

February 16, 2017

CASES

3                    No. 69 SSM 43  
In the Matter of County of Broome,  
    Respondent,  
    v.  
Nirav R. Shah, &c., et al.,  
    Appellants.

On review of submissions pursuant to section 500.11 of the Rules, order reversed, without costs, petition dismissed in its entirety, and a declaration made in favor of respondents Nirav R. Shah, &c., et al. that section 61 of part D of Chapter 56 of the Laws of 2012 has not been shown to be unconstitutional (see Matter of County of Chemung v Shah, 28 NY3d 244 [2016]).

Chief Judge DiFiore and Judges Rivera, Abdus-Salaam, Garcia and Wilson concur.  
Judges Stein and Fahey took no part.

                          No. 10  
The People &c.,  
    Appellant,  
    v.  
Hao Lin,  
    Respondent.

Order reversed and case remitted to the Appellate Term, Second, Eleventh and Thirteenth Judicial Districts, for consideration of the facts and issues raised but not determined on the appeal to that court. Opinion by Judge Stein.

Chief Judge DiFiore and Judges Rivera, Abdus-Salaam, Fahey and Garcia concur.  
Judge Wilson took no part.

2                    No. 12  
The People &c.,  
    Respondent,  
    v.  
Fernando Maldonado,  
    Appellant.

Order reversed and a new trial ordered, in a memorandum.

Chief Judge DiFiore and Judges Abdus-Salaam, Stein, Fahey and Garcia concur.  
Judge Rivera concurs in the result.  
Judge Wilson took no part.

1                    No. 9  
Anthony Oddo,  
    Respondent,  
    v.  
Queens Village Committee for Mental Health  
for Jamaica Community Adolescent Program,  
Inc.,  
    Appellant.

Order reversed, with costs, defendant's motion for  
summary judgment dismissing the complaint granted,  
and certified question answered in the negative.  
Opinion by Judge Abdus-Salaam.  
Chief Judge DiFiore and Judges Rivera, Stein, Fahey  
and Garcia concur.  
Judge Wilson took no part.

2                    No. 8  
Tara N.P. (Anonymous),  
    Appellant,  
    v.  
Western Suffolk Board of Cooperative  
Educational Services, &c.,  
    Defendant,  
County of Suffolk, et al.,  
    Respondents,  
et al.,  
    Defendants.

Order, insofar as appealed from, affirmed, with costs.  
Opinion by Chief Judge DiFiore.  
Judges Rivera, Abdus-Salaam, Stein, Fahey and  
Garcia concur.  
Judge Wilson took no part.

2                    No. 68 SSM 42  
The People &c.,  
    Respondent,  
    v.  
Darren Staton,  
    Appellant.

On review of submissions pursuant to section 500.11  
of the Rules, order affirmed, in a memorandum.  
Chief Judge DiFiore and Judges Rivera, Abdus-  
Salaam, Stein, Fahey, Garcia and Wilson concur.

## MOTIONS

1 Mo. No. 2017-70  
Rasheed Al Rushaid, et al.,  
Appellants,  
v.  
Pictet & Cie, et al.,  
Respondents.

Motion for reargument denied.  
Judge Wilson took no part.

1 Mo. No. 2017-71  
Rasheed Al Rushaid, et al.,  
Appellants,  
v.  
Pictet & Cie, et al.,  
Respondents.

Motion by Swiss Bankers Association, et al. for  
leave to appear amici curiae on the motion for  
reargument denied.  
Judge Wilson took no part.

1 Mo. No. 2017-230  
American Economy Insurance Company, et  
al.,  
Respondents,  
v.  
State of New York, et al.,  
Appellants.

Motion by Electrical Employers Self-Insurance  
Safety Plan for leave to appear amicus curiae on the  
appeal herein granted only to the extent that the  
proposed brief is accepted as filed.

2 Mo. No. 2016-1144  
In the Matter of Joel R. Brandes, a disbarred  
attorney,  
Appellant.

Motion for reargument denied.  
Judges Rivera and Stein took no part.

4 Mo. No. 2017-215  
Michael J. Carlson, Sr., &c.,  
Appellant,  
v.  
American International Group, Inc., et al.,  
Respondents.

Motion by MVP Delivery & Logistics, Inc. for leave  
to appear amicus curiae on the appeal herein denied.  
Judge Fahey took no part.

4 Mo. No. 2017-219  
Michael J. Carlson, Sr., &c.,  
Appellant,  
v.  
American International Group, Inc., et al.,  
Respondents.

Motion by New York State Trial Lawyers  
Association for leave to appear amicus curiae on the  
appeal herein granted only to the extent that the  
proposed brief is accepted as filed.  
Judge Fahey took no part.

1 Mo. No. 2016-879  
Anthony J. DeCintio, &c., et al.,  
Appellants,  
v.  
Lawrence Hospital, et al.,  
Defendants,  
Robert Roe, M.D., et al.,  
Respondents.

