

February 09, 2017

CASES

2 No. 4
In the Matter of Mariah Corrigan, et al.,
Appellants,
v.
New York State Office of Children and
Family Services, et al.,
Respondents.

Order affirmed, with costs.
Opinion by Judge Fahey.
Judges Rivera, Abdus-Salaam, Stein and Garcia
concur.
Chief Judge DiFiore and Judge Wilson took no part.

2 No. 13
The People &c.,
Respondent,
v.
William Flanagan,
Appellant.

Order affirmed.
Opinion by Chief Judge DiFiore.
Judges Rivera, Abdus-Salaam, Stein, Fahey and
Garcia concur.
Judge Wilson took no part.

 No. 7
The People &c.,
Respondent,
v.
Zachary T. Guerin,
Appellant.

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

1 No. 2
Jose Marin, et al.,
Plaintiffs,
v.
Constitution Realty, LLC, et al.,
Defendants.
Sheryl Menkes, Esq.,
Non-Party Appellant,
v.
David B. Golomb, Esq., et al.,
Non-Party Respondents.

Order modified, without costs, in accordance with the
opinion herein and, as so modified, affirmed.
Opinion by Chief Judge DiFiore.
Judges Rivera, Abdus-Salaam, Stein, Fahey and
Garcia concur.
Judge Wilson took no part.

2 No. 6
The People &c.,
 Respondent,
 v.
Rafael Then,
 Appellant.

In the Matter of World Trade Center Lower
Manhattan Disaster Site Litigation.

Stanislaw Faltynowicz, et al.,
 Appellants,
State of New York,
 Intervenor-Appellant,
 v.
Battery Park City Authority, et al.,
 Respondents.

Santiago Alvear,
 Appellant,
State of New York,
 Intervenor-Appellant,
 v.
Battery Park City Authority,
 Respondent.

Peter Curley et al.,
 Appellants,
State of New York,
 Intervenor-Appellant,
 v.
Battery Park City Authority,
 Respondent.

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

Certification of questions 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 Rivera, Abdus-
Salaam, Stein, Fahey and Garcia concur.
Judge Wilson took no part.

MOTIONS

3 SSD 2
In the Matter of Hassan Alamin,
 Appellant,
 v.
Down Town Taxi Inc., et al.,
 Respondents.
Workers' Compensation Board,
 Respondent.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that it does not lie (see NY Const, art VI, § 3[b]; CPLR 5601).
Judge Wilson took no part.

3 Mo. No. 2017-138
The People &c.,
 Respondent,
 v.
Christopher L. Anderson,
 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.
Judges Stein and Wilson took no part.

 Mo. No. 2016-1135
Susan Aranoff,
 Respondent,
 v.
Gerald Aranoff,
 Appellant.

Motion for leave to appeal dismissed upon the ground that the Court of Appeals does not have jurisdiction to entertain it (see NY Const, art VI, § 3; CPLR 5602).
Motion for poor person relief dismissed as academic.
Judge Wilson took no part.

4 Mo. No. 2016-1063
Santokh S. Badesha, et al.,
 Respondents,
 v.
Parminder S. Soch, et al.,
 Appellants.

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

2 Mo. No. 2016-1067
John Barry, et al.,
Appellants,
v.
Cadman Towers, Inc., et al.,
Defendants,
City of New York Department of Housing
Preservation and Development,
Respondent.

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

2 Mo. No. 2017-205
The People &c.,
Respondent,
v.
Otis Boone,
Appellant.

Motion by Brooklyn Defender Services, 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.
Judge Wilson took no part.

1 Mo. No. 2017-106
In the Matter of Brookford, LLC,
Appellant,
v.
New York State Division of Housing and
Community Renewal, et al.,
Respondents.

Motion by Rent Stabilization Association et al. for leave to appear amici curiae on the appeal herein granted only to the extent that the proposed submission is accepted as filed.
Judge Wilson took no part.

4 Mo. No. 2017-40
Linda M. Brown,
Respondent,
v.
State of New York,
Appellant.
(Claim No. 110037)

Motion for leave to appeal granted.
Judge Wilson took no part.

