

September 01, 2015

CASE

1 No. 184 SSM 14
Branic International Realty Corp.,
 Appellant,
 v.
Phillip Pitt, &c.,
 Respondent,
et al.,
 Respondents.

On review of submissions pursuant to section 500.11 of the Rules, order affirmed, with costs, and certified question answered in the affirmative (see Branic Intl. Realty Corp. v Pitt, 24 NY3d 1005, 1007 [2014], citing Matter of Park E. Corp. v Whalen, 43 NY2d 735, 736 [1977]).
Chief Judge Lippman and Judges Pigott, Rivera, Stein and Fahey concur.
Judge Abdus-Salaam took no part.

MOTIONS

2 Mo. No. 2015-713
In the Matter of 7-Eleven, Inc., et al.,
 Respondents,
 v.
Incorporated Village of Mineola, et al.,
 Appellants.

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

2 Mo. No. 2015-632
Aries Financial, LLC,
 Appellant-Respondent,
 v.
12005 142nd Street, LLC, et al.,
 Respondents-Appellants,
et al.,
 Defendants.

Motions 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.

2 Mo. No. 2015-693
In the Matter of Estrellita A.,
 Respondent,
 v.
Jennifer L.D.,
 Appellant.

Motion for leave to appeal granted.

4 Mo. No. 2015-876
In the Matter of Brooke S.B.,
 Respondent,
 v.
Elizabeth A. C.C.,
 Respondent.

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

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

4 Mo. No. 2015-710
Karen Boyson,
Appellant,
v.
Irene Kwasowsky, et al.,
Defendants,
Kemper Independence Insurance Company, et
al.,
Respondents.

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

4 Mo. No. 2015-669
In the Matter of Benjamin Justin Brownlee,
Appellant,
v.
Anthony Annucci, &c., et al.,
Respondents.
(Appellate Division No. 2015-00231).

On the Court's own motion, appeal dismissed, without costs, upon the ground that the order appealed from does not finally determine the proceeding within the meaning of the Constitution. 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. 2015-717
The People &c.,
Respondent,
v.
Kwane Cephus,
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2015-626
Citicorp Trust Bank, FSB,
Respondent,
v.
Ligerie L. Makkas, et al.,
Defendants,
Leshold Realty Corp.,
Appellant.

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

1 Mo. No. 2015-653
The People &c.,
 Respondent,
 v.
Christopher Collins,
 Appellant.

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

4 Mo. No. 2015-707
In the Matter of Colonial Surety Company,
 Respondent,
 v.
Lakeview Advisors, LLC, et al.,
 Respondents,
Neaverth Enterprises, LLC, et al.,
 Appellants.
(And Another Proceeding.)

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

3 Mo. No. 2015-678
In the Matter of Bernabe Encarnacion,
 Appellant,
 v.
Brian Fischer, &c.,
 Respondent.

Motion for leave to appeal denied.

3 Mo. No. 2015-722
In the Matter of Laura Flerx et al.,
 Appellants,
 v.
Thomas P. DiNapoli, &c., et al.,
 Respondents.

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

4 Mo. No. 2015-657
In the Matter of Candie A. Foster,
 Appellant,
 v.
Andrew J. Foster,
 Respondent.

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

2 Mo. No. 2015-655
The People &c.,
 Respondent,
 v.
Anthony Fowara,
 Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2015-610
Sergio Fuentes,
 Appellant,
et al.,
 Plaintiffs,
 v.
Alonzo Virgil,
 Defendant,
Rosa Martinez,
 Respondent.

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

2 Mo. No. 2015-708
Maria Giresi, &c.,
 Appellant,
 v.
City of New York, et al.,
 Respondents,
et al.,
 Defendant.

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

2 Mo. No. 2015-668
In the Matter of Charles T. Rawley,
 Respondent,
 v.
Jessica Graham,
 Appellant.
(Appellate Division No. 2015-02308)

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. 2015-733
In the Matter of Charles T. Rawley,
 Respondent,
 v.
Jessica Graham,
 Appellant.
(Appellate Division Nos. 2015-02266; 2015-
02268; 2015-02273; 2015-02298; 2015-
02299; 2015-02300; and 2015-02534)

Motions for leave to appeal dismissed upon the
ground that they do not lie.
Motions for poor person relief dismissed as
academic.

