

September 10, 2015

MOTIONS

1 Mo. No. 2015-608
Baxter Street Condominium, &c.,
 Respondent,
 v.
LPS Baxter Holding Co., LLC,
 Appellant.
(And Two Other Actions.)

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.

3 Mo. No. 2015-671
In the Matter of Sharon K. Bland,
 Appellant,
 v.
Gellman, Brydges & Schroff
et al.,
 Respondents.
Workers' Compensation Board,
 Respondent.

Motions 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.
Judge Stein took no part.

In the Matter of Sharon K. Bland,
 Appellant,
 v.
Ronko Communications et al.,
 Respondents.
Workers' Compensation Board,
 Respondent.

1 SSD 41
Annabelle Sarah Bond,
 Respondent,
 v.
Warren Lichtenstein,
 Appellant.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that the order appealed from does not finally determine the action within the meaning of the Constitution.

3 Mo. No. 2015-603
In the Matter of John W. Brandt,
 Appellant,
 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. 2015-784
The People &c.,
 Respondent,
 v.
Michael Butler,
 Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2015-824
In the Matter of Frank Cannella,
 Respondent,
 v.
Marguerite Anthony,
 Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2015-829
In the Matter of Eileen D'Amico,
 Respondent,
 v.
Christopher Corrado,
 Appellant.

Motion, insofar as it seeks leave to appeal from that part of the Appellate Division order that affirmed Family Court's June 2013 order awarding custody and visitation, denied; motion for leave to appeal otherwise dismissed upon the ground that the remainder of the order sought to be appealed from does not finally determine a proceeding within the meaning of the Constitution.

3 SSD 42
Robert Davis,
 Appellant,
 v.
State of New York,
 Respondent.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that no substantial constitutional question is directly involved.

Mo. No. 2015-720
Gilberto Diaz,
Appellant,
v.
New York State Commission on Judicial
Conduct,
Respondent.

Motion for leave to appeal dismissed upon the
ground that this Court does not have jurisdiction to
entertain this motion seeking leave to appeal from
the letter dismissing the complaint (see NY Const,
art VI, § 22; Judiciary Law § 44[7]; CPLR 5602).

1 Mo. No. 2015-759
In the Matter of Aidan Doorley,
Appellant,
v.
Raymond Kelly, &c., et al.,
Respondents.

Motion for leave to appeal denied.

3 Mo. No. 2015-740
In the Matter of Camillo Douglas,
Appellant,
v.
Brian Fischer, &c.,
Respondent.

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

4 Mo. No. 2015-1028
The People &c.,
Respondent,
v.
Everett M. Durant,
Appellant.

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.
Judge Fahey took no part.

3 Mo. No. 2015-649
The People &c.,
Respondent,
v.
Kenneth J. Filkins II,
Appellant.

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

2 Mo. No. 2015-783
The People &c.,
Respondent,
v.
Julio Romero Gonzalez,
Appellant.

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

2 Mo. No. 2015-625
In the Matter of Harvey Greenfield, deceased.

Motion for leave to appeal denied.

Public Administrator of Kings County,
Petitioner,
Anita Stein, et al.,
Respondents;
Charles H. Rose III, et al.,
Respondents;
Louis R. Rosenthal, et al.,
Nonparty-Respondents;
Oshrie Zak,
Nonparty-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.

2 Mo. No. 2015-1039
The People &c.,
Respondent,
v.
Rodolfo Hernandez,
Appellant.

Appeal transferred without costs, by the Court sua
sponte, to the Appellate Division, Second
Department, upon the ground that a direct appeal
does not lie when questions other than the
constitutional validity of a statutory provision are
involved (see NY Const, art VI, §§ 3[b][2], 5[b];
CPLR 5601[b][2]).

SSD 38
Willie B. Hodge,
Appellant,
v.
County of Westchester,
Respondent.

1 Mo. No. 2015-1034
The People &c.,
 Respondent,
 v.
Earl Jones,
 Appellant.

Motion for assignment of counsel granted and Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, NY 10005 assigned as counsel to the appellant on the appeal herein.

3 SSD 26
In the Matter of Robert Jones
 Appellant,
 v.
Kevin Hickey, &c.,
 Respondent.

Appeal from the March 2015 Appellate Division order of affirmance dismissed without costs, by the Court sua sponte, upon the ground that no substantial constitutional question is directly involved.

3 SSD 40
In the Matter of Robert Jones
 Appellant,
 v.
Kevin Hickey, &c.,
 Respondent.

Appeal from the May 2015 Appellate Division order denying leave to appeal to this Court dismissed without costs, by the Court sua sponte, upon the ground that such order does not finally determine the proceeding within the meaning of the Constitution.

2 Mo. No. 2015-964
In the Matter of State of New York,
 Respondent,
 v.
Dennis K.,
 Appellant.

Motion to vacate this Court's July 14, 2015 preclusion order granted.

1 SSD 44
Constantine Korelis,
 Appellant,
 v.
Conriv Realty Corp.
 Respondent.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that it does not lie (see CPLR 5601).

2 Mo. No. 2015-747
In the Matter of Khalil L. (Anonymous).

Motion for leave to appeal denied.

