

May 2, 2017

**CASES**

4                    No. 44  
Susan M. Coffed, as Administrator of the  
Estate of James B. Coffed, Deceased,  
                          Appellant,  
                          v.  
John N. McCarthy et al.,  
                          Respondents.

Order reversed, with costs, and defendants' motion  
for summary judgment denied, in a memorandum.  
Chief Judge DiFiore and Judges Rivera, Stein, Garcia  
and Wilson concur.  
Judge Fahey took no part.

1                    No. 46  
Kyle Connaughton,  
                          Appellant,  
                          v.  
Chipotle Mexican Grill, Inc., et al.,  
                          Respondents.

Order, insofar as appealed from, affirmed, with costs.  
Opinion by Judge Rivera.  
Chief Judge DiFiore and Judges Stein, Fahey and  
Wilson concur.  
Judge Garcia took no part.

2                    No. 48  
The People &c.,  
                          Respondent,  
                          v.  
Everett B. McMillan,  
                          Appellant.

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

2                    No. 43  
The People &c.,  
                          Respondent,  
                          v.  
Omar A. Smalling,  
                          Appellant.

Order reversed and a new trial ordered, in a  
memorandum.  
Chief Judge DiFiore and Judges Rivera, Stein, Fahey,  
Garcia and Wilson concur.

1                    No. 45  
The People &c.,  
    Respondent,  
    v.  
Jose Valentin,  
    Appellant.

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

**MOTIONS**

2 Mo. No. 2017-280  
In the Matter of Ginelle T.A.

Nassau County Department of Social  
Services,  
Respondent;  
Rondale J.,  
Appellant;  
et al.,  
Respondent.

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

3 Mo. No. 2017-175  
In the Matter of Jose Almonte,  
Appellant,

v.  
New York State Board of Parole,  
Respondent.

Motion for leave to appeal denied.

Mo. No. 2017-262  
Susan Aranoff,  
Respondent,  
v.  
Gerald Aranoff,  
Appellant.

Motion for reargument of motion for leave to appeal  
denied.

2 Mo. No. 2017-203  
Jason Bartis, &c., et al.,  
Appellants,  
v.  
Harbor Tech, LLC,  
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.

4 Mo. No. 2017-193  
In the Matter of Kenneth C., Jr., et al.

Onondaga County Department of Children  
and Family Services,  
Respondent;  
Terri C.,  
Appellant.

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

2 Mo. No. 2017-220  
Andrew Cleary,  
Appellant,  
et al.,  
Plaintiff,  
v.  
Automobile Insurance Company of Hartford,  
Connecticut, &c.,  
Respondent,  
et al.,  
Defendant.

Motion for reargument of motion for leave to appeal  
dismissed as untimely (see Rules of Ct of Appeals  
[22 NYCRR] 500.24[b]).

1 Mo. No. 2017-273  
Candida Disla, &c.,  
Appellant,  
v.  
City of New York et al.,  
Respondents,  
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.

3 Mo. No. 2017-188  
In the Matter of Jesse E.,  
Respondent,  
v.  
Lucia F.,  
Appellant.

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

1 Mo. No. 2017-279  
David Eshaghian,  
Appellant,  
v.  
Mahrokh Eshaghian et al.,  
Respondents,  
First American Title Insurance Company,  
Nominal 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.

2 Mo. No. 2017-376  
The People &c.,  
Respondent,  
v.  
William Flanagan,  
Appellant.

Motion for reargument denied.

1 Mo. No. 2017-257  
Keiko Herskovitz,  
Appellant,  
v.  
Michael Herskovitz,  
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.

1 Mo. No. 2017-135  
In the Matter of Shahnawaz Khan,  
Appellant,  
v.  
New York City Health and Hospitals Corp., et al.,  
Respondents.

Motion for leave to appeal denied.

4 Mo. No. 2017-154  
Patricia Karen Killian,  
Appellant,  
v.  
Captain Spicer's Gallery, LLC, 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.

2 Mo. No. 2017-225  
The People &c.,  
Respondent,  
v.  
John Kohout,  
Appellant.

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

2 Mo. No. 2017-145  
In the Matter of Jordan R. (Anonymous),  
Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2017-2  
In the Matter of Luis Rosales,  
Appellant,  
v.  
Donald E. Venetozzi, &c. et al.,  
Respondents.

Motion for leave to appeal denied.

3 Mo. No. 2017-26  
In the Matter of Warren RR., &c.

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

St. Lawrence County Department of Social  
Services,  
Respondent;  
Brittany Q.,  
Respondent;  
Christopher RR.,  
Appellant.

3 Mo. No. 2017-105  
In the Matter of Warren RR., &c.

St. Lawrence County Department of Social  
Services,  
Respondent;  
Brittany Q.,  
Appellant;  
Christopher RR.,  
Respondent.

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

2 Mo. No. 2017-211  
The People &c.,  
Respondent,  
v.  
Gilberto Urrego,  
Appellant.

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

3 SSD 15  
In the Matter of Carlton Walker,  
Appellant,  
v.  
Jonathan Lippman, &c., et al.,  
Respondents.

Appeal dismissed without costs, by the Court sua  
sponte, upon the ground that the order appealed from  
does not finally determine the proceeding within the  
meaning of the Constitution.  
Judge Rivera took no part.

1 Mo. No. 2017-301  
The People &c.,  
Respondent,  
v.  
Ramon Walker,  
Appellant.

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