

October 15, 2015

CASES

1 No. 180
The People &c.,
 Respondent,
 v.
Jose Martinez Baxin,
 Appellant.

Order affirmed, without costs.
Opinion by Chief Judge Lippman.
Judges Pigott, Rivera, Abdus-Salaam, Stein and
Fahey concur.

2 No. 137
The People &c.,
 Respondent,
 v.
Dupree Harris,
 Appellant.

Order affirmed.
Opinion by Judge Pigott.
Chief Judge Lippman and Judges Rivera, Abdus-
Salaam, Stein and Fahey concur.

4 No. 128
The People &c.,
 Respondent,
 v.
James R. Poleun,
 Appellant.

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

 No. 140
The People &c.,
 Respondent,
 v.
Michael Sans,
 Appellant.

Order affirmed.
Opinion by Judge Fahey.
Chief Judge Lippman and Judges Pigott, Rivera,
Abdus-Salaam and Stein concur.

MOTIONS

2 Mo. No. 2015-1106
The People &c.,
 Appellant,
 v.
Dru Allard,
 Respondent.

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 respondent on the appeal herein.

4 Mo. No. 2015-840
Dawn L. Baker,
 Appellant,
 v.
Jeffrey P. Baker,
 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.

4 Mo. No. 2015-1092
The People &c.,
 Respondent,
 v.
Herman H. Bank,
 Appellant.

Motion for assignment of counsel granted and Timothy P. Donaher, Esq., Monroe County Public Defender, 10 N. Fitzhugh Street, Rochester, NY 14614 assigned as counsel to the appellant on the appeal herein.

2 Mo. No. 2015-828
Bank of America National Association, &c.,
 Respondent,
 v.
Juan Patino,
 Appellant,
et al.,
 Defendants.

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. 2015-899
In the Matter of Town Board of Town of
Brighton, &c., et al.,
Respondents,
v.
West Brighton Fire Department, Inc.,
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.
Judge Fahey took no part.

1 SSD 47
Brunelle & Hadjikow, P.C.,
Respondent,
v.
James G. O'Callaghan,
Appellant.

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

4 Mo. No. 2015-827
In the Matter of Joseph Calloway,
Respondent,
v.
Marquita Allen, &c.,
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2015-1126
The People &c.,
Appellant,
v.
Nnamdi Clarke,
Respondent.

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 respondent on the appeal herein.

2 Mo. No. 2015-885
The People &c.,
Respondent,
v.
Morgan Davis,
Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2015-858
In the Matter of Patrick EE.
et al.,
 Respondents,
 v.
Brenda DD.,
 Appellant,
Cortland County Department of Social
Services,
 Respondent.
(And Other Proceedings.)

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

1 Mo. No. 2015-1133
The People &c.,
 Respondent,
 v.
Steven Finkelstein,
 Appellant.

Motion for assignment of counsel granted and
Richard M. Greenberg, Esq., Office of the Appellate
Defender, 11 Park Place, Suite 1601, New York, NY
10007 assigned as counsel to the appellant on the
appeal herein.

3 Mo. No. 2015-925
In the Matter of Natasha Florentino,
 Appellant,
 v.
Mount Sinai Medical Center et al.,
 Respondent.
Workers' Compensation Board,
 Respondent.

Motion for leave to appeal denied.

3 Mo. No. 2015-841
The People &c.,
 Respondent,
 v.
Joseph Gallagher,
 Appellant.

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

1 Mo. No. 2015-1117
The People &c.,
Respondent,
v.
Tyrell Ingram,
Appellant.

Motion for assignment of counsel and waiver of Court of Appeals Rules of Practice granted only to the extent that Stanley E. Neustadter, Esq., Cardozo Law School, Criminal Appeals Clinic, 55 Fifth Ave., New York, NY 10003 assigned as counsel to the appellant on the appeal herein.

1 Mo. No. 2015-1118
The People &c.,
Respondent,
v.
Marcellus Johnson,
Appellant.

Motion by Legal Aid Society for leave to appear amicus 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.

4 Mo. No. 2015-914
Debora Kalbfliesh et al.,
Appellants,
v.
Andrea McCann, et al.,
Defendants,
Joseph A. Moses et al.,
Respondents.

