

October 24, 2017

**CASES**

1                    No. 96  
American Economy Insurance Company, et  
al.,  
                    Respondents,  
                    v.  
State of New York, et al.,  
                    Appellants.

Order reversed, without costs, and judgment granted  
in favor of defendants declaring that Workers'  
Compensation Law § 25-a (1-a) as applied to policies  
issued before October 1, 2013 is not unconstitutional.  
Opinion by Judge Fahey.  
Chief Judge DiFiore and Judges Rivera, Stein,  
Garcia, Wilson and Feinman concur.

                            No. 91  
The People &c.,  
                    Respondent,  
                    v.  
John Andujar,  
                    Appellant.

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

2                    No. 82  
The People &c.,  
                    Respondent,  
                    v.  
Sean Garvin,  
                    Appellant.

Order affirmed.  
Opinion by Judge Stein.  
Chief Judge DiFiore and Judges Garcia and Feinman  
concur.  
Judge Fahey dissents in part in an opinion.  
Judge Rivera dissents in an opinion in which Judge  
Wilson concurs, Judge Wilson in a separate  
dissenting opinion.

                            No. 94  
The People &c.,  
                    Respondent,  
                    v.  
Brian Novak,  
                    Appellant.

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

1                    No. 102  
In the Matter of State of New York,  
    Respondent,  
    v.  
Floyd Y. (Anonymous),  
    Appellant.

Judgment appealed from, and order of the Appellate  
Division brought up for review, affirmed, without  
costs, in a memorandum.  
Chief Judge DiFiore and Judges Rivera, Stein, Fahey,  
Garcia and Feinman concur.  
Judge Wilson dissents in an opinion.

**MOTIONS**

1                    Mo. No. 2017-610  
In the Matter of 128 Hester LLC,  
                  Appellant,  
                  v.  
New York State Division of Housing &  
Community Renewal, et al.,  
                  Respondents.

Motion, insofar as it seeks leave to appeal from so much of the Appellate Division order as pertains to respondents Hun Siu Chu, Kok Hong The, and Chai Oi Hoy, dismissed upon the ground that this Court does not have jurisdiction to entertain it (see Matter of Einstoss, 26 NY2d 181, 191 [1970]); motion, insofar as it seeks leave to appeal from so much of the Appellate Division order as affirmed the portion of the April 2015 Supreme Court order and judgment granting the motion for leave to file a surreply, dismissed upon the ground that such portion of the order does not finally determine the proceeding within the meaning of the Constitution; motion for leave to appeal otherwise denied.  
Judge Feinman took no part.

2                    Mo. No. 2017-860  
Jon M. Babinski,  
                  Appellant,  
                  v.  
Jeanne M. Babinski,  
                  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.

1                    Mo. No. 2017-775  
Basis PAC-Rim Opportunity Fund (Master) et  
al.,  
                  Appellants,  
                  v.  
TCW Asset Management Company,  
                  Respondent.

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

1                    Mo. No. 2017-844  
In the Matter of Citigroup Global Markets,  
Inc. et al.,  
                    Respondents,  
                    v.  
John Leopoldo Fiorilla, &c.,  
                    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. 2017-839  
In the Matter of Daniel W. Clark,  
                    Appellant,  
                    v.  
New York State Department of Motor  
Vehicles et al.,  
                    Respondents.

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

3                    Mo. No. 2017-897  
In the Matter of Armando Colon,  
                    Appellant,  
                    v.  
William F. Keyser, &c.,  
                    Respondent.

Motion for leave to appeal denied.

2                    Mo. No. 2017-855  
In the Matter of Michael Colon,  
                    Appellant,  
                    v.  
Anthony J. Annucci, &c.,  
                    Respondent.

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

4                    Mo. No. 2017-806  
In the Matter of Eastbrooke Condominium,  
&c.,  
                  Appellant,  
          v.  
Elaine Ainsworth, &c. et al.,  
                  Respondents.  
(And Two Other Proceedings.)

Motion for leave to appeal granted.

4                    Mo. No. 2017-838  
In the Matter of Elroy Hendrix,  
                  Appellant,  
          v.  
Monroe County Department of  
Communication,  
                  Respondent.

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

2                    Mo. No. 2017-816  
Unique Hudson,  
                  Appellant,  
          v.  
Chhaya N. Patel, et al.,  
                  Respondents,  
et al.,  
                  Defendant.

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.

4                    Mo. No. 2017-886  
In the Matter of Weldon Ingram,  
                  Appellant,  
          v.  
Anthony Annucci, &c.,  
                  Respondent.

Motion for leave to appeal denied.

3 Mo. No. 2017-787  
Johnathan Johnson,  
Appellant,  
v.  
Jeff McKay 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.

3 Mo. No. 2017-909  
In the Matter of Johnathan Johnson,  
Appellant,  
v.  
Anthony J. Annucci, &c.,  
Respondent.

Motion for leave to appeal denied.