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

4 Mo. No. 2016-1148  
In the Matter of Ralph Dominquez,  
Appellant,  
v.  
Anthony Annucci, &c.,  
Respondent.

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

2 Mo. No. 2017-13  
Lesley Drazek,  
Appellant,  
v.  
Vital Transportation, Inc.,  
Respondent.

Motion for reargument of motion for leave to appeal  
denied.

2 Mo. No. 2017-30  
The People &c. ex rel. Kenneth Grafton,  
Appellant,  
v.  
Michael Sposato, &c.,  
Respondent.

Motion for reargument of motion for leave to appeal  
denied.  
Motion for poor person relief dismissed as academic.  
Judge Wilson took no part.

1 Mo. No. 2016-1016  
Karen Gravano,  
Appellant,  
v.  
Take-Two Interactive Software, Inc. et al.,  
Respondents.

Motion for leave to appeal granted.

Mo. No. 2017-238  
Trathony Griffin and Michael Godwin,  
Appellants,  
v.  
Sirva, Inc. and Allied Van Lines, Inc.,  
Respondents.

Motion by National Association of Professional Background Screeners for leave to file a brief amicus curiae on consideration of the certified question herein granted and the proposed brief is accepted as filed.

Mo. No. 2017-239  
Trathony Griffin and Michael Godwin,  
Appellants,  
v.  
Sirva, Inc. and Allied Van Lines, Inc.,  
Respondents.

Motion by Legal Action Center, et al. for leave to file a brief amici curiae on consideration of the certified question 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.

Mo. No. 2017-240  
Trathony Griffin and Michael Godwin,  
Appellants,  
v.  
Sirva, Inc. and Allied Van Lines, Inc.,  
Respondents.

Motion by Consumer Data Industry Association for leave to file a brief amicus curiae on consideration of the certified question herein granted and the proposed brief is accepted as filed.

Mo. No. 2017-248  
Trathony Griffin and Michael Godwin,  
Appellants,  
v.  
Sirva, Inc. and Allied Van Lines, Inc.,  
Respondents.

Motion by American Moving & Storage Association, Inc. for leave to file a brief amicus curiae on consideration of the certified question herein granted and the proposed brief is accepted as filed.

Mo. No. 2017-251  
Trathony Griffin and Michael Godwin,  
Appellants,  
v.  
Sirva, Inc. and Allied Van Lines, Inc.,  
Respondents.

Motion by Eric M. Fink, et al. for leave to appear amici curiae on consideration of the certified question herein granted only to the extent that 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. 2017-7  
In the Matter of Melissa H.,  
Respondent,  
v.  
Shameer S.,  
Appellant.

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

2 Mo. No. 2016-1172  
Rudolf Kats, &c.,  
Respondent,  
v.  
Throop and Gates, Inc.,  
Appellant,  
Capital L. Holdings, LLC,  
Intervenor-Respondent,  
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. 2017-21  
The People &c.,  
Respondent,  
v.  
Michael Lewis,  
Appellant.

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

1 Mo. No. 2017-74

Lindsay Lohan,  
Appellant,

v.

Take-Two Interactive Software, Inc., et al.,  
Respondents.

Motion for leave to appeal granted.

2 SSD 4

Nella Manko,  
Appellant,

v.

Lenox Hill Hospital,  
Respondent.

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

Judge Abdus-Salaam took no part.

3 Mo. No. 2017-25

Arthur L. Mercer,  
Appellant,

v.

Kevin Bryant,  
Respondent.

Motion for leave to appeal denied.

Motion for poor person relief dismissed as academic.

2 Mo. No. 2017-51

Shelley Mizrahi-Srour,  
Respondent,

v.

Albert Srour,  
Appellant.

Motion for reargument denied.

Motion for poor person relief dismissed as academic.

Judge Wilson took no part.

1 Mo. No. 2017-22  
In the Matter of New York Independent  
Contractors Alliance, &c. et al.,  
Appellants,  
v.  
John C. Liu, Jr., &c.,  
Respondent,  
et al.,  
Respondents.

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

1 Mo. No. 2017-229  
Nomura Home Equity Loan, Inc., Series  
2006-FM2, by HSBC Bank USA, National  
Association, solely in its capacity as Trustee,  
et al.,  
Respondents,  
v.  
Nomura Credit & Capital, Inc.,  
Appellant.

Motion by Securities Industry and Financial Markets Association for leave to file a brief amicus curiae on the appeal herein granted and the proposed brief is accepted as filed.  
Chief Judge DiFiore and Judge Garcia took no part.

(And Three Other Actions.)

1 Mo. No. 2017-237  
Nomura Home Equity Loan, Inc., Series  
2006-FM2, by HSBC Bank USA, National  
Association, solely in its capacity as Trustee,  
et al.,  
Respondents,  
v.  
Nomura Credit & Capital, Inc.,  
Appellant.

