

June 8, 2017

CASES

2 No. 61
The People &c.,
 Respondent,
 v.
Jamar Bethune,
 Appellant.

Order affirmed.
Opinion by Judge Wilson.
Chief Judge DiFiore and Judges Rivera, Stein, Fahey
and Garcia concur, Judge Fahey in a concurring
opinion and Judge Garcia in a separate concurring
opinion in which Chief Judge DiFiore concurs.

1 No. 63
D&R Global Selections, S.L.,
 Appellant,
 v.
Bodega Olegario Falcon Pineiro,
 Respondent.

Order reversed, with costs, and defendant's motion
for summary judgment dismissing the complaint
denied.
Opinion by Chief Judge DiFiore.
Judges Rivera, Stein, Fahey, Garcia and Wilson
concur.

4 No. 65
The People &c.,
 Respondent,
 v.
Lawrence P. Frumusa, &c.,
 Appellant.

Order affirmed.
Opinion by Judge Fahey.
Chief Judge DiFiore and Judges Rivera, Stein, Garcia
and Wilson concur.

2 No. 66
The People &c.,
 Respondent,
 v.
Nirun Honghirun,
 Appellant.

Order affirmed.
Opinion by Judge Stein.
Chief Judge DiFiore and Judges Rivera, Fahey,
Garcia and Wilson concur.

1 No. 53
In the Matter of City of New York, et al.,
 Appellants,
 v.
New York State Nurses Association, et al.,
 Respondents.

Order affirmed, without costs, and certified question
answered in the affirmative.
Opinion by Judge Wilson.
Chief Judge DiFiore and Judges Rivera, Stein and
Fahey concur.
Judge Garcia dissents in an opinion.

MOTIONS

2 Mo. No. 2017-507
The People &c.,
 Respondent,
 v.
Trevor Anderson,
 Appellant.

Motion for reargument denied.

4 Mo. No. 2017-409
The People &c.,
 Respondent,
 v.
Andrew J. Askins,
 Appellant.

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

1 Mo. No. 2017-441
The People &c.,
 Respondent,
 v.
John Blum,
 Appellant.

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

1 Mo. No. 2017-464
Bovis Lend Lease (LMB) Inc.,
 Plaintiff,
 v.
Lower Manhattan Development Corporation,
 Defendant.

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.

Bovis Lend Lease (LMB) Inc.,
 Third-Party Respondent,
 v.
Arch Insurance Co.,
 Third-Party Appellant.

3 Mo. No. 2017-474
Sharen Branch, &c.,
Appellant,
v.
Community College of the County of
Sullivan,
Respondent.

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

1 Mo. No. 2017-419
In the Matter of Broadway Bretton, Inc.,
Respondent,
v.
New York State Division of Housing and
Community Renewal,
Respondent,
Bretton Hall Tenants Association,
Intervenor-Appellant.

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

1 Mo. No. 2017-446
In the Matter of Makeba Carpenter,
Appellant,
v.
New York City Housing Authority,
Respondent,
New York City Police Department, et al.,
Respondents.

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

2 Mo. No. 2017-455
The People &c.,
Respondent,
v.
Eddy Cepeda,
Appellant.

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

2 Mo. No. 2017-422
Estate of Gen Yee Chu, &c. et al.,
 Appellants,
 v.
Otsego Mutual Fire Insurance Company,
 Respondent.

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

2 Mo. No. 2017-420
Clinton Hill Holding 1, LLC,
 Respondent,
 v.
Kathy & Tania, Inc., &c.,
 Appellant,
et al.,
 Defendants.

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

4 Mo. No. 2017-431
In the Matter of William J. Coke, Sr.,
 Appellant,
 v.
James F. Bargnesi, &c.,
 Respondent.

On the Court's own motion, appeal, insofar as taken from the March 2017 Appellate Division order, dismissed, without costs, upon the ground that the order appealed from does not finally determine the proceeding within the meaning of the Constitution; appeal, insofar as taken from that part of the November 2016 Appellate Division order denying petitioner's motion for poor person relief, dismissed, without costs, upon the ground that that portion of the order does not finally determine the proceeding within the meaning of the Constitution; appeal otherwise dismissed, without costs, upon the ground that no substantial constitutional question is directly involved.

Motion, insofar as it seeks leave to appeal from the March 2017 Appellate Division order, 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, insofar as it seeks leave to appeal from the portion of the November 2016 Appellate Division order that denied petitioner's motion for poor person relief, dismissed, without costs, upon the ground that that portion of the order does not finally determine the proceeding within the meaning of the Constitution; motion for leave to appeal otherwise denied.
Motion for poor person relief dismissed as academic.

1 Mo. No. 2017-421
Stephane Cosman Connery et al.,
 Respondents,
 v.
Burton S. Sultan,
 Appellant.

Motion, insofar as it seeks leave to appeal from that portion of the February 2017 Appellate Division order denying appellant's motion for the imposition of sanctions, denied; motion for leave to appeal otherwise dismissed upon the ground that the remaining portions of the February 2017 order and the December 2016 order sought to be appealed from do not finally determine the action within the meaning of the Constitution.

4 Mo. No. 2017-462
In the Matter of Ronnie Covington,
 Appellant,
 v.
Brian Fischer, &c.,
 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 dismissed as academic. Judge Fahey took no part.

