

January 05, 2016

MOTIONS

1 Mo. No. 2015-1367
The People &c.,
Respondent,
v.
James Brown,
Appellant.

Motion by Legal Aid Society 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.

4 Mo. No. 2015-1173
Kimberly Mitchell Converse,
Plaintiff,
v.
Dole Food Company, Inc. et al.,
Respondents,
Leonard's Express, Inc.,
Appellant.

Motion for leave to appeal dismissed upon the ground that the judgment and order sought to be appealed from does not finally determine the action within the meaning of the Constitution.

1 Mo. No. 2015-1237
The People &c.,
Respondent,
v.
Anthony Hatcher,
Appellant.

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

3 Mo. No. 2015-1223
Robert Kleinberg et al.,
Appellants,
v.
Nevele Hotel, LLC, et al.,
Defendants,
Lexington Insurance Company,
Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2015-1260
Yan Ping Liang,
Appellant,
v.
Wei Xuan Gao et al.,
Respondents.

Motion for reargument of motion for leave to appeal denied.

4 Mo. No. 2015-1243
Jessica Manford,
Respondent,
v.
Fred M. Wilber,
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.

3 SSD 69
In the Matter of Alvin W. McLean,
Appellant,
v.
New York State Department of Corrections
and Community Supervision,
Respondent.

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

2 Mo. No. 2015-1371
The People &c.,
Respondent,
v.
Everett B. McMillan,
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.

Mo. No. 2015-1388
The People &c.,
Respondent,
v.
Cristian Morales,
Appellant.

Motion for assignment of counsel granted and Kent V. Moston, Esq., Legal Aid Society of Nassau County, 40 Main Street, 3rd Floor, Hempstead, NY 11550 assigned as counsel to the appellant on the appeal herein.

2 Mo. No. 2015-1378
Adam Plotch,
 Appellant,
 v.
Citibank, N.A.,
 Respondent.

Motion by Council of New York Cooperatives and
Condominiums for leave to file a brief amicus curiae
on the appeal herein granted and the proposed brief
is accepted as filed.

1 Mo. No. 2015-1249
The People &c.,
 Respondent,
 v.
Mario Quintana,
 Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2015-1264
Angelo Ruotolo,
 Appellant,
 v.
Fannie Mae, et al.,
 Respondents.

Motion for reargument denied.

1 Mo. No. 2015-1238
In the Matter of Neil S.,
 Respondent,
 v.
Valynda G.,
 Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2015-1294
The People &c.,
 Respondent,
 v.
Charles Smith,
 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.

2 Mo. No. 2015-1257
In the Matter of Matthew R. Smith,
Appellant,
v.
William J. Condon, &c., et al.,
Respondents.

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

2 Mo. No. 2015-1207
Joan Steins,
Appellant,
v.
Incorporated Village of Garden City,
Respondent.

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

2 SSD 66
Xiu Jian Sun,
Appellant,
v.
William Yeung, et al.,
Respondents.

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

SSD 67
Tonyia B. Watson,
Appellant,
v.
State of New York,
Respondent.
(And Another Action.)

Appeals transferred without costs, by the Court sua sponte, to the Appellate Division, First Department, upon the ground that a direct appeal does not lie when questions other than the constitutional validity of a statutory provision are involved (see NY Const, art VI, §§ 3[b][2], 5[b]; CPLR 5601[b][2]).

4 Mo. No. 2015-1366
The People &c.,
Respondent,
v.
Morris H. White,
Appellant.

Motion for assignment of counsel granted and Mary P. Davison, Esq., c/o Davison Law Firm, 42 North Main Street, Suite 103, PO Box 652, Canandaigua, NY 14424 assigned as counsel to the appellant on the appeal herein.