

November 14, 2018

**CASES**

1                    No. 126  
The Alliance to End Chickens as Kaporos, et  
al.,  
                  Appellants,  
          v.  
New York City Police Department, et al.,  
                  Respondents,  
et al.,  
                  Defendants.

Order affirmed, with costs, in a memorandum.  
Chief Judge DiFiore and Judges Rivera, Stein, Fahey,  
Garcia and Wilson concur.  
Judge Feinman took no part.

2                    No. 118  
Charmaine Clement,  
                  Appellant,  
          v.  
Thomas Durban, et al.,  
                  Respondents.

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

## MOTIONS

2                    Mo. No. 2018-938  
130 Third Street Loft, LLC,  
                  Appellant,  
                  v.  
HKF, Inc.,  
                  Respondent.

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

2                    Mo. No. 2018-1089  
130 Third Street Loft, LLC,  
                  Appellant,  
                  v.  
HKF, Inc.,  
                  Respondent.

Motion for a stay dismissed as academic.

2                    Mo. No. 2018-942  
In the Matter of Andrena Alphonse,  
                  Respondent,  
                  v.  
Alfred Alphonse,  
                  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.

2                    Mo. No. 2018-1058  
Lilya Andryeyeva, &c, et al.,  
                  Respondents,  
                  v.  
New York Health Care, Inc., d/b/a New York  
Home Attendant Agency, et al.,  
                  Appellants.

Motion by Consumer Directed Personal Assistance Association of New York State, 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.

1                   SSD 66  
The People &c.,  
    Appellant,  
    v.  
Travis Breckenridge,  
    Respondent.

Appeal dismissed, by the Court sua sponte, upon the ground that the modification by the Appellate Division was not "on the law alone or upon the law and such facts which, but for the determination of law, would not have led to ... modification" (CPL 450.90[2][a]).

1                   Mo. No. 2018-752  
The Bronx Islamic Society, Inc.,  
    Respondent,  
    v.  
Terrence H. Ally, et al.,  
    Appellants.

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.

4                   Mo. No. 2018-839  
The People &c. ex rel. David A. Brown,  
    Appellant,  
    v.  
Harold D. Graham, &c.,  
    Respondent.

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

2                   Mo. No. 2018-828  
In the Matter of Michael Burrell,  
    Respondent,  
    v.  
Heather West,  
    Appellant.

Motion for leave to appeal denied.

2                   Mo. No. 2018-841  
In the Matter of Jaylen D.-H.  
  
Suffolk County Department of Social  
Services,  
    Respondent;  
Jennifer D.,  
    Appellant.  
(And Another Proceeding)

Motion for leave to appeal denied.

1                    SSD 62  
In the Matter of the Accounting by Dominick  
Eugene, as the Executor of the Estate of  
Marco Eugene, Deceased.

Denise Schumacher, et al.,  
    Respondents,  
    v.  
Dominick Eugene &c.,  
    Appellant.

4                    Mo. No. 2018-927  
In the Matter of Erik M.F.,  
    Respondent,  
    v.  
Stephanie H.,  
    Appellant.

2                    SSD 65  
The People &c. ex rel. Grover Francis, on  
Behalf of Luis Muniz,  
    Respondent,  
    v.  
Cynthia Brann, &c.,  
    Appellant.

4                    Mo. No. 2018-1078  
The People &c.,  
    Respondent,  
    v.  
Nicole L. Green, a/k/a Nicole Green,  
    Appellant.

Appeal dismissed without costs, by the Court sua  
sponte, upon the ground that the orders appealed  
from do not finally determine the proceeding within  
the meaning of the Constitution.

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

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

Motion for assignment of counsel granted and David  
C. Schopp, Esq., The Legal Aid Bureau of Buffalo,  
Inc., 290 Main Street, Suite 350, Buffalo, NY 14202  
assigned as counsel to the appellant on the appeal  
herein.

4                    Mo. No. 2018-835  
In the Matter of Mirabela H.

Motion for leave to appeal denied.

Cayuga County Department of Social  
Services,  
    Respondent;  
Angela I.,  
    Appellant.

2                    Mo. No. 2018-858  
In the Matter of Jon A. Lefkowitz, &c., a  
suspended attorney.

Motion for leave to appeal denied.

Grievance Committee for the Second,  
Eleventh, and Thirteenth Judicial Districts,  
    Respondent;  
Jon A. Lefkowitz,  
    Appellant.

2                    Mo. No. 2018-894  
In the Matter of Saphora Magana,  
    Respondent,  
    v.  
Dirk Delph,  
    Appellant.

Motion for leave to appeal denied.

4                    Mo. No. 2018-863  
In the Matter of the Application for Discharge  
of Allan M., &c.,  
    Appellant,  
    v.  
State of New York, et al.,  
    Respondents.

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

2 Mo. No. 2018-874  
In the Matter of Luz Martos-Vega,  
Appellant,  
v.  
Marvin Suitt,  
Respondent.

Motion for leave to appeal denied.

4 Mo. No. 2018-936  
The People &c. ex rel. Richard Mills,  
Appellant,  
v.  
John Colvin, &c.,  
Respondent.

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. 2018-846  
Anthony Modica et al.,  
Appellants,  
v.  
Topaz Enterprises, Inc.,  
Respondent.

Motion for leave to appeal dismissed as untimely (see CPLR 5513[b]; 2103[b][2]).

1 Mo. No. 2018-1019  
In the Matter of New York City Asbestos  
Litigation.

Motion by Association of American Railroads 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.

Ann M. South, &c.,  
Respondent,  
v.  
Chevron Corporation, &c.  
Appellant,  
et al.,  
Defendant.

2 Mo. No. 2018-820  
In the Matter of Mikhail Onefater et al.,  
Respondents,  
v.  
Ildiko Nyari,  
Appellant.

Motion for leave to appeal dismissed upon the ground that this Court 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 the Civil Court of the City of New York (see NY Const, art VI, § 3[b][7]; CPLR 5602[a]).

SSD 64  
The People &c. ex rel. Angel Ortiz,  
Appellant,  
v.  
Dennis Breslin, &c. et al.,  
Respondents.

Appeal transferred, without costs, by the Court sua sponte, to the Appellate Division, Second Department, upon the ground that a direct appeal does not lie when questions other than the constitutional validity of a statutory provision are involved (see NY Const, art VI, §§ 3[b][2], 5[b]; CPLR 5601[b][2]).

2 Mo. No. 2018-849  
The People &c.,  
Respondent,  
v.  
Noah Rosario,  
Appellant.

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

4 Mo. No. 2018-906  
In the Matter of the Application for Discharge  
of Shannon S., &c.,  
Appellant,  
v.  
State of New York, et al.,  
Respondents.

Motion for leave to appeal denied.

1                    Mo. No. 2018-1009  
In the Matter of Save America's Clocks, Inc.,  
et al.,  
      Respondents,  
      v.  
City of New York, &c., et al.,  
      Appellants.

Motion by The City Club of New York, 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.  
Chief Judge DiFiore took no part.

3                    Mo. No. 2018-918  
The People &c. ex rel. Michael Velez,  
      Appellant,  
      v.  
Anthony Annucci, &c.,  
      Respondent.

Motion for leave to appeal denied.