

June 14, 2016

CASES

1                    No. 97  
Aetna Health Plans, &c.,  
    Appellant,  
    v.  
Hanover Insurance Company,  
    Respondent.

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

1                    No. 98  
The People &c.,  
    Respondent,  
    v.  
Scott Barden,  
    Appellant.

Order reversed, defendant's CPL 30.30 motion  
granted and indictment dismissed.  
Opinion by Judge Stein.  
Chief Judge DiFiore and Judges Pigott, Rivera,  
Abdus-Salaam, Fahey and Garcia concur.

1                    No. 94  
The People &c.,  
    Respondent,  
    v.  
Anthony Berry,  
    Appellant.

Order reversed, judgment vacated, and indictment  
dismissed.  
Opinion by Judge Fahey.  
Judges Rivera, Abdus-Salaam and Stein concur.  
Judge Pigott dissents in an opinion in which Chief  
Judge DiFiore and Judge Garcia concur.

4                    No. 87  
The People &c.,  
    Respondent,  
    v.  
Perry C. Griggs,  
    Appellant.

Order affirmed.  
Opinion by Judge Garcia.  
Chief Judge DiFiore and Judges Pigott, Abdus-  
Salaam and Stein concur; Judge Rivera concurs in a  
separate concurring opinion.  
Judge Fahey took no part.

4                    No. 96  
Littleton Construction Ltd.,  
    Appellant,  
    v.  
Huber Construction, Inc. et al.,  
    Respondents.

Order affirmed, with costs, in a memorandum.  
Chief Judge DiFiore and Judges Pigott, Rivera,  
Abdus-Salaam, Stein and Garcia concur.  
Judge Fahey took no part.

4                    No. 100  
The People &c.,  
    Respondent,  
    v.  
Anthony Parson, Jr.,  
    Appellant.

Order affirmed, in a memorandum.  
Chief Judge DiFiore and Judges Pigott, Rivera,  
Abdus-Salaam, Stein and Garcia concur.  
Judge Fahey took no part.

## MOTIONS

2                    Mo. No. 2016-470  
The People &c.,  
    Respondent,  
    v.  
Dean Anderson,  
    Appellant.

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

1                    Mo. No. 2016-431  
Patrick H. Barclay, &c.,  
    Appellant,  
    v.  
Citibank, N.A.,  
    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. 2016-424  
In the Matter of Duneen Belgrave,  
    Appellant,  
    v.  
The City of New York, et al.,  
    Respondents.

Motion for leave to appeal denied.

1                    Mo. No. 2016-435  
Jennifer Cangro,  
    Appellant,  
    v.  
John Z. Marangos,  
    Respondent.

Motion for reconsideration of this Court's February 11, 2016 dismissal order denied.  
Judge Garcia took no part.

2                    Mo. No. 2016-451  
Joseph Carione et al.,  
    Appellants,  
    v.  
Dennis C. Hickey,  
    Respondent.

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

3                    Mo. No. 2016-452  
Debra A. Daily, &c.,  
    Appellant,  
    v.  
Tops Markets, LLC,  
    Respondent,  
et al.,  
    Defendants.

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

2                    Mo. No. 2016-427  
Excel Realty Advisors, LP,  
    Appellant,  
    v.  
Engel Burman Group, LLC, &c.,  
    Respondent,  
et al.,  
    Defendants.

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

1                    Mo. No. 2016-398  
In the Matter of Antonio Dwayne G.,  
    Appellant,  
    v.  
Ericka Monte E.,  
    Respondent.

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

2                    Mo. No. 2016-405  
Greens at Half Hollow Home Owners  
Association, Inc., et al.,  
    Appellants-Respondents,  
    v.  
Greens Golf Club, LLC, et al.,  
    Respondents-Appellants.

Motion by plaintiffs for leave to appeal denied.  
Cross motion, insofar as defendant Greens at Half Hollow, LLC seeks leave to appeal, dismissed upon the ground that it is not a party aggrieved (see CPLR 5511); cross motion for leave to appeal otherwise denied.

2                    Mo. No. 2016-499  
Greens at Half Hollow Home Owners  
Association, Inc., et al.,  
                  Appellants-Respondents,  
                  v.  
Greens Golf Club, LLC, et al.,  
                  Respondents-Appellants.

Motion by Town of Huntington for leave to file a  
brief amicus curiae on the motion by plaintiffs for  
leave to appeal herein granted and the brief is  
accepted as filed.

2                    Mo. No. 2016-474  
Ilia Kajo et al.,  
                  Appellants,  
                  v.  
E.W. Howell Co., Inc., et al.,  
                  Respondents,  
et al.,  
                  Defendant.  
(And a Third-Party Action.)

