

December 15, 2016

CASES

No. 226

Veronika Chauca,
Appellant,
v.
Jamil Abraham, et al.,
Respondents.

Certification of question by the United States Court of Appeals for the Second Circuit, pursuant to section 500.27 of this Court's Rules of Practice, accepted and the issues presented are to be considered after briefing and argument.
Chief Judge DiFiore and Judges Pigott, Rivera, Abdus-Salaam, Stein, Fahey and Garcia concur.

No. 227

Karine Gevorkyan, et al.,
Appellants,
v.
Ira Judelson,
Respondent.

Certification of question by the United States Court of Appeals for the Second Circuit, pursuant to section 500.27 of this Court's Rules of Practice, accepted and the issues presented are to be considered after briefing and argument.
Chief Judge DiFiore and Judges Pigott, Rivera, Abdus-Salaam, Stein, Fahey and Garcia concur.

3 No. 192
In the Matter of Jevon Henry,
Appellant,
v.
Brian Fischer, &c.,
Respondent.

Order reversed, without costs, and matter remitted to Supreme Court, Albany County, for further proceedings in accordance with the memorandum herein.
Chief Judge DiFiore and Judges Pigott, Rivera, Abdus-Salaam, Stein, Fahey and Garcia concur.

2 No. 200
The People &c.,
 Respondent,
 v.
Rodolfo Hernandez,
 Appellant.

Order affirmed, in a memorandum.
Chief Judge DiFiore and Judges Pigott, Rivera,
Abdus-Salaam, Stein, Fahey and Garcia concur.

 No. 209
The People &c.,
 Respondent,
 v.
Cristian Morales,
 Appellant.

Order reversed and case remitted to the Appellate
Term, Ninth and Tenth Judicial Districts, for further
proceedings in accordance with the memorandum
herein.
Chief Judge DiFiore and Judges Pigott, Rivera,
Abdus-Salaam, Stein, Fahey and Garcia concur.

1 No. 228 SSM 40
The People &c.,
 Respondent,
 v.
Natalio Pastor,
 Appellant.

On review of submissions pursuant to section 500.11
of the Rules, order affirmed, in a memorandum.
Chief Judge DiFiore and Judges Pigott, Rivera,
Abdus-Salaam, Stein, Fahey and Garcia concur.

1 No. 229 SSM 26
The People &c.,
 Respondent,
 v.
Alfred Stewart,
 Appellant.

On review of submissions pursuant to section 500.11
of the Rules, order reversed and case remitted to
Supreme Court, Bronx County, for resentencing, in a
memorandum.
Chief Judge DiFiore and Judges Pigott, Rivera,
Abdus-Salaam, Stein, Fahey and Garcia concur.

MOTIONS

1 Mo. No. 2016-869
In the Matter of Allstate Property and
Casualty Insurance Company,
 Appellant,
 v.
New Way Massage Therapy P.C., as Assignee
of Nancy Febus,
 Respondent.

Motion for leave to appeal denied.

2 SSD 69
Beechwood POB, LLC,
 Respondent,
 v.
Richard A. Brummell,
 Appellant,
et al.,
 Defendant.

Appeal dismissed without costs, by the Court sua
sponte, upon the ground that the order appealed from
does not finally determine the action within the
meaning of the Constitution.

2 Mo. No. 2016-1065
In the Matter of Eliot F. Bloom, an Attorney
and Counselor-at-Law.

Grievance Committee for the Tenth Judicial
District,
 Respondent;
Eliot F. Bloom,
 Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2016-1004
Darya Braverman,
 Respondent,
 v.
Eric Braverman,
 Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2016-892
Robert Burton,
Appellant,
v.
Anthony Lucido,
Respondent.

Motion for leave to appeal denied.

1 SSD 67
Jennifer Cangro,
Appellant,
v.
Mary V. Rosado,
Respondent.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that the order appealed from does not finally determine the action within the meaning of the Constitution. Judge Abdus-Salaam took no part.

2 Mo. No. 2016-1151
Contact Chiropractic, P.C., as Assignee of
Girtha Butler,
Respondent,
v.
New York City Transit Authority,
Appellant.

Motion by American Transit Insurance Company for leave to appear amicus curiae on the appeal herein granted only to the extent that the proposed submission is accepted as filed. One copy of the submission must be served and an original and two copies filed within seven days.

3 SSD 64
In the Matter of James Davis,
Appellant,
v.
Anthony J. Annucci, &c.,
Respondent.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that the order appealed from does not finally determine the proceeding within the meaning of the Constitution.

2 Mo. No. 2016-908
In the Matter of Anthony C. Donofrio, a
suspended attorney,
Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2016-1116
The People &c.,
Respondent,
v.
Darrion B. Freeman,
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. 2016-1109
In the Matter of Sylvia Golub, deceased.

Norman Golub,
Respondent;
J. David Golub,
Appellant.
(And Another Matter.)

