

January 9, 2018

CASES

1 No. 52 SSM 35
In the Matter of Almira Beatty,
 Respondent,
 v.
City of New York, et al.,
 Appellants.

On review of submissions pursuant to section 500.11 of the Rules, order reversed, with costs, cross motion by respondents City of New York, et al. to dismiss the petition granted, and certified question answered in the negative, in a memorandum. Chief Judge DiFiore and Judges Rivera, Stein, Fahey, Garcia, Wilson and Feinman concur, Judge Rivera in a concurring memorandum.

1 No. 51 SSM 34
In the Matter of Ericka Bolt,
 Respondent,
 v.
New York City Department of Education,
 Appellant.

On review of submissions pursuant to section 500.11 of the Rules, order reversed, with costs, cross motion by respondent New York City Department of Education to dismiss the petition granted, and certified question answered in the negative, in a memorandum. Chief Judge DiFiore and Judges Rivera, Stein, Fahey, Garcia, Wilson and Feinman concur, Judge Rivera in a concurring memorandum.

1 No. 53 SSM 36
In the Matter of Terrell Williams,
 Respondent,
 v.
City of New York, et al.,
 Appellants.

On review of submissions pursuant to section 500.11 of the Rules, the arbitral award appealed from and the Appellate Division order brought up for review reversed, with costs, and judgment of Supreme Court, New York County, dismissing the proceeding reinstated, in a memorandum.
Chief Judge DiFiore and Judges Rivera, Stein, Fahey, Garcia, Wilson and Feinman concur, Judge Rivera in a concurring memorandum.

MOTIONS

2 Mo. No. 2017-1137
In the Matter of Giah A.

Suffolk County Department of Social
Services,
Respondent;
Israel A.,
Appellant.
(And Three Other Proceedings)

Motion for leave to appeal denied.

1 Mo. No. 2017-1112
The People &c.,
Respondent,
v.
Richard Alcantara,
Appellant.

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

2 Mo. No. 2017-683
Vladimir Azbel et al.,
Appellants,
v.
County of Nassau 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.

2 Mo. No. 2017-1081
In the Matter of Mazeltov B.,
Appellant,
v.
Joseph M., et al.,
Respondents.

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.

2 Mo. No. 2017-1103
In the Matter of Marissa Bianco,
Respondent,
v.
Duncan Bruce-Ross,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2017-1135
The People &c.,
Respondent,
v.
Lamont Brunson,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2017-1119
Idamae L. Campbell,
Respondent,
v.
Edward A. Campbell,
Appellant.

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

3 SSD 71
In the Matter of Thomas CC., &c.

New York State Veterans' Home at Oxford,
Respondent;
Thomas CC.,
Respondent,
Mark CC.,
Appellant.

Appeal, insofar as taken from the portion of the Appellate Division order dismissing the appeal from the January 2016 Supreme Court order, dismissed without costs, by the Court sua sponte, upon the ground that no substantial constitutional question is directly involved; appeal otherwise dismissed without costs, by the Court sua sponte, upon the ground that the remaining portion of the Appellate Division order appealed from does not finally determine the proceeding within the meaning of the Constitution.

3 SSD 75
In the Matter of Hugh Christie,
 Appellant,
 v.
Anthony J. Annucci, &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. 2018-2
Robert J. Congel, et al., &c.,
 Respondents,
 v.
Marc A. Malfitano,
 Appellant.

Motion by Daniel Kleinberger, et al. for leave to file a brief amici curiae on the appeal herein granted and the proposed brief is accepted as filed. Three 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. 2017-1127
The People &c.,
 Respondent,
 v.
William Cosby,
 Appellant.

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

2 Mo. No. 2017-1132
In the Matter of Angela H.F., &c.

New York Foundling Hospital,
 Respondent;
Shombe M.,
 Appellant,
et al.,
 Respondents;
Administration for Children's Services,
 Nonparty-Respondent.
(And Two Other Proceedings)

Motion for leave to appeal denied.

3 Mo. No. 2017-1087
In the Matter of Duane FF., &c.

Clinton County Department of Social
Services,
Respondent;
Harley GG.,
Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2017-1122
In the Matter of Georgette Fleischer,
Appellant,
v.
Tax Appeals Tribunal of the State of New
York 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 proceeding within the
meaning of the Constitution.

