

September 16, 2014

CASE

2 No. 215 SSM 12
The People &c.,
 Respondent,
 v.
Richard Perales,
 Appellant.

On review of submissions pursuant to section 500.11 of the Rules, order reversed, defendant's coram nobis application granted and case remitted to the Appellate Division, Second Department, for further proceedings in accordance with the memorandum herein. Chief Judge Lippman and Judges Graffeo, Read, Smith, Pigott, Rivera and Abdus-Salaam concur.

MOTIONS

1 Mo. No. 2014-778
BasicNet S.p.A. et al.,
Respondents,
v.
CFP Services Ltd., &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 Mo. No. 2014-705
In the Matter of Nancy S. Bray,
Respondent,
v.
Randolph Bray,
Appellant.

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

1 Mo. No. 2014-742
The People &c.,
Respondent,
v.
Manolo Calderon,
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2014-597
Cathedral Court Assocs., L.P., et al.,
Appellants,
v.
Cathedral Properties Corp.,
Respondent.

Cathedral Court Assocs., L.P., et al.,
Third-Party Appellants,
v.
Kevin Walsh,
Third-Party Respondent.

Motion, insofar as it seeks leave to appeal from that part of the Appellate Division order that affirmed so much of Supreme Court's order as dismissed the third-party complaint, denied; motion for leave to appeal otherwise dismissed upon the ground that the remainder of the Appellate Division order does not finally determine the action within the meaning of the Constitution.

3 Mo. No. 2014-673
In the Matter of Cijntje Cox,
 Appellant,
 v.
Brian Fischer, &c.,
 Respondent.

Motion, insofar as it seeks leave to appeal from the February 2014 Appellate Division order, dismissed as untimely (see CPLR 5513[b]); motion, insofar as it seeks leave to appeal from the May 2014 Appellate Division order, dismissed upon the ground that such order does not finally determine the proceeding within the meaning of the Constitution.

2 Mo. No. 2014-747
Colleen Derby,
 Appellant,
 v.
Fabian Bitan,
 Respondent.

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

2 Mo. No. 2014-734
In the Matter of John Diamond, Jr.,
 Respondent,
 v.
Diamond Charter Holdings, LLC, &c.,
 Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2014-561
Gloria Deanna Dickerson,
 Appellant,
 v.
United Way of New York City,
 Respondent,
et al.,
 Defendants.

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

3 Mo. No. 2014-796
In the Matter of the Foreclosure of Tax Liens
by City of Hudson.

First Church of God in Christ, Inc.,
Appellant;
City of Hudson,
Respondent.

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

1 Mo. No. 2014-704
In the Matter of Alani G. et al.

Angelica G.,
Appellant;
Catholic Guardian Society & Home Bureau,
et al.,
Respondents.

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

3 Mo. No. 2014-723
In the Matter of Kevin Griffin,
Appellant,
v.
Thomas P. DiNapoli, &c., et al.,
Respondents.

Motion for leave to appeal denied.

1 Mo. No. 2014-646
In the Matter of Roy Den Hollander,
Appellant,
v.
The City of New York Commission on
Human Rights,
Respondent.

Motion for leave to appeal granted.

3 Mo. No. 2014-745
In the Matter of Vincent Howard,
Appellant,
v.
Brian Fischer, &c.,
Respondent.

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

4 Mo. No. 2014-820
In the Matter of Constantine Jackson,
Appellant,
v.
Anthony Annucci, &c.,
Respondent.

Motion for leave to appeal denied.

2 SSD 55
In the Matter of Javier C., a Person Alleged to
be a Juvenile Delinquent,
Appellant.

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

2 Mo. No. 2014-682
JP Morgan Chase Bank N.A.,
Respondent,
v.
Smith Electrical Contracting, Inc.,
Defendant,
Stephen Smith,
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.

1 Mo. No. 2014-737
In the Matter of Donette Kingston,
Appellant,
v.
New York City Police Department, 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 proceeding within the
meaning of the Constitution.
Motion for poor person relief dismissed as academic.

2 Mo. No. 2014-718
Kizia Knowles, &c., et al.,
Appellants,
v.
Saint Joseph's Medical Center,
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.

