

June 30, 2016

CASES

1 No. 117
The People &c.,
 Appellant,
 v.
Sparkle Daniel,
 Respondent.

Appeal dismissed upon the ground that the reversal by the Appellate Division was not "on the law alone or upon the law and such facts which, but for the determination of law, would not have led to reversal" (CPL 450.90[2][a]).
Chief Judge DiFiore and Judges Pigott, Rivera, Abdus-Salaam, Stein, Fahey and Garcia concur.

4 No. 119
Janice Mazella, &c.,
 Respondent,
 v.
William Beals, M.D.,
 Appellant,
et al.,
 Defendant.

Order reversed, with costs, and a new trial ordered. Opinion by Judge Rivera.
Chief Judge DiFiore and Judges Pigott, Abdus-Salaam, Stein and Garcia concur.
Judge Fahey took no part.

1 No. 118
The People &c.,
 Respondent,
 v.
Nadine Panton,
 Appellant.

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

No. 112

Doctor Fred L. Pasternack,
Appellant,

v.

Laboratory Corporation of America Holdings,
&c., et al.,
Respondents.

Following certification of questions by the United States Court of Appeals for the Second Circuit and acceptance of the questions by this Court pursuant to section 500.27 of this Court's Rules of Practice, and after hearing argument by counsel for the parties and consideration of the briefs and the record submitted, certified questions answered in accordance with the opinion herein.

Opinion by Judge Abdus-Salaam.

Chief Judge DiFiore and Judges Pigott and Garcia concur.

Judge Stein dissents in part in an opinion.

Judge Fahey dissents in an opinion in which Judge Rivera concurs.

MOTIONS

2 Mo. No. 2016-528
In the Matter of Donald J. Albert, deceased.

Paul Dunk, et al.,
Respondents;
Elizabeth A. Albert,
Appellant.

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

3 Mo. No. 2016-527
In the Matter of Joshua A. Arnold,
Respondent.
Just Energy New York Corporation,
Appellant.
Commissioner of Labor,
Respondent.
(And 14 Other Related Proceedings.)

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.

2 Mo. No. 2016-546
Ramandeep Badwal,
Respondent,
v.
Avtar S. Badwal,
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. 2016-525
Bank of America, N.A.,
Respondent,
v.
Ralph Destino, &c.,
Appellant,
et al.,
Defendants.

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

4 Mo. No. 2016-531
In the Matter of Larry B., &c.,
Appellant,
v.
State of New York, et al.,
Respondents.

Motion for leave to appeal denied.

4 Mo. No. 2016-518
In the Matter of Elvis Castillo,
Appellant,
v.
Anthony Annucci, &c.,
Respondent.

Motion for reargument of motion for leave to appeal denied.

2 Mo. No. 2016-517
The People &c.,
Respondent,
v.
Carlos Celleri,
Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2016-534
The People &c.,
Respondent,
v.
Curtis L. Gainey,
Appellant.

Motion for leave to appeal denied.

Mo. No. 2016-523
The People &c. ex rel. Shawn Glover,
Appellant,
v.
Michael Artus, &c.,
Respondent.

Motion for leave to appeal dismissed upon the ground that the March 14, 2016 and April 1, 2016 letters sought to be appealed from are neither judgments nor orders from which an appeal to this Court may be taken (see CPLR 5512[a]; CPLR 5602[a]).

1 Mo. No. 2016-561
Jacob Gottlieb,
 Respondent,
 v.
Alexandra Lumiere Gottlieb,
 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. 2016-520
William Harrell,
 Plaintiff,
George Birdwell,
 Appellant,
 v.
State Farm Insurance Company,
 Respondent.

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

2 Mo. No. 2016-521
Hudson City Savings Bank,
 Respondent,
 v.
David Berry et al.,
 Appellants,
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.

3 Mo. No. 2016-544
In the Matter of Johnathan Johnson,
 Appellant,
 v.
Anthony J. Annucci, &c., et al.,
 Respondents.

Motion for leave to appeal denied.

2 Mo. No. 2016-584
In the Matter of Spencer Lader, a disbarred attorney,
 Appellant.

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

2 Mo. No. 2016-514

Nicholas Thomas Marchese,
Appellant,

v.

Great Neck Terrace Associates, L.P., 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.

1 Mo. No. 2016-532

The People &c.,
Respondent,

v.

Elias McFarland,
Appellant.

Motion for leave to appeal denied.
Motion for poor person relief dismissed as academic.
Judge Abdus-Salaam took no part.

3 Mo. No. 2016-522

In the Matter of Suzanne QQ.,
Respondent,

v.

Ben RR.,
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.
Motion for poor person relief dismissed as academic.

1 Mo. No. 2016-536

In the Matter of Kevin Reaves,
Appellant,

v.

One Police Plaza,
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. 2016-515
Labseou Rooney,
Appellant,
v.
Mariam Madison et al.,
Defendants,
George Abi-Nakad et al.,
Respondents.

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

1 Mo. No. 2016-560
Harvey Rudman et al.,
Appellants,
v.
Carol Gram Deane, &c., et al.,
Respondents.

Motion for leave to appeal denied.

1 Mo. No. 2016-629
Kamel R. Sadek,
Respondent,
v.
Jenkins A. Wesley, et al.,
Appellants.

Motion for reargument denied.

3 Mo. No. 2016-524
Rashad Scott,
Appellant,
v.
State of New York,
Respondent.

Motion for leave to appeal denied.

Mo. No. 2016-552
The People &c. ex rel. Michael Aziz Zarif
Shabazz, &c.,
Appellant,
v.
Jerome J. Richards &c. et al.,
Respondents.

Motion for reargument of motion for leave to appeal denied.