

December 11, 2018

CASES

3	No. 138	Order affirmed, without costs, in a memorandum. Chief Judge DiFiore and Judges Rivera, Stein, Fahey, Garcia, Wilson and Feinman concur.
The People &c. ex rel. Erick Allen, Appellant,		
v.		
Bruce Yelich, &c., Respondent.		
1	No. 134	Order affirmed. Opinion by Judge Feinman. Judges Rivera, Garcia and Wilson concur. Judge Fahey dissents in an opinion in which Chief Judge DiFiore and Judge Stein concur.
The People &c., Appellant,		
v.		
Frederick Diaz, Respondent.		
3	No. 135	Order, insofar as appealed from, affirmed, with costs. Opinion by Chief Judge DiFiore. Judges Rivera, Stein, Fahey, Garcia and Feinman concur. Judge Wilson dissents in an opinion.
In the Matter of Steven G. Mancini, Appellant,		
v.		
Office of Children and Family Services et al., Respondents.		
Workers' Compensation Board, Respondent.		
1	No. 133	Order affirmed, with costs, and certified question not answered as unnecessary. Opinion by Judge Garcia. Chief Judge DiFiore and Judges Fahey and Feinman concur. Judge Stein concurs in result in an opinion. Judge Rivera dissents in an opinion. Judge Wilson dissents in a separate dissenting opinion.
In the Matter of New York Civil Liberties Union, Appellant,		
v.		
New York City Police Department, et al., Respondents.		

1 No. 148 SSM 25
In the Matter of Luis P., a Person Alleged to
be a Juvenile Delinquent,
 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 and
Garcia concur.
Judge Rivera dissents in an opinion in which Judge
Wilson concurs.
Judge Feinman took no part.

MOTIONS

2 Mo. No. 2018-856
6 Harbor Park Drive, LLC,
 Appellant,
 v.
Town of North Hempstead, et al.,
 Respondents.

Motion, insofar as it seeks leave to appeal from so much of the Appellate Division order as affirmed that portion of the Supreme Court order granting the motions of defendants Town of North Hempstead, Incorporated Village of Flower Hill, Woo Chang, Sook Chang, Manfred Demenus, and Marita Demenus for summary judgment dismissing the complaint insofar as asserted against them, denied; motion for leave to appeal otherwise dismissed upon the ground that the remainder of the order sought to be appealed from does not finally determine the action within the meaning of the Constitution.

1 Mo. No. 2018-1088
The People &c.,
 Respondent,
 v.
Anonymous,
 Appellant.

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

3 Mo. No. 2018-928
In the Matter of Michael Butler,
 Appellant,
 v.
New York State Division of Parole,
 Respondent.

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

2 Mo. No. 2018-888
In the Matter of George C.,
Appellant,
v.
Michael J. Brennan, &c., et al.,
Respondents.

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

2 Mo. No. 2018-1069
In the Matter of Wai-Kim C.,
Appellant,
v.
Wayne M. Ozzi, &c., et al.,
Respondents.

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

1 SSD 67
Jennifer Cangro,
Appellant,
v.
Gina Marie Reitano,
Respondent.

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

1 Mo. No. 2018-1158
The People &c.,
Respondent,
v.
Ali Cisse,
Appellant.

Motion by The Brennan Center for Justice at NYU
School of Law et al. for leave to file a brief amici
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. 2018-898
In the Matter of Dennis E.,
Appellant,
v.
Matthew J. D'Emic, &c., et al.,
Respondents.

Motion for leave to appeal denied.
Motion for a stay dismissed as academic.
Chief Judge DiFiore took no part.

2 Mo. No. 2018-1157
The People &c.,
Respondent,
v.
Emmanuel Diaz,
Appellant.

Motion by Sanctuary for Families, Inc. 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. 2018-850
Marc Fishman,
Appellant,
v.
Jennifer Solomon,
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.

2 Mo. No. 2018-981
In the Matter of Renee P.-F.,
Respondent,
v.
Frank G.,
Appellant.
(And Two Other Proceedings.)

Motion for leave to appeal denied.

3 Mo. No. 2018-873
In the Matter of Richard HH.,
Respondent,
v.
Saratoga County Department of Social
Services et al.,
Respondents,
Tracy GG.,
Respondent.
Daniel Gartenstein, Esq., Attorney for the
Child,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2018-1087
The People &c.,
Respondent,
v.
Rayheame Hill,
Appellant.

Motion for assignment of counsel granted and Justine M. Luongo, Esq., Attorney-in-Charge, Criminal Defense Practice, The Legal Aid Society, 199 Water Street, New York, NY 10038 assigned as counsel to the appellant on the appeal herein.

4 Mo. No. 2018-1173
Randall M. Hinton,
Appellant,
v.
Village of Pulaski,
Respondent.

Motion by New York State Conference of Mayors and Municipal Officials et al. for leave to file a brief amici curiae on the appeal herein granted and the proposed brief is accepted as filed. An original and nine copies of the brief must be filed and the brief submitted in digital format within seven days.