4 Mo. No. 2017-41
Linda M. Brown, &c.,
Respondent,
v.
State of New York,
Appellant.
(Claim No. 108961)

Motion for leave to appeal granted.
Judge Wilson took no part.

1 Mo. No. 2016-1138
Pedro Castillo, &c.,
Appellant,
v.
Mount Sinai Hospital et al.,
Respondents,
et al.,
Defendants.

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

1 Mo. No. 2016-1028
Modesto Costa,
Appellant,
v.
State of New York,
Respondent.

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

4 Mo. No. 2016-1095
In the Matter of Ronald Cramer,
Respondent,
v.
Dulsa Cramer,
Appellant.
(And Two Other Proceedings.)

Motion for leave to appeal denied.
Judge Wilson took no part.

2 Mo. No. 2016-1139
In the Matter of Anthony L. Crociata,
Appellant,
v.
Salvatore J. Cassano, &c. et al.,
Respondents.

Motion for leave to appeal denied with one hundred
dollars costs and necessary reproduction
disbursements.
Judges Rivera and Wilson took no part.

2 Mo. No. 2016-1126
The People &c.,
Respondent,
v.
Tommaso Dilillo,
Appellant.

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

3 Mo. No. 2016-1121
In the Matter of Evelyn EE.,
Appellant,
v.
Ayesha FF.,
Respondent.
(And Five Other Proceedings.)

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

2 SSD 1
In the Matter of Regina Farage,
Appellant,
v.
Yvonne Lewis, &c., et al.,
Respondents.

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

1 Mo. No. 2016-1089
Magdalena Garcia, &c., et al.,
Respondents,
v.
New York City Department of Health and
Mental Hygiene, et al.,
Appellants.

Motion for leave to appeal granted.
Judge Wilson took no part.

1 Mo. No. 2016-1143
In the Matter of Patricia Gill,
Appellant,
v.
Nyack College, 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 ancillary relief dismissed as academic.
Judge Wilson took no part.

1 Mo. No. 2016-1064
In the Matter of Patricia Gill,
 Appellant,
 v.
Mercy College, 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 ancillary relief dismissed as academic.
Judge Wilson took no part.

4 Mo. No. 2016-1096
Kenneth P. Golden,
 Appellant,
et al.,
 Plaintiff,
 v.
Sasha Pavlov-Shapiro, M.D., et al.,
 Respondents.

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

1 Mo. No. 2016-1162
In the Matter of Derrick Harris,
 Appellant,
 v.
Hon. James Burke, &c., et al.,
 Respondents.

Motion for leave to appeal denied.
Motion for a stay dismissed as academic.
Judge Wilson took no part.

2 Mo. No. 2016-1106
In the Matter of Isaac Kramer, Deceased.

Motion for leave to appeal denied.
Judge Wilson took no part.

Educational Institute Oholei Torah-Oholei
Menachem,
 Appellant;
Aaishatu Glover,
 Respondent;
Lea Cohen, et al.,
 Intervenors-Respondents.

3 Mo. No. 2016-1117
The People &c. ex rel. Stacy Lasher,
 Appellant,
 v.
Dominic A. D'Agostino, &c.,
 Respondent.

Motion for leave to appeal denied.
Judge Wilson took no part.

2 Mo. No. 2016-1075
In the Matter of Kristen Latuga, et al.,
 Appellants,
 v.
Adrienne Giannadeo, &c., et al.,
 Respondents.

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

1 Mo. No. 2017-185
The People &c.,
 Respondent,
 v.
Gregory Lee,
 Appellant.

Motion for assignment of counsel granted and
Rosemary Herbert, Esq., Office of the Appellate
Defender, 11 Park Place, Suite 1601, New York, NY
10007 assigned as counsel to the appellant on the
appeal herein.
Judge Wilson took no part.

1 Mo. No. 2017-83
Sara Myers, et al.,
 Appellants,
 v.
Eric Schneiderman, &c.,
 Respondent,
et al.,
 Defendants.

Motion by New York State Catholic Conference for
leave to appear amicus curiae on the appeal herein
granted only to the extent that 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.
Chief Judge DiFiore and Judge Wilson took no part.

