

December 17, 2014

CASES

4                    No. 237 SSM 28  
Mary T. Heltz,  
    Appellant,  
    v.  
Bruce S. Barratt et al.,  
    Respondents.

On review of submissions pursuant to section 500.11 of the Rules, order affirmed, with costs. Plaintiff failed to produce admissible evidence raising a triable issue of fact concerning whether defendant Barratt had an opportunity to avoid the collision. Chief Judge Lippman and Judges Read, Smith, Pigott, Rivera and Abdus-Salaam concur.

2                    No. 218  
The People &c.,  
    Respondent,  
    v.  
Raul Johnson,  
    Appellant.

Order reversed, defendant's motion to suppress granted, and a new trial ordered.  
Opinion by Judge Smith.  
Chief Judge Lippman and Judges Read, Rivera and Abdus-Salaam concur.  
Judge Pigott dissents in an opinion.

4                    No. 236 SSM 25  
In the Matter of Suzanne Lozinak,  
    Respondent,  
    v.  
Board of Education of Williamsville Central  
School District,  
    Appellant.

On review of submissions pursuant to section 500.11 of the Rules, order reversed, with costs, and petition dismissed. We cannot say that "the penalty of [termination] . . . shocks the judicial conscience" (Matter of Kelly v Safir, 96 NY2d 32, 40 [2001]; see Matter of Pell v Board of Educ. of Union Free School Dist. No. 1 of Towns of Scarsdale & Mamaroneck, Westchester County, 34 NY2d 222, 234-235 [1974]). Chief Judge Lippman and Judges Read, Smith, Pigott, Rivera and Abdus-Salaam concur.

4                    No. 224  
In the Matter of State of New York,  
    Respondent,  
    v.  
Michael M.,  
    Appellant.

Order reversed, without costs, and matter remitted to Supreme Court, Niagara County, for further proceedings in accordance with the opinion herein. Opinion by Judge Pigott. Chief Judge Lippman and Judges Smith, Rivera and Abdus-Salaam concur. Judge Read dissents and votes to affirm for reasons stated in the memorandum at the Appellate Division (109 AD3d 1181 [2013]).

2                    No. 221  
Trump Village Section 3, Inc.,  
    Respondent,  
    v.  
City of New York, et al.,  
    Appellants.

Order affirmed, with costs, and certified question answered in the affirmative. Opinion by Judge Abdus-Salaam. Chief Judge Lippman and Judges Read, Smith, Pigott and Rivera concur.

## MOTIONS

2                    Mo. No. 2014-1072  
Aiden Aminov, &c., et al.,  
Appellants,  
v.  
Samuel Field YM & YWHA, Inc.,  
Respondent.

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

2                    Mo. No. 2014-1073  
Susan Aranoff,  
Respondent,  
v.  
Gerald Aranoff,  
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.  
Motion for poor person relief dismissed as academic.

2                    Mo. No. 2014-1092  
Leon Behar, et al.,  
Respondents,  
v.  
Quaker Ridge Golf Club, 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.

1                    Mo. No. 2014-1070  
In the Matter of Robert V.C.,  
Appellant,  
v.  
Polly V.H.,  
Respondent.

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

1                    Mo. No. 2014-1086  
The People &c.,  
Respondent,  
v.  
Emiliano Carreon,  
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2014-1082  
Salamon Davis, &c.,  
Appellant,  
v.  
Herbert Rudnick, et al.,  
Respondents.

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

1 Mo. No. 2014-1088  
Gloria Deanna Dickerson,  
Appellant,  
v.  
United Way of New York City,  
Respondent,  
et al.,  
Defendants.

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

2 Mo. No. 2014-1049  
The People &c. ex rel. Michael Dollison,  
Appellant,  
v.  
Michael J. Sposato, &c.,  
Respondent.

Motion for reargument of motion for leave to appeal denied.

1 Mo. No. 2014-1083  
In the Matter of Empire State Realty Trust,  
Inc. Investor Litigation.  
  
Leon Meyers, et al.,  
Respondents,  
Mildred Blutstein, &c., et al.,  
Intervenors-Appellants,  
v.  
Malkin Holdings L.L.C., et al.,  
Respondents.

