

March 27, 2018

CASES

1 No. 75 SSM 40
The People &c.,
 Respondent,
 v.
Mark Boyd,
 Appellant.

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

2 No. 30
Robert J. Congel, et al., &c.,
 Respondents,
 v.
Marc A. Malfitano,
 Appellant.

Judgment appealed from, and orders of the Appellate Division brought up for review, modified, without costs, by remitting the case to Supreme Court, Dutchess County, for further proceedings in accordance with the opinion herein and, as so modified, affirmed. Opinion by Judge Fahey. Judges Rivera, Stein, Garcia and Wilson concur. Judge Feinman dissents in part in an opinion in which Chief Judge DiFiore concurs.

1 No. 22
Gilbane Building Co./TDX Construction
Corp., et al.,
 Appellants,
 v.
St. Paul Fire and Marine Insurance Company,
et al.,
 Defendants,
Liberty Insurance Underwriters,
 Respondent.

Order affirmed, with costs, and certified question answered in the affirmative. Opinion by Judge Wilson. Judges Rivera, Fahey, Garcia and Feinman concur. Judge Stein dissents in an opinion in which Chief Judge DiFiore concurs.

1 No. 20
Keyspan Gas East Corporation,
 Appellant,
 v.
Munich Reinsurance America, Inc.,
 Defendant,
Century Indemnity Company et al.,
 Respondents.

Order affirmed, with costs, and certified question answered in the affirmative.
Opinion by Judge Stein.
Judges Rivera, Fahey, Wilson and Feinman concur.
Chief Judge DiFiore and Judge Garcia took no part.

1 No. 29
The People &c.,
 Respondent,
 v.
Rafael Perez,
 Appellant.

Order, insofar as appealed from, affirmed, in a memorandum.
Chief Judge DiFiore and Judges Stein, Fahey, Garcia and Feinman concur.
Judge Rivera dissents in an opinion in which Judge Wilson concurs.

MOTIONS

3 Mo. No. 2018-33
In the Matter of Carlos Abreu,
 Appellant,
 v.
Tina M. Stanford, &c., et al.,
 Respondents.

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

2 Mo. No. 2018-112
Aries Financial, LLC,
 Appellant,
 v.
12005 142nd Street, LLC, et al.,
 Respondents,
et al.,
 Defendants.

Motion for leave to appeal dismissed upon the
ground that simultaneous appeals do not lie to both
the Appellate Division and the Court of Appeals (see
Parker v Rogerson, 35 NY2d 751, 753 [1974]).

2 Mo. No. 2018-9
In the Matter of State of New York,
 Respondent,
 v.
Jameek B.,
 Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2018-93
Amy Braunstein,
 Respondent,
 v.
David J. Braunstein,
 Appellant.

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

3 Mo. No. 2018-57
In the Matter of Errol P. Campbell,
 Respondent.
TDA Industries, Inc.,
 Appellant.
Commissioner of Labor,
 Respondent.

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. 2018-87
In the Matter of Demetrius C. et al., &c.

David C.,
 Respondent,
Administration for Children's Services,
 Respondent,
Epifania C.,
 Intervenor-Appellant.

Motion for leave to appeal dismissed upon the ground that the order sought to be appealed from does not finally determine the proceedings within the meaning of the Constitution.
Motion for poor person relief dismissed as academic.
Motion for a stay dismissed as academic.

In the Matter of Epifania C.,
 Appellant,
 v.
David C.,
 Respondent.

2 Mo. No. 2018-90
The People &c.,
 Respondent,
 v.
Albert Carini,
 Appellant.

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

2 Mo. No. 2018-122
In the Matter of Isan Contant,
 Appellant,
 v.
William A. Kelly, &c.,
 Respondent.

Motion to vacate this Court's November 29, 2017 dismissal order granted.
On the Court's own motion, appeal dismissed, without costs, upon the ground that no substantial constitutional question is directly involved.

2 Mo. No. 2018-18
In the Matter of Maurice Daniel,
 Appellant,
 v.
Brooklyn Law School,
 Respondent.

Motion for leave to appeal denied.
Motion for ancillary relief dismissed upon the
ground that this Court does not have jurisdiction to
entertain it (see NY Const, art VI, §3).

1 Mo. No. 2018-118
Eve Demian,
 Appellant,
 v.
Stephanie Calmenson,
 Respondent.

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

1 Mo. No. 2018-98
In the Matter of The Friends of P.S. 163, Inc.,
et al.,
 Appellants,
 v.
Jewish Home Lifecare, Manhattan,
 Respondent,
New York State Department of Health, et al.,
 Respondents.

Motion for reargument denied.

In the Matter of Daisy Wright, et al.,
 Appellants,
 v.
New York State Department of Health, et al.,
 Respondents,
Jewish Home Lifecare, Manhattan,
 Respondent.

2 Mo. No. 2018-88
In the Matter of Village of Garden City,
Appellant,
v.
Professional Firefighters Association of
Nassau County, Local 1588,
Respondent.

