

February 14, 2017

CASES

3 No. 5
Carol Artibee et al.,
 Appellants,
 v.
Home Place Corporation,
 Respondent.

Order modified, without costs, by denying the motion of defendant Home Place Corporation insofar as it sought a jury charge on apportionment of liability of the State of New York pursuant to CPLR 1601, and, as so modified, affirmed, and certified question answered in the affirmative.
Opinion by Judge Stein.
Chief Judge DiFiore and Judges Fahey and Garcia concur.
Judge Abdus-Salaam dissents and votes to affirm in an opinion in which Judge Rivera concurs.
Judge Wilson took no part.

1 No. 15
The People &c.,
 Respondent,
 v.
Kevin Fisher,
 Appellant.

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

1 No. 11
Lend Lease (US) Construction LMB Inc., et al.,
 Appellants,
 v.
Zurich American Insurance Company, et al.,
 Respondents.

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

1 No. 14
The People &c.,
 Respondent,
 v.
Michael Pena,
 Appellant.

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

1 No. 1
The People &c.,
 Respondent,
 v.
Gregory Vining,
 Appellant.

Order, insofar as appealed from, affirmed.
Opinion by Judge Abdus-Salaam.
Judges Stein, Fahey and Garcia concur.
Judge Rivera dissents in an opinion in which Chief
Judge DiFiore concurs.
Judge Wilson took no part.

3 No. 51 SSM 2
In the Matter of Norman Woods et al.,
 Respondents,
 v.
State University of New York et al.,
 Appellants.

On review of submissions pursuant to section 500.11
of the Rules, order reversed, without costs, for the
reasons stated in the dissenting memorandum of
Justice Robert Rose (139 AD3d 1322, 1325), and
matter remitted to the Appellate Division, Third
Department, for consideration of issues raised but not
determined on the appeal to that court.
Chief Judge DiFiore and Judges Rivera, Abdus-
Salaam, Stein, Fahey and Garcia concur.
Judge Wilson took no part.

MOTIONS

2 Mo. No. 2017-5
The People &c.,
 Respondent,
 v.
Nathaniel Alexander,
 Appellant.

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

 Mo. No. 2016-1165
The People &c.,
 Respondent,
 v.
Malcolm Anderson,
 Appellant.

Motion for leave to appeal dismissed upon the
ground that this Court does not have jurisdiction to
entertain the motion from the order of the Appellate
Term (see CPLR 5602[a]).
Motion for poor person relief dismissed as academic.
Judge Wilson took no part.

1 Mo. No. 2016-1169
Aozora Bank, Ltd.,
 Appellant,
 v.
Credit Suisse Group, et al.,
 Respondents.

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

4 Mo. No. 2016-1179
Anthony Bottom,
 Appellant,
 v.
State of New York,
 Respondent.

On the Court's own motion, appeal dismissed,
without costs, upon the ground that no substantial
constitutional question is directly involved.
Motion for poor person relief dismissed as academic.
Judge Wilson took no part.

3 Mo. No. 2017-27
In the Matter of Thomas Butterfield,
Appellant,
v.
Anthony J. Annucci, &c.,
Respondent.

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

1 Mo. No. 2016-1146
In the Matter of Daniel Cameron, M.D.,
Appellant,
v.
Nirav Shah, &c., et al.,
Respondents,
et al.,
Respondent.

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

3 Mo. No. 2016-1155
Central National Bank, Canajoharie,
Respondent,
v.
Scotty's Auto Sales, Inc.,
Defendant,
Elaine Amidon,
Appellant.

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

2 Mo. No. 2016-1168
Demetrio Davila,
Appellant,
v.
City of New York, et al.,
Respondents.

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

2 Mo. No. 2016-1171
Frank Anderson Davis,
Appellant,
v.
Orva Omega Davis, &c.,
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.
Judge Wilson took no part.

4 Mo. No. 2016-1157
Michelle M. Figura et al.,
Appellants,
v.
Timothy W. Frasier 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. 2016-1147
Mary Anne Fletcher,
Appellant,
v.
Boies, Schiller & Flexner LLP et al.,
Respondents.
Ford Models, Inc.,
Nonparty Respondent.

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

2 Mo. No. 2016-1164
The People &c.,
Respondent,
v.
Jose Garcia,
Appellant.

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

2 Mo. No. 2016-1131
In the Matter of Jennifer George,
Appellant,
v.
Jeffrey Neville,
Respondent.

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

4 Mo. No. 2017-15
The People &c.,
Respondent,
v.
Donald E. Gifford,
Appellant.

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

1 Mo. No. 2016-1068
Golden Technology Management, LLC, et al.,
Appellants,
v.
NextGen Acquisition, Inc., et al.,
Respondents.

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

3 Mo. No. 2017-9
In the Matter of Fernando Gordon,
Appellant,
v.
Cheryl Morris, &c.,
Respondent.

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

2 Mo. No. 2016-1158
In the Matter of Richard H.,
Appellant.

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

2 Mo. No. 2016-1166
The People &c.,
Respondent,
v.
Anthony Hayden,
Appellant.

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

3 Mo. No. 2016-1175
In the Matter of Evelin A. Jimenez, et al.,
 Appellants,
 v.
New York State Department of Taxation and
Finance, 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. 2016-1173
Joseph P. Carroll Ltd.,
 Appellant,
 v.
Theodore Ping-Shen,
 Respondent.

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

4 Mo. No. 2016-1184
Patrick Kingston,
 Appellant,
 v.
Cardinal O'Hara High School, 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. 2016-1186
Andrew Kolchins,
 Respondent,
 v.
Evolution Markets, Inc.,
 Appellant.

