

State of New York
Court of Appeals

August 27, 2020

Decisions
MOTIONS

4 Mo. No. 2020-427
In the Matter of Aaron E. Alwardt,
 Respondent,
 v.
Erin L. Connolly,
 Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2020-341
In the Matter of Carl B., Jr.

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

Monroe County Department of Human
Services,
 Respondent;
Carl B., Sr.,
 Appellant.

3 Mo. No. 2020-283
In the Matter of Robert B., et al. &c.

Motion for leave to appeal denied.

Sullivan County Department of Social
Services,
 Respondent;
Paula C.,
 Respondent;
Tinker A.,
 Appellant.
(And Two Related Proceedings.)

1 Mo. No. 2020-422
In the Matter of Judith L.C.,
 Respondent,
 v.
Lawrence Y.,
 Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2020-563
The People &c.,
 Respondent,
 v.
Dashawn Deverow,
 Appellant.

Motion for assignment of counsel granted and Paul Skip Laisure, Esq., Appellate Advocates, 111 John Street, 9th Floor, New York, NY 10038 assigned as counsel to the appellant on the appeal herein.

1 Mo. No. 2020-477
Margaret Doe,
 Appellant,
 v.
Bloomberg, L.P., et al.,
 Defendants,
Michael Bloomberg,
 Respondent.

Motion by Partnership for New York City 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 twenty days.

4 Mo. No. 2020-421
In the Matter of Lisa Driscoll,
 Respondent,
 v.
Timothy Mack,
 Respondent,
Sarah Driscoll,
 Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2020-279
In the Matter of Aaren F.

Erie County Department of Social Services,
 Respondent;
Amber S.,
 Appellant.
(And Two Other Proceedings.)

Motion for leave to appeal denied.

1 Mo. No. 2020-544
The People &c.,
 Respondent,
 v.
Salvador Fernandez,
 Appellant.

Motion for assignment of counsel granted and Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, NY 10005 assigned as counsel to the appellant on the appeal herein.

4 Mo. No. 2020-304
In the Matter of Ilene M. Firenze,
Respondent,
v.
Justin A. Firenze,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2020-231
In the Matter of Ian G., et al.

Simon G.,
Appellant;
Administration for Children's Services,
Respondent.
Victoria G.,
Nonparty-Respondent.
(And Another Proceeding.)

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

4 Mo. No. 2020-382
In the Matter of Maurice A. Gilbert,
Respondent,
v.
Natashka M. Nunez-Merced,
Appellant.
(And Another Proceeding.)

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

4 Mo. No. 2020-397
In the Matter of Jacquelyn M. Grabowski,
Respondent,
v.
Jay Craig Smith, Jr.,
Respondent.
Kimberly M. Seager, Esq., Attorney for the
Child,
Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2020-418
In the Matter of Jacquelyn M. Grabowski,
Respondent,
v.
Jay Craig Smith, Jr.,
Appellant.
Kimberly M. Seager, Esq., Attorney for the
Child,
Respondent.

Motion for leave to appeal denied.

3 Mo. No. 2020-379
In the Matter of Roland Green,
Respondent,
v.
Darwin LaClair, &c.,
Appellant.

Motion for leave to appeal granted.
Motion for a stay denied as unnecessary (see CPLR
5519 [a] [1]).

4 Mo. No. 2020-399
In the Matter of James L.H.

Oswego County Department of Social
Services,
Respondent;
Lisa H.,
Appellant,
Jason H.,
Appellant.

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

3 Mo. No. 2020-512
The People &c.,
Appellant,
v.
Nicole Hodgdon,
Respondent.

Motion by Patricia Weiss, Esq. 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 twenty days.
Chief Judge DiFiore took no part.

2 Mo. No. 2020-461
The People &c.,
Respondent,
v.
Eric Ibarguen,
Appellant.

Motion by New York Civil Liberties Union for leave to appear amicus 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 twenty days.

2 Mo. No. 2020-404
In the Matter of Anjae R.K.

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

Orange County Department of Social
Services,
Respondent;
Johnayia S.,
Appellant.

