

November 26, 2013

CASES

3 No. 192
The People &c.,
 Respondent,
 v.
Akiva Daniel Abraham,
 Appellant.

Order affirmed.
Opinion by Chief Judge Lippman.
Judges Graffeo, Read, Smith, Rivera and Abdus-Salaam concur.
Judge Pigott dissents and votes to reverse in an opinion.

1 No. 193
In the Matter of The Council of the City of
New York,
 Respondent,
 v.
The Department of Homeless Services of the
City of New York, et al.,
 Appellants.

Order affirmed, with costs.
Opinion by Judge Graffeo.
Chief Judge Lippman and Judges Read, Smith, Pigott and Rivera concur.
Judge Abdus-Salaam took no part.

1 No. 195
Theresa Devito,
 Appellant,
 v.
Dennis Feliciano et al.,
 Respondents.

Order reversed, with costs, and a new trial ordered.
Opinion by Judge Pigott.
Chief Judge Lippman and Judges Graffeo, Read, Smith and Rivera concur.
Judge Abdus-Salaam took no part.

1 No. 179
Eujoy Realty Corp.,
 Respondent,
 v.
Van Wagner Communications, LLC,
 Appellant.

Judgment appealed from and order of the Appellate Division brought up for review affirmed, with costs.
Opinion by Judge Read.
Chief Judge Lippman and Judges Graffeo, Smith, Pigott and Rivera concur, Judge Smith in a separate opinion in which Judge Pigott concurs.
Judge Abdus-Salaam took no part.

1 No. 189
The People &c.,
 Respondent,
 v.
Malik Howard,
 Appellant.

Order affirmed.
Opinion by Judge Read.
Judges Graffeo, Smith and Pigott concur.
Chief Judge Lippman dissents and votes to reverse in
an opinion in which Judge Rivera concurs.
Judge Abdus-Salaam dissents and votes to reverse in
a separate opinion.

1 No. 238
Linda P. Nash,
 Appellant,
 v.
The Port Authority of New York and New
Jersey,
 Respondent.

Order reversed, with costs, and case remitted to
Supreme Court, New York County, for further
proceedings in accordance with the opinion herein.
Opinion by Judge Pigott.
Judges Read, Smith and Scudder concur.
Judge Graffeo dissents in part in an opinion in which
Judge Peters concurs.
Chief Judge Lippman and Judges Rivera and Abdus-
Salaam took no part.

1 No. 204
The People &c.,
 Respondent,
 v.
Hector Santiago,
 Appellant.

Order reversed and a new trial ordered, in a
memorandum.
Chief Judge Lippman and Judges Graffeo, Read,
Smith, Pigott, Rivera and Abdus-Salaam concur.

4 No. 254 SSM 26
The People &c.,
 Respondent,
 v.
Quentin A. Sims,
 Appellant.

On review of submissions pursuant to section 500.11 of the Rules, appeal dismissed upon the ground that the reversal by the Appellate Division was not "on the law alone or upon the law and such facts which, but for the determination of law, would not have led to reversal" (CPL 450.90[2][a]). Chief Judge Lippman and Judges Graffeo, Read, Smith, Pigott, Rivera and Abdus-Salaam concur.

1 No. 190
The People &c.,
 Respondent,
 v.
Hilbert Stanley,
 Appellant.

Order affirmed.
Opinion by Judge Read.
Judges Graffeo, Smith and Pigott concur.
Chief Judge Lippman dissents and votes to reverse in an opinion in which Judge Rivera concurs.
Judge Abdus-Salaam dissents and votes to reverse in a separate opinion.

1 No. 194
Matter of the State of New York,
 Respondent,
 v.
Nelson D.,
 Appellant.

Order reversed, without costs, and case remitted to Supreme Court, Bronx County, for further proceedings in accordance with the opinion herein.
Opinion by Judge Rivera.
Chief Judge Lippman and Judges Graffeo and Abdus-Salaam concur.
Judge Pigott dissents in an opinion in which Judges Read and Smith concur.

