

February 17, 2015

CASES

4 No. 6
The People &c.,
 Appellant,
 v.
Michael S. Brumfield,
 Respondent.

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

 No. 1
The People &c.,
 Respondent,
 v.
Michael Diack,
 Appellant.

Order reversed and information dismissed.
Opinion by Judge Pigott.
Chief Judge Lippman and Judges Read, Rivera and
Abdus-Salaam concur.
Judges Stein and Fahey took no part.

3 No. 72 SSM 26
The People of the State of New York,
 Respondent,
 v
John Gibson,
 Appellant.

On review of submissions pursuant to section 500.11
of the Rules, order affirmed, in a memorandum.
Chief Judge Lippman and Judges Read, Pigott,
Rivera and Abdus-Salaam concur.
Judges Stein and Fahey took no part.

4 No. 7
Eugene Margerum, et al.,
 Appellants-Respondents,
 v.
City of Buffalo, et al.,
 Respondents-Appellants.

Order modified, without costs, by remitting to
Supreme Court, Erie County, for further proceedings
in accordance with the opinion herein and, as so
modified, affirmed.
Opinion by Chief Judge Lippman.
Judges Read, Pigott and Abdus-Salaam concur, Judge
Read in a separate concurring opinion.
Judge Rivera concurs in part and dissents in part in
an opinion.
Judges Stein and Fahey took no part.

No. 10

The People &c.,
Respondent,
v.
Steven Repanti,
Appellant.

Order affirmed.

Opinion by Judge Rivera.

Chief Judge Lippman and Judges Read, Pigott and
Abdus-Salaam concur.

Judges Stein and Fahey took no part.

MOTIONS

2 Mo. No. 2014-1288
47 Thames Realty, LLC,
Appellant,
v.
Ellen Robinson, et al.,
Respondents.

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

1 Mo. No. 2014-1251
Hassan O.G. Alamin,
Appellant,
v.
Shake Uddin, et al.,
Respondents.

Motion for reconsideration of this Court's October 21, 2014 dismissal order dismissed as untimely (see 22 NYCRR 500.24[b]).
Judges Stein and Fahey took no part.

3 Mo. No. 2014-1249
In the Matter of Atlas Van Lines, Inc.,
Appellant,
v.
Tax Appeals Tribunal of the State of New York, et al.,
Respondents.

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

2 Mo. No. 2014-1295
The People &c.,
Respondent,
v.
Michael Barrett,
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. 2015-23
In the Matter of Corey L. Baxter,
Respondent,
v.
Leah P. Borden,
Appellant.
(And Another Proceeding.)

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

4 Mo. No. 2014-1284
Bristol Homeowners Environmental
Preservation Associates, LLC,
Appellant,
v.
Town of South Bristol, et al.,
Respondents.

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. 2014-1281
The People &c.,
Respondent,
v.
Roger Brown,
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. 2014-537
The People &c.,
Appellant,
v.
Michael S. Brumfield,
Respondent.

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

1 Mo. No. 2015-10
The People &c.,
Respondent,
v.
James Bullock,
Appellant.

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

3 Mo. No. 2014-1242
In the Matter of Columbia County Support
Collection Unit, &c.,
Respondent,
v.
Joshua A. Risley,
Appellant.
(And Two Other Related Proceedings.)

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

2 Mo. No. 2014-1279
Lisa Di Giacomo, &c., et al.,
 Appellants,
 v.
Michael S. Langella, P.C.,
et al.,
 Respondents.

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

3 Mo. No. 2015-6
In the Matter of Rory Dolan,
 Appellant,
 v.
New York State Board of Parole,
 Respondent.

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

2 Mo. No. 2014-1262
In the Matter of James P. Duffy III, &c., an
attorney and counselor-at-law.

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

Grievance Committee for the Tenth Judicial
District,
 Respondent,
James P. Duffy III,
 Appellant.

2 Mo. No. 2014-1267
In the Matter of Jackson F. (Anonymous).

Suffolk County Department of Social
Services,
 Respondent;
Gabriel F. (Anonymous),
 Appellant.
(And Another Proceeding.)

On the Court's own motion, appeal dismissed, without costs, upon the ground that no substantial constitutional question is directly involved.
Motion for leave to appeal denied.
Judges Stein and Fahey took no part.

1 Mo. No. 2015-13
The People &c.,
 Respondent,
 v.
William Faulkner,
 Appellant.

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

3 Mo. No. 2014-1260
In the Matter of Raymond J. Fulton,
 Appellant,
 v.
New York State Comptroller
et al.,
 Respondents.

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

2 Mo. No. 2014-1271
In the Matter of Cornelius G. (Anonymous),
 Respondent,
 v.
Monica G. (Anonymous),
 Appellant,
et al.,
 Respondent.
(And Another Proceeding.)