1 Mo. No. 2020-430
In the Matter of Maria K.,
Appellant,
v.
Dimitra L. et al.,
Respondents.

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

3 Mo. No. 2020-355
In the Matter of Sarah KK.,
Appellant,
v.
Roderick LL.,
Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2020-342
In the Matter of Jayda M.L.

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

SCO Family of Services,
Respondent;
Diane L.,
Appellant.
(And Two Other Proceedings.)

1 SSD 43
Joan C. Lipin,
 Appellant,
 v.
Danske Bank,
 Respondent,
Ulf Bergquist, et al.,
 Respondents,
et al.,
 Defendants.

Appeal dismissed, by the Court sua sponte, upon the ground that it does not lie (see NY Const, art VI, § 3[b]; CPLR 5601).

1 SSD 42
Estate of Theodore Lipin, et al.,
 Respondents,
 v.
Joan C. Lipin,
 Appellant.

Appeal dismissed, by the Court sua sponte, upon the ground that it does not lie (see NY Const, art VI, § 3[b]; CPLR 5601).

4 Mo. No. 2020-393
In the Matter of Jacieon M. et al.

Monroe County Department of Human
Services,
 Respondent;
India M.,
 Respondent,
Markeef R.,
 Appellant.

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

2 Mo. No. 2020-466
The People &c. ex rel. Chance McCurdy,
 Appellant,
 v.
Warden, Westchester County Correctional
Facility, &c., et al.,
 Respondents.

Motion by Prisoners' Legal Services of New York 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, nine copies filed, and the brief submitted in digital format within twenty days.

4 Mo. No. 2020-383
In the Matter of Anthony McMiller,
 Appellant,
 v.
Natasha Frank,
 Respondent.

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

4 Mo. No. 2020-459
The People &c. ex rel. Curtis Middlebrooks,
 Appellant,
 v.
Paul M. Gonyea, &c.,
 Respondent.

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

4 Mo. No. 2020-299
The People &c. ex rel. Richard Mills,
 Appellant,
 v.
John Colvin, &c.,
 Respondent.
(And Another Proceeding.)

Motion for leave to appeal insofar as it seeks leave to appeal from the Appellate Division orders affirming the August 28, 2017 and August 7, 2018 Supreme Court judgments dismissing the proceedings, denied; motion for leave to appeal from the remaining Appellate Division order dismissed upon the ground that such order does not finally determine a proceeding within the meaning of the Constitution.

1 Mo. No. 2020-378
In the Matter of Maria Nazor, et al.,
 Appellants,
 v.
New York City Loft Board, et al.,
 Respondents.
(And a Related Action.)

Motion, insofar as it seeks leave to appeal from that portion of the Appellate Division order that affirmed Supreme Court's February 2018 and October 2018 orders, dismissed upon the ground that such portion of the order does not finally determine the action within the meaning of the Constitution; motion for leave to appeal otherwise denied.
Judge Feinman took no part.

1 SSD 40
In the Matter of George R. Osborne, &c.,
Appellant;
Attorney Grievance Committee for the First
Judicial Department,
Respondent.

Appeal, insofar as taken from that portion of the Appellate Division order denying the motion to transfer, dismissed without costs, by the Court sua sponte, upon the ground that such portion of the order does not finally determine the proceeding within the meaning of the Constitution; appeal otherwise dismissed without costs, by the Court sua sponte, upon the ground that no substantial constitutional question is directly involved.

4 Mo. No. 2020-339
In the Matter of Logan P.

Seneca County Department of Human
Services,
Respondent;
Stephen P.,
Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2020-441
In the Matter of Richard Panebianco,
Respondent,
v.
Taryn Panebianco,
Appellant.

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

2 Mo. No. 2020-439
In the Matter of Jolani P.

Westchester County Department of Social
Services,
Respondent;
Parris M.,
Appellant,
et al.,
Respondent.

