

May 07, 2015

CASES

1                    No. 49  
ACA Financial Guaranty Corp.,  
    Appellant,  
    v.  
Goldman, Sachs & Co.,  
    Respondent,  
Paulson & Co., Inc. et al.,  
    Defendants.

Order reversed, with costs, case remitted to the Appellate Division, First Department, for consideration of issues raised but not determined on the appeal to that court and certified question answered in the negative, in a memorandum. Chief Judge Lippman and Judges Pigott, Rivera, Stein and Fahey concur. Judge Read dissents in an opinion in which Judge Abdus-Salaam concurs.

1                    No. 33  
Raul Barreto,  
    Appellant,  
et al.,  
    Plaintiff,  
    v.  
Metropolitan Transit Authority,  
et al.,  
    Respondents.  
(And other Third-Party Actions.)

Order modified, with costs to plaintiff Raul Barreto, in accordance with the opinion herein and, as so modified, affirmed, and certified question not answered as unnecessary. Opinion by Judge Pigott. Chief Judge Lippman and Judges Rivera and Fahey concur. Judge Stein dissents in part in an opinion in which Judge Abdus-Salaam concurs. Judge Read dissents and votes to affirm in an opinion.

2                    No. 56  
In the Matter of Daniel Kasckarow,  
    Appellant,  
    v.  
Board of Examiners of Sex Offenders of State  
of New York,  
    Respondent.

Order affirmed, without costs, in a memorandum. Chief Judge Lippman and Judges Read, Pigott, Rivera, Abdus-Salaam, Stein and Fahey concur.

1                    No. 55  
The People &c.,  
    Respondent,  
    v.  
Sergio Rodriguez,  
    Appellant.

Order affirmed.  
Opinion by Judge Stein.  
Judges Read, Pigott, Rivera and Abdus-Salaam  
concur.  
Chief Judge Lippman dissents in an opinion in which  
Judge Fahey concurs.

3                    No. 70  
In the Matter of P. David Soares, &c.,  
    Respondent,  
    v.  
William A. Carter, &c.,  
    Appellant,  
Colin Donnaruma et al.,  
    Respondents.

Order affirmed, without costs, in a memorandum.  
Chief Judge Lippman and Judges Read, Pigott,  
Rivera, Abdus-Salaam and Fahey concur.  
Judge Stein took no part.

## MOTIONS

Mo. No. 2015-520

The People &c.,  
Respondent,  
v.  
Curtis Basile,  
Appellant.

Motion by Civil Rights Research Center 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.

Mo. No. 2015-534

The People &c.,  
Respondent,  
v.  
Curtis Basile,  
Appellant.

Motion by National Association of Criminal Defense Lawyers et al. for leave to file a brief amici 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.

2 Mo. No. 2015-270

Leon Behar et al.,  
Respondents,  
v.  
Quaker Ridge Golf Club, Inc.,  
Appellant.

Motion, insofar as it seeks leave to appeal from the June 2014 Appellate Division order, dismissed upon the ground that it does not lie, appellant having previously moved in the Court of Appeals for leave to appeal (24 NY3d 1063 [2014]) from the same Appellate Division order from which it currently seeks leave to appeal (see Selinger v Selinger, 90 NY2d 842 [1997]); motion for leave to appeal otherwise dismissed upon the ground that the remaining orders sought to be appealed from do not finally determine the action within the meaning of the Constitution.

1 Mo. No. 2015-496  
The People &c.,  
Respondent,  
v.  
Anthony Berry,  
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.

2 Mo. No. 2015-453  
The People &c.,  
Respondent,  
v.  
Joseph Bridgeforth,  
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. 2015-267  
In the Matter of Antoine C., &c.,  
Appellant.

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

1 Mo. No. 2015-371  
Deidre Holmes Clark,  
Appellant,  
v.  
Allen & Overy, LLP,  
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.  
Motion for a stay dismissed as academic.

