

March 29, 2016

CASES

2 No. 26

The People &c.,
Respondent,
v.
Oliver Berry,
Also Known as Chris Tucker,
Appellant.

Order affirmed.
Opinion by Judge Pigott.
Chief Judge DiFiore and Judges Rivera, Abdus-Salaam, Stein, Fahey and Garcia concur.

2 No. 24

The People &c.,
Respondent,
v.
Assad Cedeno,
Appellant.

Order reversed and a new trial ordered.
Opinion by Judge Stein.
Chief Judge DiFiore and Judges Rivera, Abdus-Salaam and Fahey concur.
Judge Pigott dissents in an opinion in which Judge Garcia concurs.

2 No. 11

The People &c.,
Respondent,
v.
Anthony DiPippo,
Appellant.

Order reversed and a new trial ordered.
Opinion by Judge Stein.
Judges Pigott, Rivera and Abdus-Salaam concur.
Judge Fahey dissents in an opinion.
Chief Judge DiFiore and Judge Garcia took no part.

1 No. 25

The People &c.,
Appellant,
v.
Keith Johnson,
Respondent.

Order affirmed.
Opinion by Judge Rivera.
Chief Judge DiFiore and Judges Abdus-Salaam and Fahey concur.
Judge Pigott dissents in an opinion in which Judges Stein and Garcia concur.

2 No. 72 SSM 1
The People &c.,
 Respondent,
 v.
Ronnell Jordan,
 Appellant.

On review of submissions pursuant to section 500.11
of the Rules, order affirmed, in a memorandum.
Judges Pigott, Abdus-Salaam, Stein and Fahey
concur.
Judge Rivera dissents in an opinion.
Chief Judge DiFiore and Judge Garcia took no part.

2 No. 10
The People &c.,
 Respondent,
 v.
Urselina King,
 Appellant.

Order affirmed.
Opinion by Judge Pigott.
Judges Abdus-Salaam, Stein and Fahey concur.
Judge Rivera dissents in an opinion.
Chief Judge DiFiore and Judge Garcia took no part.

3 No. 23
In the Matter of New York State Correctional
Officers and Police Benevolent Association,
Inc., et al.,
 Appellants,
 v.
Governor's Office of Employee Relations, et
al.,
 Respondents.

Order affirmed, with costs, in a memorandum.
Chief Judge DiFiore and Judges Pigott, Rivera,
Abdus-Salaam, Stein, Fahey and Garcia concur.

MOTIONS

2 Mo. No. 2016-269
Anonymous 2011-1,
 Respondent,
 v.
Anonymous 2011-2,
 Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2016-70
James Brady,
 Appellant,
 v.
450 West 31st Street Owner's Corp., et al.,
 Respondents.
(And Another Action.)

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

1 Mo. No. 2016-22
In the Matter of Nabel C., Jr., &c.

Motion for leave to appeal denied.

Amanda R.,
 Respondent,
Nabel C., Sr.,
 Appellant,
Jackie R.,
 Respondent,
Administration for Children's Services,
 Respondent.

4 Mo. No. 2016-28
In the Matter of Certified Road Constructors,
Inc. &c. et al.,
 Appellants,
 v.
Town of Russia Zoning Board of Appeals,
 Respondent.

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

2 Mo. No. 2016-25
Salvatore Cioffi,
 Appellant,
 v.
Ronald Klein et al.,
 Respondents,
et al.,
 Defendant.

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

4 Mo. No. 2016-24
D&M Concrete, Inc.,
 Appellant,
 v.
Wegmans Food Markets, Inc.,
 Respondent.

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

2 Mo. No. 2015-1385
Excess Line Association of New York
(ELANY),
 Appellant,
 v.
Waldorf & Associates, et al.,
 Respondents,
et al.,
 Defendant.

Motion for leave to appeal granted.
Judge Rivera took no part.

1 Mo. No. 2016-59
In the Matter of Isaac A.F., &c.

Crystal F., &c.,
 Appellant,
Graham-Windham Services to Children and
Families,
 Respondent.

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

2 Mo. No. 2016-50
The People &c.,
Respondent,
v.
Edward Griffin,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2016-78
In the Matter of Dr. Richard Sunday Ifill,
Appellant,
v.
Hon. Richard D. Carruthers, &c., et al.,
Respondents.

Motion for leave to appeal denied.

2 Mo. No. 2016-62
Executor of New York Estate of Celia Kates,
et al.,
Appellants,
v.
James G. Pressly, &c., et al.,
Respondents.

Motion for reconsideration of this Court's December
15, 2015 dismissal order denied.
Chief Judge DiFiore and Judge Garcia took no part.

2 Mo. No. 2016-51
In the Matter of Hardas K. Kripalani,
Appellant,
v.
State of New York Division of Housing and
Community Renewal,
Respondent.

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

2 Mo. No. 2016-112
Alix Lieb,
Appellant,
v.
Enrique Guzman, et al.,
Respondents.

Motion for leave to appeal denied.

