

March 22, 2018

CASES

1 No. 25
The People &c.,
 Respondent,
 v.
Nicholas Brooks,
 Appellant.

Order affirmed, in a memorandum.
Chief Judge DiFiore and Judges Rivera, Stein, Fahey,
Garcia, Wilson and Feinman concur.

1 No. 27
The People &c.,
 Appellant,
 v.
Raymond Crespo,
 Respondent.

Reargument ordered and case set down for argument
at a future session of the Court.
Chief Judge DiFiore and Judges Rivera, Stein, Fahey,
Garcia and Wilson concur.
Judge Feinman took no part.

4 No. 76 SSM 2
Erie Insurance Exchange,
 Appellant,
 v.
J.M. Pereira & Sons, Inc., et al.,
 Respondents.

On review of submissions pursuant to section 500.11
of the Rules, order affirmed, with costs, and certified
question answered in the affirmative. Plaintiff failed
to establish, as a matter of law, that the "loss was
unambiguously excluded from the coverage of [the]
policy" (Pioneer Tower Owners Assn. v State Farm
Fire & Cas. Co., 12 NY3d 302, 307 [2009]).
Chief Judge DiFiore and Judges Rivera, Stein, Fahey,
Garcia, Wilson and Feinman concur.

2 No. 21
The People &c.,
 Respondent,
 v.
Michael Johnson,
 Appellant.

Order affirmed, in a memorandum.
Chief Judge DiFiore and Judges Rivera, Stein, Fahey,
Garcia, Wilson and Feinman concur.

2 No. 74 SSM 26
The People &c.,
 Appellant,
 v.
Aladdin Sanchez, a/k/a "Shags,"
 Respondent.

On review of submissions pursuant to section 500.11 of the Rules, order, insofar as appealed from, reversed and case remitted to the Appellate Division, Second Department, for consideration of the facts (CPL 470.25[2][d]; 470.40[2][b]) and issues raised but not determined on appeal to that court, in a memorandum.

Chief Judge DiFiore and Judges Stein, Fahey, Garcia and Feinman concur.

Judge Wilson dissents in an opinion in which Judge Rivera concurs.

MOTIONS

2 Mo. No. 2018-68
In the Matter of Sarah J.A.

Putnam County Department of Social
Services,
Respondent;
Ramadan G. O.-A.,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2018-252
The People &c.,
Respondent,
v.
Omar Alvarez,
Appellant.

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

2 Mo. No. 2018-14
The People &c.,
Respondent,
v.
Eddy Aristilde,
Appellant.

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

4 Mo. No. 2017-1223
In the Matter of Jason B., et al.

Yates County Department of Social Services,
Respondent;
Gerald B.,
Appellant,
et al.,
Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2018-69
Citimortgage, Inc., &c.,
Respondent,
v.
Dennis Rockefeller, &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.

3 SSD 13
In the Matter of Richard Croak, a Suspended Attorney.

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

Richard Croak,
Appellant,
Attorney Grievance Committee for the Third Judicial Department,
Respondent.

4 Mo. No. 2018-65
In the Matter of Kh'Niayah D.

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

Onondaga County Department of Children and Family Services,
Respondent;
Niani J.,
Appellant,
et al.,
Respondent.

4 Mo. No. 2018-155
In the Matter of Richard B. DeVita et al.,
Respondents,
v.
Marie DeVita,
Appellant.
(And Two Other Proceedings)

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

2 SSD 14
Alice Laraine Dimery,
 Appellant,
 v.
Ulster Savings Bank,
 Respondent.

Ulster Savings Bank,
 Respondent.
 v.
A. Laraine Dimery,
 Appellant.

2 Mo. No. 2017-1207
In the Matter of May Dinger, Deceased.

David Thompson, Jr.,
 Respondent;
Mary Ann Dinger Gunther,
 Appellant.

1 Mo. No. 2018-53
The People &c.,
 Respondent,

 v.
Nelson Genao,
 Appellant.

1 Mo. No. 2018-140
The People &c.,
 Respondent,

 v.
Roberto Gonzalez,
 Appellant.

Appeal dismissed without costs, by the Court sua
sponte, upon the ground that it does not lie (see
CPLR 5601).