Motion by Sand Canyon Corporation for leave to file a brief amicus curiae on the appeal herein granted and the proposed brief is accepted as filed.  
Chief Judge DiFiore and Judge Garcia took no part.

(And Three Other Actions.)



3                   SSD 7  
In the Matter of Federico Ortiz,  
                  Appellant,  
          v.  
Anthony J. Annucci, &c.,  
                  Respondent.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that no substantial constitutional question is directly involved.

1                   Mo. No. 2017-55  
Ivana Peraica, &c. et al.,  
                  Respondents,  
          v.  
A.O. Smith Water Products Co., et al.,  
                  Defendants,  
Crane Co.,  
                  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 (see Whitfield v City of New York, 90 NY2d 777, 780-781 [1997]).

3                   SSD 6  
In the Matter of Plainview-Old Bethpage  
Congress of Teachers et al.,  
                  Respondents,  
          v.  
New York State Health Insurance Plan et al.,  
                  Appellants,  
et al.,  
                  Respondents.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that no substantial constitutional question is directly involved.

4                   Mo. No. 2017-52  
In the Matter of Mary R.F., et al.  
  
Cayuga County Department of Health and  
Human Services,  
                  Respondent;  
Angela I.,  
                  Appellant.

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

1 Mo. No. 2017-56  
The People &c.,  
Respondent,  
v.  
Juan Rodriguez,  
Appellant.

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

3 SSD 5  
In the Matter of Roslyn Teachers Association  
et al.,  
Respondents,  
v.  
New York State Health Insurance Plan et al.,  
Appellants,  
et al.,  
Respondents.

Appeal dismissed without costs, by the Court sua  
sponte, upon the ground that no substantial  
constitutional question is directly involved.

1 Mo. No. 2017-57  
Mohammad Saidin,  
Appellant,  
v.  
Sam Negron et al.,  
Respondents.

Motion for reargument of motion for leave to appeal  
denied.

2 Mo. No. 2017-46  
The People &c.,  
Respondent,  
v.  
Orlando Sanchez,  
Appellant.

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

3 Mo. No. 2017-31  
In the Matter of Martin J. Sawma,  
Appellant,  
v.  
Thomas P. DiNapoli, &c.,  
Respondent.

Motion for reconsideration of this Court's November  
17, 2016 dismissal order denied.  
Judge Wilson took no part.

1                    Mo. No. 2017-38  
In the Matter of Robert Scott,  
Appellant,  
v.  
Ulysses B. Leverett, et al.,  
Respondents.

Motion for leave to appeal denied.

3                    Mo. No. 2016-1185  
In the Matter of Lesley Shiner,  
Appellant,  
v.  
SUNY at Buffalo et al.,  
Respondents.  
Workers' Compensation Board,  
Respondent.

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

1                    Mo. No. 2017-87  
In the Matter of New York City Asbestos  
Litigation.  
  
Laraine Sweberg, &c.,  
Respondent,  
v.  
ABB, Inc., et al.,  
Defendants,  
Crane Co.,  
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 (see Whitfield v City of New York, 90 NY2d 777, 780-781 [1997]).

2                    Mo. No. 2017-19  
In the Matter of Ricardo T. (Anonymous), Jr.  
  
Orange County Department of Social  
Services,  
Respondent;  
Ricardo T. (Anonymous), Sr.,  
Appellant,  
et al.,  
Respondent.

On the Court's own motion, appeal dismissed, without costs, upon the ground that the order appealed from does not finally determine the proceeding within the meaning of the Constitution. Motion for poor person relief dismissed as academic.

2 Mo. No. 2017-53  
Theaprin Pharmaceuticals, Inc., &c., et al.,  
Appellants,  
v.  
Joseph D. Conway, et al.,  
Respondents.  
(Nassau County Index No. 601039/13)

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

2 Mo. No. 2017-54  
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 reargument of motion for leave to appeal  
denied.  
Judge Wilson took no part.

4 Mo. No. 2017-16  
In the Matter of Victoria Thomas,  
Respondent,  
v.  
Jecarl Armstrong et al.,  
Respondents,  
Rosetta Bryant,  
Appellant.

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

3 Mo. No. 2016-1105  
Sherilyn F. Van Orden,  
Appellant,  
v.  
Richard E. Van Orden,  
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.  
Judge Stein took no part.

4                    Mo. No. 2016-1145  
Eric White et al.,  
    Appellants,  
    v.  
Eric T. Schneiderman, &c. et al.,  
    Respondents.

Motion, insofar as it seeks leave to appeal from that portion of the Appellate Division order that affirmed the dismissal of plaintiffs' motion for a preliminary injunction, 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 granted. Judge Wilson took no part.