Westchester County Department of Social
Services,
 Respondent;
Richard L. (Anonymous),
 Appellant.
(And Another Proceeding.)

2 Mo. No. 2015-748
In the Matter of Frankie L. (Anonymous).

Motion for leave to appeal denied.

Suffolk County Department of Social
Services,
 Respondent;
Talía G. (Anonymous),
 Respondent;
Dolores G. (Anonymous),
 Nonparty-Respondent.

In the Matter of Frankie L. (Anonymous).

Suffolk County Department of Social
Services,
 Respondent;
Dustin L. (Anonymous),
 Appellant;
Dolores G. (Anonymous),
 Nonparty-Respondent.
(And Other Proceedings.)

2 Mo. No. 2015-777
In the Matter of Frankie L. (Anonymous).

Suffolk County Department of Social
Services,
 Respondent;
Talía G. (Anonymous),
 Respondent;
Dolores G. (Anonymous),
 Nonparty-Appellant.

In the Matter of Frankie L. (Anonymous).

Suffolk County Department of Social
Services,
 Respondent;
Dustin L. (Anonymous),
 Respondent;
Dolores G. (Anonymous),
 Nonparty-Appellant.
(And Other Proceedings.)

Motion for leave to appeal denied.

2 Mo. No. 2015-788
In the Matter of Erich Milord,
 Appellant,
 v.
New York State Department of Motor
Vehicles,
 Respondent.

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

4 Mo. No. 2015-692
Carla L. Mura, &c.,
 Appellant,
 v.
David James Mura,
 Respondent.
Mark Chauvin Bezinque et al.,
 Respondents.

Motion for leave to appeal dismissed upon the
ground that the order sought to be appealed from
does not finally determine an action or proceeding
within the meaning of the Constitution.

2 Mo. No. 2015-715
Quintin A. Nowlin,
Appellant,
v.
Frederikus P. Vanroon et al.,
Respondents.

On the Court's own motion, appeal dismissed, without costs, upon the ground that the orders appealed from do not finally determine the action within the meaning of the Constitution. Motion for leave to appeal dismissed upon the ground that the orders sought to be appealed from do not finally determine the action within the meaning of the Constitution. Judge Fahey took no part.

1 Mo. No. 2015-1049
The People &c.,
Respondent,
v.
Elliot Parrilla,
Appellant.

Motion for assignment of counsel granted and Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, NY 10005 assigned as counsel to the appellant on the appeal herein.

1 SSD 39
Tamla Pope,
Appellant,
v.
City of New York, et al.,
Respondents.

Appeal dismissed without costs, by the Court *sua sponte*, upon the ground that it does not lie (see CPLR 5601).

2 Mo. No. 2015-989
The People &c.,
Respondent,
v.
Chris Price,
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. 2015-770
In the Matter of Renaissance Economic
Development Corporation,
 Respondent,
 v.
Jin Hua Lin, &c.,
 Appellant.

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. 2015-723
In the Matter of Tammy Robinson,
 Appellant.
Commissioner of Labor,
 Respondent.

Motion, insofar as it seeks leave to appeal from the February 2015 Appellate Division order, dismissed as untimely (see CPLR 5513[b]; Eaton v State of New York, 76 NY2d 824 [1990]); motion, insofar as it seeks leave to appeal from the April 2015 Appellate Division order denying reargument, dismissed upon the ground that such order does not finally determine the proceeding within the meaning of the Constitution.

 SSD 43
Hans Schmid,
 Appellant,
 v.
Eileen Knauer, et al.,
 Respondents.

Appeal transferred without costs, by the Court sua sponte, to the Appellate Division, Second Department, upon the ground that a direct appeal does not lie when questions other than the constitutional validity of a statutory provision are involved (see NY Const, art VI, §§ 3[b][2], 5[b]; CPLR 5601[b][2]).

3 Mo. No. 2015-758
In the Matter of School Administrators
Association of New York State et al.,
 Appellants,
et al.,
 Petitioner,
 v.
New York State Department of Social Service
et al.,
 Respondents.

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

1 Mo. No. 2015-1063
The People &c.,
 Respondent,
 v.
Charles Smith,
 Appellant.

Motion by New York State Association of Criminal Defense 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.

1 Mo. No. 2015-776
In the Matter of Emma Torres, &c.,

Emma Torres,
 Appellant,
 v.
Dara Freed, &c.,
 Respondent,
Fidelity and Deposit Company of Maryland,
 Respondent.
Joel B. Mayer, Esq.,
 Nonparty-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. 2015-952
Utica Mutual Insurance Company &c.,
Appellant,
v.
Style Management Associates Corp., et al.,
Respondents,
et al.,
Defendants.

Motion to expand the record denied.

1 Mo. No. 2015-677
In the Matter of Tyrik W., &c.,
Appellant.

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

3 Mo. No. 2015-757
In the Matter of Sheri H. Wilner,
Respondent.
Primary Stages Company Inc.,
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.

 Mo. No. 2015-719
Scott Young,
Appellant,
v.
State of New York et al.,
Respondents.

Motion for leave to appeal dismissed upon the
ground that the April 15, 2015 letter sought to be
appealed from is not a judgment or an order from
which an appeal to this Court may be taken (see
CPLR 5512[a]; CPLR 5602).