

February 19, 2015

CASES

1 No. 5
BDC Finance L.L.C.
 Respondent,
 v.
Barclays Bank PLC,
 Appellant.

Order modified, without costs, by remitting to Supreme Court, New York County, for further proceedings in accordance with the opinion herein and, as so modified, affirmed and certified question answered in the negative.
Opinion by Judge Pigott.
Chief Judge Lippman and Judges Read, Rivera and Abdus-Salaam concur.
Judges Stein and Fahey took no part.

3 No. 11
The People &c.,
 Respondent,
 v.
Adam Crowder,
 Appellant.

Order affirmed, in a memorandum.
Judges Read, Pigott, Rivera and Abdus-Salaam concur.
Chief Judge Lippman dissents and votes to reverse in an opinion.
Judges Stein and Fahey took no part.

1 No. 18
Graham Court Owner's Corp.,
 Appellant,
 v.
Kyle Taylor,
 Respondent.

Order affirmed, with costs, and certified question answered in the affirmative.
Opinion by Judge Rivera.
Chief Judge Lippman and Judges Read, Pigott and Abdus-Salaam concur.
Judges Stein and Fahey took no part.

4 No. 21
Frederick J. Platek, et al.,
 Respondents,
 v.
Town of Hamberg, et al.,
 Defendants,
Allstate Indemnity Company,
 Appellant.

Judgment appealed from and order of the Appellate Division brought up for review reversed, with costs, plaintiffs' motion for summary judgment denied and defendant Allstate Indemnity Company's motion for summary judgment granted.
Opinion by Judge Read.
Chief Judge Lippman and Judges Rivera and Abdus-Salaam concur.
Judge Pigott concurs in result in a separate opinion.
Judges Stein and Fahey took no part.

1 No. 24
In the Matter of Luz Solla,
 Respondent,
 v.
Elizabeth Berlin &c.,
 Appellant,
et al.,
 Respondents.

Order reversed, without costs, petitioner's application for attorneys' fees denied and certified question answered in the negative, in a memorandum.
Chief Judge Lippman and Judges Read, Pigott, Rivera and Abdus-Salaam concur.
Judges Stein and Fahey took no part.

4 No. 4
The People &c.,
 Appellant,
 v.
Terrance Williams,
 Respondent.

Order affirmed, in a memorandum.
Chief Judge Lippman and Judges Read, Rivera and Abdus-Salaam concur.
Judge Pigott dissents in an opinion.
Judges Stein and Fahey took no part.

MOTIONS

2 Mo. No. 2015-70
In the Matter of Stephen Daniel A.

Administration for Children's Services,
Respondent;
Sandra M.-A.,
Appellant;
et al.,
Respondent.
(And Another Proceeding.)

Motion for leave to appeal denied.
Judges Stein and Fahey took no part.

1 Mo. No. 2015-5
In the Matter of Saleh A. Ahmed,
Appellant,
v.
David H. Yin, et al.,
Respondents.

Motion, insofar as it seeks leave to appeal from the
November 2014 Appellate Division order, dismissed
upon the ground that such order does not finally
determine the proceeding within the meaning of the
Constitution; motion for leave to appeal otherwise
denied.
Judges Stein and Fahey took no part.

2 Mo. No. 2015-30
Susan Aranoff,
Respondent,
v.
Gerald Aranoff,
Appellant.

Motion for reargument of motion for leave to appeal
denied.
Judges Stein and Fahey took no part.

2 Mo. No. 2015-52
The People &c.,
Respondent,
v.
Costandino Argyris,
Appellant.

Motion for reargument denied.
Judges Stein and Fahey took no part.

3 Mo. No. 2015-102
In the Matter of Samantha M. Armison,
 Respondent.
Gannett Company, Inc.,
 Appellant.
Commissioner of Labor,
 Respondent.
(And Five 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.
Judges Stein and Fahey took no part.

1 Mo. No. 2015-74
The People &c.,
 Respondent,
 v.
Darrel Corian,
 Appellant.

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

2 Mo. No. 2015-98
Martin Daskal, &c.,
 Appellant,
 v.
Joseph Tyrnauer, &c., et al.,
 Respondents.

Motion for leave to appeal denied.
Judges Stein and Fahey took no part.

2 Mo. No. 2015-16
The People &c.,
 Respondent,
 v.
John A. DiSalvo,
 Appellant.

Motion for reargument denied.
Judges Stein and Fahey took no part.

