

November 22, 2016

CASES

1 No. 177
Ace Fire Underwriters Insurance Company,
&c.,
 Appellant,
 v.
Special Funds Conservation Committee,
 Respondent.

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

2 No. 182
In the Matter of ACME Bus Corp.,
 Appellant,
 v.
Orange County, et al.,
 Respondents.

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

1 No. 180
Rasheed Al Rushaid, et al.,
 Appellants,
 v.
Pictet & Cie, et al.,
 Respondents.

Order reversed, with costs, and case remitted to Supreme Court, New York County, for further proceedings in accordance with the opinion herein.
Opinion by Judge Rivera.
Judges Abdus-Salaam, Fahey and Garcia concur, Judge Garcia in a concurring opinion in which Judge Abdus-Salaam concurs.
Judge Pigott dissents and votes to affirm in an opinion in which Chief Judge DiFiore and Judge Stein concur.

No. 186
The People &c.,
Respondent,
v.
Jose Aviles,
Appellant.

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

4 No. 166
The People &c.,
Respondent,
v.
Phillip Couser,
Appellant.
(Appeal No. 1.)

Order, insofar as appealed from, affirmed.
Opinion by Judge Abdus-Salaam.
Chief Judge DiFiore and Judges Pigott and Garcia concur.
Judge Fahey dissents in part in an opinion in which Judges Rivera and Stein concur, Judge Stein concurring in so much of the opinion as relates to the appeal herein.

4 No. 167
The People &c.,
Respondent,
v.
Phillip Couser,
Appellant.
(Appeal No. 2.)

Order affirmed.
Opinion by Judge Abdus-Salaam.
Chief Judge DiFiore and Judges Pigott, Stein and Garcia concur, Judge Stein concurring in so much of the opinion as relates to the appeal herein.
Judge Fahey concurs in result in a separate concurring opinion in which Judge Rivera concurs.

4 No. 185
Betty L. Kimmel,
Respondent,
v.
State of New York et al.,
Appellants.

Reargument ordered and case set down for argument at a future session of the Court.
Chief Judge DiFiore and Judges Rivera, Abdus-Salaam, Stein and Garcia concur.
Judges Pigott and Fahey took no part.

Emmelyn Logan-Baldwin,
Interested Party-Respondent.

2 No. 176
In the Matter of Donald William Leo, a
Disbarred Attorney,
Appellant.

Order affirmed, without costs.
Opinion Per Curiam.
Chief Judge DiFiore and Judges Pigott, Abdus-
Salaam, Stein and Garcia concur.
Judge Fahey concurs in result in a separate
concurring opinion.
Judge Rivera took no part.

MOTIONS

1 Mo. No. 2016-968
In the Matter of 111 Condominium, et al.,
 Appellants,
 v.
Board of Standards and Appeals of the City of
New York et al.,
 Respondents.

Motion for leave to appeal denied.

4 Mo. No. 2016-954
In the Matter of Saifuddin Abdus-Samad,
 Appellant,
 v.
Anthony J. Annucci, &c.,
 Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2016-923
Ramandeep Badwal,
 Respondent,
 v.
Avtar S. Badwal,
 Appellant.

Motion for leave to appeal dismissed upon the
ground that this Court does not have jurisdiction to
entertain the motion (see NY Const, art VI, § 3[b];
CPLR 5602).

1 Mo. No. 2016-1006
BGC Notes, LLC,
 Appellant,
 v.
Kevin J. Gordon,
 Respondent.

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

1 Mo. No. 2016-990
Bond & Broadway, LLC,
 Appellant,
 v.
Funding Exchange, Inc. et al.,
 Respondents.

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

2 Mo. No. 2016-982
The People &c.,
 Respondent,
 v.
Danny Broadus,
 Appellant.

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

3 Mo. No. 2016-911
The People &c.,
 Respondent,
 v.
Kelly J. Burke,
 Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2016-930
Joseph Collins,
 Appellant,
 v.
Martin P. Unger, Esq., et al.,
 Respondents,
Certilman Balin Adler & Hyman, LLP, et al.,
 Defendants.

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

1 Mo. No. 2016-942
Roy Den Hollander,
 Appellant,
 v.
Tory Shepherd, et al.,
 Respondents.

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

2 Mo. No. 2016-953
In the Matter of Alisa R. Diamond,
Respondent,
v.
Stephen E. Lichaw,
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2016-962
The People &c.,
Respondent,
v.
Nancy Gonzalez,
Appellant.