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

4 Mo. No. 2018-32
Geneva Association of Retired Teachers, et
al.,
Appellants,
v.
Geneva City School District,
Respondent.

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

3 Mo. No. 2018-75
The People &c.,
Respondent,
v.
Eric Headwell,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2018-48
Heritage Partners LLC, et al.,
Appellants,
v.
Stroock & Stroock & Lavan LLP,
Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2018-126
Hoeg Corporation,
Appellant,
v.
Peebles Corporation,
Respondent.

Motion for leave to appeal dismissed as untimely (see CPLR 5513[b]; Eaton v State of New York, 76 NY2d 824 [1990]).

1 Mo. No. 2018-55
JPMorgan Chase Bank, National Association,
Respondent,
v.
Ching J. Lu &c.,
Appellant,
Longjun Xie,
Defendant,
408 West 57th Owners Corp.,
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.
Judge Wilson took no part.

4 Mo. No. 2018-94
In the Matter of Steven J. Maroccia,
Appellant,
v.
New York State Department of Motor
Vehicles,
Respondent.

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

4 SSD 15
In the Matter of Deborah J. McCulloch, &c.,
Respondent,
v.
Melvin H., &c.,
Appellant.

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

2 Mo. No. 2018-142
John P. Mery, et al.,
Appellants,
v.
Frank Eginger,
Defendant,
Society of Friends Church, &c.,
Respondent.

Motion to vacate this Court's January 8, 2018 dismissal order granted.

1 Mo. No. 2018-106
Seth Mitchell,
Appellant,
v.
State of New York,
Respondent.

Motion for reargument of motion for leave to appeal denied.

3 Mo. No. 2018-107
The People &c. ex rel. Gary H. Moore,
Appellant,
v.
Superintendent of Coxsackie Correctional
Facility,
Respondent.

Motion for reconsideration of this Court's December 12, 2017 dismissal order denied.

2 Mo. No. 2018-42
Teddy Moore,
Appellant,
v.
Frank Guerra,
Defendant,
City 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 action within the meaning of the Constitution.
Motion for poor person relief &c. dismissed as academic.

3 Mo. No. 2018-100
In the Matter of National Energy Marketers
Association, et al.,
Appellants,
v.
New York State Public Service Commission,
Respondent.
(And Two Other Related Proceedings.)

Motion for leave to appeal granted.

2 Mo. No. 2018-128
In the Matter of Jonathan Perry et al.,
Appellants,
v.
Patricia A. Brennan Qualified Personal
Residence Trust, &c., et al.,
Respondents.

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

2 Mo. No. 2018-38
In the Matter of Michael R.,
Appellant,
v.
Aliesha H.,
Respondent.
(And Another Proceeding)

Motion for leave to appeal dismissed upon the ground that the order sought to be appealed from does not finally determine the proceedings within the meaning of the Constitution.
Motion for poor person relief dismissed as academic.
Motion for a stay dismissed as academic.

3 Mo. No. 2018-99
In the Matter of Retail Energy Supply
Association, et al.,
Appellants,
v.
Public Service Commission of the State of
New York, et al.,
Respondents.
(And Two Other Related Proceedings.)

Motion for leave to appeal granted.

2 Mo. No. 2018-105
In the Matter of Sholom Scheiner,
Respondent,
v.
Yehudit Henig,
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2018-109
Anil Sehgal et al.,
Respondents,
v.
www.nyairportsbus.com, Inc. et al.,
Appellants.

Motion for leave to appeal denied.

2 Mo. No. 2018-67
In the Matter of Kevin P. Smith,
Appellant,
v.
Gregory Lasak, &c., et al.,
Respondents.

Motion for reconsideration of this Court's December 19, 2017 dismissal order denied.
Motion for reargument of motion for leave to appeal denied.

3 Mo. No. 2018-92
In the Matter of Joel Thorn,
Appellant,
v.
New York State Board of Parole,
Respondent.

Motion for leave to appeal denied.

3 Mo. No. 2018-60
In the Matter of the Dissolution of Twin Bay
Village, Inc.

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

Vladimir Chomiak et al.,
Respondents;
Tatiana Chomiak Kasian, &c. et al.,
Appellants.

2 SSD 16
Wells Fargo Bank, N.A., &c.,
Respondent,
v.
Robert Shatles, &c., et al.,
Appellants,
et al.,
Defendants.

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.

2 Mo. No. 2018-30
Westhampton Beach Associates, LLC,
Appellant,

v.

Incorporated Village of Westhampton Beach
et al.,

Respondents,

et al.,

Defendants.

Motion for leave to appeal dismissed as untimely
(see CPLR 5513[b]; CPLR 5611).

2 Mo. No. 2018-111
Camille Williamson,
Appellant,

v.

Long Island University,
Respondent.

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

2 Mo. No. 2018-82
The People &c.,
Respondent,

v.

Salamea Wilson,
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2018-101
The People &c.,
Respondent,

v.

Paul Woodson,
Appellant.

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