4 Mo. No. 2017-831  
In the Matter of Angela M. Kelley,  
Respondent,  
v.  
Anthony J. Holmes,  
Appellant.  
(And Another Proceeding.)

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

1 Mo. No. 2017-805  
In the Matter of Amy Khoudari et al.,  
Appellants,  
v.  
Mary Travis Basset, &c.,  
Respondent.

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

3 Mo. No. 2017-845  
In the Matter of David Kirton,  
Appellant,  
v.  
Anthony J. Annucci, &c.,  
Respondent.

On the Court's own motion, appeal dismissed, without costs, upon the ground that no substantial constitutional question is directly involved.  
Motion for leave to appeal denied.

2                    Mo. No. 2017-330  
Andrew M. Klapper, &c.,  
    Appellant,  
    v.  
Renee Graziano, et al.,  
    Defendants,  
Weinstein Company, et al.,  
    Respondents.

Motion for leave to appeal denied with one hundred dollars costs and necessary reproduction disbursements.  
Chief Judge DiFiore and Judges Rivera, Stein, Garcia and Tom, by designation,\* concur.  
Judges Fahey, Wilson and Feinman took no part.  
\* Designated pursuant to N.Y. Constitution, article VI, §2.

1                    Mo. No. 2017-893  
Law Offices of Zachary R. Greenhill, P.C., et al.,  
    Appellants,  
    v.  
Liberty Insurance Underwriters, Inc., et al.,  
    Respondents.

Motion for leave to appeal denied.

3                    Mo. No. 2017-820  
In the Matter of Lawrence Teachers' Association, &c.,  
    Appellant,  
    v.  
New York State Public Employment Relations Board, et al.,  
    Respondents.

Motion for leave to appeal denied.

4                    Mo. No. 2017-843  
Eileen Malay,  
    Appellant,  
    v.  
City of Syracuse, et al.,  
    Respondents.

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

2                    Mo. No. 2017-835  
The People &c.,  
    Respondent,  
    v.  
Karl Parris,  
    Appellant.

Motion for leave to appeal denied.

2                    Mo. No. 2017-922  
The People &c.,  
    Respondent,  
    v.  
Daniel Pilozo,  
    Appellant.

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

1                    Mo. No. 2017-882  
Board of Directors of Windsor Owners Corp.,  
    Respondent,  
    v.  
Elaine Platt,  
    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. 2017-827  
In the Matter of Christopher PP.,  
    Appellant,  
    v.  
State of New York,  
    Respondent.

Motion for leave to appeal denied.

4                    Mo. No. 2017-852  
The People &c.,  
    Respondent,  
    v.  
Michael Puff,  
    Appellant.

Motion for leave to appeal denied.



1                    Mo. No. 2017-834  
Ripplewood Advisors, LLC,  
    Appellant,  
    v.  
Callidus Capital SIA et al.,  
    Respondents.

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

4                    Mo. No. 2017-778  
The People &c.,  
    Respondent,  
    v.  
Kevin Rocktaschel,  
    Appellant.

On the Court's own motion, appeal dismissed, without costs, upon the ground that no substantial constitutional question is directly involved.  
Motion for leave to appeal denied.

3                    Mo. No. 2017-821  
Troy J. Rodman,  
    Respondent,  
    v.  
Frank J. Deangeles,  
    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.

4                    Mo. No. 2017-879  
Michael A. Serrano,  
    Appellant,  
    v.  
Thomas A. Gilray, Jr., et al.,  
    Defendants,  
Marcy A. Sheehan,  
    Respondent.

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

1                    Mo. No. 2017-867  
Sprint Communications Company, L.P.,  
    Appellant,  
    v.  
City of New York Department of Finance et al.,  
    Respondents.

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

2 Mo. No. 2017-908  
In the Matter of Thomas T.,  
Appellant,  
v.  
Luba R. et al.,  
Respondents.

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

3 Mo. No. 2017-776  
Alvin Torres,  
Appellant,  
v.  
State of New York,  
Respondent.

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

3 Mo. No. 2017-815  
In the Matter of U.S. Specialty Insurance Co.,  
Respondent;  
Frank J. Denardo,  
Appellant.

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

2 Mo. No. 2017-817  
In the Matter of Efstathios Valiotis et al.,  
Appellants,  
v.  
State of New York, et al.,  
Respondents.

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

2 Mo. No. 2017-631  
In the Matter of Equarn White,  
Appellant,  
v.  
Anthony J. Annucci, &c.,  
Respondent.

Motion for leave to appeal dismissed upon the ground that the orders sought to be appealed from do not finally determine the proceeding within the meaning of the Constitution.  
Motion for poor person relief dismissed as academic.

2                    Mo. No. 2017-871  
In the Matter of Equarn White,  
                  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.

4                    Mo. No. 2017-723  
Roxanne Williams, &c.,  
                  Appellant,  
                  v.  
City of Rochester, et al.,  
                  Defendants.  
County of Monroe,  
                  Respondent.

Motion for leave to appeal denied.