Motion for a stay and injunctive relief dismissed upon the ground that the Court of Appeals does not have jurisdiction to entertain the motion because no appeal or motion for leave to appeal is pending before this Court (see CPLR 5519).
Chief Judge DiFiore and Judge Garcia took no part.

1 SSD 63
Richard Grossman,
Respondent,
v.
TCR, also known as the Club of Riverdale,
Appellant.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that the order appealed from does not finally determine the action within the meaning of the Constitution.

Mo. No. 2016-1099
The People &c.,
Respondent,
v.
Jared Hernandez,
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.

2 Mo. No. 2016-1001
Sian Maliah-Dupass,
Respondent,
v.
Jahiz Dupass,
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. 2016-1047
Nella Manko,
Appellant,
v.
Lenox Hill Anesthesiology, PLLC, et al.,
Respondents.

Motion for reconsideration of this Court's November 21, 2011 dismissal order dismissed as untimely (see Rules of Ct of Appeals [22 NYCRR] 500.24[b]).
Judge Abdus-Salaam took no part.

2 Mo. No. 2016-1048
In the Matter of Nella Manko,
Appellant,
et al.,
Petitioner,
v.
New York State Division of Housing and
Community Renewal, Office of Rent
Administration,
Respondent.

Motion for reargument of motion for leave to appeal dismissed as untimely (see Rules of Ct of Appeals [22 NYCRR] 500.24[b]).
Judge Abdus-Salaam took no part.

2 Mo. No. 2016-931
In the Matter of Anthony C.M. III.
SCO Family of Services,
Respondent;
Anthony C.M., &c.,
Appellant;
et al.,
Respondents.
(And Three Other Proceedings.)

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

2 Mo. No. 2016-835
In the Matter of State of New York,
Respondent,
v.
James M. (Anonymous),
Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2016-929
In the Matter of Melvin M. Marin, a
suspended attorney.

Committee on Professional Standards,
Respondent;
Melvin M. Marin,
Appellant.

1 Mo. No. 2016-850
The People &c.,
Respondent,
v.
Isma McGhee, also known as Izzy,
Appellant.

3 Mo. No. 2016-1082
In the Matter of Merinda MM., &c.

Broome County Department of Social
Services,
Respondent;
Sirena NN.,
Respondent;
Carl MM.,
Appellant.

1 Mo. No. 2016-1104
In the Matter of City of New York, et al.,
Appellants,
v.
New York State Nurses Association, 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.
Motion for poor person relief dismissed as academic.

Motion for reargument denied.

Motion for leave to appeal denied.

Motion by Municipal Labor Committee for leave to
file a brief amicus curiae on the appeal herein
granted and the proposed brief is accepted as filed.
Two copies of the brief must be served and an
original and nine copies filed within seven days.

2 SSD 70
Town of Oyster Bay,
Respondent,
v.
Richard A. Brummell,
Appellant.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that the order appealed from does not finally determine the action within the meaning of the Constitution.

1 Mo. No. 2016-1045
In the Matter of Joseph P., et al., &c.

Edwin P.,
Appellant;
et al.,
Respondent;
New Alternatives for Children, Inc.,
Respondent.

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

 Mo. No. 2016-1091
The People &c.,
Respondent,
v.
Gabriel G. Rodriguez,
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.

1 Mo. No. 2016-1050
In the Matter of Harry S.,
Appellant,
v.
Olivia S.A.,
Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2016-1051
In the Matter of Sania S., et al., &c.

Marcia McG-W.,
Appellant,
Administration for Children's Services,
Respondent.

Motion for leave to appeal denied.

3 SSD 68
In the Matter of Pat Sica,
 Respondent,
 v.
Thomas P. DiNapoli, as State Comptroller,
 Appellant.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that the order appealed from does not finally determine the proceeding within the meaning of the Constitution.

2 SSD 65
Xiu Jian Sun, &c.,
 Appellant,
 v.
Dick Bailey Service, Inc., et al.,
 Respondents.

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

2 SSD 66
Xiu Jian Sun, &c.,
 Appellant,
 v.
Betty Lam, et al.,
 Respondents.

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

4 Mo. No. 2016-880
In the Matter of State of New York,
 Respondent,
 v.
Nushawn W. (Anonymous),
 Appellant.

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

4 Mo. No. 2016-919
In the Matter of State of New York,
 Respondent,
 v.
Nushawn W. (Anonymous),
 Appellant.

Motion by The Center for HIV Law and Policy, et al. for leave to appear amici curiae on the motion for leave to appeal herein granted and the brief is accepted as filed.
Judge Fahey took no part.

3 Mo. No. 2016-1040
In the Matter of Norman Woods et al.,
 Respondents,
 v.
State University of New York et al.,
 Appellants.

Motion to vacate this Court's October 18, 2016
dismissal order granted.