

October 28, 2014

CASES

3 No. 172
In the Matter of State of New York,
 Respondent,
 v.
Donald DD.,
 Appellant.

Order reversed, without costs, and petition dismissed.
Opinion by Judge Pigott.
Chief Judge Lippman and Judges Smith and Rivera
concur.
Judge Graffeo dissents in an opinion in which Judges
Read and Abdus-Salaam concur.

2 No. 169
The People &c.,
 Appellant,
 v.
Jermaine Dunbar,
 Respondent.

Order affirmed.
Opinion by Judge Read.
Chief Judge Lippman and Judges Graffeo, Pigott,
Rivera and Abdus-Salaam concur.
Judge Smith dissents in an opinion.

1 No. 149
In the Matter of Sylvan Lawrence,
 Deceased.

Richard S. Lawrence, et al.,
 Respondents,
 v.
Graubard Miller, et al.,
 Appellants,

Richard S. Lawrence, et al.,
 Intervenors-Respondents.

Order reversed, with costs, matter remitted to
Surrogate's Court, New York County, for entry of a
decree in accordance with the opinion herein, and
certified question answered in the negative.
Opinion by Judge Read.
Chief Judge Lippman and Judges Graffeo and Pigott
concur.
Judge Rivera dissents in part in an opinion.
Judges Smith and Abdus-Salaam took no part.

2 No. 170
The People &c.,
 Appellant,
 v.
Collin F. Lloyd-Douglas,
 Respondent.

Order affirmed.
Opinion by Judge Read.
Chief Judge Lippman and Judges Graffeo, Pigott,
Rivera and Abdus-Salaam concur.
Judge Smith dissents in an opinion.

No. 146

Huyen V. Nguyen,
Petitioner,
v.
Eric H. Holder, Jr.,
United States Attorney General,
Respondent.

Following certification of a question by the United States Court of Appeals for the Second Circuit and acceptance of the question by this Court pursuant to section 500.27 of this Court's Rules of Practice, and after hearing argument by counsel for the parties and consideration of the briefs and the record submitted, certified question answered in the negative. A marriage where a husband is the half-brother of the wife's mother is not void as incestuous under Domestic Relations Law § 5(3).
Chief Judge Lippman and Judges Graffeo, Read, Smith, Pigott and Rivera concur.
Judge Smith concurs in an opinion in which Chief Judge Lippman and Judge Rivera concur.
Judge Graffeo concurs in an opinion in which Judges Read and Pigott concur.
Judge Abdus-Salaam took no part.

2 No. 171

The People &c.,
Appellant,
v.
Eugene Polhill,
Respondent.

Appeal dismissed, in a memorandum.
Chief Judge Lippman and Judges Graffeo, Read, Smith, Pigott, Rivera and Abdus-Salaam concur.

No. 159

The People &c.,
Appellant,
v.
Tyrone Sweat,
Respondent.

Order reversed and information reinstated.
Opinion by Judge Rivera.
Chief Judge Lippman and Judges Graffeo, Read, Smith, Pigott and Abdus-Salaam concur.

2 No. 173
In the Matter of State of New York,
 Respondent,
 v.
Kenneth T.,
 Appellant.

Order reversed, without costs, and petition dismissed.
Opinion by Judge Pigott.
Chief Judge Lippman and Judges Smith and Rivera
concur.
Judge Graffeo concurs in an opinion in which Judges
Read and Abdus-Salaam concur.

MOTIONS

1 Mo. No. 2014-996
2301 7th Avenue HDFC,
Respondent,
v.
Dana N. Escoffier, &c.,
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 the Appellate Division entered in this proceeding commenced in the Civil Court of the City of New York (see NY Const, art VI, § 3[b][7]; CPLR 5602[a]).
Motion for poor person relief dismissed as academic.

3 Mo. No. 2014-973
The People &c.,
Respondent,
v.
Leslie L. Becker,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2014-931
Ethan Ebanks Brown, &c.,
Appellant,
v.
The New York City Health & Hospitals
Corporation (North Central Bronx Hospital),
Respondent.

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

1 Mo. No. 2014-987
Dane E. Clayton,
Appellant,
v.
New York City Taxi & Limousine
Commission et al.,
Respondents.

Motion for reargument of motion for leave to appeal denied.

