

March 31, 2016

CASES

1 No. 28
In the Matter of Kevin Aoki, et al.,
 Petitioners,
 v.
Echo Aoki, et al.,
 Respondents.

Devon Aoki, et al.
 Respondents,
Keiko Ono Aoki,
 Appellant.

1 No. 31
The People &c.,
 Respondent,
 v.
Rashid Bilal,
 Appellant.

1 No. 44
Anita Chanko, &c., et al.,
 Appellants,
 v.
American Broadcasting Companies Inc., et
al.,
 Respondents,
Anil S. Ranawat, et al.,
 Defendants.

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

Order modified by remitting to Supreme Court, New
York County, for further proceedings in accordance
with the memorandum herein and, as so modified,
affirmed.
Chief Judge DiFiore and Judges Pigott, Rivera,
Abdus-Salaam, Stein, Fahey and Garcia concur.

Order modified, without costs, by denying the motion
of defendants New York and Presbyterian Hospital
and Sebastian Schubl, M.D. to dismiss the fourth
cause of action and, as so modified, affirmed.
Opinion by Judge Stein.
Judges Pigott, Rivera, Abdus-Salaam, Fahey and
Garcia concur.
Chief Judge DiFiore took no part.

2 No. 27
Government Employees Insurance Co., et al.,
 Respondents,
 v.
Avanguard Medical Group, PLLC,
 Appellant.

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

1 No. 32
The People &c.,
 Respondent,
 v.
Roy Gray,
 Appellant.

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

3 No. 46
In the Matter of NYC C.L.A.S.H., Inc.,
 Appellant,
 v.
New York State Office of Parks, Recreation
and Historic Preservation et al.,
 Respondents.

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

2 No. 43
In the Matter of Ranco Sand and Stone Corp.,
 Appellant,
 v.
Patrick Vecchio, et al.,
 Respondents.

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

MOTIONS

2 Mo. No. 2016-352
In the Matter of Estrellita A.,
 Respondent,
 v.
Jennifer L.D.,
 Appellant.

In the Matter of Brooke S.B.,
 Respondent,
 v.
Elizabeth A. C.C.,
 Respondent.
R. Thomas Rankin, Esq., Attorney for the
Child,
 Appellant.

2 Mo. No. 2016-371
In the Matter of Estrellita A.,
 Respondent,
 v.
Jennifer L.D.,
 Appellant.

3 Mo. No. 2016-178
In the Matter of Patrick A.,
 Respondent,
 v.
Rochelle B.,
 Appellant.
(And Another Related Proceeding.)

Motion by National Association of Social Workers et al. for leave to file a brief amici curiae on the appeals herein granted and the proposed brief is accepted as filed. Three copies of the brief must be served and an original and nine copies filed within seven days. Judge Fahey took no part.

Motion by National Center for Lesbian Rights et al. for leave to file a brief amici curiae on the appeal herein granted and the proposed brief is accepted as filed. Three copies of the brief must be served and an original and nine copies filed within seven days. Judge Fahey took no part.

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 a stay dismissed as academic.

1 Mo. No. 2016-340
Ambac Assurance Corporation, et al.,
Appellants,
v.
Countrywide Home Loans, Inc., et al.,
Defendants,
Bank of America Corp.,
Respondent.

Motion by New York State Academy of Trial Lawyers for leave to file a brief amicus curiae on the appeal herein granted and the proposed brief is accepted as filed. Three copies of the brief must be served and an original and nine copies filed within seven days.
Chief Judge DiFiore took no part.

1 Mo. No. 2016-343
Ambac Assurance Corporation, et al.,
Appellants,
v.
Countrywide Home Loans, Inc., et al.,
Defendants,
Bank of America Corp.,
Respondent.

Motion by Chamber of Commerce of the United States of America 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. Three copies of the brief must be served and an original and nine copies filed within seven days.
Chief Judge DiFiore took no part.

1 Mo. No. 2016-127
APF 286 Mad LLC, et al.,
Respondents,
v.
Chittur & Associates P.C.,
et al.,
Appellants.

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

1 Mo. No. 2016-107
In the Matter of Arianna-
Samantha Lady Melissa S., et al., &c.
Carissa S.,
Appellant;
Community Counseling & Mediation,
Respondent.

Motion, insofar as it seeks leave to appeal from that portion of the Appellate Division order that affirmed Family Court's denial of the motion to vacate, dismissed upon the ground that such portion of the order does not finally determine the proceeding within the meaning of the Constitution; motion for leave to appeal otherwise denied.
Motion for poor person relief dismissed as academic.

