

March 28, 2017

CASES

3 No. 21
In the Matter of East Ramapo Central School
District,
 Appellant,
 v.
John B. King, Jr., &c., et al.,
 Respondents.

Order affirmed, with costs, in a memorandum.
Chief Judge DiFiore and Judges Rivera, Abdus-
Salaam, Stein, Fahey, Garcia and Wilson concur.

3 No. 22
The People &c.,
 Respondent,
 v.
Thomas Jackson,
 Appellant.

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

4 No. 19
The People &c.,
 Respondent,
 v.
Richard M. Leonard,
 Appellant.
(Appeal No. 1)

Order reversed and a new trial ordered.
Opinion by Judge Abdus-Salaam.
Chief Judge DiFiore and Judges Rivera, Stein, Fahey,
Garcia and Wilson concur.

4 No. 20
The People &c.,
 Respondent,
 v.
Richard M. Leonard,
 Appellant.
(Appeal No. 2)

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

2 No. 23
The People &c.,
 Respondent,
 v.
Charles Smith,
 Appellant.

Order affirmed.
Opinion by Judge Fahey.
Chief Judge DiFiore and Judges Rivera, Stein and
Garcia concur.
Judge Abdus-Salaam concurs in result in a separate
concurring opinion.
Judge Wilson dissents in an opinion.

3 No. 18
The People &c.,
 Respondent,
 v.
Norman Whitehead, Jr., &c.,
 Appellant.

Order, insofar as appealed from, affirmed, in a
memorandum.
Chief Judge DiFiore and Judges Rivera, Abdus-
Salaam, Stein, Fahey, Garcia and Wilson concur.

MOTIONS

1 Mo. No. 2017-111
In the Matter of State of New York,
 Respondent,
 v.
Carlos A.,
 Appellant.

Motion for leave to appeal dismissed upon the ground that movant is not a party aggrieved (see CPLR 5511).
Motion for poor person relief dismissed as academic.

2 Mo. No. 2017-8
In the Matter of American Independent
Insurance Co.,
 Appellant,
 v.
Nova Acupuncture, P.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.

3 Mo. No. 2017-167
In the Matter of Anonymous, an Intermediate
Care Facility,
 Respondent,
 v.
David Molik, et al.,
 Appellants.

Motion for leave to appeal granted.

2 Mo. No. 2017-72
The People &c.,
 Respondent,
 v.
Abdul Arrahman,
 Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2017-90
Ramandeep Badwal,
 Respondent,
 v.
Avtar S. Badwal,
 Appellant.

Motion for reargument of motion for leave to appeal denied.

4 Mo. No. 2017-78
In the Matter of Dale Barhite, et al.,
 Respondents,
 v.
Town of Dewitt, et al.,
 Appellants.

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

2 Mo. No. 2017-125
The People &c.,
 Respondent,
 v.
Laurent Benoit,
 Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2017-73
Jin Chung,
 Appellant,
 v.
Jonathan P. Lehmann et al.,
 Respondents.

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

2 Mo. No. 2017-92
In the Matter of Derek Clarke,
 Respondent,
 v.
Charene Wiltshire,
 Appellant.

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

1 Mo. No. 2017-12
CMSG Restaurant Group, LLC, &c., et al.,
 Appellants,
 v.
State of New York, et al.,
 Respondents.

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. 2017-79
In the Matter of Nina Courant, Deceased.

Ernest D. Courant,
Appellant;
David B. Berkowitz et al.,
Respondents;
et al.,
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.

2 Mo. No. 2017-91
In the Matter of Mia C.W.D.

Administration for Children's Services,
Respondent;
Tamika D.,
Appellant.
(And Another Proceeding.)

Motion for leave to appeal denied.

1 Mo. No. 2017-183
In the Matter of Kimberly F., &c.

Maria F.,
Appellant;
Administration for Children's Services,
Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2017-128
The People &c.,
Respondent,

v.
Sheldon Fenton,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2017-112
The People &c.,
Respondent,
v.
Jose Flores,
Appellant.

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

1 Mo. No. 2017-121
The People &c.,
Respondent,
v.
Jamarr Fowler,
Appellant.

Motion for leave to appeal denied.
Judge Abdus-Salaam took no part.

3 Mo. No. 2017-110
In the Matter of Chauncey Girard,
Appellant,
v.
Anthony J. Annucci,
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 denied.
Motion for poor person relief dismissed as academic.

1 Mo. No. 2017-95
The People &c.,
Respondent,
v.
Dutvall Guzman,
Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2017-20
D.H.,
Appellant,
v.
State of New York,
Respondent.

