

June 29, 2017

CASES

3 No. 78

In the Matter of the Estate of Edmund Felix
Hennel, Also Known as Edmund Hennel,
Deceased.

Gregory Hennel et al.,
Respondents;

Hazel Hennel, as Executor of the Estate of
Edmund Felix Hennel, Deceased,
Appellant.

Order reversed, with costs, and the motion by
respondent Hazel Hennel, as Executor of the Estate
of Edmund Felix Hennel, Deceased, for summary
judgment dismissing the claim of petitioners Gregory
Hennel et al. granted.

Opinion by Judge Fahey.

Chief Judge DiFiore and Judges Rivera, Stein and
Garcia concur.

Judge Wilson dissents in part in an opinion.

Judge Feinman took no part.

1 No. 77

Sara Myers et al.,
Plaintiffs,

Eric A. Seiff, et al.,
Appellants,

v.

Eric Schneiderman, &c.,
Respondent,

et al.,
Defendants.

PENDING UNDECIDED.

4 No. 84

The People &c.,
Respondent,

v.

Michael E. Prindle,
Appellant.

Order affirmed.

Opinion by Judge Wilson.

Chief Judge DiFiore and Judges Rivera, Stein and
Garcia concur.

Judges Fahey and Feinman took no part.

3 No. 105 SSM 11
The People &c.,
 Appellant,
 v.
Ganesh R. Ramsaran,
 Respondent.

On review of submissions pursuant to section 500.11 of the Rules, order reversed and case remitted to the Appellate Division, Third Department, for consideration of issues raised but not determined on appeal to that court, in a memorandum. Chief Judge DiFiore and Judges Rivera, Stein, Fahey, Garcia and Wilson concur. Judge Feinman took no part.

2 No. 108 SSM 18
The People &c.,
 Respondent,
 v.
Andrew Smart,
 Appellant.

On review of submissions pursuant to section 500.11 of the Rules, order affirmed, in a memorandum. Chief Judge DiFiore and Judges Rivera, Stein, Fahey, Garcia and Wilson concur. Judge Feinman took no part.

MOTIONS

1 Mo. No. 2017-547
2390 Creston Holdings LLC et al.,
 Appellants,
 v.
Oliver Bivins, II, &c.,
 Respondent,
et al.,
 Defendants.

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

2 Mo. No. 2017-526
Amtrust-NP SFR, Venture, LLC,
 Respondent,
 v.
Karen Emmel,
 Appellant,
et al.,
 Defendant.

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

2 Mo. No. 2017-564
Andrew Carothers, M.D., P.C., &c.,
 Appellant,
 v.
Progressive Insurance Company,
 Respondent.

Motion for leave to appeal dismissed upon the ground that the Court of Appeals does not have jurisdiction to entertain this motion for leave to appeal from the order of the Appellate Division entered in this action commenced in the Civil Court of the City of New York (see NY Const, art VI, § 3[b][7]; CPLR 5602[a]).
Judge Feinman took no part.

3 Mo. No. 2017-558
John L. Bell, &c.,
 Appellant,
 v.
David R. White et al.,
 Respondents.

Motion for reargument of motion for leave to appeal denied.
Judges Stein and Feinman took no part.

1 Mo. No. 2017-532
The People &c.,
 Respondent,
 v.
Eric Brown,
 Appellant.

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

2 Mo. No. 2017-585
In the Matter of Richard A. Brummel et al.,
 Appellants,
et al.,
 Petitioner,
 v.
Town of North Hempstead Town Board, &c.,
et al.,
 Respondents.

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

1 Mo. No. 2017-530
Cooperative Centrale Raiffeisen-
Boerenleenbank B.A., &c.,
 Appellant,
 v.
Atradius Credit Insurance N.V. et al.,
 Respondents.

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

1 Mo. No. 2017-546
James Couri,
 Appellant,
 v.
John Siebert et al.,
 Respondents.

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

1 Mo. No. 2017-529
Daniel R. Wotman & Associates, PLLC,
Respondent,
v.
Janet Chang,
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 Feinman took no part.

1 Mo. No. 2017-551
E.W. Howell Co., LLC,
Appellant,
et al.,
Plaintiff,
v.
The City University Construction Fund, et al.,
Respondents.

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

2 Mo. No. 2017-533
The People &c.,
Respondent,
v.
Andy Fessel,
Appellant.

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

3 Mo. No. 2017-538
In the Matter of Shawn Green,
Appellant,
v.
Paul Chappius, &c.,
Respondent.

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

3 Mo. No. 2017-574
In the Matter of Shawn Green,
Appellant,
v.
Judge Debra A. Martin, 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 proceeding within the meaning of the Constitution.
Judge Feinman took no part.