4 Mo. No. 2017-412
Patricia J. Curto,
 Appellant,
 v.
New York Law Journal et al.,
 Respondents.

Motion for leave to appeal dismissed upon the ground that this Court does not have jurisdiction to entertain it (see NY Const, art VI, § 3[b]; CPLR 5602).

1 Mo. No. 2017-463
The People &c.,
 Respondent,
 v.
John Etheridge, &c.,
 Appellant.

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

1 Mo. No. 2017-413
Gary K. Gaines,
 Appellant,
 v.
1840 7th Avenue Housing Development Fund
Corporation,
 Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2017-333
In the Matter of Jessica Graham,
 Appellant,
 v.
Charles T. Rawley,
 Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2017-334
In the Matter of Jessica Graham,
 Appellant,
 v.
Charles T. Rawley,
 Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2017-452
In the Matter of Jessica Graham,
 Appellant,
 v.
Charles T. Rawley,
 Respondent.
(And Another Related Proceeding.)

Motion for leave to appeal denied.

3 Mo. No. 2017-472
In the Matter of Kevin Harrell,
 Appellant,
 v.
Blue Diamond Sheet Metal et al.,
 Respondents.
Workers' Compensation Board,
 Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2017-428
The People &c.,
 Respondent,
 v.
Rodolfo Hoyos-Sanchez,
 Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2017-429
In the Matter of the Judicial Settlement of the
Intermediate Account of HSBC Bank USA,
N.A., &c.

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.

HSBC Bank USA, N.A.,
 Respondent;
W.A. Read Knox, et al.,
 Appellants,
et al.,
 Respondents.

2 Mo. No. 2017-439
HSBC Bank USA, National Association, &c.,
 Respondent,
 v.
Larinzo Clayton, &c.,
 Appellant,
et al.,
 Defendants.

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

2 Mo. No. 2017-444
In the Matter of Morphius I.

Leake and Watts Services, Inc.,
 Respondent;
Blossom P.I.,
 Appellant.

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

4 Mo. No. 2017-451
In the Matter of Brady J.C. et al.

Monroe County Department of Human
Services,
 Respondent;
Damaris F.R.,
 Appellant.

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

3 Mo. No. 2017-383
In the Matter of Johnathan Johnson,
 Appellant,

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

Motion for leave to appeal denied.

2 Mo. No. 2017-433
In the Matter of Johnathan Johnson,
 Appellant,

 v.
Evelyn L. Braun, &c., 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.

1 Mo. No. 2017-465
In the Matter of LAWS Construction Corp.,
Appellant,
v.
Contract Dispute Resolution Board, et al.,
Respondents.

In the Matter of LAWS Construction Corp.,
Appellant,
v.
Contract Dispute Resolution Board, et al.,
Respondents.

Motion for leave to appeal denied.

4 Mo. No. 2017-473
The People &c.,
Respondent,
v.
Dale F. Leeson,
Appellant.

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

2 Mo. No. 2017-435
In the Matter of City of Long Beach,
Appellant,
v.
Long Beach Professional Firefighters
Association, Local 287, &c.,
Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2017-443
Enrico Mezzone,
Respondent,
v.
Emilio Goetz, D.P.M., et al.,
Defendants,
Debbie Bautista, D.P.M.,
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.

4 Mo. No. 2017-488
The People &c.,
Respondent,
v.
Eric G. Nilsen,
Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2017-432
Theresa Odejimi,
Appellant,
v.
Town of Windsor,
Respondent.

Motion for leave to appeal dismissed upon the ground that this Court does not have jurisdiction to entertain it (see NY Const, art VI, § 3[b]; CPLR 5602).
Motion for poor person relief dismissed as academic.

4 Mo. No. 2017-449
Elliott B. Pater, &c.,
Appellant,
v.
City of Buffalo, et al.,
Respondents.

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

4 Mo. No. 2017-453
Susan Phister,
Appellant,
v.
City of Buffalo, et al.,
Respondents.
(And Another Action.)

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

1 Mo. No. 2017-440
In the Matter of Milciades Pepin,
Appellant,
v.
New York City Department of Education,
Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2017-454
In the Matter of Robert A. Perez,
 Appellant,
 v.
Kolien J. Richmond,
 Respondent.

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

3 Mo. No. 2017-436
In the Matter of Kode Sealy,
 Appellant,
 v.
New York State Department of Corrections
and Community Supervision et al.,
 Respondents.

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

1 Mo. No. 2017-510
State Farm Mutual Automobile Insurance
Company, et al.,
 Respondents,
 v.
Dr. Ibrahim Fatiha Chiropractic, P.C.,
 Appellant.

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

2 Mo. No. 2017-418
Sunoco Properties, Inc.,
 Respondent,
 v.
Bally Total Fitness of Greater New York,
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.

1 Mo. No. 2017-447
In the Matter of the Application of Mac
Truong, &c., as Creditor of the Estate of
Truong Dinh Tran, Deceased.

Mac Truong,
Appellant.

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

4 Mo. No. 2017-459
In the Matter of Jennifer Waite, et al.,
Appellants,
v.
Town of Champion,
Respondent.

Motion for leave to appeal granted.

3 Mo. No. 2017-408
The People &c. ex rel. Fitzroy Wright,
Appellant,
v.
New York State Department of Corrections
and Community Supervision,
Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2017-457
In the Matter of Edward Wydra, et al.,
Respondents,
v.
Mendel Brach, et al.,
Appellants.

Motions 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.
Judge Wilson took no part.