1 Mo. No. 2014-752
In the Matter of Lillie Leon,
 Appellant,
 v.
The Department of Education of the City of
New York, et al.,
 Respondents.

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

2 Mo. No. 2014-746
In the Matter of Yang-Hao Lu,
 Appellant,
 v.
Kings County District Attorney's Office,
 Respondent.

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

4 Mo. No. 2014-709
John Majtan,
 Appellant,
 v.
Urbanke Associates, Inc.,
 Respondent.

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

3 Mo. No. 2014-656
James Marsh,
 Appellant,
 v.
State of New York,
 Respondent.

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

3 SSD 58
In the Matter of Alvin W. McLean,
 Appellant,
 v.
Brian Fischer, &c.,
 Respondent.

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

SSD 57
In the Matter of Alvin W. McLean,
Appellant,
v.
New York State Department of Corrections
and Community Supervision,
Respondent.

Appeal transferred without costs, by the Court sua sponte, to the Appellate Division, Third 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]).

4 SSD 56
In the Matter of the Estate of Gino Rolando
Monaco, Deceased,
Appellant.
Eugene Allen Monaco,
Respondent.

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.

1 Mo. No. 2014-712
Nomura Asset Capital Corporation, et al.,
Respondents-Appellants
v.
Cadwalader, Wickersham & Taft LLP,
Appellant-Respondent.

Motion for a stay granted.

2 Mo. No. 2014-738
In the Matter of Donna M. Ortiz,
Respondent,
v.
John Ortiz III,
Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2014-782
In the Matter of James Pine,
Appellant,
v.
Brian Fischer, &c.,
Respondent.

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

1 Mo. No. 2014-777
In the Matter of Joseph Porcello,
Appellant,
v.
New York City Housing Authority,
Respondent.

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

1 Mo. No. 2014-710
Samantha R., et al.,
Appellants,
v.
The New York City Housing Authority, et al.,
Respondents.

Motion for leave to appeal denied.

3 Mo. No. 2014-697
Selective Insurance Company of America, et
al.,
Respondents-Appellants,
v.
County of Rensselaer,
Appellant-Respondent.

Motions for leave to appeal granted.

3 Mo. No. 2014-703
Timber Rattlesnake, LLC,
Appellant,
v.
Don Devine, et al., &c.,
Respondents.
(And a Third-Party Action.)

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

3 SSD 59
In the Matter of Jean Toutpuissant,
Appellant,
v.
Brian Fischer, as Commissioner of
Corrections and Community Supervision,
Respondent.

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.

4 Mo. No. 2014-706
In the Matter of Jesus Valdez,
Appellant,
v.
Brian Fischer, &c.,
Respondent.

Motion for leave to appeal denied.

Mo. No. 2014-756
In the Matter of the Estate of Stanley Wagner,
Deceased.
Jaan Aarismaa, IV,
Appellant,
John L. Wagner, as Executor of Stanley A.
Wagner, Deceased,
Respondent.

On the Court's own motion, appeal transferred,
without costs, to the Appellate Division, Fourth
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]).
Motion to strike denied.

4 SSD 60
Lakeisha Williams, &c., et al.,
Appellants,
v.
Gladys Carrion, &c.,
Respondent.

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

4 Mo. No. 2014-713
The People &c. ex rel. Jomo Williams,
Appellant,
v.
Commissioner of Mid-State Correctional
Facility et al.,
Respondents.

Motion for leave to appeal dismissed upon the
ground that it does not lie from the order of an
individual Justice of the Appellate Division (see NY
Const, art VI, § 3[b]; CPLR 5602).
Motion for poor person relief dismissed as academic.

3 Mo. No. 2014-736
In the Matter of Clifton K. Williamson,
 Appellant,
 v.
Brian Fischer, &c., et al.,
 Respondents.

Motion for leave to appeal denied.

2 SSD 54
Wisselman, Harounian and Associates, P.C.,
 Respondents,
 v.
Caf Dowlah,
 Appellant.

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. 2014-696
Matvey Zelichenko,
 Appellant,
 v.
301 Oriental Boulevard, LLC,
 Respondent.

Motion for leave to appeal granted.