

April 26, 2018

CASES

1 No. 44
Richard Altman,
 Respondent,
 v.
285 West Fourth LLC,
 Appellant.

Order appealed from and prior order of the Appellate Division insofar as brought up for review reversed, with costs, and motion for summary judgment dismissing the complaint granted. Opinion by Chief Judge DiFiore. Judges Rivera, Stein, Fahey, Garcia, Wilson and Feinman concur.

2 No. 86 SSM 42
The People &c.,
 Respondent,
 v.
Quinn Britton,
 Appellant.

On review of submissions pursuant to section 500.11 of the Rules, order affirmed, without costs, in a memorandum. Chief Judge DiFiore and Judges Stein, Fahey, Garcia, Wilson and Feinman concur. Judge Rivera dissents in an opinion.

1 No. 87 SSM 43
Wayne Schnapp,
 Respondent,
 v.
Miller's Launch, Inc.,
 Appellant.

On review of submissions pursuant to section 500.11 of the Rules, order affirmed, with costs, and certified question answered in the affirmative. Triable issues of fact exist as to whether defendant Miller's Launch, Inc. breached a duty of care it owed to plaintiff Wayne Schnapp pursuant to the Longshore and Harbor Workers' Compensation Act (33 USC § 905[b]). Chief Judge DiFiore and Judges Rivera, Stein, Fahey, Garcia and Wilson concur. Judge Feinman took no part.

1 No. 38
Skanska USA Building Inc.,
 Appellant,
 v.
Atlantic Yards B2 Owner, LLC, et al.,
 Respondents,
et al.,
 Defendants.

Order insofar as appealed from affirmed, with costs,
and certified question answered in the affirmative, in
a memorandum.
Chief Judge DiFiore and Judges Rivera, Stein, Fahey,
Wilson and Feinman concur.
Judge Garcia took no part.

MOTIONS

1 Mo. No. 2018-318
In the Matter of Hany A.,
 Appellant,
 v.
Eric A.,
 Respondent.

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

2 Mo. No. 2018-85
The People &c.,
 Respondent,
 v.
Lionel Christian,
 Appellant.

Motion for leave to appeal dismissed upon the
ground that no civil appeal lies from the order of the
Appellate Division entered in this criminal action
(see NY Const, art VI, § 3[b]; CPLR 5602; CPL
450.90).

1 Mo. No. 2018-178
In the Matter of Christian D., et al., &c.

Marian R.,
 Appellant;
SCO Family of Services of New York,
 Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2018-158
In the Matter of Cohen D. et al, &c.

Chantal D.,
 Appellant,
et al.,
 Respondent;
Administration for Children's Services,
 Respondent.

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

4 Mo. No. 2018-186
Stephen T. Divito,
Appellant,
v.
Shannon B. Meegan,
Respondent.

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

4 Mo. No. 2018-180
The People &c. ex rel. Walter Grant,
Appellant,
v.
Paul M. Gonyea, &c.,
Respondent.

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

1 Mo. No. 2018-181
Lilian Hairston, &c.,
Appellant,
v.
Liberty Behavioral Management Corporation
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.

3 Mo. No. 2018-351
The People &c.,
Appellant,
v.
Brian Hakes,
Respondent.

Motion by New York State Defenders Association for leave to file a brief amicus curiae on the appeal herein granted and the proposed brief is accepted as filed. Two copies of the brief must be served, an original and nine copies filed, and the brief submitted in digital format within seven days.

2 Mo. No. 2018-403
The People &c.,
Respondent,
v.
Rong He,
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.

2 SSD 19
In the Matter of Marek Hyra,
 Appellant,
 v.
Thomas J. Jacobellis, &c., 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. 2018-83
IGS Realty Co., L.P.,
 Respondent,
 v.
James H. Brady,
 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 Cuadrado v New York City Tr. Auth., lv dismissed 14 NY3d 748 [2010]).

2 Mo. No. 2018-243
In the Matter of Natalia J.

Westchester County Department of Social
Services,
 Respondent;
Clarence T.,
 Appellant.
(And Two Other Proceedings)

Motion for leave to appeal denied.
Chief Judge DiFiore took no part.

3 SSD 20
The People &c. ex rel. Robert Jones,
 Appellant,
 v.
William Lee, &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. 2018-361
In the Matter of the People &c.,
 Appellant,
 v.
Conrado Juarez,
 Defendant.
Frances Robles,
 Nonparty Respondent.