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

3 Mo. No. 2016-914
The People &c.,
Respondent,
v.
William P. Graziano,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2016-905
Manuel H., &c.,
Appellant,
v.
Ellen Landsberger, M.D., et al.,
Respondents.

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

3 Mo. No. 2016-981
In the Matter of Douglas E. Johnson,
Appellant,
v.
Anthony J. Annucci, &c.,
Respondent.

Motion for reconsideration of this Court's September
13, 2016 dismissal order denied.

2 Mo. No. 2016-972
The People &c.,
Respondent,
v.
Jackie Jordan,
Appellant.

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

4 Mo. No. 2016-924
In the Matter of Deatrick Marshall,
Appellant,
v.
Anthony Annucci, &c.,
Respondent.

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

2 Mo. No. 2016-925
Jill S. Meyer, M.D.,
Appellant,
v.
North Shore-Long Island Jewish Health
System, Inc., et al.,
Respondents,
et al.,
Defendants.

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

2 Mo. No. 2016-926
Jill S. Meyer, M.D.,
Appellant,
v.
North Shore-Long Island Jewish Health
System, Inc., et al.,
Defendants,
Parker Jewish Institute et al.,
Respondents.

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

2 Mo. No. 2016-961
The People &c.,
Respondent,
v.
Jermel Mitchell,
Appellant.

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

1 Mo. No. 2016-899
Paramount Pictures Corporation,
Appellant,
v.
Allianz Risk Transfer AG, et al.,
Respondents,
et al.,
Defendant.

Motion for leave to appeal granted.

2 Mo. No. 2016-992
The People &c.,
Respondent,
v.
Victor Pavia,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2016-984
Antoinette Sardina Pinkham,
Appellant,
v.
West Elm, &c. et al.,
Respondents.

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

1 Mo. No. 2016-915
Patrick Quintavalle,
Respondent,
v.
Nestor Perez, III, 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.

1 Mo. No. 2016-966
Angel R., &c., et al.,
 Respondents,
 v.
New York City Transit Authority et al.,
 Appellants,
et al.,
 Defendant.

3 Mo. No. 2016-867
Matthew J. Ryan,
 Appellant,
et al.,
 Plaintiff,
 v.
Powers & Santola, LLP, et al.,
 Respondents.

Motion for leave to appeal denied.

On the Court's own motion, appeal, insofar as taken from the June 2016 Appellate Division order, dismissed, without costs, upon the ground that such order does not finally determine the action within the meaning of the Constitution; appeal, insofar as also deemed taken (see CPLR 5512) from so much of the April 2016 Appellate Division order as finally determined the action, dismissing appellant's appeal to that court from the May 2015 Supreme Court order dismissing his complaint, dismissed, without costs, upon the ground that no substantial constitutional question is directly involved. Motion, insofar as it seeks leave to appeal from the June 2016 Appellate Division order, dismissed, upon the ground that such order does not finally determine the action within the meaning of the Constitution; motion, insofar as also deemed to be seeking leave to appeal (see CPLR 5512) from so much of the April 2016 Appellate Division order as finally determined the action, dismissing appellant's appeal to that court from the May 2015 Supreme Court order dismissing his complaint, denied. Motion for poor person relief dismissed as academic.

2 Mo. No. 2016-943
Silverio Saavedra,
Appellant,
v.
64 Annfield Court Corp., et al.,
Respondents,
et al.,
Defendant.
(And a Third-Party Action.)

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

1 Mo. No. 2016-979
Mohammad Saidin,
Appellant,
v.
Sam Negron 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.
Motion for poor person relief dismissed as academic.

2 Mo. No. 2016-960
Caroline Swoboda, et al.,
Respondents,
v.
Adrian Philip Fontanetta, &c., et al.,
Respondents,
Day-Op Center of Long Island, Inc.,
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. 2016-922
In the Matter of Injah Unique Tafari,
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.

2 Mo. No. 2016-947
Theaprin Pharmaceuticals, Inc., &c., et al.,
 Appellants,
 v.
Joseph D. Conway, et al.,
 Respondents.
(Nassau County Index No. 601039/13)

Motion for leave to appeal denied.

2 Mo. No. 2016-948
Theaprin Pharmaceuticals, Inc., &c., et al.,
 Appellants,
 v.
Joseph D. Conway, et al.,
 Respondents,
et al.,
 Defendants.
(Nassau County Index No. 601040/13)

Motion for leave to appeal denied.

1 Mo. No. 2016-906
In the Matter of Elaine Ward,
 Appellant,
 v.
City of New York, 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.