

September 12, 2017

CASE

1 No. 134 SSM 21
The People &c.,
 Respondent,
 v.
Gregory Lee,
 Appellant.

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

MOTIONS

1 Mo. No. 2017-652
204 Columbia Heights, LLC,
 Respondent,
 v.
Anthony Manheim,
 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.

1 Mo. No. 2017-596
Jonathan S. Aaron et al.,
 Appellants,
 v.
Deloitte Tax LLP,
 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.
Judges Garcia and Wilson took no part.

4 Mo. No. 2017-633
Town of Aurora, &c.,
 Respondent,
 v.
Village of East Aurora, &c.,
 Appellant.

Motion for leave to appeal granted.

2 Mo. No. 2017-679
Sororazam Bethune,
 Appellant,
 v.
MTA/Long Island Bus, et al.,
 Respondents.

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.
Motion for poor person relief dismissed as academic.

2 Mo. No. 2017-668
HSBC Bank USA, N.A.,
Respondent,
v.
Christopher N. Crossland, &c.,
Appellant,
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.
Motion for poor person relief dismissed as academic.
Motion for a stay dismissed as academic.

4 Mo. No. 2017-707
In the Matter of State of New York,
Respondent,
v.
William D., &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.

1 Mo. No. 2017-670
In the Matter of Nafissatou D.,
Respondent,
v.
Ibrahima B.,
Appellant.

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

2 Mo. No. 2017-682
Jacqueline Felix,
Respondent,
v.
Robert Felix,
Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2017-555
Ed Ferris,
Appellant,
v.
Benton B. Kendig, et al.,
Respondents.

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. 2017-664
In the Matter of Antoneta Fetahaj,
 Appellant,
 v.
Starbucks Corporation,
 Respondent.
Workers' Compensation Board,
 Respondent.

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

1 Mo. No. 2017-712
For the People Theatres of N.Y. Inc., &c.,
 Plaintiff,
JGJ Merchandise Corp., &c.,
 Respondent,
 v.
City of New York, et al.,
 Appellants.

Motion by respondent JGJ Merchandise Corp., &c.
for reargument denied.
Chief Judge DiFiore and Judge Feinman took no
part.

Ten's Cabaret, Inc., &c., et al.,
 Respondents,
 v.
City of New York, et al.,
 Appellants.

4 Mo. No. 2017-727
Charles R. Fotheringham,
 Appellant,
 v.
Riversource Life Insurance Co. of New York,
&c., et al.,
 Respondents.

Motion for leave to appeal denied.

1 Mo. No. 2017-728
Thomas Gass,
 Appellant
 v.
Susan Gass,
 Respondent.

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

1 Mo. No. 2017-608
In the Matter of Mark S. Goldstein,
Nonparty Appellant,
v.
William D. Zabel,
Nonparty Respondent.

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

1 Mo. No. 2017-667
In the Matter of Mark S. Goldstein,
Nonparty Appellant,
v.
William D. Zabel,
Nonparty Respondent.

Motion by New York State Trial Lawyers Association for leave to appear as amicus curiae on the motion for leave to appeal herein granted and the affirmation is accepted as filed.
Judge Feinman took no part.

2 Mo. No. 2017-706
The People &c.,
Respondent,
v.
Derek Hahn,
Appellant.

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

2 Mo. No. 2017-686
In the Matter of Highway Superintendent Association of Rockland, Inc., et al.,
Respondents,
v.
Town of Clarkstown, et al.,
Appellants.

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

1 Mo. No. 2017-561
The People &c. ex rel. Haywood Hinton,
Appellant,
v.
Warden, &c.,
Respondent.

Motion for leave to appeal dismissed as untimely (see CPLR 5513[b]).
Motion for poor person relief dismissed as academic.

3 Mo. No. 2017-700
In the Matter of Duane II., &c.

Clinton County Department of Social
Services,
 Respondent;
Andrew II.,
 Appellant.
(And Another Proceeding.)

Motion for leave to appeal denied.

1 Mo. No. 2017-750
Ronald Jacobus,
 Appellant,
 v.
Battery Park Hotel Management, LLC,
 Respondent.

Motion for reargument of motion for leave to appeal
dismissed as untimely (see Rules of Ct of Appeals
[22 NYCRR] § 500.24[b]).
Judge Feinman took no part.

3 Mo. No. 2017-685
In the Matter of Jay's Distributors, Inc.,
 Appellant,
 v.
Jarry Boone, &c., et al.,
 Respondents.

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

4 Mo. No. 2017-713
Ashley B. Jones,
 Appellant,
 v.
Eric R. Swede,
 Defendant,
Darryle R. Swede,
 Respondent.

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

1 Mo. No. 2017-744
Kelly Ann Junior, et al.,
 Appellants,
 v.
City of New York, et al.,
 Respondents,
et al.,
 Defendants.

