

June 09, 2016

CASES

1 No. 80
Ambac Assurance Corporation, et al.,
 Appellants,
 v.
Countrywide Home Loans, Inc., et al.,
 Defendants,
Bank of America Corp.,
 Respondent.

Order of the Appellate Division, First Department,
reversed, with costs, order of Supreme Court, New
York County, reinstated and certified question
answered in the negative.
Opinion by Judge Pigott.
Judges Abdus-Salaam, Stein and Fahey concur.
Judge Rivera dissents in an opinion in which Judge
Garcia concurs.
Chief Judge DiFiore took no part.

1 No. 89
The People &c.,
 Respondent,
 v.
Lennie Frankline,
 Appellant.

Order affirmed, in a memorandum.
Chief Judge DiFiore and Judges Pigott, Rivera and
Abdus-Salaam concur.
Judge Fahey concurs in result in a separate
concurring opinion in which Judges Stein and Garcia
concur.

1 No. 95
Wally G., an Infant, by His Mother and
Natural Guardian, Yoselin T.,
 Appellant,
 v.
New York City Health and Hospitals
Corporation (Metropolitan Hospital),
 Respondent.

Order affirmed, with costs.
Opinion by Judge Pigott.
Chief Judge DiFiore and Judges Stein and Garcia
concur.
Judge Abdus-Salaam dissents in an opinion in which
Judges Rivera and Fahey concur.

2 No. 93
S.L. (Anonymous),
 Appellant,
 v.
J.R. (Anonymous),
 Respondent.

Order reversed, with costs, and case remitted to Supreme Court, Westchester County, for further proceedings in accordance with the opinion herein. Opinion by Judge Garcia. Judges Pigott, Rivera, Abdus-Salaam, Stein and Fahey concur. Chief Judge DiFiore took no part.

2 No. 77
In the Matter of Westchester Joint Water Works,
 Appellant,
 v.
Assessor of City of Rye,
 Respondent;
Rye Neck Union Free School District,
 Intervenor-Respondent.
(And Other Proceedings.)

Order insofar as appealed from affirmed, with costs. Opinion by Judge Fahey. Chief Judge DiFiore and Judges Pigott, Rivera, Abdus-Salaam, Stein and Garcia concur.

3 No. 88
The People &c.,
 Respondent,
 v.
Gary Wright,
 Appellant.

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

MOTIONS

2 Mo. No. 2016-402
In the Matter of 111-35 75th Ave. Owners
Corp.,
 Respondent,
 v.
Sarah Hendrix,
 Appellant,
et al.,
 Respondents.

Motion for leave to appeal dismissed upon the ground that this Court does not have jurisdiction to entertain a motion for leave to appeal from an order of the Appellate Division entered in a proceeding commenced in the Civil Court of the City of New York (see NY Const, art VI, § 3[b][7]; CPLR 5602[a]).

4 Mo. No. 2016-392
In the Matter of Adirondack Health-Uihlein
Living Center, et al.,
 Appellants,
 v.
Nirav R. Shah, M.D., &c., et al.,
 Respondents.

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

2 Mo. No. 2016-415
Susan Aranoff,
 Respondent,
 v.
Gerald Aranoff,
 Appellant.

Motion for reargument of motion for leave to appeal denied.

1 Mo. No. 2016-408
James Brady,
 Appellant,
 v.
450 West 31st Street Owner's Corp., et al.,
 Respondents.
(And Another Action.)

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

2 Mo. No. 2016-425
Castle Oil Corporation,
Appellant,
v.
ACE American Insurance Company,
Respondent.

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

2 Mo. No. 2016-428
Colin Realty Co., LLC.,
Respondent,
v.
Manhasset Pizza, LLC, et al.,
Appellants,
et al.,
Defendants.

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

1 Mo. No. 2016-393
In the Matter of Empire State Building
Associates, L.L.C. Participant Litigation.

Marc Postelnek, &c., et al.,
Appellants,
v.
Anthony E. Malkin, et al.,
Respondents.

Motion for leave to appeal denied.

2 Mo. No. 2016-255
The People &c.,
Respondent,
v.
Jude Francis,
Appellant.

Motion for leave to appeal granted.

2 Mo. No. 2016-293
The People &c.,
Respondent,
v.
Jude Francis,
Appellant.

Motion by Youth Represent et al. for leave to file a brief amici curiae on the motion for leave to appeal herein granted and the brief is accepted as filed.