4 Mo. No. 2017-528
The People &c. ex rel. Valarae Green,
Appellant,
v.
Thomas J. Sticht, &c., et al.,
Respondents.

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

4 Mo. No. 2017-578
Nakita Harris, &c.,
Appellant,
v.
City of Buffalo, et al.,
Respondents.

Motion for leave to appeal dismissed as untimely
(see CPLR 5513[b]; 2103[b][2]).
Motion for poor person relief dismissed as academic.
Judge Feinman took no part.

3 Mo. No. 2017-498
In the Matter of Robert W. Kowal,
Appellant,
v.
Thomas P. DiNapoli, &c. et al.,
Respondents.

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

1 Mo. No. 2017-536
Henry T. Lau,
Appellant,
v.
Margaret E. Pescatore Parking, Inc. et al.,
Respondents.

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

2 Mo. No. 2017-541
Nella Manko,
 Appellant,
 v.
David A. Gabay, et al.,
 Respondents.

Motion for leave to appeal, insofar as taken from that part of the October 2016 order dismissing plaintiff's appeal from the judgment, denied; motion for leave to appeal otherwise dismissed upon the ground that the remaining portions of the orders sought to be appealed from do not finally determine the action within the meaning of the Constitution. Motion for poor person relief dismissed as academic. Judge Feinman took no part.

2 Mo. No. 2017-543
In the Matter of Nella Manko et al.,
 Appellants,
 v.
New York State Division of Housing and
Community Renewal, Office of Rent
Administration,
 Respondent.

Motion to vacate this Court's April 25, 2017 dismissal order denied. Judge Feinman took no part.

2 Mo. No. 2017-614
Nella Manko,
 Appellant,
 v.
Lenox Hill Hospital,
 Respondent.

Motion for reconsideration of this Court's April 27, 2017 dismissal order denied.
Motion, insofar as it seeks leave to appeal from the March 2013 Appellate Division order, dismissed upon the ground that it does not lie, appellant having previously moved in the Court of Appeals for leave to appeal (22 NY3d 993 [2013]) from the same Appellate Division order from which she currently seeks leave to appeal (see Selinger v Selinger, 90 NY2d 842 [1997]); motion, insofar as it seeks leave to appeal from so much of the August 26, 2016 Appellate Division order as dismissed the appeal from that portion of the Supreme Court order granting the motion for a litigation injunction, denied; motion, insofar as it seeks leave to appeal from the remainder of the August 26, 2016 Appellate Division order and from the August 2011, April 2016, and August 1, 2016 Appellate Division orders, dismissed upon the ground that the orders sought to be appealed from do not finally determine the action within the meaning of the Constitution.
Motion for poor person relief dismissed as academic. Judge Feinman took no part.

2 Mo. No. 2017-540
The People &c.,
 Respondent,
 v.
Corey Nieves,
 Appellant.

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

2 Mo. No. 2017-545
Town of North Hempstead,
Respondent,
v.
County of Nassau, et al.,
Appellants.

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

2 Mo. No. 2017-554
In the Matter of Vincent Oliva,
Appellant,
v.
New York State Division of Human Rights, 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.
Motion for a stay dismissed as academic.
Judge Feinman took no part.

3 Mo. No. 2017-597
In the Matter of Terry E. Ryan,
Appellant,
v.
Thomas P. DiNapoli, &c., et al.,
Respondents.

Motion for reargument of motion for leave to appeal
denied.
Motion for poor person relief dismissed as academic.
Judge Feinman took no part.

1 Mo. No. 2017-560
Robert Shapiro,
Appellant,
v.
Gabriel Ettenson et al.,
Respondents.

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

2 Mo. No. 2017-534
The People &c.,
Respondent,
v.
Carl Sykes,
Appellant.

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

3 Mo. No. 2017-573
In the Matter of Dorota Von Maack,
 Appellant,
 v.
Wyckoff Heights Medical Center et al.,
 Respondents.
Workers' Compensation Board,
 Respondent.

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

1 Mo. No. 2017-575
Wagner Davis P.C.,
 Respondent,
 v.
James Brady Jr.,
 Appellant,
et al.,
 Defendants.

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

4 Mo. No. 2017-521
Raymond T. Webber et al.,
 Appellants,
 v.
Lee Webber et al.,
 Respondents.

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

1 Mo. No. 2017-525
In the Matter of Yan Ping Xu,
 Appellant,
 v.
New York City Department of Health and
Mental Hygiene,
 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.
Judge Feinman took no part.

4 Mo. No. 2017-537
Jerad M. Zarnoch,
 Appellant,
 v.
Robert W. Luckina, &c.,
 Respondent.

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

4 Mo. No. 2017-531

ZRAJ Olean, LLC et al.,

Respondents,

v.

Erie Insurance Company of New York,

Defendant,

Raymond Wangelin, &c. et al.,

Appellants.

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

Judge Feinman took no part.