2 Mo. No. 2015-861
In the Matter of Jessica Graham,
 Appellant,
 v.
Charles T. Rawley,
 Respondent.
(Appellate Division No. 2015-02263)

Motion for leave to appeal dismissed upon the
ground that it does not lie.
Motion for poor person relief dismissed as academic.

3 Mo. No. 2015-697
In the Matter of Kevin Griffin,
 Appellant,
 v.
Thomas P. DiNapoli, &c., et al.,
 Respondents.

Motion for reargument of motion for leave to appeal
denied.

1 Mo. No. 2015-652
In the Matter of Jack J. Grynberg, et al.,
 Respondents,
 v.
BP Exploration Operating Company Limited,
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 proceeding within the
meaning of the Constitution.

1 Mo. No. 2015-650
In the Matter of Carol H.,
 Appellant,
 v.
Shewanna H., et al.,
 Respondents.

Motion for leave to appeal denied.

2 Mo. No. 2015-666
The People &c.,
 Respondent,
 v.
Earl Holley,
 Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2015-704
In the Matter of Obi Ifedigbo,
 Appellant,
 v.
Buffalo Public Schools,
 Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2015-648
The People &c.,
 Respondent,
 v.
Anthony Jamison,
 Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2015-688
David Kassel,
 Appellant,
 v.
James P. Donohue, &c., et al.,
 Respondents,
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. 2015-691
In the Matter of June-Il Kim,
Respondent.
SUK Incorporated, &c.,
Appellant.
Commissioner of Labor,
Respondent.

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

2 Mo. No. 2015-698
The People &c.,
Respondent,
v.
Kerry Kotler,
Appellant.

Motion for leave to appeal denied.

1 SSD 36
In the Matter of Stephanie Lewis,
Appellant,
v.
NYC Health and Hospitals Corporation, et al.,
Respondents.

Appeal, insofar as taken against respondents New York City Health and Hospitals Corporation and Bellevue Hospital Center, dismissed without costs, by the Court sua sponte, as untimely taken (see CPLR 5513[a], [d]); appeal, insofar as taken against respondent New York State Division of Human Rights, dismissed without costs, by the Court sua sponte, upon the ground that no substantial constitutional question is directly involved.

1 Mo. No. 2015-670
In the Matter of Gilbert M., &c.,
Appellant.

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

1 Mo. No. 2015-754
The People &c. ex rel. Raymond Mayrant,
 Appellant,
 v.
Warden, Antonio Cuin,
 Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2015-665
In the Matter of J. Ezra Merkin,
 Respondent,
 v.
Richard Born, et al.,
 Appellants.

Motion, insofar as it seeks leave to appeal from so much of the Appellate Division order as affirmed the Supreme Court order denying the motion to renew, 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. 2015-639
The People &c.,
 Respondent,
 v.
Steven Montano,
 Appellant.

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

2 Mo. No. 2015-680
In the Matter of Kevin Murray, &c.,
 Respondent,
 v.
County of Suffolk, et al.,
 Appellants.

Motion for leave to appeal denied.

4 Mo. No. 2015-464
In the Matter of the Nonhuman Rights
Project, Inc., on behalf of Kiko,
 Appellant,
 v.
Carmen Presti, &c., et al.,
 Respondents.

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

3 Mo. No. 2015-293
The People &c. ex rel. The Nonhuman Rights
Project, Inc., on behalf of Tommy,
 Appellant,
 v.
Patrick C. Lavery, &c., et al.,
 Respondent.

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

3 Mo. No. 2015-338
The People &c. ex rel. The Nonhuman Rights
Project, Inc., on behalf of Tommy,
 Appellant,
 v.
Patrick C. Lavery, &c., et al.,
 Respondent.