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

1 Mo. No. 2017-104
The People &c.,
Respondent,
v.
Kelvin Haywood,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2017-62
Amy Kantor &c.,
Appellant,
v.
75 Worth Street, LLC et al.,
Respondents.

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

2 Mo. No. 2017-80
Aaron Kellner,
Appellant,
v.
Town of Wappinger, et al.,
Respondents.

Motion for leave to appeal denied.

2 SSD 10
Nella Manko,
Appellant,
v.
David A. Gabay, et al.,
Respondents.

Appeal, insofar as taken from that part of the October 2016 order dismissing plaintiff's appeal from the judgment, dismissed by the Court sua sponte, upon the ground that no substantial constitutional question is directly involved; appeal otherwise dismissed upon the ground that the remaining portions of the orders appealed from do not finally determine the action within the meaning of the Constitution.
Judge Abdus-Salaam took no part.

2 Mo. No. 2016-1088
Nella Manko,
 Appellant,
 v.
Lenox Hill Hospital,
 Respondent.

Motion for reconsideration of this Court's June 30, 2011, November 21, 2011, and March 29, 2012 dismissal orders, and for reargument of motion for leave to appeal, dismissed as untimely (see 22 NYCRR 500.24[b]).
Judge Abdus-Salaam took no part.

2 Mo. No. 2017-49
Nella Manko,
 Appellant,
 v.
Lenox Hill Hospital,
 Respondent.

Motion for reconsideration of this Court's December 20, 2011 dismissal order dismissed as untimely (see 22 NYCRR 500.24[b]).
Motion for poor person relief dismissed as academic.
Judge Abdus-Salaam took no part.

2 Mo. No. 2017-50
Nella Manko,
 Appellant,
 v.
Lenox Hill Hospital,
 Respondent.

Motion for reconsideration of this Court's November 21, 2016 dismissal order denied.
Judge Abdus-Salaam took no part.

3 Mo. No. 2017-187
In the Matter of Daniel Martuscello Jr., &c.,
 Respondent,
 v.
Jua TT.,
 Appellant.

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

2 Mo. No. 2017-89
Mt. Hawley Insurance Company,
Respondent,
v.
Seville Electronics Trading Corp.,
Appellant,
et al.,
Defendant.
(And A Third-Party Action.)

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

1 Mo. No. 2017-98
NRT New York LLC, &c.,
Appellant,
v.
Nancy Sale Frey Johnson,
Respondent.

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

2 Mo. No. 2017-204
Reina Nunez,
Respondent,
v.
George Bardwil,
Appellant,
et al.,
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.
Motion for a stay dismissed as academic.

2 Mo. No. 2017-120
In the Matter of Era O.,
Appellant.
Administration for Children's Services,
Respondent;
Emmanuel O.,
Respondent.
(And Two Other Proceedings.)

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

4 Mo. No. 2017-131
In the Matter of Miriam M. Owens,
 Appellant,
 v.
Richard G. Pound, Jr.,
 Respondent.
(And Another Proceeding.)

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

1 Mo. No. 2017-107
Lincoln Patrick et al.,
 Appellants,
 v.
United Parcel Service, Inc., et al.,
 Respondents,
et al.,
 Defendants.

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

2 Mo. No. 2017-117
The People &c.,
 Respondent,
 v.
Sherwood Robinson,
 Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2017-93
Kathryn L. M. Rundberg et al.,
 Appellants,
 v.
Kathleen M. Rundberg,
 Respondent.

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

3 Mo. No. 2017-102
Matthew J. Ryan,
 Appellant,
et al.,
 Plaintiff,
 v.
Powers & Santola, LLP, et al.,
 Respondents.

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

3 Mo. No. 2017-82
David A. Sager,
Appellant,
v.
County of Sullivan,
Respondent.

Motion for leave to appeal denied.

3 Mo. No. 2017-81
Jennifer Sanders,
Respondent,
v.
Mitchell Sanders,
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.

3 Mo. No. 2017-126
In the Matter of Liang-Houh Shieh, a
Disbarred Attorney.

Motion to vacate this Court's December 8, 2016 dismissal order denied.
Motion for poor person relief dismissed as academic.

Committee on Professional Standards,
Respondent,

Liang-Houh Shieh,
Appellant.

3 Mo. No. 2017-119
In the Matter of Sherian Thornton,
Appellant,
v.
Saugerties Central School District et al.,
Respondents.

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