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

2 Mo. No. 2017-665
In the Matter of Franklin Kirkland,
 Appellant,
 v.
Anthony J. Annucci, &c.,
 Respondent.

Motion for leave to appeal denied.

4 Mo. No. 2017-634
In the Matter of Victoria Knavel, et al.,
 Respondents,
 v.
West Seneca Central School District, et al.,
 Appellants.

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 and is not an order of the type provided for in CPLR 5602(a)(2).

2 Mo. No. 2017-689
In the Matter of John F. Lamb, Jr.,
 Respondent,
 v.
Theresa L. Egan, &c., et al.,
 Appellants.

Motion for leave to appeal denied.

3 Mo. No. 2017-583
In the Matter of Level 3 Communications,
LLC,
 Appellant,
 v.
Clinton County et al.,
 Respondents,
Village of Rouses Point et al.,
 Respondents.

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

3 Mo. No. 2017-680
In the Matter of Robert A. Lynch,
 Appellant,
 v.
Anthony J. Annucci, &c.,
 Respondent.

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

4 Mo. No. 2017-691
The People &c.,
 Respondent,
 v.
Michael Maier,
 Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2017-625
In the Matter of Scott Maione,
 Appellant,
 v.
New York State Office of Temporary and
Disability Assistance, et al.,
 Respondents.

Motion for leave to appeal denied.

3 Mo. No. 2017-743
In the Matter of Dawn M., et al., &c.

Broome County Department of Social
Services,
Respondent;
Michael M.,
Respondent;
Brendi M.,
Appellant.

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

2 Mo. No. 2017-688
Colleen F. Mayer, &c.,
Appellant,
v.
Kristen M. Mayer, et al.,
Respondents,
et al.,
Defendants.

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

3 Mo. No. 2017-725
Theresa Odejimi,
Appellant,
v.
Town of Windsor,
Respondent.

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

3 Mo. No. 2017-666
In the Matter of Maurice Oparaji,
Appellant,
v.
Books & Rattles et al.,
Respondents.
Workers' Compensation Board,
Respondent.

Motion for leave to appeal denied.

4 Mo. No. 2017-559
David J. Pacy, &c.,
Appellant,
v.
Cowen Holdings, Inc., et al.,
Defendants,
Raytheon Commercial Laundry LLC, &c., et
al.,
Respondents.

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

2 Mo. No. 2017-651
In the Matter of Enrique C. Parada, deceased.
Deborah A. Parada,
Respondent;
Erick P. Parada,
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.

4 Mo. No. 2017-705
In the Matter of Lauralee Pfalzer,
Appellant,
v.
John E. Pfalzer, Jr.,
Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2017-862
In the Matter of the People, &c.,
Respondent,
v.
PriceWaterhouseCoopers, LLP,
Respondent,
Exxon Mobil Corporation,
Appellant.

Motion for leave to appeal denied.
Motion for a stay dismissed as academic.

1 Mo. No. 2017-720
PSW NYC LLC,
 Appellant,
 v.
Bank of America, N.A., &c., et al.,
 Respondents.

Motion for leave to appeal denied.

3 Mo. No. 2017-721
Scott Q.,
 Respondent,
 v.
Joy R.,
 Appellant.

Motion for leave to appeal denied.

1 SSD 44
R. F. Schiffmann Associates, Inc., et al.,
 Appellants,
 v.
Baker & Daniels LLP,
 Respondent,
Weaver Popcorn Company, Inc.,
 Defendant.

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

2 Mo. No. 2017-656
The People &c.,
 Respondent,
 v.
Luis Ramos,
 Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2017-671
In the Matter of Jacob Reyes,
 Appellant,
 v.
Anthony J. Annucci, &c.,
 Respondent.

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

1 Mo. No. 2017-701
Risk Control Associates, Inc. et al.,
 Appellants,
 v.
Maloof, Lebowitz, Connahan & Oleske, P.C.,
et al.,
 Respondents.

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

2 Mo. No. 2017-681
Debra Savvis,
 Appellant,
 v.
New York City Department of Education et
al.,
 Respondents.

Motion for leave to appeal dismissed as untimely (see CPLR 5513[b]).

2 Mo. No. 2017-655
The People &c.,
 Respondent,
 v.
John Scattareggia,
 Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2017-580
Hector L. Serrano et al.,
 Respondents,
 v.
Consolidated Edison Company of New York
Inc.,
 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.

2 Mo. No. 2017-659
The People &c.,
 Respondent,
 v.
Orlando Velasco,
 Appellant.

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

2 Mo. No. 2017-674
In the Matter of Peri Krusos Wenz,
 Appellant,
 v.
Amelia Brogan, et al.,
 Respondents.

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

4 Mo. No. 2017-697
Caitlin Weston,
 Appellant,
 v.
Jose Martinez et al.,
 Respondents.

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