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

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

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

1 Mo. No. 2018-31
The People &c.,
Respondent,
v.
Peter Habersharn,
Appellant.

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

3 Mo. No. 2018-50
In the Matter of Robert Haigler,
Appellant,
v.
William Keyser, &c.,
Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2018-311
The People &c.,
Respondent,
v.
Nicholas Hill,
Appellant.

Motion by The Bronx Defenders, et al. for leave to file a letter brief amici curiae on the appeal herein granted and the proposed letter brief is accepted as filed. An original and two copies of the letter brief must be filed and the letter brief submitted in digital format within seven days.
Judge Feinman took no part.

2 Mo. No. 2018-79
In the Matter of Tsipora Hiller,
Appellant,
v.
Dov Hiller,
Respondent.

Motion for leave to appeal dismissed upon the ground that movant is not a party aggrieved (see CPLR 5511).
Motion for poor person relief dismissed as academic.

2 Mo. No. 2018-230
The People &c.,
Respondent,
v.
Hoover Trevoae Joyner,
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.

3 Mo. No. 2018-133
In the Matter of Kristina L.,
 Respondent,
 v.
Elizabeth M.,
 Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2018-187
The People &c.,
 Respondent,
 v.
Luis Lema,
 Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2018-28
Rhonda Lewis, &c., et al.,
 Appellants,
 v.
Robert Jutkowitz, et al.,
 Defendants,
William Gael, et al.,
 Respondents.

Motion for reargument of motion for leave to appeal denied.

1 Mo. No. 2017-1204
In the Matter of Kalah O., a Person Alleged to
be a Juvenile Delinquent,
 Appellant.

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

2 Mo. No. 2018-74
In the Matter of Kermit Parker,
 Appellant,
 v.
Greta Hennessey,
 Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2018-77
Vijayapraveena Paruchuri,
Respondent,
v.
Jahlani Akil,
Appellant.

Motion for leave to appeal denied.

Mo. No. 2018-171
The People &c.,
Respondent,
v.
Mark Pollard,
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.

2 Mo. No. 2018-1
In the Matter of Queens College Special
Projects Fund, Inc.,
Respondent,
v.
Samara Newman, &c. et al.,
Appellants.

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

2 Mo. No. 2018-173
In the Matter of Queens College Special
Projects Fund, Inc.,
Respondent,
v.
Samara Newman, &c. et al.,
Appellants.

Motion for a stay dismissed as academic.

3 Mo. No. 2018-72
In the Matter of Ravena-Coeymans-Selkirk
Central School District,
Appellant,
v.
Town of Bethlehem et al.,
Respondents,
et al.,
Respondent.

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

Mo. No. 2018-266
The People &c.,
Respondent,
v.
Mayra Rivas,
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. 2018-218
The People &c. by Eric T. Schneiderman,
&c.,
Respondent,
v.
Credit Suisse Securities (USA) LLC, &c., et
al.,
Appellants.

Motion by Jonathan Lippman, 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.
Judges Garcia and Wilson took no part.

2 Mo. No. 2018-135
In the Matter of Luetricia Sellers,
Appellant,
v.
Cornell Brown,
Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2018-291
The People &c.,
Appellant,
v.
Natascha Tiger,
Respondent.

Motion by Center for Appellate Litigation, et al. for leave to appear amici 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.

1 Mo. No. 2018-3
In the Matter of Angelicah U., et al., &c.

Reggie U.,
Appellant;
Children's Aid Society,
Respondent,
et al.,
Respondent.

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

2 Mo. No. 2018-52
In the Matter of Rochylin T. Vargas,
Respondent,

v.
Yali Gutierrez,
Appellant.
(And Another Proceeding)

Motion for leave to appeal denied.

3 Mo. No. 2018-84
The People &c. ex rel. Sidiki Weay,
Appellant,

v.
Daniel Martuscello, &c.,
Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2018-102
In the Matter of Debora Winn,
Respondent,

v.
Naim Diaz,
Appellant.

Motion for leave to appeal denied.

4 SSD 11
Glasco Wright,
Appellant,

v.
State of New York,
Respondent.

Appeal dismissed without costs, by the Court sua
sponte, upon the ground that the order appealed from
does not finally determine the action within the
meaning of the Constitution.