1 Mo. No. 2016-430
In the Matter of Amy R. Gurvey (admitted as Amy Rebecca Weissbrod), an Attorney and Counselor-at-Law.

Motion for leave to appeal dismissed for failure to establish timeliness as required by section 500.22(b)(2) of this Court's Rules of Practice. Judge Abdus-Salaam took no part.

Departmental Disciplinary Committee for the First Judicial Department,
Respondent,
Amy R. Gurvey,
Appellant.

2 Mo. No. 2016-422
The People &c.,
Respondent,
v.
Mario Ibarra,
Appellant.

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

2 Mo. No. 2016-391
Leesa Keenan, &c.,
Respondent-Appellant,
v.
Darren Molloy, et al.,
Appellants-Respondents,
et al.,
Defendants.

Motions for leave to appeal denied.

3 Mo. No. 2016-417
Kraemer Building Corp.,
Appellant,
v.
Scottsdale Insurance Company,
Respondent.

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

1 Mo. No. 2016-406
Joan C. Lipin,
Appellant,
v.
David E. Hunt,
Defendant,
Danske Bank, et al.,
Respondents.

On the Court's own motion, appeal dismissed, without costs, upon the ground that no substantial constitutional question is directly involved. Motion to disqualify Allegaert Berger & Vogel LLP et al. from appearing before this Court &c. denied.

1 Mo. No. 2016-421
The People &c.,
Respondent,
v.
Avon Long,
Appellant.

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

2 Mo. No. 2016-395
The People &c.,
Respondent,
v.
Vincent Malerba,
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2016-423
Teddy Moore,
Appellant,
v.
Frank Guerra,
Defendant,
City of New York, et al.,
Respondents.

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

Mo. No. 2016-447
PS 157 Lofts, LLC,
Respondent,
v.
Kimberly Austin, et al.,
Appellants,

On the Court's own motion, appeal transferred, without costs, to the Appellate Term, 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]).
Motion to dismiss appeal denied.

2 Mo. No. 2016-329
The People &c.,
Respondent,
v.
Edwin Rodriguez,
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2016-400
The People &c.,
Respondent,
v.
Euddy F. Sanchez, Jr.,
Appellant.

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

2 Mo. No. 2016-383
In the Matter of Helen S. (Anonymous),
Respondent;
Marisa Falero,
Nonparty-Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2016-416
In the Matter of Lavon S. (Anonymous), &c.,
Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2016-409
In the Matter of Philip Schuyler, Deceased.

Sara Beth Schuyler Dilworth, &c.,
Appellant;
Ann Baird Schuyler et al.;
Respondents.

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

3 Mo. No. 2016-410
In the Matter of Mildred Schuyler, Deceased.

Sara Beth Schuyler Dilworth, &c.,
Appellant;
Ann Baird Schuyler et al.,
Respondents.

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

2 Mo. No. 2016-287
The People &c.,
Respondent,

v.
Justin Scott,
Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2016-407
In the Matter of Michael Simpson,
Appellant,

v.
Anthony J. Annucci, &c.,
Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2016-419
John Sinagra,
Appellant,

v.
City of New York et al.,
Respondents.

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

1 Mo. No. 2016-348
In the Matter of Commissioner of Social
Services on behalf of Maria G.,
 Petitioner,
 v.
Rafael V.,
 Respondent.
Chelsey G.,
 Nonparty-Appellant.

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

3 Mo. No. 2016-418
In the Matter of Wayne Spence, &c., et al.,
 Appellants,
 v.
Nirav R. Shah, &c., et al.,
 Respondents.

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

1 Mo. No. 2016-426
Joseph T. Stearns,
 Appellant,
 v.
Kenny & Stearns, et al.,
 Respondents.

Motion for leave to appeal dismissed as untimely
(see CPLR 5513[b]; 2103[b][2]).

3 Mo. No. 2016-394
In the Matter of Suit-Kote Corporation,
 Appellant,
 v.
Peter M. Rivera, &c.,
 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.

3 Mo. No. 2016-401
In the Matter of Town of Verona et al.,
 Petitioners,
Daniel Deal et al.,
 Appellants,
 v.
Andrew M. Cuomo, &c., et al.,
 Respondents,
et al.,
 Respondents.

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

1 Mo. No. 2016-380
Abuwi M. Waheed,
 Appellant,
 v.
City of New York, et al.,
 Respondents.

Motion for reargument of motion for leave to appeal denied.
Judge Abdus-Salaam took no part.

1 Mo. No. 2016-420
Women's Integrated Network, Inc.,
 Appellant,
 v.
Anderson Kill P.C., et al.,
 Respondents.

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