

November 16, 2017

CASES

3 No. 142 SSM 33
In the Matter of the Claim of
Lidia Burgos,
 Appellant,
 v.
Citywide Central Insurance Program et al.,
 Respondents,
Workers' Compensation Board,
 Respondent.

On review of submissions pursuant to section 500.11 of the Rules, order affirmed, with costs. The Appellate Division properly concluded that substantial evidence supports the Workers' Compensation Board's determinations as to the claimant's degree of impairment and loss of wage-earning capacity (see generally Matter of Zamora v New York Neurologic Assoc., 19 NY3d 186, 192-193 [2012]).
Chief Judge DiFiore and Judges Rivera, Stein, Fahey, Garcia, Wilson and Feinman concur.

1 No. 112
The People &c.,
 Respondent,
 v.
Roberto Estremera,
 Appellant.

Order reversed and case remitted to Supreme Court, New York County, for further proceedings in accordance with the opinion herein.
Opinion by Judge Wilson.
Chief Judge DiFiore and Judges Rivera, Stein, Fahey, Garcia and Feinman concur.

 No. 114
The People &c.,
 Respondent,
 v.
Mary Anne Grady Flores,
 Appellant.

Order reversed and case remitted to County Court, Onondaga County, for further proceedings in accordance with the opinion herein.
Opinion by Chief Judge DiFiore.
Judges Rivera, Stein, Fahey, Garcia, Wilson and Feinman concur.

1 No. 140 SSM 27
In the Matter of Ryszard Grajko,
 Appellant,
 v.
City of New York, et al.,
 Respondents.

On review of submissions pursuant to section 500.11 of the Rules, appeal dismissed, with costs, upon the ground that the two-Justice dissent at the Appellate Division is not on a question of law (see CPLR 5601[a]). A disagreement as to whether Supreme Court improvidently exercised its discretion is not a matter of law (see Matter of Von Bulow, 63 NY2d 221, 225 n [1984]).
Chief Judge DiFiore and Judges Rivera, Stein, Fahey, Garcia, Wilson and Feinman concur.

1 No. 49
The People &c.,
 Respondent,
 v
Stanley Hardee,
 Appellant.

Order affirmed, in a memorandum.
Chief Judge DiFiore and Judges Fahey, Garcia and Feinman concur.
Judge Stein dissents in an opinion, in which Judges Rivera and Wilson concur.

1 No. 141 SSM 28
In the Matter of Ruth Joanna O.O., &c.

Melissa O.,
 Appellant;
Administration for Children's Services,
 Respondent.

On review of submissions pursuant to section 500.11 of the Rules, order affirmed, without costs, and certified question answered in the affirmative. Record support exists for the affirmed findings that Melissa O. committed acts constituting child neglect and the child is a neglected child as defined in Family Court Act § 1012.
Chief Judge DiFiore and Judges Rivera, Stein, Fahey, Garcia, Wilson and Feinman concur.

MOTIONS

1 Mo. No. 2017-1037
In the Matter of Talib W. Abdur-Rashid,
Appellant,
v.
New York City Police Department, et al.,
Respondents.

In the Matter of Samir Hashmi,
Appellant,
v.
New York City Police Department, et al.,
Respondents.

 Mo. No. 2017-1038
The People &c.,
Respondent,
v.
Steven Baisley,
Appellant.

4 Mo. No. 2017-952
In the Matter of William Braga,
Respondent,
v.
Jodi Ann Bell,
Appellant.

2 Mo. No. 2017-1061
In the Matter of Everly D. Brown,
Appellant,
v.
Brent G. Weitzberg, &c., et al.,
Respondents.

Motion by District Attorneys Association of the State of New York for leave to appear amicus curiae on the appeal 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.

Motion for assignment of counsel granted and Richard L. Herzfeld, Esq., 112 Madison Avenue, 8th Floor, New York, NY 10016 assigned as counsel to the appellant on the appeal herein.

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

Motion for leave to appeal &c. dismissed upon the ground that it does not lie (see NY Const, art VI, § 3).

2 Mo. No. 2017-971
In the Matter of Waqar A. Chaundhry,
 Respondent,
 v.
Sitara Saleem,
 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 SSD 56
The People &c. ex rel. Jamel Clark,
 Appellant,
 v.
Jeffrey Tedford, &c.,
 Respondent.

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

2 Mo. No. 2017-1044
Robert J. Congel, et al., &c.,
 Respondents,
 v.
Marc A. Malfitano,
 Appellant.

Motion by American College of Real Estate Lawyers 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. 2017-842
Country-Wide Insurance Company,
 Appellant,
 v.
Excelsior Insurance Company et al.,
 Respondents.

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

3 Mo. No. 2017-865
In the Matter of Mary Serena Crossfield, &c.,
 Appellant,
 v.
Schuyler County,
 Respondent.

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

3 Mo. No. 2017-982
In the Matter of Walter DD. et al., &c.

Motion for leave to appeal denied.

Chemung County Department of Social
Services,
 Respondent;
Walter TT.,
 Appellant.

2 Mo. No. 2017-934
In the Matter of Eleanora Galizia,
 Appellant,
 v.
John Galizia, et al.,
 Respondents.

Motion for leave to appeal denied.