3 Mo. No. 2015-69
In the Matter of Stuart Dizak,
 Appellant,
 v.
Albert Prack, &c.,
 Respondent.

Motion for leave to appeal denied.
Judges Stein and Fahey took no part.

2 Mo. No. 2015-40
In the Matter of Clair E. F.

Orange County Department of Social
Services,
Respondent;
Benjamin F.,
Appellant,
et al.,
Respondent,
Karen M.,
Intervenor-Respondent.

Motion for leave to appeal denied.
Judges Stein and Fahey took no part.

1 Mo. No. 2014-1265
In the Matter of Flintlock Construction
Services, LLC, et al.,
Appellants,
v.
Gretchen Weiss,
Respondent.

Motion to dismiss appeal granted and appeal
dismissed, with four hundred dollars costs and one
hundred dollars costs of motion, upon the ground
that the issues presented have become moot.
Judges Stein and Fahey took no part.

2 Mo. No. 2015-53
Rebecca Geffner, &c.,
Appellant,
v.
Mercy Medical Center, et al.,
Respondents.

Motion for reargument of motion for leave to appeal
denied.
Judges Stein and Fahey took no part.

1 Mo. No. 2015-140
The People &c.,
Respondent,
v.
Roy Gray,
Appellant.

Motion for assignment of counsel granted and
Richard M. Greenberg, Esq., Office of the Appellate
Defender, 11 Park Place, Suite 1601, New York, NY
10007 assigned as counsel to the appellant on the
appeal herein.
Chief Judge Lippman took no part.

2 Mo. No. 2015-39
Anne Denisse Hidalgo,
 Respondent,
 v.
4-34-68, Inc., et al.,
 Defendants,
Karen Bryant,
 Appellant.

Motion for leave to appeal denied.
Judges Stein and Fahey took no part.

3 Mo. No. 2015-11
Gail C. Howard, &c.,
 Respondent,
 v.
Craig Stanger, et al.,
 Appellants,
et al.,
 Defendant.

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.
Judges Stein and Fahey took no part.

4 Mo. No. 2015-72
In the Matter of Sapphire A.J.

Monroe County Department of Human
Services,
 Respondent;
Angelica J.,
 Appellant.

Motion for leave to appeal denied.
Judges Stein and Fahey took no part.

3 Mo. No. 2015-8
Johnathan Johnson,
 Appellant,
 v.
State of New York,
 Respondent.
(Claim No. 114829)

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 and is not an order of
the type provided for in CPLR 5602(a)(2).
Judges Stein and Fahey took no part.

3 Mo. No. 2015-9
Johnathan Johnson,
 Appellant,
 v.
State of New York,
 Respondent.
(Claim No. 114212)

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 and is not an order of the type provided for in CPLR 5602(a)(2).
Judges Stein and Fahey took no part.

4 Mo. No. 2015-43
Kai Lin,
 Appellant,
 v.
Department of Dentistry, University of
Rochester Medical Center, et al.,
 Respondents,
et al.,
 Defendant.

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

 Mo. No. 2015-110
The People &c.,
 Respondent,
 v.
William Looman,
 Appellant.

Motion for leave to appeal dismissed upon the ground that this Court does not have jurisdiction to entertain this motion for leave to appeal from the order of County Court entered in this proceeding commenced in Village Court (see NY Const, art VI, § 3[b]; CPLR 5602[a]).
Judges Stein and Fahey took no part.

2 Mo. No. 2015-25
The People &c.,
 Respondent,
 v.
Ervin Lucius,
 Appellant.

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

1 Mo. No. 2015-76
The People &c.,
Respondent,
v.
Elias McFarland,
Appellant.

Motion for reargument denied.
Judges Stein and Fahey took no part.

1 Mo. No. 2014-1183
Millennium Holdings LLC,
Plaintiff,
The Northern Assurance Company of
America,
Appellant,
Certain Underwriters at Lloyd's, et al.,
Intervenors-Appellants,
v.
The Glidden Company, &c., et al.,
Respondents.

Motion for leave to appeal granted.
Judges Stein and Fahey took no part.

3 Mo. No. 2015-88
In the Matter of Paula Nelson,
Appellant,
v.
City of New York,
Respondent,
Andes Town Board, et al.,
Respondents.

Motion for reargument of motion for leave to appeal
denied.
Judges Stein and Fahey took no part.

Mo. No. 2015-50
Khanh T. Nguyen,
Appellant,
v.
Nemet Motors,
Respondent.