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

2 Mo. No. 2020-332
In the Matter of Yon Renee Woodson
Awoonor Renner,
Appellant,
v.
Ernest Awoonor Renner,
Respondent.
(And Other Proceedings.)

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.

2 Mo. No. 2020-269
In the Matter of Sincere S.

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

Motion for leave to appeal denied.

1 Mo. No. 2020-419
In the Matter of Keenan S. et al., &c.

Keith S.,
Appellant;
Administration for Children's Services,
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.
Judge Feinman took no part.

4 Mo. No. 2020-409
In the Matter of Michael S.

Erie County Department of Social Services,
Respondent;
Charle S.,
Appellant.

Motion for leave to appeal denied.

3 SSD 44
In the Matter of Saratoga County Department
of Social Services, &c.,
 Respondent,
 v.
Johnny Morin,
 Appellant.

1 SSD 39
Jean-Pascal Simon,
 Appellant,
 v.
FrancInvest, S.A., et al.,
 Defendants,
French American Surgery Center, Inc., et al.,
 Respondents.

3 Mo. No. 2020-357
The People &c. ex rel. Francis Smythe,
 Appellant,
 v.
Christopher Miller, &c.,
 Respondent.

Appeal, insofar as taken from the April 2020 Appellate Division order, 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; appeal, insofar as taken from the May 2018 and October 2018 Family Court orders, dismissed without costs, by the Court sua sponte, upon the ground that no appeal lies from such orders (see NY Const, art VI, § 3 [b]; CPLR 5601).

Appeal, insofar as taken from the February 2020 Appellate Division order dismissed without costs, by the Court sua sponte, upon the ground that such order does not finally determine the action within the meaning of the Constitution; appeal, insofar as taken from the December 2019 Appellate Division order as against defendant VVC, Inc. d/b/a Cicero Consulting Associates, dismissed without costs, by the Court sua sponte, upon the ground that no substantial constitutional question is directly involved; appeal, insofar as otherwise taken from the December 2019 Appellate Division order, dismissed without costs, by the Court sua sponte, upon the ground that the order does not otherwise finally determine the action within the meaning of the Constitution.

On the Court's own motion, appeal dismissed, without costs, upon the ground that no appeal lies as of right from the unanimous order of the Appellate Division absent the direct involvement of a substantial constitutional question (see CPLR 5601). Motion for leave to appeal denied.

2 Mo. No. 2020-317
In the Matter of Jennifer Solomon,
Respondent,
v.
Marc Fishman,
Appellant.
(And Another Proceeding.)

Motion for leave to appeal denied.

2 SSD 37
In the Matter of Anonymous, &c.

Grievance Committee for the Second,
Eleventh, and Thirteenth Judicial Districts,
Respondent;
Anonymous,
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. 2020-548
The People &c.,
Respondent,
v.
Isaias Torres,
Appellant.

Motion for assignment of counsel granted and Janet E. Sabel, Esq., The Legal Aid Society, 199 Water Street, New York, NY 10038 assigned as counsel to the appellant on the appeal herein.

1 Mo. No. 2020-436
Juan Vargas,
Respondent,
v.
Deutsche Bank National Trust Company,
Appellant.

Motion by Francis M. Caesar, Esq. 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, nine copies filed, and the brief submitted in digital format within twenty days. Judge Garcia took no part.

3 Mo. No. 2020-539
The People &c.,
Appellant,
v.
Zaquan Walley,
Respondent.

Motion for assignment of counsel granted and G. Scott Walling, Esq., 1972 New Scotland Road #1013, Slingerlands, NY 12159 assigned as counsel to the respondent on the appeal herein.

4 Mo. No. 2020-415
In the Matter of Makayla W.

Oneida County Department of Social
Services,
 Respondent;
Marquis W.,
 Appellant.

3 Mo. No. 2020-435
Jennifer White et al.,
 Appellants,
 v.
Andrew Cuomo, &c., et al.,
 Respondents.

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

Motion by FanDuel, Inc. 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
twenty days.