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

4 Mo. No. 2014-1236
In the Matter of Sonya Gelster,
 Appellant,
 v.
Terry Burns,
 Respondent.
(And Another Proceeding.)

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

2 Mo. No. 2014-1285
In the Matter of Alan Golder,
Appellant,
v.
People of State of New York,
Respondent.

Motion for leave to appeal dismissed upon the ground that the orders sought to be appealed from do not finally determine the proceeding within the meaning of the Constitution.
Judges Stein and Fahey took no part.

2 Mo. No. 2014-1272
In the Matter of Shakir J. (Anonymous),
Respondent.
Presentment Agency,
Appellant.

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

1 Mo. No. 2014-1261
Malcolm Katt,
Appellant,
v.
Dmitry Markov,
Respondent.

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

3 Mo. No. 2014-1291
In the Matter of Roberta P. Katz,
Appellant.
Commissioner of Labor,
Respondent.

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

2 Mo. No. 2015-29
Nella Manko,
Appellant,
v.
Lenox Hill Hospital,
Respondent.

Motion for reconsideration of this Court's November 18, 2014 dismissal order denied.
Motion for leave to appeal dismissed upon the ground that this Court does not have jurisdiction to entertain it.
Motion for poor person relief dismissed as academic.
Judges Stein and Fahey took no part.

2 SSD 3
Nella Manko,
 Appellant,
 v.
David A. Gabay, &c., et al.,
 Respondents.
(And Other Actions.)

Appeal dismissed without costs, by the Court sua sponte, upon the ground that it does not lie (see NY Const, art VI, § 3[b]; CPLR 5601).
Judges Stein and Fahey took no part.

1 Mo. No. 2014-1292
In the Matter of Stephanie M., &c.

Miguel R.,
 Appellant,
Administration for Children's Services,
 Respondent.

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

1 Mo. No. 2014-1270
The People &c.,
 Respondent,
 v.
Jose Mendoza,
 Appellant.

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

2 Mo. No. 2014-1245
The People &c.,
 Appellant,
 v.
Milton A. Menjivar,
 Respondent.

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

2 Mo. No. 2014-1269
In the Matter of State of New York,
 Respondent,
 v.
Leroy P. (Anonymous),
 Appellant.

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

1 Mo. No. 2015-7
In the Matter of The Port Authority of New
York and New Jersey,
 Appellant,
 v.
Local Union No. 3, International Brotherhood
of Electrical Workers,
 Respondent.

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

1 Mo. No. 2014-1254
In the Matter of I-Conscious R. et al., &c.

George S., &c.,
 Appellant,
Administration for Children's Services,
 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.
Motion for a stay dismissed as academic.
Judges Stein and Fahey took no part.

2 Mo. No. 2014-1278
In the Matter of Kolien J. Richmond,
 Respondent,
 v.
Robert A. Perez,
 Appellant.
(And Another Proceeding.)

Motion, insofar as it seeks leave to appeal from that
part of the Appellate Division order as affirmed the
September 2013 Family Court order denying a
motion to vacate a prior Family Court order,
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.
Motion for poor person relief dismissed as academic.
Judges Stein and Fahey took no part.

1 Mo. No. 2015-12
The People &c.,
 Respondent,
 v.
Monserrate Rodriguez,
 Appellant.

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

3 Mo. No. 2014-1164
In the Matter of Eric Rogers,
 Appellant,
 v.
Albert Prack, &c.,
 Respondent.

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

2 Mo. No. 2014-1258
Meryl A. Rosenblum, et al.,
 Appellants,
 v.
Great Neck Teachers Association Benefit
Trust Fund,
 Respondent.

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

2 Mo. No. 2014-1255
In the Matter of Jerome S. (Anonymous).

Administration for Children's Services,
 Respondent;
Tazine R. (Anonymous),
 Respondent.

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.

In the Matter of Kywayne F. (Anonymous).

Administration for Children's Services,
 Respondent;
Tazine R. (Anonymous),
 Respondent.
Tennille M. Tatum-Evans, Esq., Attorney for
the Child,
 Appellant.

4 Mo. No. 2014-1060
The People &c.,
 Respondent,
 v.
Dennis J. Sincerbeaux,
 Appellant.

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

3 Mo. No. 2014-1296
In the Matter of Tatiana Soubotin,
 Appellant,
 v.
Commissioner of Labor,
 Respondent.

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

4 Mo. No. 2014-1290
In the Matter of William Van Court, II,
 Respondent,
 v.
Nicole Wadsworth,
 Appellant.

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

3 Mo. No. 2014-1274
The People &c. ex rel. Charles Washington,
 Appellant,
 v.
Patrick Griffin, &c., 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 proceeding within the
meaning of the Constitution.
Judges Stein and Fahey took no part.

4 Mo. No. 2015-4
The People &c.,
 Respondent,
 v.
Michael J. Wollek,
 Appellant.

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