1 Mo. No. 2015-232  
Warren Cole,  
Respondent,  
v.  
Harry Macklowe, et al.,  
Appellants.

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

1 Mo. No. 2015-246  
The People &c.,  
Respondent,  
v.  
David Daniel,  
Appellant.

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

3 Mo. No. 2015-287  
In the Matter of Denworth Davidson,  
Appellant,  
v.  
Anthony J. Annucci, &c.,  
Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2015-252  
In the Matter of Manny E. Duell, Deceased.  
  
Andrew Duell,  
Respondent;  
Thea Duell, et al.,  
Appellants.

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

4 Mo. No. 2015-484  
The People &c.,  
Respondent,  
v.  
Everett M. Durant,  
Appellant.

Motion by The Innocence Project for leave to file a brief amicus curiae on the appeal herein granted and the proposed brief is accepted as filed.

Mo. No. 2015-505  
Eric M. Berman, P.C., et al.,  
Respondents,  
v.  
City of New York, et al.,  
Appellants.

Motion by AARP et al. for leave to file a brief amici curiae on consideration of the certified questions 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. Judge Rivera took no part.

Mo. No. 2015-539  
Eric M. Berman, P.C., et al.,  
Respondents,  
v.  
City of New York, et al.,  
Appellants.

Motion by Bromberg Law Office, P.C. et al. for leave to file a brief *amici curiae* on consideration of the certified questions 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. Judge Rivera took no part.

1 Mo. No. 2015-234  
The People &c.,  
Respondent,  
v.  
Matthew Erving,  
Appellant.

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

1 Mo. No. 2015-237  
In the Matter of Barbara Denise Files,  
Appellant,  
v.  
Department of Education of 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. 2015-250  
The People &c. ex rel. Frank Garcia,  
Appellant,  
v.  
New York State Department of Corrections and Community Supervision,  
Respondent.

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

4                    Mo. No. 2015-245  
Timothy D. Gay,  
    Appellant,  
    v.  
Maria Gay,  
    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. 2015-521  
In the Matter of Deborah Glick, et al.,  
    Appellants,  
    v.  
Rose Harvey, &c., et al.,  
    Respondents,  
New York University,  
    Third-Party Respondent.

Motion by Friends of LaGuardia Place, Inc. et al. for leave to file a brief amici 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. 2015-530  
In the Matter of Deborah Glick, et al.,  
    Appellants,  
    v.  
Rose Harvey, &c., et al.,  
    Respondents,  
New York University,  
    Third-Party Respondent.

Motion by Michael C. Blumm et al. for leave to file a brief amici 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. 2015-535  
In the Matter of Deborah Glick, et al.,  
    Appellants,  
    v.  
Rose Harvey, &c., et al.,  
    Respondents,  
New York University,  
    Third-Party Respondent.

Motion by New York Civic for leave to appear amicus curiae on the appeal herein granted only to the extent that the proposed brief is accepted as filed.

1                    Mo. No. 2015-541  
In the Matter of Deborah Glick, et al.,  
    Appellants,  
    v.  
Rose Harvey, &c., et al.,  
    Respondents,  
New York University,  
    Third-Party Respondent.

Motion by New Yorkers for Parks et al. for leave to file a brief amici 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. 2015-542  
In the Matter of Deborah Glick, et al.,  
    Appellants,  
    v.  
Rose Harvey, &c., et al.,  
    Respondents,  
New York University,  
    Third-Party Respondent.

Motion by Brad Hoylman et al. for leave to file a brief amici 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. 2015-554  
In the Matter of Deborah Glick, et al.,  
    Appellants,  
    v.  
Rose Harvey, &c., et al.,  
    Respondents,  
New York University,  
    Third-Party Respondent.

Motion by New York State Conference of Mayors and Municipal Officials et al. for leave to appear amici curiae on the appeal herein granted only to the extent that the proposed brief is accepted as filed.

1                    Mo. No. 2015-572  
In the Matter of Deborah Glick, et al.,  
    Appellants,  
    v.  
Rose Harvey, &c., et al.,  
    Respondents,  
New York University,  
    Third-Party Respondent.

Motion by Sierra Club 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.



2                    Mo. No. 2015-498  
In the Matter of Greater Jamaica  
Development Corporation, et al.,  
                    Respondents,  
                    v.  
New York City Tax Commission, et al.,  
                    Appellants.