2 Mo. No. 2016-89
The People &c.,
Respondent,
v.
Ricardo Arriaza,
Appellant.

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

4 Mo. No. 2016-372
In the Matter of Brooke S.B.,
Respondent,
v.
Elizabeth A. C.C.,
Respondent.

Motion by National Center for Lesbian Rights et al.
for leave to file a brief amici curiae on the appeal
herein granted and the proposed brief is accepted as
filed. Three copies of the brief must be served and
an original and nine copies filed within seven days.
Judge Fahey took no part.

R. Thomas Rankin, Esq., Attorney for the
Child,
Appellant.

2 Mo. No. 2016-102
Ramandeep Badwal,
Respondent,
v.
Avtar S. Badwal,
Appellant.

Motion for reargument denied.
Chief Judge DiFiore and Judge Garcia took no part.

1 Mo. No. 2016-101
Atul Bhatara,
Respondent,
v.
Hans Futterman,
Appellant.

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

1 Mo. No. 2016-93
Stephane Cosman Connery, et al.,
Respondents,
v.
Burton S. Sultan,
Appellant.

Motion for reargument of motion for leave to appeal
denied.
Chief Judge DiFiore and Judge Garcia took no part.

2 Mo. No. 2016-111
Anthony DeLorenzo, et al.,
Appellants,
v.
Robert Bales, et al.,
Respondents.

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

3 Mo. No. 2016-118
In the Matter of Daniel P. Gerber,
Respondent,
v.
Kimberly A. Gerber,
Appellant.
(And Another Related Proceeding.)

Motion for leave to appeal denied.

1 Mo. No. 2016-339
The People of the State of New York by Eric
T. Schneiderman, &c.,
Respondent,
v.
Maurice R. Greenberg, et al.,
Appellants.

Motion by North American Securities Administrators Association, Inc. for leave to file a brief amicus curiae on the appeal herein granted and the proposed brief is accepted as filed. Three copies of the brief must be served and an original and nine copies filed within seven days.
Judge Garcia took no part.

1 Mo. No. 2016-353
The People of the State of New York by Eric
T. Schneiderman, &c.,
Respondent,
v.
Maurice R. Greenberg, et al.,
Appellants.

Motion by Chamber of Commerce of the United States of America et al. for leave to file a brief amici curiae on the appeal herein granted and the proposed brief is accepted as filed. Three copies of the brief must be served and an original and nine copies filed within seven days.
Judge Garcia took no part.

1 Mo. No. 2016-338
Wally G., an Infant, by His Mother and
Natural Guardian, Yoselin T.,
 Appellant,
 v.
New York City Health and Hospitals
Corporation (Metropolitan Hospital),
 Respondent.

Motion by New York State Conference of Mayors
and Municipal Officials for leave to file a brief
amicus curiae on the appeal herein granted and the
proposed brief is accepted as filed.

2 Mo. No. 2016-99
In the Matter of Beatrice R.H. (Anonymous),
 Respondent.
Dean E.H. (Anonymous),
 Respondent;
Penny F.H. (Anonymous),
 Nonparty-Respondent;
Estate of Ronald H. (Anonymous),
 Nonparty-Appellant.

Motion for reargument of motion for leave to appeal
dismissed upon the ground that movant was not a
party to the original motion for leave to appeal.
Chief Judge DiFiore and Judge Garcia took no part.

2 Mo. No. 2016-310
The People &c.,
 Respondent,
 v.
Nirun Honghirun,
 Appellant.

Motion for assignment of counsel granted and Lynn
W. L. Fahey, 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. 2016-113
Marilyn Hopeman,
 Appellant,
 v.
Albert A. Hopeman III,
 Respondent.

Motion for reargument of motion for leave to appeal
denied.
Chief Judge DiFiore and Judge Garcia took no part.

4 Mo. No. 2016-96
The House of the Good Shepherd,
Appellant,
v.
Henry S. Lehr, Inc., et al.,
Respondents.

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

2 Mo. No. 2016-98
Ricky Kamdem-Ouaffo,
Appellant,
v.
Pepsico, Inc.,
Respondent.

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

2 Mo. No. 2016-342
S.L. (Anonymous),
Appellant,
v.
J.R. (Anonymous),
Respondent.

Motion by Domestic Violence Legal Empowerment and Appeals Project 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.

2 Mo. No. 2016-301
The People &c.,
Respondent,
v.
Lanze R. Mason,
Appellant.

Motion for assignment of counsel granted and Lynn W. L. Fahey, 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. 2016-341
In the Matter of New York City Asbestos
Litigation.

Doris Kay Dummitt, Individually and as
Executrix of the Estate of Ronald Dummitt,
Deceased,

Respondent,

v.

A.W. Chesterton, et al.,
Defendants,

Crane Co.,

Appellant.