Motion by The Center for the Study of the Great
Ideas, Inc. for leave to appear amicus curiae on the
motion for leave to appeal herein granted and the
brief is accepted as filed.
Judge Stein took no part.

3 Mo. No. 2015-517
The People &c. ex rel. The Nonhuman Rights
Project, Inc., on behalf of Tommy,
 Appellant,
 v.
Patrick C. Lavery, &c., et al.,
 Respondent.

Motion by Justin F. Marceau for leave to appear
amicus curiae on the motion for leave to appeal
herein granted and the brief is accepted as filed.
Judge Stein took no part.

3 Mo. No. 2015-631
The People &c. ex rel. The Nonhuman Rights
Project, Inc., on behalf of Tommy,
Appellant,
v.
Patrick C. Lavery, &c., et al.,
Respondent.

Motion by Laurence H. Tribe for leave to appear
amicus curiae on the motion for leave to appeal
herein granted and the brief is accepted as filed.
Judge Stein took no part.

3 Mo. No. 2015-673
The People &c. ex rel. The Nonhuman Rights
Project, Inc., on behalf of Tommy,
Appellant,
v.
Patrick C. Lavery, &c., et al.,
Respondent.

Motion by the Center for Constitutional Rights for
leave to appear amicus curiae on the motion for leave
to appeal herein granted and the brief is accepted as
filed.
Judge Stein took no part.

2 Mo. No. 2015-645
Ronald Payne,
Appellant,
v.
City of New Rochelle, et al.,
Respondents,
et al.,
Defendants.

Motion for leave to appeal dismissed upon the
ground that it does not lie (see CPLR 5602[a]).

2 Mo. No. 2015-618
Freddy R. Rodriguez, et al.,
Appellants,
v.
Town of Clarkstown Police Department, et
al.,
Respondents,
et al.,
Defendants.

Motion for leave to appeal denied with one hundred
dollars costs and necessary reproduction
disbursements.
Judge Rivera took no part.

4 Mo. No. 2015-663
In the Matter of Martha S. et al., &c.

Genesee County Department of Social
Services,
Respondent;
Linda M.S.,
Appellant.

Motion, insofar as it seeks leave to appeal from so much of the Appellate Division order as dismissed the appeal from so much of the Family Court order as was entered on appellant's consent, dismissed upon the ground that, as to that portion of the Appellate Division order, appellant is not a party aggrieved (see CPLR 5511); motion for leave to appeal otherwise denied.

2 Mo. No. 2015-660
In the Matter of Government Employees
Insurance Company,
Respondent,
v.
Cheryl Schussheim,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2015-706
In the Matter of Sergeants Benevolent
Association of the City of New York, Inc. et
al.,
Appellants,
v.
The City of New York, et al.,
Respondents.

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

4 Mo. No. 2015-705
Melba Stewart, &c.,
Appellant,
v.
Kenneth G. Dunkleman, Jr., &c., et al.,
Respondents.

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

2 Mo. No. 2015-616
Andrew Thomson,
Appellant,
v.
New World Bible Translation Committee, et
al.,
Respondents.

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

3 Mo. No. 2015-687
The People &c.,
Respondent,
v.
Christopher Tucker,
Appellant.

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

3 Mo. No. 2015-716
In the Matter of Isiah Waters,
Appellant,
v.
Anthony J. Annucci, &c.,
Respondent.

Motion for leave to appeal denied.

4 Mo. No. 2015-682
In the Matter of Errol Weathers,
Appellant,
v.
Anthony Annucci, &c.,
Respondent.

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

2 Mo. No. 2015-642
Zbigniew Wikiert,
Appellant,
v.
City of New York, &c.,
Respondent.

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

2 Mo. No. 2015-695
The People &c.,
 Respondent,
 v.
Francis Williams,
 Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2015-681
The People &c. ex rel. Darren Williams,
 Appellant,
 v.
Charles Kelly, Jr., &c.,
 Respondent.

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).

4 Mo. No. 2015-672
Alice Yargeau et al.,
 Appellants,
 v.
Lasertron, et al.,
 Respondents.

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