

September 13, 2018

CASES

1 No. 132 SSM 15
The People &c.,
 Respondent,
 v.
Alexis Sanchez,
 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 Wilson dissents in an opinion in which Judge Rivera concurs.

2 No. 129 SSM 17
The People &c.,
 Respondent,
 v.
Omar Xochimitl,
 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 concurs in result in a concurring opinion, in which Judge Wilson concurs in a separate concurring opinion, in which Judge Rivera concurs.

MOTIONS

1 Mo. No. 2018-632
In the Matter of 1552 Broadway Retail Owner
LLC,
 Appellant,
 v.
McDonald's Corporation,
 Respondent.

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

3 Mo. No. 2018-637
In the Matter of Michael Allen,
 Appellant,
 v.
Tina M. Stanford, &c.,
 Respondent.

Motion for leave to appeal denied.

4 Mo. No. 2018-611
In the Matter of the Application of City of
Syracuse Industrial Development Agency,
&c.,
 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.

Amadeus Development, Inc.,
 Respondent;
Financitech, Ltd.,
 Appellant.

3 Mo. No. 2018-574
In the Matter of Andrew Bovee,
Appellant,
v.
Town of Hadley Planning Board et al.,
Respondents.

In the Matter of Larry Bovee et al.,
Appellants,
v.
Town of Hadley Planning Board et al.,
Respondents.

1 Mo. No. 2018-644
Charles Britz,
Appellant,
v.
Grace Industries, LLC,
Respondent,
The Haugland Group, LLC, et al.,
Defendants.

3 Mo. No. 2018-599
The People &c.,
Respondent,
v.
Michael Butler,
Appellant.

1 SSD 52
Jennifer Cangro,
Appellant,
v.
John Z. Marangos,
Respondent.

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

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 leave to appeal denied.

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

2 Mo. No. 2018-600
Michael Casey,
 Appellant,
 v.
State of New York,
 Respondent.

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

2 Mo. No. 2018-672
The People &c.,
 Respondent,
 v.
Gerald Charles,
 Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2018-646
Chip Fifth Avenue LLC,
 Respondent,
 v.
Quality King Distributors, Inc.,
 Appellant,
Pro's Choice Beauty Care, Inc., et al.,
 Defendants.
(And a Third-Party Action)

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 permission to expand the record denied.

3 Mo. No. 2018-576
In the Matter of John Covington,
 Appellant,
 v.
Anthony J. Annucci, &c.,
 Respondent.

Motion for leave to appeal denied.

4 Mo. No. 2018-677
Patricia J. Curto,
Appellant,
v.
Town of Orchard Park, et al.,
Respondents.
et al.,
Defendants.
(App. Div. No. CA 17-00711)

Motion for leave to appeal denied.

4 Mo. No. 2018-678
Patricia Curto,
Appellant,
v.
Town of Orchard Park, et al.,
Defendants,
County of Erie,
Respondent.
(App. Div. No. CA 17-01487)

Motion for leave to appeal denied.

1 Mo. No. 2018-667
Ricky Davis,
Appellant,
v.
City of New York,
Respondent,
et al.,
Defendant.

Motion for leave to appeal denied.

1 SSD 49
Esteban Donoso,
Appellant,
v.
New York University,
Respondent.

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

4 Mo. No. 2018-590
In the Matter of Thomas Freck,
Appellant,
v.
Town of Porter, et al.,
Respondents.

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

1 Mo. No. 2018-660
Manuel Guaman, &c.,
Appellant,
v.
City of New York, et al.,
Respondents.
(And Third-Party Actions)

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

4 Mo. No. 2018-583
Victor G., &c. et al.,
Appellants,
v.
North Syracuse Central School District,
Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2018-631
In the Matter of William Jacobs,
Appellant,
v.
Charles Cartalemi et al.,
Respondents.

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

2 Mo. No. 2018-586
The People &c.,
Respondent,
v.
Terrance Jordan,
Appellant.

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

2 Mo. No. 2018-625
Anne Juerss, &c., et al.,
 Appellants,
 v.
Millbrook Central School District, et al.,
 Respondents.

Motion for leave to appeal denied.

1 Mo. No. 2018-683
Ted A. Kirchner, &c., et al.,
 Appellants,
 v.
L. Raul Bernard, &c., et al.,
 Defendants,
Michael Schneider, et al.,
 Respondents.

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

2 Mo. No. 2018-595
In the Matter of William F. Koegel, &c.

John B. Koegel,
 Respondent;
Irene Lawrence Koegel,
 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.

1 Mo. No. 2018-673
Liberty Mutual Fire Insurance Company, &c.,
et. al.,
 Respondents,
 v.
Navigators Insurance Company,
 Appellant.

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

3 Mo. No. 2018-652
John Lopez,
 Appellant,
 v.
6071 Enterprises, LLC,
 Respondent.

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

2 Mo. No. 2018-602
Gregg Lubonty,
Appellant,
v.
U.S. Bank National Association, &c.,
Respondent.

Motion for leave to appeal granted.

2 Mo. No. 2018-675
In the Matter of Nella Manko et al.,
Appellants,
v.
New York State Division of Housing and
Community Renewal, Office of Rent
Administration,
Respondent.