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

2 Mo. No. 2015-1134
The People &c.,
Respondent,
v.
Kendall Lawson,
Appellant.

Motion for an extension of the time within which to apply for permission to appeal pursuant to CPL 460.20 granted and motion papers treated as a timely CPL 460.20 application.

3 Mo. No. 2015-888
In the Matter of Level 3 Communications,
LLC,
 Appellant,
 v.
Essex County,
 Respondent,
et al.,
 Respondents.

Motion for leave to appeal denied.

1 Mo. No. 2015-916
In the Matter of Andre Lissone,
 Appellant,
 v.
Dennis M. Walcott, &c., et al.,
 Respondents.

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

1 Mo. No. 2015-884
The People &c.,
 Respondent,
 v.
Terrance McCormick,
 Appellant.

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

1 Mo. No. 2015-1094
The People &c.,
 Respondent,
 v.
Isma McGhee,&c.,
 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 Mo. No. 2015-929
John C. McPhillips,
 Appellant,
 v.
State 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 action within the meaning of the Constitution.

1 Mo. No. 2015-1097
In the Matter of New York City Asbestos
Litigation.

Doris Kay Dummitt, Individually and as
Executrix of the Estate of Ronald Dummitt,
Deceased,

Respondent,

v.

A.W. Chesterton, et al.,
Defendants,

Crane Co.,

Appellant.

1 Mo. No. 2015-1111
In the Matter of New York City Asbestos
Litigation.

Doris Kay Dummitt, Individually and as
Executrix of the Estate of Ronald Dummitt,
Deceased,

Respondent,

v.

A.W. Chesterton, et al.,
Defendants,

Crane Co.,

Appellant.

1 Mo. No. 2015-1145
In the Matter of New York City Asbestos
Litigation.

Doris Kay Dummitt, Individually and as
Executrix of the Estate of Ronald Dummitt,
Deceased,

Respondent,

v.

A.W. Chesterton, et al.,
Defendants,

Crane Co.,

Appellant.

Motion by United Steel, Paper and Forestry, Rubber,
Manufacturing, Energy, Allied Industrial and Service
Workers International Union et al. for leave to file a
brief amici curiae on the appeal herein granted and
the proposed brief is accepted as filed.

Motion by Environmental Working Group 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.

Motion by Product Liability Advisory Council, Inc.
for leave to appear amicus 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.

2 Mo. No. 2015-775
Witold Opalinski,
 Appellant,
 v.
City of New York, et al.,
 Respondents.

Motion for leave to appeal denied.

4 Mo. No. 2015-863
In the Matter of Sean E. Palmer,
 Appellant,
 v.
Teresa Corbett,
 Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2015-1144
In the Matter of RAM I LLC,
 Appellant,
 v.
New York State Division of Housing and
Community Renewal,
 Respondent,
et al.,
 Respondent.

Motion by Small Property Owners of New York, Inc.
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.

4 Mo. No. 2015-909
Regency Oaks Corporation,
 Respondent,
 v.
Norman-Spencer McKernan, Inc.,
 Appellant.

On the Court's own motion, appeal dismissed upon
the ground that the order appealed from does not
finally determine the action within the meaning of
the Constitution.
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.
Chief Judge Lippman took no part.

2 SSD 48
Xiu Jian Sun,
 Appellant,
 v.
State of New York Department of Motor
Vehicles,
 Respondent.

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

2 Mo. No. 2015-1052
The People &c.,
 Respondent,
 v.
Rafael Then,
 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.

4 Mo. No. 2015-787
In the Matter of Carson W.

Oswego County Department of Social
Services,
 Respondent;
Jamie G. et al.,
 Appellants.

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 poor person relief dismissed as academic.

2 Mo. No. 2015-949
In the Matter of Dean Gary Weber, an
attorney and counselor-at-law.

Grievance Committee for the Tenth Judicial
District,
 Respondent;
Dean Gary Weber,
 Appellant.

On the Court's own motion, appeal dismissed,
without costs, upon the ground that no substantial
constitutional question is directly involved.
Motion for a stay dismissed as academic.