

August 30, 2016

CASES

2 No. 92
In the Matter of Estrellita A.,
 Respondent,
 v.
Jennifer L.D.,
 Appellant.

Order affirmed, without costs.
Opinion by Judge Abdus-Salaam.
Chief Judge DiFiore and Judges Rivera, Stein and
Garcia concur.
Judge Pigott concurs in a separate concurring
opinion.
Judge Fahey took no part.

4 No. 91
In the Matter of Brooke S.B.,
 Respondent,
 v.
Elizabeth A. C.C.,
 Respondent.

Order reversed, without costs, and matter remitted to
Family Court, Chautauqua County, for further
proceedings in accordance with the opinion herein.
Opinion by Judge Abdus-Salaam.
Chief Judge DiFiore and Judges Rivera, Stein and
Garcia concur.
Judge Pigott concurs in a separate concurring
opinion.
Judge Fahey took no part.

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

2 No. 190 SSM 16
Joseph Bennett, &c.,
 Appellant,
et al.,
 Plaintiff,
 v.
Michael Hucke, et al.,
 Defendants,
Alan Kirk, et al.,
 Respondents.

On review of submissions pursuant to section 500.11
of the Rules (22 NYCRR 500.11), order, insofar as
appealed from, affirmed, with costs. Plaintiff failed
to raise a triable issue of fact whether defendants-
respondents Alan Kirk, et al. are subject to general
contractor liability for when James Bennett was
injured.
Chief Judge DiFiore and Judges Pigott, Rivera,
Abdus-Salaam, Stein, Fahey and Garcia concur.

MOTIONS

3 Mo. No. 2016-555
In the Matter of AG Properties of Kingston,
LLC,
 Respondent,
 v.
Town of Ulster Assessor, et al.,
 Appellants.
(And Eight Other Proceedings.)

Motion for leave to appeal denied.

4 Mo. No. 2016-583
The People &c.,
 Respondent,
 v.
Lamar T. Anderson,
 Appellant.

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

3 Mo. No. 2016-574
In the Matter of Arthur M. Andrews, et al.,
 Appellants,
 v.
State of New York, et al.,
 Respondents.

Motion for leave to appeal denied.

2 Mo. No. 2016-535
The People &c.,
 Respondent,
 v.
Mohamed Azeez,
 Appellant.

Motion for leave to appeal denied.

Mo. No. 2016-610
Beck Chevrolet Co., Inc.,
Appellant,
v.
General Motors LLC,
Respondent.

Motion for reargument denied.
Judge Garcia took no part.

Mo. No. 2016-652
Beck Chevrolet Co., Inc.,
Appellant,
v.
General Motors LLC,
Respondent.

Motion by the Alliance of Automobile
Manufacturers and the Association of Global
Automakers for leave to appear amici curiae on the
motion for reargument granted and the memorandum
is accepted as filed.
Judge Garcia took no part.

Mo. No. 2016-680
Beck Chevrolet Co., Inc.,
Appellant,
v.
General Motors LLC,
Respondent.

Motion by the Greater New York Automobile
Dealers Association, Inc. for leave to appear amicus
curiae on the motion for reargument granted and the
brief is accepted as filed.
Judge Garcia took no part.

2 Mo. No. 2016-566
The People &c.,
Respondent,
v.
Jameek Berry,
Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2016-601
In the Matter of David A. Brown,
Appellant,
v.
Honorable Mathew K. McCarthy
et al.,
Respondents.

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

3 Mo. No. 2016-559
In the Matter of Anthony Casamassima,
 Appellant,
 v.
New York State Department of Health,
Administrative Review Board for
Professional Medical Conduct,
 Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2016-550
The People &c.,
 Respondent,
 v.
Anthony Correnti,
 Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2016-608
CPS 227 LLC,
 Respondent,
 v.
Martin Brody, &c.,
 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.

2 Mo. No. 2016-539
Susan Doscher,
 Respondent,
 v.
Jude Drew Doscher,
 Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2016-612
Shateema S. Farris, as Executor of the Estate
of Frances Hilton, deceased,
 Appellant,
 v.
Heidi Dupret,
 Respondent,
Bronx-Lebanon Hospital Center, et al.,
 Defendants.
(And Other Third-Party Actions.)

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

3 Mo. No. 2016-543
In the Matter of Roman Furman,
 Appellant,
 v.
Anthony J. Annucci, &c., et al.,
 Respondents.

Motion for leave to appeal dismissed upon the
ground that the issues presented have become moot.
Motion for poor person relief dismissed as academic.

1 Mo. No. 2016-538
Arie Genger, et al.,
 Plaintiffs,
 v.
Sagi Genger, et al.,
 Defendants.

Motion for leave to appeal denied.