Motion for reargument of motion dismissed as
untimely (see Rules of Ct of Appeals [22 NYCRR] §
500.24[b]).
Motion for poor person relief dismissed as academic.

3 Mo. No. 2018-634
In the Matter of Matthew Joseph Mann, an
Attorney.

Attorney Grievance Committee for the Third
Judicial Department,
Respondent;
Matthew Joseph Mann,
Appellant.

Motion for reconsideration of this Court's April 26,
2018 dismissal order dismissed as untimely (see
Rules of Ct of Appeals [22 NYCRR] § 500.24[b]).
Motion for leave to appeal denied.
Motion for a stay dismissed as academic.

2 Mo. No. 2018-606
In the Matter of Marine Holdings, LLC, &c.
et al.,
Respondents,
v.
New York City Commission on Human
Rights,
Appellant,
et al.,
Respondent.

Motion for reargument denied with one hundred
dollars costs and necessary reproduction
disbursements.
Judge Rivera took no part.

4 Mo. No. 2018-616
In the Matter of Hashim Matthews,
Appellant,
v.
Anthony Annucci, &c.,
Respondent.

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

4 Mo. No. 2018-671
In the Matter of Occupational Safety &
Environmental Associates, Inc.,
Appellant,
v.
New York State Department of Economic
Development, Division of Minority and
Women's Business Development et al.,
Respondents.

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

2 Mo. No. 2018-609
Antonia Palaia,
Respondent,
v.
Vincent Palaia,
Appellant.

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. 2018-659
Prime Alliance Group, Ltd., et al.,
Respondents,
v.
Affiliated FM Insurance Company,
Defendant,
Praxis International Corporation,
Appellant,
HUB International Northeast Limited, 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.

4 SSD 51
The People &c. ex rel. Vernon Roberts,
Appellant,
v.
Todd K. Baxter, &c.,
Respondent.

Appeal dismissed without costs, by the Court sua
sponte, upon the ground that no appeal lies to this
Court from an order of an individual Justice of the
Appellate Division (see NY Const, art VI, § 3[b];
CPLR 5601).

4 Mo. No. 2018-664
In the Matter of Fulgencio Rodriguez,
Appellant,
v.
New York State Division of Parole
Chairperson Tina M. Stanford,
Respondent.

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

1 Mo. No. 2018-680
Arthur E. Rondeau,
Appellant,
v.
Marc Berman, et al.,
Respondents.

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

1 Mo. No. 2018-588
The People &c.,
Respondent,
v.
Hernando Ruiz,
Appellant.

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

1 Mo. No. 2018-661
In the Matter of the Application of the
Metropolitan Transportation Authority, &c.

S.H. Knight, LLC,
Appellant,

v.

Metropolitan Transportation Authority,
Respondent.

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

1 Mo. No. 2018-665
The People &c.,
Respondent,

v.

Jose Santa Cruz,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2018-684
Gil-Ad Schwartz,
Appellant,

v.

Regina Chan,
Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2018-623
Paul Sonkin,
Appellant,

v.

Stacy Sonkin,
Respondent.

Motion for leave to appeal denied.

3 Mo. No. 2018-601
Oronde Stephenson, &c.,
Appellant,

v.

Allstate Indemnity Company,
Respondent.

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

3 Mo. No. 2018-614
In the Matter of The Plastic Surgery Group,
P.C.,
 Appellant,
 v.
Comptroller of the State of New York,
 Respondent.

Motion for leave to appeal granted.

3 Mo. No. 2018-645
In the Matter of The Plastic Surgery Group,
P.C.,
 Appellant,
 v.
Comptroller of the State of New York,
 Respondent.

Motion by Medical Society of the State of New York et al. for leave to appear amici curiae on the motion for leave to appeal herein granted and the proposed brief is accepted as filed.

4 Mo. No. 2018-589
Nicholas L. Vassenelli,
 Appellant,
 v.
City of Syracuse, 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.

4 Mo. No. 2018-633
In the Matter of Violet Realty, Inc., &c.,
 Appellant,
 v.
County of Erie, et al.,
 Respondents,
et al.,
 Defendants.

Motion for leave to appeal denied with one hundred dollars costs and necessary reproduction disbursements.
Judge Fahey took no part.

2 Mo. No. 2018-669
Vyrtil Trucking Corp.,
 Appellant,
 v.
James M. Browne, &c.,
 Respondent.

Motion for leave to appeal dismissed upon the ground that this Court does not have jurisdiction to entertain it (see CPLR 5602).

1 Mo. No. 2018-648
In the Matter of New York City Asbestos
Litigation.

Theresa Warren, &c.,
Respondent,

v.

Amchem Products, Inc., et al.,
Defendants,
J-M Manufacturing Company, Inc.,
Appellant.

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 Feinman took no part.

2 Mo. No. 2018-676
The People &c.,
Respondent,

v.

Dwayne Webb, &c.,
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2018-649
Jan Welenc et al.,
Respondents,

v.

Board of Directors of Polish and Slavic
Federal Credit Union,
Appellant.

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

1 Mo. No. 2018-570
Xiang Fu He,
Appellant,

v.

Troon Management, Inc., et al.,
Respondents.

Motion for leave to appeal granted.