1 Mo. No. 2018-1086
Hyuncheol Hwang,
Appellant,
v.
Mirae Asset Securities (USA) Inc., &c., et al.,
Respondents.

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

1 Mo. No. 2018-1098
Hyuncheol Hwang,
Appellant,
v.
Mirae Asset Securities (USA) Inc., &c., et al.,
Respondents.

Motion for a stay dismissed as academic.

1 Mo. No. 2018-957
The People &c. ex rel. Jose Jerez,
 Appellant,
 v.
Superintendent Colon, &c., et al.,
 Respondents.

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

3 SSD 68
The People &c. ex rel. Angelo D. Johnson,
 Appellant,
 v.
Michael A. Schiff, &c.,
 Respondent.

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

4 Mo. No. 2018-812
Robert Kipp,
 Appellant,
 v.
Marinus Homes, Inc.,
 Defendant,
Greenway Apartments, LLC et al.,
 Respondents.
(And a Third-Party Action.)

Motion for leave to appeal denied.

2 Mo. No. 2018-1097
In the Matter of Larchmont Pancake House,
 Appellant,
 v.
Board of Assessors &c., et al.,
 Respondents.
(And Three Other Proceedings.)

Motion by Stop & Shop Supermarket Company,
LLC 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. 2018-1159
In the Matter of Larchmont Pancake House,
 Appellant,
 v.
Board of Assessors &c., et al.,
 Respondents.
(And Three Other Proceedings.)

Motion by International Council of Shopping Centers for leave to appear amicus curiae on the appeal herein granted only to the extent that 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. 2018-960
The People &c. ex rel. Chance McCurdy,
 Appellant,
 v.
Warden, Westchester County Correctional Facility, &c., et al.,
 Respondents.

Motion for leave to appeal granted.
Motion for poor person relief granted.

1 Mo. No. 2018-935
In the Matter of Dennis W. Quirk, &c.,
 Appellant,
 v.
Jonathan Lippman, &c.,
 Respondent.

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

1 SSD 70
In the Matter of Regina Metropolitan Co.,
LLC,
 Respondent,
 v.
New York State Division of Housing and
Community Renewal,
 Respondent,
Leslie E. Carr et al.,
 Intervenors-Appellants.

In the Matter of Leslie E. Carr et al.,
 Appellants,
 v.
New York State Division of Housing and
Community Renewal,
 Respondent,
Regina Metropolitan Co., LLC,
 Intervenor-Respondent.

 Mo. No. 2018-931
The People &c. ex rel. Justo Richards,
 Appellant,
 v.
NYS Department of Corrections and
Community Supervision,
 Respondent.

3 Mo. No. 2018-868
In the Matter of Liang-Houh Shieh, a
Disbarred Attorney.

Committee on Professional Standards, &c.,
 Respondent,
Liang-Houh Shieh,
 Appellant.

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.

On the Court's own motion, appeal transferred
without costs, to the Appellate Division, Fourth
Department, upon the ground that a direct appeal
does not lie when questions other than the
constitutional validity of a statutory provision are
involved (NY Const, art VI, §§ 3[b][2], 5[b]; CPLR
5601[b][2]).
Motion for poor person relief dismissed as academic.

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.

1 SSD 69
In the Matter of Mark F. Sloane, M.D.,
 Respondent,
 v.
M.G.,
 Appellant.

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

4 Mo. No. 2018-854
Kimberly Snickles,
 Appellant,
 v.
State of New York,
 Respondent.
(And Five Other Actions.)

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

2 Mo. No. 2018-851
In the Matter of Jennifer S. Solomon,
 Respondent,
 v.
Marc H. Fishman,
 Appellant.
(App. Div. No. 2017-07774)

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. 2018-852
In the Matter of Jennifer S. Solomon,
 Respondent,
 v.
Marc H. Fishman,
 Appellant.
(App. Div. No. 2017-07775)

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. 2018-961
The People &c. ex rel. Charles L. Strong,
 Appellant,
 v.
Warden Griffin, &c.,
 Respondent.

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

1 Mo. No. 2018-1174
U.S. Bank National Association, &c.,
Appellant,
v.
DLJ Mortgage Capital, Inc.,
Respondent.
(APL-2017-115)

U.S. Bank National Association, &c.,
Respondent,
v.
DLJ Mortgage Capital, Inc.,
Appellant.
(APL-2017-116)

2 Mo. No. 2018-887
In the Matter of Ellis W.,
Appellant,
v.
Michael J. Brennan, &c., et al.,
Respondents.

4 Mo. No. 2018-951
In the Matter of Kimberly Walker,
Petitioner,
v.
Viktoria Castro et al.,
Respondents.

In the Matter of Clifford Anderson,
Appellant,
v.
Viktoria Castro,
Respondent.

Motion by Securities Industry and Financial Markets Association for leave to file a brief *amicus curiae* on the appeals 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. Chief Judge DiFiore and Judges Jenny Rivera, Stein, Fahey, Garry, Reinaldo E. Rivera and Sweeny concur. Judges Garcia, Wilson and Feinman took no part.

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

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

2 Mo. No. 2018-889
In the Matter of Betty Y.,
 Appellant,
 v.
Michael J. Brennan, &c., et al.,
 Respondents.

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