1 Mo. No. 2016-346
In the Matter of New York City Asbestos
Litigation.

Doris Kay Dummitt, Individually and as
Executrix of the Estate of Ronald Dummitt,
Deceased,

Respondent,

v.

A.W. Chesterton, et al.,
Defendants,

Crane Co.,

Appellant.

1 Mo. No. 2016-335
In the Matter of New York City Asbestos
Litigation.

Ruby E. Konstantin, &c.,
Respondent,

v.

630 Third Avenue Associates, et al.,
Defendants,

Tishman Liquidating Corporation,

Appellant.

Motion by General Electric for leave to appear
amicus curiae on the appeal herein granted only to
the extent that the proposed brief is accepted as filed.

Motion by CBS Corporation for leave to file a brief
amicus curiae on the appeal herein granted and the
proposed brief is accepted as filed. Three copies of
the brief must be served and an original and nine
copies filed within seven days.

Motion by John Crane Inc. for leave to appear
amicus curiae on the appeal herein granted only to
the extent that the proposed brief is accepted as filed.
Three copies of the brief must be served and an
original and nine copies filed within seven days.

2 Mo. No. 2016-90
In the Matter of State of New York,
Respondent,
v.
Walter J.R. (Anonymous),
Appellant.

Motion for leave to appeal dismissed upon the ground that no motion for leave to appeal lies from an Appellate Division order which dismissed an appeal taken from a verdict sheet (see CPLR 5602). Motion for poor person relief dismissed as academic.

1 Mo. No. 2016-300
George Newman, et al.,
Appellants,
v.
RCPI Landmark Properties, LLC, et al.,
Respondents.

Motion by Defense Association of New York, Inc. for leave to file a brief amicus curiae on the appeal herein granted and the proposed brief is accepted as filed.

1 Mo. No. 2015-1293
Nomura Asset Capital Corporation, et al.,
Respondents-Appellants
v.
Cadwalader, Wickersham & Taft LLP,
Appellant-Respondent.

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

3 Mo. No. 2016-97
In the Matter of Christopher North,
Respondent.
Young People's Chorus of New York,
Appellant.
Commissioner of Labor,
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. 2016-103
The People &c.,
Respondent,
v.
Steven Nowicki,
Appellant.

Motion for leave to appeal denied. Chief Judge DiFiore took no part.

1 Mo. No. 2016-94
In the Matter of Austrolyn O.,
 Respondent,
 v.
Michelle R.,
 Appellant,
et al.,
 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.
Motion for poor person relief dismissed as academic.

2 Mo. No. 2016-116
Maria Pappas,
 Respondent,
 v.
Anthony Pappas,
 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. 2016-311
The People &c.,
 Respondent,
 v.
Lawrence Parker,
 Appellant.

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

3 Mo. No. 2016-115
In the Matter of Leonaldo Rivera,
 Appellant,
 v.
Anthony J. Annucci, &c., et al.,
 Respondents.

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

2 Mo. No. 2016-88
The People &c.,
 Respondent,
 v.
Atreyu Scales,
 Appellant.

Motion for leave to appeal denied.

3 SSD 25
Robert L. Schulz,
Appellant,
v.
Sheldon Silver, &c.,
Respondent.

Appeal, insofar as taken from that portion of the Appellate Division order dismissing the appeal from the October 2014 Supreme Court order, dismissed without costs, by the Court sua sponte, upon the ground that such portion of the order does not finally determine the action 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.
Chief Judge DiFiore took no part.

4 Mo. No. 2016-345
In the Matter of Eighth Judicial District
Asbestos Litigation.

Joann H. Suttner, &c.,
Respondent,
v.
A.W. Chesterton Company, et al.,
Defendants,
Crane Co.,
Appellant.

Motion by CBS Corporation for leave to file a brief amicus curiae on the appeal herein granted and the proposed brief is accepted as filed. Three copies of the brief must be served and an original and nine copies filed within seven days.

4 Mo. No. 2016-347
In the Matter of Eighth Judicial District
Asbestos Litigation.

Joann H. Suttner, &c.,
Respondent,
v.
A.W. Chesterton Company, et al.,
Defendants,
Crane Co.,
Appellant.

Motion by Chamber of Commerce of the United States of America for leave to file a brief amicus curiae on the appeal herein granted and the proposed brief is accepted as filed.

2 Mo. No. 2016-85
In the Matter of Traditional Links, LLC,
 Appellant,
 v.
Board of Assessors of Town of Riverhead,
 Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2016-313
The People &c.,
 Respondent,
 v.
Jamel Upson,
 Appellant.

Motion for an extension of the time within which to
apply for permission to appeal pursuant to CPL
460.20 granted and motion papers treated as a timely
CPL 460.20 application.
Chief Judge DiFiore took no part.