Motion by Lawyers Alliance for New York et al. for leave to appear *amici curiae* on the appeal herein granted only to the extent that 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. 2015-242  
Jack J. Grynberg et al.,  
                    Appellants,  
                    v.  
James H. Giffen et al.,  
                    Respondents.

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

3                    Mo. No. 2015-285  
In the Matter of Patrick Guillory,  
                    Appellant,  
                    v.  
Anthony J. Annucci, &c.,  
                    Respondent.

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

3                    Mo. No. 2015-241  
Shirley He,  
                    Appellant,  
                    v.  
Realty USA et al.,  
                    Defendants,  
Roman Brusilovsky et al.,  
                    Respondents.

Motion, insofar as it seeks leave to appeal as against Roman Brusilovsky and Inna Negelyov, 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 &c. otherwise denied.  
Judge Stein took no part.

3 Mo. No. 2015-368  
Douglas E. Kampfer,  
Appellant,  
v.  
Jacob DaCorsi et al.,  
Respondents.

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

2 Mo. No. 2015-402  
In the Matter of Daniel Kasckarow,  
Appellant,  
v.  
Board of Examiners of Sex Offenders of State  
of New York,  
Respondent.

Motion to expand the record on appeal denied.

2 Mo. No. 2015-253  
Key Fat Corp., et al.,  
Respondents,  
v.  
Rutgers Casualty Insurance Company,  
Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2015-231  
LM Business Associates, Inc., et al.,  
Appellants,  
v.  
State of New York,  
Respondent.

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

2 Mo. No. 2015-264  
Logan Bus Company, Inc.,  
Appellant,  
v.  
Discover Property & Casualty Insurance  
Company,  
Respondent,  
et al.,  
Defendants.

Motion for leave to appeal denied.

1 Mo. No. 2015-254  
In the Matter of Charles Jahmel M., Jr., et al.,  
&c.

Charles E.M.,  
Appellant;  
Graham-Windham Services to Families and  
Children,  
Respondent.

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

2 Mo. No. 2015-233  
Katherine Mathis, et al.,  
Appellants,  
v.  
D.D. Dylan, LLC,  
Respondent.

Motion, insofar as it seeks leave to appeal from the  
Appellate Division order denying reargument or  
leave to appeal to this Court, dismissed upon the  
ground that such order does not finally determine the  
action within the meaning of the Constitution;  
motion for leave to appeal otherwise denied.

1 Mo. No. 2015-277  
In the Matter of Tristen O. et al., &c.

Shanee S.,  
Appellant,  
et al.,  
Respondent,  
Commissioner of the Administration for  
Children's Services of the City of New York,  
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.

1 Mo. No. 2015-518  
The People &c.,  
Respondent,  
v.  
Nadine Pantan,  
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.

2                    Mo. No. 2015-283  
In the Matter of Christopher A. Pochat,  
Respondent,  
v.  
Sheri Ann Pochat,  
Appellant.

Motion for leave to appeal denied.

1                    Mo. No. 2015-244  
In the Matter of Jamie S. et al., &c.  
  
Ariel S.,  
Respondent;  
Yesinia L.,  
Appellant;  
St. Dominic's Home, et al.,  
Respondents.

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

2                    Mo. No. 2015-317  
Rodney Sherman,  
Appellant,  
v.  
New York State Thruway Authority,  
Respondent.

Motion for leave to appeal granted.

3                    Mo. No. 2015-268  
In the Matter of Marcus Telesford,  
Appellant,  
v.  
Anthony J. Annucci, &c.,  
Respondent.

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

2                    Mo. No. 2015-240  
The People &c.,  
Respondent,  
v.  
Derek Woods,  
Appellant.

Motion for leave to appeal denied.

3                    Mo. No. 2015-261  
Richard Wysong,  
    Appellant,  
    v.  
Farm Family Casualty Insurance Company et  
al.,  
    Respondents.

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

3                    Mo. No. 2015-284  
Your Place, LLC,  
    Appellant,  
    v.  
City of Troy, et al.,  
    Respondents.

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