 Respondents,
et al.,
 Defendants.

Motion for leave to appeal dismissed as untimely (see CPLR 5513[b]).

4 Mo. No. 2016-490
In the Matter of Tatiana Neroni,
An Attorney,
 Appellant.
Grievance Committees of the Fourth Judicial
Department,
 Respondent.

Motion for reargument denied.
Motion to disqualify Mary Gasparini et al. from appearing before this Court &c. denied.
Judges Stein and Fahey took no part.

3 Mo. No. 2016-460
Tatiana Neroni,
 Appellant,
 v.
Jonathan S. Follender et al.,
 Respondents.

Motion, insofar as it seeks disqualification of Judges Stein and Fahey, dismissed as academic; motion, insofar as it seeks disqualification of Chief Judge DiFiore, dismissed upon the ground that the Court has no authority to entertain the motion made on nonstatutory grounds.
The application seeking recusal of the Chief Judge is referred to her for individual consideration and determination.
Chief Judge DiFiore denies the referred motion for recusal.
On the Court's own motion, appeal, insofar as taken from the December 2013 and April 2014 Supreme Court orders, dismissed, without costs, upon the ground that it does not lie, and, insofar as taken from the Appellate Division order, dismissed upon the ground that no substantial constitutional question is directly involved.
Motion for ancillary relief denied.
Judges Stein and Fahey took no part.

2 Mo. No. 2016-485
No-Dent Properties, Inc.,
 Appellant,
 v.
Commissioner of Town of Hempstead
Department of Highways et al.,
 Respondents.

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

4 Mo. No. 2016-472
Mary Pinter, &c.,
 Appellant,
 v.
Town of Java et al.,
 Respondents,
Wyoming County et al.,
 Defendants.

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

2 Mo. No. 2016-463
John K. Renke II,
Respondent,
v.
Joyce Kwiecinski,
Appellant.

Motion for leave to appeal dismissed as untimely.
The prior motion for leave to appeal made to the
Appellate Division was untimely (see Arthur Karger,
Powers of the New York Court of Appeals § 12:3, at
436-437 [3d ed rev 2005]).

2 Mo. No. 2016-453
Gladys Rothstein,
Appellant,
v.
Temple Beth Elohim et al.,
Respondents.

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

2 Mo. No. 2016-439
The People &c.,
Respondent,
v.
Insik Shim,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2016-492
Sotheby's International Realty, Inc.,
Respondent,
v.
Donald Deutsch, et al.,
Appellants.

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

2 Mo. No. 2016-449
Wells Fargo Bank, N.A.,
Respondent,
v.
Timothy M. Rooney,
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. 2016-512
Pinhas Zahavi, &c.,
 Respondent-Appellant,
 v.
JSBarkats PLLC, &c., et al.,
 Appellants-Respondents.

Motion by defendants for leave to appeal denied.
Motion by plaintiff for leave to appeal dismissed
upon the ground that he is not a party aggrieved
within the meaning of CPLR 5511.