Motion for reargument of motion for leave to appeal
denied.
Judges Stein and Fahey took no part.

1 Mo. No. 2015-20
The People &c.,
Respondent,
v.
Ronald Perry,
Appellant.

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

4 Mo. No. 2015-54
The People &c. ex rel. Rene Peterson,
Appellant,
v.
Patricia E. LeConey, &c.,
Respondent.

Motion for leave to appeal denied.
Judges Stein and Fahey took no part.

1 Mo. No. 2015-18
PS 157 Lofts LLC, et al.,
Respondents,
v.
Kimberly Austin, et al.,
Appellants.

Motion to dismiss appeal granted and appeal dismissed, with four hundred dollars costs and one hundred dollars costs of motion, upon the ground that the November 2014 Appellate Division order appealed from does not finally determine the proceeding within the meaning of the Constitution. Judges Stein and Fahey took no part.

1 Mo. No. 2015-86
Vilma M. Sanchez,
Respondent,
v.
Farbod F. Hay, 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. Judges Stein and Fahey took no part.

1 Mo. No. 2014-1243
Yousufu Sangaray,
Appellant,
v.
West River Associates, LLC,
Respondent,
et al.,
Defendants.
(And a Third-Party Action.)

Motion for leave to appeal granted.
Judges Stein and Fahey took no part.

1 Mo. No. 2015-47
In the Matter of Nikole S.,
Respondent,
v.
Jordan W.,
Appellant,
et al.,
Respondents.

Motion for leave to appeal dismissed upon the
ground that appellant, having taken no appeal to the
Appellate Division, may not appeal to this Court
from the Appellate Division order of affirmance.
Judges Stein and Fahey took no part.

1 Mo. No. 2015-95
In the Matter of Nikole S.,
Appellant,
v.
Jordan W., et al.,
Respondents.

Motion for leave to appeal denied.
Judges Stein and Fahey took no part.

2 Mo. No. 2015-41
In the Matter of Michele M. Simms-Parris,
&c., a disbarred attorney.

Grievance Committee for the Ninth Judicial
District,
Respondent;
Michele M. Simms-Parris,
Appellant.

Motion for reargument denied. The order from
which leave to appeal was sought is not an order of
the type provided for in CPLR 5602(a)(2).
Motion for a stay dismissed as academic.
Judges Stein and Fahey took no part.

1 Mo. No. 2015-51
Carlayne Sims,
 Appellant,
 v.
The United States of America Governing
Body et al.,
 Respondents.

Motion for reargument of motion for leave to appeal
denied.
Judges Stein and Fahey took no part.

3 Mo. No. 2015-49
In the Matter of Pamela Smart,
 Appellant,
 v.
Brian Fischer, &c.,
 Respondent.

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

3 Mo. No. 2015-14
The People &c.,
 Respondent,
 v.
Thomas Snay, Jr.,
 Appellant.

Motion for leave to appeal denied.
Judges Stein and Fahey took no part.

3 Mo. No. 2015-222
In the Matter of P. David Soares, &c.,
 Respondent,
 v.
William A. Carter, &c.,
 Appellant,
Colin Donnaruma et al.,
 Respondents.

Motion by District Attorneys Association of the State
of New York 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.
Judge Stein took no part.

2 Mo. No. 2015-21
The People &c.,
 Respondent,
 v.
Guy Stewart,
 Appellant.

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

3 Mo. No. 2015-63
Stone Mountain Prime LLC,
Appellant,
v.
UICC Holding LLC, et al.,
Respondents,
et al.,
Defendants.

Motion for leave to appeal denied.
Judges Stein and Fahey took no part.

4 Mo. No. 2015-199
Adam L. Walton,
Appellant,
v.
Strong Memorial Hospital, et al.,
Respondents,
et al.,
Defendants.

Motion by Healthcare Association of New York
State, Inc. for leave to appear amicus curiae on the
appeal herein granted only to the extent that the
proposed brief is accepted as filed.

2 Mo. No. 2015-35
In the Matter of Western Ramapo Sewer
Extension Project.
Split Rock Partnership,
Respondent;
Rockland County Sewer District No. 1,
Appellant.

Motion for leave to appeal denied with one hundred
dollars costs and necessary reproduction
disbursements.
Judges Stein and Fahey took no part.

1 Mo. No. 2015-83
The People &c.,
Respondent,
v.
Willie Winbush,
Appellant.

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