Sagi Genger, &c.,
 Third-Party Appellant,
et al.,
 Third-Party Plaintiffs,
 v.
Arie Genger, et al.,
 Third-Party Defendants,
Trans-Resources, Inc.,
 Third-Party Respondent.

3 Mo. No. 2016-592
In the Matter of Julio Giano,
 Appellant,
 v.
Albert Prack, &c.,
 Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2016-565
In the Matter of Nancy Anastasia Gonos,
 Appellant,
 v.
Emmanuel Hadzipetros,
 Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2016-549
The People &c.,
 Respondent,
 v.
Juan Gonzalez,
 Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2016-605
Sophia Kaous, &c., et al.,
 Appellants,
 v.
Lutheran Medical Center, et al.,
 Respondents.

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. 2016-607
Steven L. Kessler &c.,
 Respondent,
 v.
Regina Surgent,
 Appellant.

Motion for leave to appeal denied.
Cross motion for the imposition of sanctions denied.

2 Mo. No. 2016-602
Abraham Klein,
 Appellant,
 v.
Samuel E. Rieff, et al.,
 Defendants,
Eugene F. Levy, et al.,
 Respondents.

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

4 Mo. No. 2016-606
Kimberly Lawton,
 Respondent,
 v.
Town of Orchard Park et al.,
 Appellants.

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

1 Mo. No. 2016-571
In the Matter of Liska NY, Inc., et al.,
 Appellants,
 v.
The City Council of the City of New York, et
al.,
 Respondents.

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

1 Mo. No. 2016-595
Madison Realty Capital, L.P. et al.,
 Respondents,
 v.
Scarborough-St. James Corporation et al.,
 Appellants,
Thomas L. Armano, Jr.,
 Nonparty.

Motion for leave to appeal denied.

2 Mo. No. 2016-554
Vincenzo Maggio,
Appellant,
v.
Town of Hempstead,
Respondent,
et al.,
Defendants.

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

2 Mo. No. 2016-603
Evelyn Martinez,
Appellant,
v.
Andrea Quintana, &c., et al.,
Defendants,
Senghao Fong, &c., et al.,
Respondents.

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

2 Mo. No. 2016-553
Renato J. Pascual et al.,
Appellants,
v.
Rustic Woods Homeowners Association, Inc.,
et al.,
Respondents.

Motion, insofar as it seeks leave to appeal as against Rustic Woods Homeowners Association, Inc. and Kathleen Fogarty &c., dismissed upon the ground that as to those parties the order sought to be appealed from does not finally determine the action within the meaning of the Constitution; motion for leave to appeal otherwise denied.

2 Mo. No. 2016-597
The People &c.,
Respondent,
v.
Juan Perez,
Appellant.

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

2 Mo. No. 2016-581
The People &c.,
Respondent,
v.
Kaysheem Pullins,
Appellant.

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

2 Mo. No. 2016-570
The People &c.,
Respondent,
v.
Vinnie Quinones,
Appellant.

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

1 Mo. No. 2016-613
Rakuten Bank, Ltd., &c.,
Appellant,
v.
Royal Bank of Canada, et al.,
Respondents.

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

3 Mo. No. 2016-609
In the Matter of C. Murray Regan,
Appellant,
v.
Thomas P. DiNapoli, &c.,
Respondent.

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

2 Mo. No. 2016-569
In the Matter of Gregory Soldatenko et al.,
Respondents,
v.
Village of Scarsdale Zoning Board of Appeals
et al.,
Appellants.

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

4 Mo. No. 2016-573
In the Matter of Luciano Spataro,
 Appellant,
 v.
New York State Department of Corrections
and Community Supervision,
 Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2016-585
Lingfei Sun,
 Appellant,
 v.
City of New York, et al.,
 Respondents,
et al.,
 Defendants.

Motion for reargument of motion for leave to appeal denied.

3 Mo. No. 2016-545
Valerie Sutton,
 Respondent,
 v.
Scott Burdick, &c., et al.,
 Respondents,
Raymond Harvey,
 Appellant.

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

1 Mo. No. 2016-617
In the Matter of Carl D. Wells,
 Appellant,
 v.
Hon. Jill Konviser, &c., et al.,
 Respondents.

Motion for leave to appeal denied.

Mo. No. 2016-586
In the Matter of John W. Yengo, Jr. et al.,
Appellants,
v.
The Lawyers Fund for Client Protection of the
State of New York,
Respondent.

Motion for leave to appeal &c. dismissed upon the
ground that this Court does not have jurisdiction to
entertain a motion for leave to appeal from the
judgment of Supreme Court (see NY Const, art VI, §
3; CPLR 5602).