

April 4, 2017

CASES

1 No. 16
In the Matter of 381 Search Warrants Directed
to Facebook, Inc., &c.

Facebook, Inc.,
Appellant,
v.
New York County District Attorney's Office,
Respondent.
(And Another Proceeding.)

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

2 No. 29
The People &c.,
Respondent,
v.
Trevor Anderson,
Appellant.

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

4 No. 47
Michael J. Carlson, Sr., &c.,
Appellant,
v.
American International Group, Inc., et al.,
Respondents.

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

1 No. 25
In the Matter of Leonardo Enriquez,
Respondent,
v.
Department of Housing Preservation and
Development of the City of New York,
Appellant.

Order reversed, with costs, and order of Supreme
Court, Bronx County, reinstated.
Opinion by Judge Garcia.
Chief Judge DiFiore and Judges Rivera, Abdus-
Salaam, Stein, Fahey and Wilson concur.

1 No. 85 SSM 4
Robert Obey,
 Appellant,
 v.
City of New York,
 Defendant,
New York City Transit Authority,
 Respondent.

On review of submissions pursuant to section 500.11 of the Rules, order reversed, with costs, and case remitted to the Appellate Division, First Department, for consideration of issues raised but not determined on the appeal to that court. Legally sufficient evidence supported the jury's finding that defendant New York City Transit Authority was negligent and that its negligence was a proximate cause of plaintiff's injury.
Chief Judge DiFiore and Judges Rivera, Abdus-Salaam, Stein, Fahey and Wilson concur.
Judge Garcia dissents and votes to affirm, in a memorandum.

2 No. 24
David Rivera,
 Appellant,
 v.
Department of Housing Preservation and
Development of the City of New York,
 Respondent,
et al.,
 Defendants.

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

2 No. 28
The People &c.,
 Respondent,
 v.
Leonard Williams,
 Appellant.

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

MOTIONS

1 Mo. No. 2017-182
American Transit Insurance Company,
Respondent,
v.
Gerbert Baucage, et al.,
Defendants,
Innovative Medical Heights, P.C.,
Appellant.

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

3 Mo. No. 2017-43
John L. Bell, &c.,
Appellant,
v.
David R. White 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.
Judge Stein took no part.

1 Mo. No. 2017-166
Milton Brown,
Appellant,
v.
Fuseomo Mohammed Bawa et al.,
Respondents.

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

2 Mo. No. 2017-222
In the Matter of Richard A. Brummel et al.,
Appellants,
et al.,
Petitioner,
v.
Town of North Hempstead Town Board, &c.,
et al.,
Respondents.

Motion for leave to appeal denied.

2 Mo. No. 2017-160
The People &c.,
Respondent,
v.
Wilmer Calle-Calle,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2017-76
In the Matter of Ronald C.,
Respondent,
v.
Sherry B.,
Respondent.
Attorney for the Children,
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. 2017-4
In the Matter of Raynard Caraway,
Appellant,
v.
Anthony J. Annucci, &c.,
Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2017-252
In the Matter of Michael H. Cassidy,
Appellant,
v.
New York State Board of Parole,
Respondent.

Motion for reargument of motion for leave to appeal denied.

2 Mo. No. 2017-163
The People &c.,
Respondent,
v.
Carlos Colon,
Appellant.

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

1 Mo. No. 2017-191
In the Matter of Alicia Davis,
 Appellant,
 v.
New York City Board/Department of
Education,
 Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2017-75
In the Matter of Fraidy Fekete-Markovits,
 Respondent,
 v.
Yoel Markovits,
 Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2017-124
Alphonse Fletcher, Jr. et al.,
 Appellants,
 v.
The Dakota, Inc., et al.,
 Respondents.

Motion for leave to appeal denied.

4 Mo. No. 2017-170
In the Matter of Matigan G. et al.

Onondaga County Department of Social
Services,
 Respondent;
Sara E.W.-G.,
 Appellant.

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

3 Mo. No. 2017-162
In the Matter of Carl O. Gill,
 Appellant.
Phoenix Energy Management Inc.,
 Respondent.
Commissioner of Labor,
 Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2017-200
The People &c.,
Respondent,
v.
Reinaldo Guichardo,
Appellant.

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

1 Mo. No. 2017-151
Jeffrey Gural,
Appellant,
et al.,
Plaintiff,
v.
Fred Drasner,
Respondent.

Motion for reargument of motion for leave to appeal
dismissed as untimely (see Rules of Ct of Appeals
[22 NYCRR] § 500.24[b]).

2 Mo. No. 2017-184
The People &c.,
Respondent,
v.
Larry Jamison,
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2017-11
The People &c.,
Respondent,
v.
Jean Jean-Bart,
Appellant.

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

1 Mo. No. 2016-1114
In the Matter of the People &c.,
Appellant,
v.
Conrado Juarez,
Defendant.
Frances Robles,
Nonparty Respondent.

Motion for leave to appeal granted.
Judge Wilson took no part.

1 Mo. No. 2017-165
Elizabeth Kay, &c.,
Appellant,
v.
Southbridge Towers, Inc., et al.,
Respondents.

Kevin James Barth, &c.,
Appellant,
v.
Southbridge Towers, Inc., et al.,
Respondents.