MOTIONS

1 Mo. No. 2013-1026
In the Matter of Mariah A.
et al., &c.

Hugo A.,
Appellant,
The Children's Aid Society,
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 Abdus-Salaam took no part.

2 Mo. No. 2013-1056
Jamile Armijos,
Appellant,
v.
Vrettos Realty Corp.,
Respondent.

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

1 Mo. No. 2013-1065
The People &c.,
Respondent,
v.
Angel Birriel,
Appellant.

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

1 Mo. No. 2013-793
Cantor Fitzgerald Securities,
et al.,
Appellants,
v.
The Port Authority of New York and New Jersey,
Respondent.

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

4 Mo. No. 2013-1047
Conley & Tibbitts Properties, LLC,
Appellant,

v.

Leatherstocking Cooperative Insurance
Company,
Respondent.

Motion for leave to appeal denied.

4 Mo. No. 2013-1041
The People &c. ex rel. William Crenshaw,
Appellant,

v.

Harold Graham, &c.,
Respondent.

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

2 Mo. No. 2013-966
In the Matter of Bernard Ellis,
Respondent,

v.

Lisa Burke,
Appellant.

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.

1 Mo. No. 2013-1001
In the Matter of Stanley S. Lasdon, deceased.

Jeffrey S. Lasdon,
Respondent;
Michael B. Abrams, et al.,
Appellants.

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

3 Mo. No. 2013-1020
In the Matter of Robert Logan,
Appellant,

v.

Brian Fischer, &c.,
Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2013-881
Nella Manko,
 Appellant,
 v,
Lenox Hill Hospital,
 Respondent.

Motion, insofar as it seeks leave to appeal from the March 2013 Appellate Division order, denied; motion, insofar as it seeks leave to appeal from the November 2012 and July 2013 Appellate Division orders, dismissed upon the ground that those 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.

1 Mo. No. 2013-1063
In the Matter of Kristian-Isaiah William M. et
al., &c.

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

Jessenica Terri-Monica B.,
 Appellant,
Jewish Child Care Agency,
 Respondent.

3 Mo. No. 2013-1059
John T. Marchell,
 Appellant,
 v.
Peter N. Littman,
 Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2013-1061
The People &c.,
 Respondent,
 v.
John Rivera,
 Appellant.

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

2 Mo. No. 2013-991
RM 18 Corp., et al.,
Appellants,
v.
Bank of New York Mellon Trust Company,
N.A., et al.,
Respondents.

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

1 Mo. No. 2013-992
Russian American Foundation, Inc., et al.,
Appellants,
v.
Daily News, L.P., et al.,
Respondents.

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

1 Mo. No. 2013-1097
Russian American Foundation, Inc., et al.,
Appellants,
v.
Daily News, L.P., et al.,
Respondents.

Motion by Dr. Maria (Maki) Haberfeld, et al. for leave to file a brief amici curiae on the motion for leave to appeal herein granted and the brief is accepted as filed.

2 Mo. No. 2013-1019
In the Matter of Joseph Sadowski,
Appellant,
v.
John J. Galasso, &c.,
Respondent.

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

1 Mo. No. 2013-1016
In the Matter of Theodore Smith,
Appellant,
v.
The New York City Department of Education,
Respondent.

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

2 Mo. No. 2013-1052

Karen Stephens,
Appellant,

v.

U.S.A. General Contractors Corp., et al.,
Respondents,

et al.,
Defendants.

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

1 Mo. No. 2013-985

In the Matter of Misba Uddin,
Appellant,

v.

New York City Taxi and Limousine
Commission,
Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2013-975

Kristen Rhea Van Liew,
Appellant,

v.

The Heights Management Company, LLC, et
al.,
Respondents.

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

Judge Abdus-Salaam took no part.

2 Mo. No. 2013-987

In the Matter of Orville Wynter,
Appellant,

v.

John Kase, &c., et al.,
Respondents.

Motion for reargument of motion for leave to appeal denied.