1 Mo. No. 2017-1116
The People &c.,
Respondent,
v.
Abdul Flynn,
Appellant.

Motion for leave to appeal dismissed upon the
ground that the Court of Appeals does not have
jurisdiction to entertain this motion for leave to
appeal from the order of the Appellate Division
entered in this proceeding commenced in Criminal
Court of the City of New York, New York County
(see NY Const, art VI, § 3[b][7]; CPLR 5602).
Motion for poor person relief dismissed as academic.

2 Mo. No. 2017-1230
The People &c.,
Respondent,
v.
Jude Francis,
Appellant.

Motion by New York State Board of Examiners of
Sex Offenders for leave to file a brief amicus curiae
on the appeal herein granted and the proposed brief
is accepted as filed. The brief must be submitted in
digital format within seven days.

1 SSD 72
In the Matter of Galaxy Bar & Grill Corp.,
Respondent,
v.
New York State Liquor Authority,
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.

2 Mo. No. 2017-1077
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.

3 SSD 74
In the Matter of Fred Hutzenlaub,
Appellant,
v.
Donald Venettozzi &c., et al.,
Respondents.

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

2 Mo. No. 2017-1079
Cynthia R. Inman et al.,
Respondents,
v.
Scarsdale Shopping Center Associates, LLC,
&c., et al.,
Appellants.

Motion, insofar as it seeks leave to appeal from the Appellate Division order affirming so much of the 2016 Supreme Court order as denied that branch of defendants' motion which was to vacate the 2014 judgment pursuant to CPLR 5015(a)(2), dismissed upon the ground that such order does not finally determine the action within the meaning of the Constitution; motion for leave to appeal otherwise denied.

2 Mo. No. 2017-1173
The People &c.,
Respondent,
v.
Arshad Khan,
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.

1 Mo. No. 2017-1097
The People &c.,
Respondent,
v.
Gary Knight,
Appellant.

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

2 Mo. No. 2017-1093
Cecilia Lifschitz,
Respondent,
v.
Haim Yosef Sharabi et al.,
Appellants,
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.

3 Mo. No. 2017-969
Richard Ronkese,
Respondent-Appellant,
v.
Tilcon New York, Inc.,
Appellant-Respondent,
et al.,
Defendants.

Motion by Tilcon New York, Inc. for leave to appeal dismissed upon the ground that it does not lie, appellant-respondent having previously moved for leave to appeal to this Court from the Appellate Division order from which leave to appeal is currently sought (28 NY3d 1045 [2016]).
Motion by Richard Ronkese 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. 2017-1085
In the Matter of Illion RR., &c.

Chemung County Department of Social
Services,
Respondent;
Rachael SS.,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2017-1083
Rashaad T. Russell,
Appellant,
v.
Alavddin Dewan, 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.

2 Mo. No. 2017-1153
The People &c.,
Respondent,
v.
Abraham Santiago,
Appellant.

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

3 Mo. No. 2017-1138
Robert Shelmerdine et al.,
Respondents,
v.
Nancy Myers,
Appellant.

Motion for reargument of motion for leave to appeal
dismissed as untimely (see Rules of Ct of Appeals
[22 NYCRR] § 500.24[b]).

2 Mo. No. 2017-1107
In the Matter of Shorefront Apartments, LLC,
Respondent,
v.
Nella Manko,
Appellant,
et al.,
Respondent.

Motion for leave to appeal dismissed upon the
ground that the Court of Appeals does not have
jurisdiction to entertain it (see NY Const, art VI, § 3;
CPLR 5602).
Motion for poor person relief dismissed as academic.

1 Mo. No. 2018-11
The People &c.,
Respondent,
v.
Otman Siad,
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.

1 Mo. No. 2017-1220
Skanska USA Building Inc.,
Appellant,
v.
Atlantic Yards B2 Owner, LLC, et al.,
Respondents,
et al.,
Defendants.

Motion by New York State Urban Development Corporation &c., et al. for leave to file a brief amici curiae on the appeal herein granted and the proposed brief is accepted as filed. Three copies of the brief must be served, an original and nine copies filed and the brief submitted in digital format within seven days.

4 Mo. No. 2017-1110
Sandra J. Slacer,
Respondent,
v.
John M. Kearney,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2017-1118
The People &c.,
Respondent,
v.
Jeffrey Taylor,
Appellant.

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

4 Mo. No. 2017-1092
In the Matter of City of Watertown,
Appellant;
Watertown Professional Firefighters'
Association Local 191,
Respondent.

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