Motion for reargument of motion for leave to appeal &c. denied.

1                    Mo. No. 2014-1093  
General Motors Acceptance Corp., et al.,  
Appellants,  
v.  
New York Central Mutual Fire Insurance  
Company,  
Respondent.

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

1                    Mo. No. 2014-1055  
Georgia Malone & Company, Inc.,  
Respondent,  
v.  
Extell Development Company, et al.,  
Appellants.

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

1                    Mo. No. 2014-1066  
In the Matter of Ronald Grassel,  
Appellant,  
v.  
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. 2014-1075  
In the Matter of Javier C. (Anonymous),  
Appellant.

Motion for leave to appeal denied.

2                    Mo. No. 2014-1013  
In the Matter of State of New York,  
Respondent,  
v.  
Dennis K.,  
Appellant.

Motion for leave to appeal granted.

1                    Mo. No. 2014-1074  
In the Matter of Mandju S.K., &c.

Aliyah B.D.,  
Appellant,  
Good Shepherd Services,  
Respondent.

Motion for leave to appeal denied.

2                    Mo. No. 2014-1061  
Nella Manko,  
Appellant,  
v.  
Lenox Hill Hospital,  
Respondent.

Motion for reargument of motion for leave to appeal denied.

2                    Mo. No. 2014-1081  
Freya Marone, &c., et al.,  
Respondents,  
v.  
Charles M. Kally, et al.,  
Appellants,  
et al.,  
Defendant.

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

3                    Mo. No. 2014-1085  
John McColgan,  
Appellant,  
v.  
Donald Brewer, et al.,  
Defendants,  
Chicago Title Insurance Company,  
Respondent.

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

4 Mo. No. 2014-1089  
In the Matter of Jeremy A. McNeil,  
Appellant,  
v.  
Michael Deering, et al.,  
Respondents.  
(And Another Proceeding.)

Motions for leave to appeal denied.

1 Mo. No. 2014-1067  
Metropolitan Taxicab Board of Trade, et al.,  
Appellants,  
v.  
The New York City Taxi & Limousine  
Commission, &c., et al.,  
Respondents.

Motion for leave to appeal denied.

4 Mo. No. 2014-968  
In the Matter of State of New York,  
Respondent,  
v.  
Anthony N.,  
Appellant.

Motion for leave to appeal granted.  
Motion for poor person relief granted.

3 Mo. No. 2014-1087  
In the Matter of Brian D. Price,  
Respondent.  
NYP Holdings Inc., &c.,  
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.

3 Mo. No. 2014-1204  
In the Matter of Brian D. Price,  
Respondent.  
NYP Holdings Inc., &c.,  
Appellant.  
Commissioner of Labor,  
Respondent.

Motion by the New York News Publishers  
Association, Inc., et al. for leave to appear amici  
curiae on the motion for leave to appeal granted and  
the brief is accepted as filed.

3                    Mo. No. 2014-1094  
In the Matter of Protect the Adirondacks! Inc.,  
et al.,  
                  Appellants,  
          v.  
Adirondack Park Agency, et al.,  
                  Respondents.

Motion, insofar as it seeks leave to appeal from so much of the Appellate Division order as affirmed the March 2013 Supreme Court order, 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.

2                    Mo. No. 2014-1090  
In the Matter of Dashawn R. (Anonymous),  
                  Appellant.

Motion for leave to appeal denied.

2                    Mo. No. 2014-1071  
In the Matter of Chaim T. (Anonymous).  
  
New York City Administration for Children's  
Services,  
                  Respondent;  
Joshua T. (Anonymous),  
                  Appellant;  
et al.,  
                  Respondent.  
(And Other Proceedings.)

Motion for leave to appeal dismissed as untimely (see CPLR 5513[b]).

1                    Mo. No. 2014-1084  
The People &c.,  
                  Respondent,  
          v.  
Pedro Torres,  
                  Appellant.

Motion for leave to appeal denied.

Mo. No. 2014-1064  
In the Matter of Delcia W.,  
Respondent,  
v.  
Carl S.W.,  
Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2014-1059  
In the Matter of Charles Williams,  
Appellant,  
v.  
Anthony Annucci, &c.,  
Respondent.

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