

April 27, 2017

**MOTIONS**

4                    Mo. No. 2017-231  
Gail A. Anderson, &c.,  
    Appellant,  
    v.  
Joseph M. Anderson,  
    Respondent.

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. 2017-127  
In the Matter of Wade Briggs,  
    Appellant,  
    v.  
Anthony J. Annucci, &c.,  
    Respondent.

Motion for leave to appeal denied.

1                    Mo. No. 2017-406  
In the Matter of Brookford, LLC,  
    Appellant,  
    v.  
New York State Division of Housing and  
Community Renewal, et al.,  
    Respondents.

Motion by Margaret Schuette Friedman to vacate this Court's March 28, 2017 preclusion order granted.

1                    SSD 16  
Collateral Loanbrokers Association of New  
York, Inc., et al.,  
    Appellants,  
    v.  
City of New York, et al.,  
    Respondents.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that the order appealed from does not finally determine the action within the meaning of the Constitution.

2 Mo. No. 2017-425  
The People &c.,  
Respondent,  
v.  
Jason Daniels,  
Appellant.

Motion for an extension of the time within which to apply for permission to appeal pursuant to CPL 460.20 granted and motion papers treated as a timely CPL 460.20 application.

4 Mo. No. 2017-417  
The People &c.,  
Appellant,  
v.  
Matthew A. Davis,  
Respondent.

Motion for assignment of counsel granted and Patricia M. McGrath, Esq., 37 East Avenue, P.O. Box 293, Lockport, NY 14094 assigned as counsel to the respondent nunc pro tunc on the appeal herein.

4 Mo. No. 2017-172  
The People &c.,  
Respondent,  
v.  
Richard A. Davis,  
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.

Mo. No. 2017-426  
The People &c.,  
Respondent,  
v.  
Mary Anne Grady Flores,  
Appellant.

Motion by Upstate Drone Action for leave to file a brief amicus curiae on the appeal herein granted and the proposed brief is accepted as filed. Three copies of the brief must be served and an original and nine copies filed within seven days.

1 Mo. No. 2017-396  
Kelly Forman,  
Respondent,  
v.  
Mark Henkin,  
Appellant.

Motion by Defense Association of New York, Inc. for leave to file a brief amicus curiae on the appeal herein granted and the proposed brief is accepted as filed.

Mo. No. 2017-398  
The People &c.,  
Respondent,  
v.  
William Harris,  
Appellant.

Motion for assignment of counsel granted and Seymour W. James, Jr., Esq., The Legal Aid Society, 199 Water Street, New York, NY 10038 assigned as counsel to the appellant on the appeal herein.

4 Mo. No. 2017-234  
In the Matter of Constantine Jackson,  
Appellant,  
v.  
Anthony Annucci, &c.,  
Respondent.

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

3 Mo. No. 2017-224  
In the Matter of Willie Kears, Jr.,  
Appellant,  
v.  
Department of Corrections and Community  
Supervision et al.,  
Respondents.

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

SSD 14  
Alan L. Knapp et al.,  
Appellants,  
v.  
Annamae Knapp-Peck et al.,  
Respondents.

Appeal transferred without costs, by the Court sua sponte, to the Appellate Division, Third Department, upon the ground that a direct appeal does not lie when questions other than the constitutional validity of a statutory provision are involved (see NY Const, art VI, §§ 3[b][2], 5[b]; CPLR 5601[b][2]).

4 Mo. No. 2017-394  
The People &c.,  
Appellant,  
v.  
Matthew Kuzdzal,  
Respondent.

Motion for assignment of counsel granted and Lyle T. Hajdu, Esq., c/o Erickson Webb Scolton & Hajdu, 414 East Fairmount Avenue, P.O. Box 414, Lakewood, NY 14750 assigned as counsel to the respondent on the appeal herein.

2                    SSD 13  
Nella Manko,  
    Appellant,  
    v.  
Lenox Hill Hospital,  
    Respondent.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that it does not lie (see NY Const, art VI, § 3[b]; CPLR 5601).

1                    Mo. No. 2017-405  
Sara Myers et al.,  
    Plaintiffs,  
Eric A. Seiff, et al.,  
    Appellants,  
    v.  
Eric Schneiderman, &c.,  
    Respondent,  
et al.,  
    Defendants.

Motion by New York Chapter of National Academy of Elder Law Attorneys for leave to appear amicus curiae on the appeal herein granted only to the extent that the proposed brief is accepted as filed. Chief Judge DiFiore took no part.

2                    Mo. No. 2017-223  
In the Matter of Nyshawn R.V.S.  
  
Suffolk County Department of Social  
Services,  
    Petitioner;  
Erica M. V.,  
    Respondent.  
(Proceeding No. 1)

Motion for leave to appeal denied.

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In the Matter of Nyshawn R.V.S.  
  
Suffolk County Department of Social  
Services,  
    Respondent;  
Tyshawn R. S.,  
    Appellant.  
(Proceeding No. 2)

2 Mo. No. 2017-146  
In the Matter of Maria Schultheis,  
Respondent,  
v.  
John Schultheis,  
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2017-395  
The People &c.,  
Respondent,  
v.  
Spence Silburn,  
Appellant.

Motion for assignment of counsel granted and Lynn  
W. L. Fahey, Esq., Appellate Advocates, 111 John  
Street, 9th Floor, New York, NY 10038 assigned as  
counsel to the appellant on the appeal herein.

4 Mo. No. 2017-442  
The People &c.,  
Respondent,  
v.  
Akeem Wallace,  
Appellant.

Motion for assignment of counsel granted and David  
C. Schopp, Esq., The Legal Aid Bureau of Buffalo,  
Inc., 290 Main Street, Suite 350, Buffalo, NY 14202  
assigned as counsel to the appellant on the appeal  
herein.