1 Mo. No. 2017-84
Sara Myers, et al.,
 Appellants,
 v.
Eric Schneiderman, &c.,
 Respondent,
et al.,
 Defendants.

Motion by Not Dead Yet, et al. for leave to file a brief amici 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.
Chief Judge DiFiore and Judge Wilson took no part.

2 Mo. No. 2016-1128
Henry Nolasco,
 Plaintiff,
 v.
Soho Plaza Corp., 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.
Judge Wilson took no part.

Soho Plaza Corp., et al.,
 Third-Party Appellants,
 v.
Diamond Era Construction, Inc.,
 Third-Party Defendant,
Jason Birnbaum, et al.,
 Third-Party Respondents.

1 Mo. No. 2016-1110
In the Matter of Okolie Cyril,
 Appellant,
 v.
New York City Department of Housing
Preservation and Development et al.,
 Respondents.

Motion for leave to appeal denied.
Judge Wilson took no part.

1 Mo. No. 2016-1102
Michelle R.,
 Appellant,
 v.
Alexander R.,
 Respondent.

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

1 Mo. No. 2017-109
The People &c.,
Appellant,
v.
Kerri Roberts,
Respondent.

Motion for assignment of counsel granted and Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, NY 10005 assigned as counsel to the respondent on the appeal herein.
Judge Wilson took no part.

4 Mo. No. 2016-1076
Manfred Sachs,
Appellant,
v.
State of New York,
Respondent.

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

3 Mo. No. 2016-1098
In the Matter of Eon Shepherd,
Appellant,
v.
Anthony J. Annucci, &c.,
Respondent.

Motion for leave to appeal denied.
Judge Wilson took no part.

2 Mo. No. 2017-141
The People &c.,
Respondent,
v.
Andrew Smart,
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.
Judge Wilson took no part.

3 Mo. No. 2016-1133
Injah Unique Tafari, &c.,
Appellant,
v.
Vijaykumar Manadabaywala 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 Wilson took no part.

2 Mo. No. 2016-1049
In the Matter of Shauntray T.

Eva W. (Anonymous),
Respondent;
Margaret T. (Anonymous),
Appellant.

3 Mo. No. 2017-108
In the Matter of Joseph A. Terranova, Jr.,
Appellant,

v.
Lehr Construction Co. et al.,
Respondents.
Workers' Compensation Board,
Respondent.

3 Mo. No. 2017-118
In the Matter of Joseph A. Terranova, Jr.,
Appellant,

v.
Lehr Construction Co. et al.,
Respondents.
Workers' Compensation Board,
Respondent.

1 Mo. No. 2016-1137
The People &c.,
Respondent,

v.
Francisco Velasquez,
Appellant.

Motion for leave to appeal dismissed upon the ground that appellant is not a party aggrieved (see CPLR 5511).

Motion for poor person relief dismissed as academic. Judge Wilson took no part.

Motion by New York State Trial Lawyers Association for leave to appear amicus curiae on the appeal herein granted only to the extent that the proposed brief is accepted as filed.

Judge Wilson took no part.

Motion by Injured Workers' Bar Association for leave to appear amicus curiae on the appeal herein granted only to the extent that 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.

Judge Wilson took no part.

Motion for leave to appeal denied.

Motion for poor person relief dismissed as academic. Judge Wilson took no part.

2 Mo. No. 2016-1130
The People &c.,
Respondent,
v.
Maritza Wallace,
Appellant.

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

1 Mo. No. 2016-1123
Fred Simcha Wang,
Appellant,
v.
LSUC, et al.,
Respondents,
et al.,
Defendants.

Motion for leave to appeal denied.
Judge Wilson took no part.

1 Mo. No. 2017-123
The People &c.,
Respondent,
v.
Reginald Wiggins,
Appellant.

Motion for assignment of counsel granted and Robert
S. Dean, Esq., Center for Appellate Litigation, 120
Wall Street, 28th Floor, New York, NY 10005
assigned as counsel to the appellant on the appeal
herein.
Judge Wilson took no part.

4 Mo. No. 2016-1124
The People &c.,
Respondent,
v.
Charles K. Wilson,
Appellant.

Motion for reargument denied.
Judges Fahey and Wilson took no part.