3 Mo. No. 2016-55
The People &c. ex rel. Alphonso Littlejohn,
Appellant,
v.
Thomas Griffin, &c.,
Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2016-84
In the Matter of Daniel Mallo,
Appellant,
v.
Cyrus R. Vance, Jr., &c., et al.,
Respondents.

Motion for leave to appeal denied.

1 Mo. No. 2016-117
The People &c.,
Respondent,
v.
James Miller,
Appellant.

Motion to vacate this Court's January 8, 2016
preclusion order granted.

1 Mo. No. 2016-41
Seth Mitchell, CFA,
Appellant,
v.
New York University, 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. 2016-135
The People &c. ex rel. Alex Nance,
Appellant,
v.
New York State Department of Corrections
and Community Supervision,
Respondent.

Motion for leave to appeal denied.
Judge Pigott took no part.

2 Mo. No. 2016-77
The People &c.,
 Respondent,
 v.
Brian J. Newton,
 Appellant.

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

3 Mo. No. 2016-46
In the Matter of Krystle Noel, &c.,
 Respondent,
 v.
Corey LePage,
 Appellant.
(And Another Related Proceeding.)

Motion for leave to appeal denied.

3 Mo. No. 2016-110
The People &c. ex rel. Ralph Oyague,
 Appellant,
 v.
Steven Racette &c.,
 Respondent.

On the Court's own motion, appeal dismissed,
without costs, upon the ground that no substantial
constitutional question is directly involved.
Motion for poor person relief dismissed as academic.

1 Mo. No. 2016-45
In the Matter of of R.M.,
 Appellant.

On the Court's own motion, appeal dismissed,
without costs, upon the ground that no substantial
constitutional question is directly involved.
Motion for poor person relief dismissed as academic.

3 Mo. No. 2016-72
In the Matter of Steven Rubeor,
 Respondent,
 v.
Town of Wright, et al.,
 Appellants.

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

1 Mo. No. 2016-71
In the Matter of Enrique S. et al., &c.

Kelba C.S.,
 Appellant,
Administration for Children's Services,
 Respondent,
et al.,
 Respondent.

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

3 Mo. No. 2016-30
The People &c.,
 Respondent,
 v.
David Snyder,
 Appellant.

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

1 Mo. No. 2015-1313
Blanca Soltero,
 Appellant,
 v.
City of New York,
 Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2015-1396
Blanca Soltero,
 Respondent,
 v.
City of New York,
 Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2016-61
In the Matter of Richard Stent,
Respondent,
v.
Mary Schwartz,
Respondent,
Dan Schwartz,
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2016-82
Stewart Title Insurance Company, &c.,
Respondent,
v.
Wingate, Kearney & Cullen, &c., 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.

3 Mo. No. 2016-79
Mental Hygiene Legal Service, on behalf of
William T.,
Appellant,
v.
Kerry A. Delaney, &c., et al.,
Respondents.

Motion for leave to appeal denied.

2 Mo. No. 2016-205
In the Matter of Devon D.T. (Anonymous).
Children's Aid Society, et al.,
Respondents;
Davina T. (Anonymous),
Appellant.

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

2 Mo. No. 2015-1392
The People &c., ex rel. Dennis Taylor,
Appellant,
v.
Warden, GMDC, &c.,
Respondent.

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

2 Mo. No. 2016-58
In the Matter of Anthony Villafane,
Appellant,
v.
Thomas J. Spota III,
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.

2 Mo. No. 2016-64
Marie G. Wernicki,
Respondent,
v.
Dennis Knipper, et al.,
Appellants.

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

4 Mo. No. 2016-75
Westover Car Rental, LLC, &c., et al.,
Appellants,
v.
Niagara Frontier Transportation Authority,
Respondent.

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

1 Mo. No. 2016-54
In the Matter of Isaac Wideman,
Appellant,
v.
New York City Housing Authority,
Respondent.

Motion for reargument of motion for leave to appeal denied.
Judge Abdus-Salaam took no part.

1 Mo. No. 2016-292
Robert E. Wilson, III,
Respondent,
v.
Daniel Valente Dantas, et al.
Appellants,
et al.,
Defendants.

Motion by respondent to strike appellants' brief on appeal denied.
Motion by respondent for reargument of motion to dismiss appeal denied.
Motion by appellants for a stay denied.

1 Mo. No. 2015-1262
In the Matter of Yan Ping Xu,
 Appellant,
 v.
The New York City Department of Health
and Mental Hygiene,
 Respondent.

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

 Mo. No. 2016-32
In the Matter of State of New York,
 Respondent,
 v.
Floyd Y. (Anonymous),
 Appellant.

Motion for leave to appeal granted.

1 Mo. No. 2016-74
Jian-Guo Yu, et al.,
 Plaintiffs,
 v.
Greenway Mews Realty L.L.C., 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 (see Burke v Crosson,
85 NY2d 10, 18 n 5 [1995]).
Judge Abdus-Salaam took no part.

Greenway Mews Realty L.L.C.,
 Third-Party Respondent,
Little Rest Twelve, Inc.,
 Third-Party Plaintiff,
 v.
UAD Group,
 Third-Party Appellant.