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. 2016-413  
The People &c. ex rel. James Kalamaras,  
                  Appellant,  
                  v.  
Michael Sposato &c.,  
                  Respondent.  
(Appellate Division No. 2016-0267).

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.

2                    Mo. No. 2016-412  
The People &c. ex rel. James Kalamaras,  
                  Appellant,  
                  v.  
Michael Sposato,  
                  Respondent.  
(Appellate Division No. 2015-10201).

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.

3 Mo. No. 2016-438  
In the Matter of Erika Kwasnik,  
Respondent,  
v.  
John B. King, &c., et al.,  
Respondents,  
Board of Education of the Norwich City  
School District, et al.,  
Appellants.

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

1 Mo. No. 2016-429  
Medallion Financial Corp., et al.,  
Respondents,  
v.  
Victor Weingarten, et al.,  
Appellants.

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

3 Mo. No. 2016-445  
Robert A. Miazga,  
Appellant,  
v.  
Michael D. Assaf 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 action within the meaning of the Constitution.  
Judge Stein took no part.

1 Mo. No. 2016-378  
The People &c. ex rel. Frank Monte,  
Appellant,  
v.  
Warden Maxsolaine Mingo, 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 &c. dismissed as academic.

2                    Mo. No. 2016-448  
In the Matter of State of New York,  
    Respondent,  
    v.  
Walter J.R. (Anonymous),  
    Appellant.

Motion for reargument of motion for leave to appeal denied.

1                    Mo. No. 2016-467  
Jonathan Ocana,  
    Respondent,  
    v.  
Quasar Realty Partners L.P.,  
    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. 2016-434  
The People &c.,  
    Respondent,  
    v.  
Dominick Oliver,  
    Appellant.

Motion for leave to appeal denied.

1                    Mo. No. 2016-444  
The People &c.,  
    Respondent,  
    v.  
Jose Ortega,  
    Appellant.

Motion for leave to appeal denied.

4                    Mo. No. 2016-432  
In the Matter of Emmanuel Patterson,  
    Appellant,  
    v.  
Michael Graziano, &c., et al.,  
    Respondents.

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

4                    Mo. No. 2016-450  
In the Matter of Pittsford Canalside  
Properties, LLC,  
                  Respondent,  
          v.  
Village of Pittsford, et al.,  
          Appellants,  
Village of Pittsford Planning Board, 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.

1                    Mo. No. 2016-436  
Mirta Ramos,  
                  Appellant,  
          v.  
Renata Vanja Weber, M.D., et al.,  
          Respondents.

Motion for reargument of motion for leave to appeal denied.  
Judge Garcia took no part.

2                    Mo. No. 2016-455  
In the Matter of Dean A. Reskakis, a  
disbarred attorney.  
  
Grievance Committee for the Second,  
Eleventh, and Thirteenth Judicial Districts,  
                  Respondent;  
Dean A. Reskakis,  
                  Appellant.

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.

1                    Mo. No. 2016-542  
Armand Retamozzo,  
                  Appellant,  
          v.  
Diana Friedland, et al.,  
          Respondents.

Motion for reargument denied.

2 Mo. No. 2016-442  
In the Matter of Joselyn S. (Anonymous).

Suffolk County Department of Social  
Services,  
Respondent;  
Lizzeth E. (Anonymous),  
Appellant.

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.

3 Mo. No. 2016-476  
In the Matter of James G. Sinclair,  
Appellant,  
v.  
Anthony J. Annucci, &c.,  
Respondent.

Motion for leave to appeal denied.

4 Mo. No. 2016-456  
The People &c. ex rel. Eric Smith,  
Appellant,  
v.  
Susan Kickbush, &c.,  
Respondent.

Motion for leave to appeal dismissed upon the  
ground that it does not lie from the order of an  
individual Justice of the Appellate Division (see NY  
Const, art VI, § 3[b]; CPLR 5602).  
Motion for poor person relief dismissed as academic.

3 Mo. No. 2016-464  
Willie Spirles,  
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.

2 Mo. No. 2016-475  
The People &c.,  
Respondent,  
v.  
Aaron Taylor,  
Appellant.

Motion for leave to appeal denied.

3                    Mo. No. 2016-446  
In the Matter of Eileen Waddy,  
                  Appellant,  
          v.  
Barnard College et al.,  
          Respondents.  
Workers' Compensation Board,  
          Respondent.

Motion for leave to appeal denied.

4                    Mo. No. 2016-331  
In the Matter of William A. Warren,  
                  Appellant,  
          v.  
George E. Hibbs,  
          Respondent.

Motion for leave to appeal denied.

1                    Mo. No. 2016-503  
In the Matter of Yan Ping Xu,  
                  Appellant,  
          v.  
The New York City Department of Health  
and Mental Hygiene,  
          Respondent.

Motion for reargument of motion for leave to appeal  
denied.