1 Mo. No. 2014-879
Mayra Duluc,
 Appellant,
 v.
AC & L Food Corp. et al.,
 Respondents.

Motion for leave to appeal denied.

2 Mo. No. 2014-970
The People &c.,
 Respondent,
 v.
Patricio Fitzpatrick,
 Appellant.

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

1 Mo. No. 2014-759
The People &c.,
 Respondent,
 v.
Raphael Golb,
 Appellant.

Motion for a stay dismissed as academic.

2 Mo. No. 2014-958
In the Matter of Anthony Grimaldi,
 Appellant,
 v.
Maggie Gough, et al.,
 Respondents.

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

2 Mo. No. 2014-980
In the Matter of Raghbir K. Gupta, &c.

Grievance Committee for the Second,
Eleventh, and Thirteenth Judicial Districts,
 Respondent;
Raghbir K. Gupta,
 Appellant.

Motion for leave to appeal denied.
Motion for a stay dismissed as academic.

3 Mo. No. 2014-887
In the Matter of Robert Haigler,
 Appellant,
 v.
Brian Fischer, &c.,
 Respondent.

Motion for leave to appeal denied.

3 Mo. No. 2014-974
In the Matter of Jevon Henry,
 Appellant,
 v.
Brian Fischer, &c.,
 Respondent.

Motion for leave to appeal granted.

1 Mo. No. 2014-947
Highrise Hoisting & Scaffolding, Inc.,
 Respondent,
 v.
Liberty Insurance Underwriters, Inc., et al.,
 Defendants,
RSUI Indemnity Company,
 Appellant,
Jamilah Duvall, et al.,
 Respondents.

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

1 Mo. No. 2014-845
Lupe Development Partners, LLC, et al.,
 Appellants,
 v.
Pacific Flats I, LLC, et al.,
 Defendants,
Penny Drue Baird,
 Nonparty Respondent.

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. 2014-873
New York City School Construction
Authority,
 Respondent,
 v.
Admiral Construction, LLC,
 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.

4 Mo. No. 2014-952
Ryan Nicastro,
 Appellant,
 v.
New York Central Mutual Fire Insurance
Company,
 Respondent.

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. 2014-794
Perlbinder Holdings, LLC,
 Appellant-Respondent,
 v.
Meenakshi Srinivasan, &c., et al.,
 Respondents-Appellants.

Motions for leave to appeal granted.

2 Mo. No. 2014-953
In the Matter of Professional Firefighters
Association of Nassau County, &c.,
 Respondent,
 v.
Village of Garden City,
 Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2014-960
In the Matter of R. Children.

Ronald R., et al.,
 Respondents,
Heath R.,
 Appellant,
et al.,
 Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2014-859
In the Matter of the Estate of Harry Rodman,
Deceased.

David Gould, &c.,
 Appellant,
v.
Alan Bronstein, et al.,
 Respondents.

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

1 Mo. No. 2014-861
Arthur E. Rondeau,
 Appellant,
v.
Allan Houston, et al.,
 Respondents.
(And Another Action.)

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

1 Mo. No. 2014-998
Arthur E. Rondeau,
 Appellant,
v.
Allan Houston, et al.,
 Respondents.
(And Another Action.)

Motion for the imposition of sanctions denied.

2 Mo. No. 2014-919
Lisa Leigh Smith, &c., et al.,
Appellants,
v.
Guardian Life Insurance Company of
America, &c.,
Respondent.

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

1 Mo. No. 2014-991
George Bundy Smith, Sr., &c.,
Appellant,
v.
The United Church of Christ, et al.,
Respondents.

Motion for reargument of motion for leave to appeal denied.
Judges Rivera and Abdus-Salaam took no part.

3 Mo. No. 2014-988
In the Matter of Brad White,
Appellant,
v.
Darwin LaClair, &c., et al.,
Respondents.

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

Mo. No. 2014-956
The People &c.,
Respondent,
v.
Nathaniel Willis,
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 City Court (see NY Const, art VI, § 3[b]; CPLR 5602[a]).
Motion for poor person relief dismissed as academic.