2 Mo. No. 2017-214
In the Matter of Morifere Bengali Kone,
Respondent,
v.
Lakeasha Martin,
Respondent;
Bonnie Paley,
Nonparty-Appellant.

1 Mo. No. 2017-171
The People &c.,
Respondent,
v.
Edgar Lopez,
Appellant.

2 Mo. No. 2017-64
Maryann Mahoney,
Appellant,
v.
Harold A. Brockbank,
Respondent.

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

Motion for leave to appeal dismissed upon the ground that movant is not a party aggrieved (see CPLR 5511).

Motion for leave to appeal denied.

Motion for leave to appeal granted.

1 Mo. No. 2017-68
The People &c. ex rel. Felix Morales,
 Appellant,
 v.
Warden Lemon, &c.,
 Respondent.

Motion for leave to appeal denied.

4 Mo. No. 2017-213
James J. Moran,
 Appellant,
 v.
JRM Contracting, Inc.,
 Respondent.

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

3 Mo. No. 2017-149
In the Matter of Alexsander N., &c.

Motion for leave to appeal denied.

Albany County Department for Children,
Youth and Families,
 Respondent;
Lena N.,
 Appellant.

2 Mo. No. 2017-173
In the Matter of Raymond Newcomb et al.,
 Appellants,
 v.
Middle Country Central School District,
 Respondent.

Motion for reargument denied.

4 Mo. No. 2017-86
In the Matter of Yvette Noble,
 Respondent,
 v.
Troy Paris,
 Respondent.
Susan B. Marris, Esq., Attorney for the Child,
 Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2017-176
In the Matter of Yvette Noble,
 Appellant,
 v.
Troy Paris,
 Respondent.

Motion for leave to appeal denied.

4 Mo. No. 2017-134
The People &c. ex rel. Quincy Nolley,
 Appellant,
 v.
Anthony Annucci, &c.,
 Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2017-194
Akwasi Boakye Osei, et al.,
 Appellants,
 v.
Huawei Technologies Co., Limited, et al.,
 Respondents.

Motion for leave to appeal from the August 2016 order of the Appellate Division dismissed upon the ground that the order does not finally determine the action within the meaning of the Constitution. Motion for ancillary relief dismissed upon the ground that this Court does not have jurisdiction to entertain it (see NY Const, art VI, § 3).

1 Mo. No. 2017-195
Akwası Boakye Osei, et al.,
 Appellants,
 v.
Huawei Technologies Co., Limited, et al.,
 Respondents.

Motion for leave to appeal from the September 2016 order of the Appellate Division denied.
Motion for ancillary relief dismissed upon the ground that this Court does not have jurisdiction to entertain it (see NY Const, art VI, § 3).

1 Mo. No. 2017-196
Akwası Boakye Osei,
 Appellant,
 v.
Standard Chartered Bank et al.,
 Respondents.
(NY County Index No. 100923/15)

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 ancillary relief dismissed upon the ground that this Court does not have jurisdiction to entertain it (see NY Const, art VI, § 3).

1 Mo. No. 2017-197
Akwası Boakye Osei,
 Appellant,
 v.
Standard Chartered Bank et al.,
 Respondents.
(NY County Index No. 101207/15)

Motion, insofar as it seeks leave to appeal from so much of the Appellate Division order as dismissed the appeal from the April 2016 Supreme Court order, denied; motion, insofar as it seeks leave to appeal from the remaining portion of the Appellate Division order, dismissed upon the ground that such portion of the order does not finally determine the action within the meaning of the Constitution.
Motion for ancillary relief dismissed upon the ground that this Court does not have jurisdiction to entertain it (see NY Const, art VI, § 3).

2 Mo. No. 2017-169
In the Matter of Elias P.

Edwin Gould Services for Children and
Families, et al.,
Respondents;
Ferman P.,
Appellant.
(And Three Other Proceedings.)

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

4 Mo. No. 2017-179
The People &c. ex rel. James Pearce,
Appellant,
v.
Stewart Eckert, &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.
Judge Fahey took no part.

1 Mo. No. 2017-164
Estate of Charlotte Sherman,
Appellant,
v.
Southbridge Towers, Inc.,
Respondent.

Motion, insofar as it seeks leave to appeal from that
portion of the Appellate Division order that affirmed
Supreme Court's denial of the motion to vacate,
dismissed upon the ground that such portion of the
order does not finally determine the action within the
meaning of the Constitution; motion for leave to
appeal otherwise denied.

2 Mo. No. 2017-202
The People &c.,
Respondent,
v.
Raymond Velasquez,
Appellant.

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

3 Mo. No. 2017-157
In the Matter of Dorota Von Maack,
 Appellant,
 v.
Wyckoff Heights Medical Center 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.

1 Mo. No. 2017-178
Wagner Davis P.C.,
 Respondent,
 v.
James Brady Jr.,
 Appellant,
et al.,
 Defendants.

Motion for leave to appeal dismissed upon the ground that this Court does not have jurisdiction to entertain the motion from the order of the Appellate Term (see CPLR 5602[a]).

2 Mo. No. 2017-137
The People &c.,
 Respondent,
 v.
Thomas Ziliox,
 Appellant.

Motion for leave to appeal denied.