

January 14, 2016

**CASES**

1                    No. 6  
The People &c.,  
    Respondent,  
    v.  
Scott Barden,  
    Appellant.

Reargument ordered and case set down for argument during a future session of this Court.  
Acting Chief Judge Pigott and Judges Rivera, Abdus-Salaam, Stein and Fahey concur.

2                    No. 9  
In the Matter of Rokhaya Cisse,  
    Appellant,  
    v.  
Christopher Graham,  
    Respondent.  
(And Another Proceeding.)

Order affirmed, with costs. Record evidence exists to support the affirmed findings of fact upon which the modification of the child custody award was predicated.  
Acting Chief Judge Pigott and Judges Rivera, Abdus-Salaam, Stein and Fahey concur.

## MOTIONS

Mo. No. 2016-47  
The People &c.,  
Respondent,  
v.  
John Andujar,  
Appellant.

Motion for assignment of counsel granted and Seymour W. James, Jr., Esq., The Legal Aid Society, 199 Water Street, New York, NY 10038 assigned as counsel to the appellant on the appeal herein.

2 Mo. No. 2015-1298  
Nicholas Antonelli, et al.,  
Appellants,  
v.  
Steven Guastamacchia, et al.,  
Defendants,  
Steven Decker, &c., et al.,  
Respondents.  
(And a Third-Party Action.)

Motion for leave to appeal denied.

1 Mo. No. 2016-56  
In the Matter of Kevin Aoki, et al.,  
Respondents,  
v.  
Echo Aoki, et al.,  
Respondents,  
Keiko Ono Aoki,  
Appellant.

Motion by Alex Long 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. 2016-57  
In the Matter of Kevin Aoki, et al.,  
Respondents,  
v.  
Echo Aoki, et al.,  
Respondents,  
Keiko Ono Aoki,  
Appellant.

Motion by Geoffrey C. Hazard, Jr. 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. 2015-820  
In the Matter of Costco Wholesale  
Corporation,  
Respondent,  
v.  
New York State Division of Human Rights,  
&c.,  
Respondent,  
Richie F. Levine,  
Appellant.

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

1 Mo. No. 2015-1273  
The Diversified Group, Inc., et al.,  
Appellants,  
v.  
Marcum & Kliegman LLP, et al.,  
Respondents.

Motion to substitute the personal representative of the estate of Gerald Cohen for deceased defendant Gerald Cohen denied without prejudice to renewal upon proof of service of the motion in compliance with CPLR article 3 (see generally Matter of Einstoss, 26 NY2d 181, 190-191 [1970]).

2 Mo. No. 2016-5  
The People &c.,  
Respondent,  
v.  
Sean Garvin,  
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. 2016-19  
The People &c.,  
Respondent,  
v.  
Vachesla Golger, &c.,  
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. 2016-42  
Government Employees Insurance Co., et al.,  
    Respondents,  
    v.  
Avanguard Medical Group, PLLC,  
    Appellant.

Motion by Medical Society of the State of New York et al. for leave to file a brief amici curiae on the appeal herein granted and the proposed brief is accepted as filed.

2                    Mo. No. 2016-67  
Government Employees Insurance Co., et al.,  
    Respondents,  
    v.  
Avanguard Medical Group, PLLC,  
    Appellant.

Motion by New York State Association of Ambulatory Surgery Centers, 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. 2016-69  
The People &c.,  
    Respondent,  
    v.  
Sean John,  
    Appellant.

Motion by Innocence Network 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.

1                    Mo. No. 2016-49  
The People &c.,  
    Respondent,  
    v.  
Marcellus Johnson,  
    Appellant.

Motion by Brooklyn Defender Services 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. 2015-1231  
Bradley Johnson, &c., et al.,  
                  Appellants,  
                  v.  
City of New York,  
                  Respondent.

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

2                    Mo. No. 2015-1328  
JP Morgan Chase Bank, National Association,  
                  Respondent,  
                  v.  
Frederick W. Butler,  
                  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.

2                    SSD 70  
In the Matter of Juan P. (Anonymous),  
                  Appellant.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that no substantial constitutional question is directly involved. Acting Chief Judge Pigott and Judges Abdus-Salaam, Stein and Fahey concur. Judge Rivera dissents and votes to retain jurisdiction.

3                    Mo. No. 2015-1189  
In the Matter of Mark K. McDermott,  
                  Appellant,  
                  v.  
Anthony J. Annucci, &c.,  
                  Respondent.

Motion for poor person relief granted.

1 Mo. No. 2016-44  
Millennium Holdings LLC,  
Plaintiff,  
The Northern Assurance Company of  
America,  
Appellant,  
Certain Underwriters at Lloyd's, et al.,  
Intervenors-Appellants,  
v.  
The Glidden Company, &c., et al.,  
Respondents.

Motion by Complex Insurance Claims Litigation Association 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.

1 Mo. No. 2016-48  
Yaniveth R., &c. et al.,  
Appellants,  
v.  
LTD Realty Co. et al.,  
Respondents,  
et al.,  
Defendants.  
(And a Third-Party Action).

Motion by New York City Housing Authority for leave to file a brief amicus curiae on the appeal herein granted and the proposed brief is accepted as filed.

1 Mo. No. 2016-66  
Yaniveth R., &c. et al.,  
Appellants,  
v.  
LTD Realty Co. et al.,  
Respondents,  
et al.,  
Defendants.  
(And a Third-Party Action)

Motion by New York City Coalition to End Lead Poisoning 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.

2 Mo. No. 2015-1297  
Steven Rosner,  
Appellant,  
v.  
Amazon.com,  
Respondent.

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

1                    Mo. No. 2015-1343  
In the Matter of Maxine Todd,  
                  Appellant,  
          v.  
New York City Health and Hospitals  
Corporation Office of Legal Affairs, Claims  
Division,  
                  Respondent.

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.

                          Mo. No. 2016-14  
The People &c.,  
                  Respondent,  
          v.  
Kier Valentine,  
                  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. 2016-21  
The People &c.,  
                  Respondent,  
          v.  
Miguel Viruet,  
                  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.