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 the proposed brief is accepted as filed. The brief must be submitted in digital format within seven days.

4 Mo. No. 2018-271
In the Matter of William W. Kelly, III,
 Respondent,
 v.
Melanie Wachowiak,
 Appellant.
(And Another Proceeding)

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

4 Mo. No. 2017-1237
In the Matter of Kim A. Kirsch et al.,
 Respondents,
 v.
Board of Education of Williamsville Central
School District et al.,
 Appellants.

Motion for leave to appeal denied.

1 Mo. No. 2018-380
In the Matter of Lacey L., &c.

Stephanie L.,
 Appellant;
Administration for Children's Services,
 Respondent,
Dekodia L.,
 Respondent.

Motion for poor person relief granted.

4 Mo. No. 2018-169
The People &c.,
 Respondent,
 v.
Arthur Lewis,
 Appellant.

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

3 SSD 18
In the Matter of Matthew Joseph Mann, an
Attorney.

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

Attorney Grievance Committee for the Third
Judicial Department,
 Respondent;
Matthew Joseph Mann,
 Appellant.

3 Mo. No. 2018-185
In the Matter of Natalee M., &c.

Motion for leave to appeal denied.

Broome County Department of Social
Services,
 Respondent;
Susan N.,
 Appellant,
et al.,
 Respondent.

1 Mo. No. 2018-297
In the Matter of Rayquan Reginald M. et al.,
&c.

Motion for leave to appeal denied.

Monique P.,
 Appellant;
Heart Share Human Services of New York,
Roman Catholic Diocese of Brooklyn,
 Respondent.

2 Mo. No. 2018-184
Dawn Mosby,
Appellant,
v.
Matthew G. Parilla, &c.,
Respondent.

Motion for reargument of motion for leave to appeal denied.

4 Mo. No. 2018-190
In the Matter of Jaydalee P. et al.

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

Herkimer County Department of Social
Services,
Respondent;
Codilee R.,
Appellant.

2 Mo. No. 2018-284
In the Matter of Tymel P., &c.

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

Coalition for Hispanic Family Services,
Respondent;
Tyrone P.,
Appellant.
(And Another Proceeding)

2 SSD 21
Queens Branch of the Bhuvaneshwar Mandir,
Inc., et al.,
Respondents,
v.
Jagraine Sherman, et al.,
Appellants.

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

2 Mo. No. 2018-174
In the Matter of Ethan A.R., &c.

New York Foundling Hospital,
Respondent;
Noelle M.R., &c.,
Appellant.

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

1 Mo. No. 2018-179
The People &c.,
Respondent,
v.
Daryl Ryan,
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2018-203
In the Matter of Sitara Saleem,
Appellant,
v.
Waqar Ahmed Chaudhry,
Respondent.
(And Another Proceeding)

Motion for leave to appeal dismissed upon the
ground that no motion for leave to appeal lies from
an Appellate Division order dismissing an appeal
from a decision (see CPLR 5602).

2 Mo. No. 2018-170
The People &c.,
Respondent,
v.
Samuel Samuel,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2018-402
The People &c.,
Respondent,
v.
Alexis Sanchez,
Appellant.

Motion for assignment of counsel granted and
Richard Wojszwilo, Esq., 11 Park Place, Suite 903,
New York, NY 10007 assigned as counsel to the
appellant on the appeal herein.

1 Mo. No. 2018-251
In the Matter of Michele S., &c.

Yi S.,
Appellant;
Administration for Children's Services of the
City of New York,
Respondent.

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

3 Mo. No. 2018-376
The People &c.,
Respondent,
v.
Charles D. Strauss,
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. 2018-375
The People &c.,
Respondent,
v.
Agape A. Towns,
Appellant.

Motion for assignment of counsel granted and
Timothy P. Donaher, Esq., Monroe County Public
Defender, 10 N. Fitzhugh Street, Rochester, NY
14614 assigned as counsel to the appellant on the
appeal herein.

3 Mo. No. 2018-183
In the Matter of Leah VV. et al., &c.

Sullivan County Department of Family
Services,
Respondent;
Theresa WW.,
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. 2018-199
In the Matter of Ayden W. et al.

Erie County Department of Social Services,
Respondent;
John W.,
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2018-425
The People &c.,
Respondent,
v.
Omar Xochimitl,
Appellant.

Motion by Make the Road New York et al. for leave to file a submission amici curiae on the appeal herein granted and the proposed submission is accepted as filed. The submission must be submitted in digital format within seven days.