Motion to dismiss appeal denied.
Judge Wilson took no part.

2 Mo. No. 2016-1150
Jose R. Lagos,
 Appellant,
 v.
Patsy S. Fucale et al.,
 Respondents.

Motion for leave to appeal dismissed upon the
ground that the orders sought to be appealed from do
not finally determine the action within the meaning
of the Constitution (see Cuadrado v New York City
Tr. Auth., lv dismissed 14 NY3d 748 [2010]).
Judge Wilson took no part.

4 Mo. No. 2016-1149
In the Matter of Anthony L., Jr.

Steuben County Department of Social
Services,
Respondent;
Lisa P.,
Appellant,
et al.,
Respondent.

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

2 Mo. No. 2017-23
Law Offices of Thomas F. Liotti, LLC et al.,
Appellants,
v.
State of New York, et al.,
Respondents,
et al.,
Defendant.

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

2 Mo. No. 2016-1177
Locust Valley Central School District,
Plaintiff,
v.
John Benstock,
Defendant.
(Matter No. 1)

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

In the Matter of Locust Valley Central School
District,
Appellant,
v.
Locust Valley Teachers' Association,
Respondent.
(Matter No. 2)

2 Mo. No. 2016-1054
In the Matter of Marine Holdings, LLC, &c.
et al.,
 Respondents,
 v.
New York City Commission on Human
Rights,
 Appellant,
et al.,
 Respondent.

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

3 Mo. No. 2016-1160
In the Matter of Anthony Morgan,
 Appellant,
 v.
Tina M. Stanford, &c.,
 Respondent.

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

2 Mo. No. 2016-1167
In the Matter of Arif Nizamuddeen,
 Appellant,
 v.
New York City Transit Authority, &c.,
 Respondent.

Motion for reargument of motion for leave to appeal
dismissed as untimely (see Rules of Ct of Appeals
[22 NYCRR] § 500.24[b]).
Judge Wilson took no part.

1 Mo. No. 2016-1174
In the Matter of New York City Asbestos
Litigation.

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

Charles D. North, &c.,
 Respondent,
 v.
Air & Liquid Systems Corporation, &c., et
al.,
 Defendants,
National Grid Generation, LLC,
 Appellant,
O'Connor Constructors, Inc.,
 Respondent.

1 Mo. No. 2017-58
In the Matter of New York City Asbestos
Litigation.

Charles D. North, &c.,
Respondent,

v.

Air & Liquid Systems Corporation, &c., et
al.,

Defendants,
National Grid Generation, LLC,
Respondent,
O'Connor Constructors, Inc.,
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.
Judge Wilson took no part.

3 Mo. No. 2016-1140
New York State United Teachers, by its
President, Karen E. Magee, et al.,
Appellants,

v.

State of New York, et al.,
Respondents.

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

2 Mo. No. 2016-1178
Orange County Land Trust, Inc.,
Appellant,

v.

Tamira Amelia Farm, LLC, et al.,
Respondents.

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

2 Mo. No. 2017-14
Pebble Hill Building Corp.,
Appellant,

v.

Paul Madelik, 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. 2016-1159
In the Matter of Ramona Prioleau,
 Appellant,
 v.
New York State Division of Housing and
Community Renewal et al.,
 Respondents.

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

3 Mo. No. 2016-1156
In the Matter of Justo Richards,
 Appellant,
 v.
New York State Division of Parole,
 Respondent.

On the Court's own motion, appeal dismissed,
without costs, upon the ground that the order
appealed from does not finally determine the
proceeding within the meaning of the Constitution.
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.
Judge Wilson took no part.

4 Mo. No. 2016-1183
The People &c.,
 Respondent,
 v.
David O. Rivera,
 Appellant.

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

1 Mo. No. 2016-1134
In the Matter of Yahaira Rivera,
 Appellant,
 v.
Elizabeth R. Berlin,
 Respondent,
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 dismissed as academic.
Judge Wilson took no part.

1 Mo. No. 2016-1161
In the Matter of Yahaira Rivera,
 Appellant,
 v.
Elizabeth R. Berlin,
 Respondent,
et al.,
 Respondents.

Motion by The Legal Aid Society, et al. for leave to appear amici curiae on the motion for leave to appeal herein granted and the brief is accepted as filed. Judge Wilson took no part.

3 Mo. No. 2016-1180
In the Matter of Walter J. Roache,
 Appellant,
 v.
Ann Marie T. Sullivan, &c.,
 Respondent.

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 dismissed as academic. Judge Wilson took no part.

2 Mo. No. 2016-1153
The People &c.,
 Respondent,
 v.
Kareem Smith,
 Appellant.

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

4 Mo. No. 2016-1170
The People &c. ex rel. Richie Stokes,
 Appellant,
 v.
New York State Division of Parole et al.,
 Respondents.

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

4 Mo. No. 2016-1132
Gasper A. Tirone et al., &c.,
 Respondents,
 v.
Deborah A. Buczek,
 Appellant,
et al.,
 Defendants.

On the Court's own motion, appeal dismissed,
without costs, upon the ground that the order
appealed from does not finally determine the action
within the meaning of the Constitution.
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.

3 Mo. No. 2016-1141
Anthony Trimble, Sr.,
 Appellant,
et al.,
 Claimant,
 v.
State of New York,
 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.
Judge Wilson took no part.

4 Mo. No. 2016-1176
In the Matter of Latonia W., et al.

Monroe County Department of Human
Services,
 Respondent;
Anthony W.,
 Appellant.

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