1 Mo. No. 2017-1072
Robert Gerrish,
 Respondent,
 v.
56 Leonard LLC, et al.,
 Appellants,
et al.,
 Defendant.

Motion by Real Estate Board of New York for leave
to file a letter brief amicus curiae on the appeal
herein granted and the proposed letter brief is
accepted as filed.
Judge Feinman took no part.

2 Mo. No. 2017-856
In the Matter of Ramon Gutierrez,
 Appellant,
 v.
Anthony J. Annucci, &c.,
 Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2017-850
In the Matter of Amsi H.D.O.,
 Appellant.
Maria L.R.,
 Respondent;
Cesiah O.D., et al.,
 Respondents.

Motion for leave to appeal denied.

2 Mo. No. 2017-770
The People &c.,
 Respondent,
 v.
Miguel Jara,
 Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2017-590
In the Matter of Leroy Johnson,
 Appellant,
 v.
John B. Lempke, &c.,
 Respondent.

Motion to vacate this Court's April 27, 2017
dismissal order granted.
On the Court's own motion, appeal, insofar as taken
from the November 2016 Appellate Division order,
dismissed, without costs, as untimely (CPLR
5513[a]); appeal, insofar as taken from the February
2017 Appellate Division order, dismissed, without
costs, upon the ground that such order does not
finally determine the proceeding within the meaning
of the Constitution.

3 SSD 55
Frank Maki,
 Appellant,
 v.
Bassett Healthcare et al.,
 Respondents.

Appeal dismissed without costs, by the Court sua
sponte, upon the ground that it does not lie, appellant
having previously taken an appeal to this Court (29
NY3d 1041) from the same Appellate Division order
from which his appeal is currently taken.

2 Mo. No. 2017-1020
The People &c.,
 Respondent,
 v.
Rohan Manragh, Jr.,
 Appellant.

Motion to compel production of grand jury minutes
denied.

1 Mo. No. 2017-1016
The People &c.,
 Respondent,
 v.
Timothy Martin,
 Appellant.

Motion for assignment of counsel granted and Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, NY 10005 assigned as counsel to the appellant on the appeal herein.
Judge Feinman took no part.

3 Mo. No. 2017-786
In the Matter of Steven Mears,
 Appellant,
 v.
Donald Venettozzi, &c.,
 Respondent.

Motion for leave to appeal denied.

1 SSD 58
Sandra Morrison-Allen,
 Appellant,
 v.
State of New York,
 Respondent.

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

1 Mo. No. 2017-1056
The People &c.,
 Appellant,
 v.
Domingo Ricart,
 Respondent.

Motion for assignment of counsel granted and Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, NY 10005 assigned as counsel to the respondent on the appeal herein.

3 Mo. No. 2017-870

Theresa S. Romain,
Appellant,

v.

Kimberly O'Connor, et al.,
Respondents.

On the Court's own motion, appeal dismissed, without costs, upon the ground that the orders appealed from do not finally determine the action within the meaning of the Constitution. Motion for leave to appeal dismissed upon the ground that the orders sought to be appealed from do not finally determine the action within the meaning of the Constitution.

1 Mo. No. 2017-841

S&P Global Inc., formerly known as McGraw
Hill Financial, Inc., &c.,
Appellant,

v.

New York City Tax Appeals Tribunal, et al.,
Respondents.

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

1 Mo. No. 2017-1055

The People &c.,
Respondent,

v.

Rafael Sanabria,
Appellant.

Motion for assignment of counsel granted and Christina A. Swarns, Office of the Appellate Defender, 11 Park Place, Suite 1601, New York, NY 10007 assigned as counsel to the appellant on the appeal herein.

1 Mo. No. 2017-891

In the Matter of Grazyna S.-G.,
Appellant,

v.

Evelina G.,
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. 2017-872
Helen Siller,
 Appellant,
 v.
The Third Brevoort Corporation, et al.,
 Respondents.

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

3 Mo. No. 2017-864
In the Matter of Emmanuel SS.,
 Respondent,
 v.
Thera SS.,
 Appellant.
(And Another Related Proceeding.)

Motion for leave to appeal denied.

1 Mo. No. 2017-1023
The People &c.,
 Respondent,
 v.
Carlos Tapia,
 Appellant.

Motion for assignment of counsel granted and Christina A. Swarns, Office of the Appellate Defender, 11 Park Place, Suite 1601, New York, NY 10007 assigned as counsel to the appellant on the appeal herein.

1 SSD 59
In the Matter of TCR Sports Broadcasting
Holding, LLP,
 Appellant,
 v.
WN Partner, LLC, et al.
 Respondents,
The Baltimore Orioles Baseball Club, et al.,
 Appellants.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that the order appealed from does not finally determine the proceeding within the meaning of the Constitution.
Chief Judge DiFiore and Judge Garcia took no part.

2 Mo. No. 2017-895
In the Matter of Kyrie Teel,
 Appellant,
 v.
Derrick Minus,
 Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2017-1071
The People &c.,
 Respondent,
 v.
Rodney Watts,
 Appellant.

Motion for assignment of counsel granted and Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, NY 10005 assigned as counsel to the appellant on the appeal herein.

3 Mo. No. 2017-901
In the Matter of Taurus L. Whitehead,
 Appellant,
 v.
St. Lawrence County Department of Social
Services, &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. 2017-1069
The People &c.,
 Respondent,
 v.
Omar Xochimitl,
 Appellant.

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