

August 28, 2014

CASES

No. 213
Walter R. Beardslee, &c., et al.,
Respondents,
v.
Inflection Energy, LLC, et al.,
Appellants.

Certification of questions by the United States Court of Appeals for the Second Circuit, pursuant to section 500.27 of this Court's Rules of Practice, accepted and the issues presented are to be considered after briefing and argument.
Chief Judge Lippman and Judges Graffeo, Read, Smith, Pigott, Rivera and Abdus-Salaam concur.

1
No. 212 SSM 16
In the Matter of Elaine D. Ward,
Respondent,
v.
City of New York, et al.,
Appellants.

On review of submissions pursuant to section 500.11 of the Rules, order, insofar as appealed from, reversed, with costs, and petition dismissed in its entirety. We cannot say that "the penalty of [revoking petitioner's Master Plumber's license] . . . shocks the judicial conscience" (Matter of Kelly v Safir, 96 NY2d 32, 40 [2001]; see generally Matter of Pell v Board of Educ. of Union Free School Dist. No. 1 of Towns of Scarsdale & Mamaroneck, Westchester County, 34 NY2d 222, 234-235 [1974]).
Chief Judge Lippman and Judges Graffeo, Read, Smith, Pigott, Rivera and Abdus-Salaam concur.

MOTIONS

1 Mo. No. 2014-761
The People &c.,
 Respondent,
 v.
Anthony Barksdale,
 Appellant.

Motion for assignment of counsel granted and Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, NY 10005 assigned as counsel to the appellant on the appeal herein.

 Mo. No. 2014-869
The People &c.,
 Respondent,
 v.
Thomas Barnes,
 Appellant.

Motion for assignment of counsel granted and Seymour James, Jr., Esq., The Legal Aid Society, 199 Water Street, New York, NY 10038 assigned as counsel to the appellant on the appeal herein.

3 Mo. No. 2014-556
Benetech, Inc.,
 Appellant,
 v.
Omni Financial Group, Inc.,
 Respondent.

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

1 Mo. No. 2014-587
In the Matter of Robert Bornstein, &c.,
 Appellant,
 v.
Hon. Robert E. Torres, &c.,
et al.,
 Respondents.

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

4 Mo. No. 2014-560
Rosalie A. Caleb et al.,
 Respondents,
 v.
Sevenson Environmental Services, Inc.,
 Appellant.

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

2 Mo. No. 2014-595
In the Matter of China C. (Anonymous).

Westchester County Department of Social Services,
 Respondent;
Alexis C. (Anonymous),
 Appellant.
(And Other Proceedings.)

Motion for leave to appeal dismissed upon the ground that the order sought to be appealed from does not finally determine the proceedings within the meaning of the Constitution.
Motion for poor person relief dismissed as academic.

1 Mo. No. 2014-685
The People &c.,
 Respondent,
 v.
Walter Cates, Sr.,
 Appellant.

Motion for assignment of counsel granted and Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, NY 10005 assigned as counsel to the appellant on the appeal herein.

3 Mo. No. 2014-750
The People &c.,
 Respondent,
 v.
Karen M. Caza,
 Appellant.

Motion for assignment of counsel granted and Martin J. McGuinness, Esq., P.O. Box 1006, Saratoga Springs, NY 12866 assigned as counsel to the appellant on the appeal herein.

1 Mo. No. 2014-751
The People &c.,
Respondent,
v.
Manuel Colon,
Appellant.

Motion for an extension of the time within which to apply for permission to appeal pursuant to CPL 460.20 granted and motion papers treated as a timely CPL 460.20 application.

2 Mo. No. 2014-566
In the Matter of Bernard Ellis,
Respondent,
v.
Lisa Burke,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2014-844
The People &c.,
Respondent,
v.
Andre English,
Appellant.

Motion for an extension of the time within which to apply for permission to appeal pursuant to CPL 460.20 granted and motion papers treated as a timely CPL 460.20 application.

4 Mo. No. 2014-567
Eric M. Fisher et al.,
Appellants,
v.
Nathaniel C. Hill et al.,
Respondents.

Motion for leave to appeal denied.

4 Mo. No. 2014-553
Susan Gately,
Respondent,
v.
James Gately,
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. 2014-854
The People &c.,
Respondent,
v
John Gibson,
Appellant.

Motion for assignment of counsel granted and John P.M. Wappett, Warren County Public Defender's Office, 1340 State Route 9, Lake George, NY 12845 assigned as counsel to the appellant on the appeal herein.

2 Mo. No. 2014-762
The People &c.,
Respondent,
v.
Ally Golo,
Appellant.

Motion for assignment of counsel granted and Lynn W. L. Fahey, Esq., Appellate Advocates, 2 Rector Street, 10th Floor, New York, NY 10006 assigned as counsel to the appellant on the appeal herein.

2 Mo. No. 2014-758
The People &c.,
Respondent,
v.
Dupree Harris,
Appellant.

Motion for assignment of counsel granted and Lynn W. L. Fahey, Esq., Appellate Advocates, 2 Rector Street, 10th Floor, New York, NY 10006 assigned as counsel to the appellant on the appeal herein.

3 Mo. No. 2014-780
The People &c.,
Respondent,
v.
William Henderson,
Appellant.

Motion for assignment of counsel granted and David Abbatoy, Jr., Esq., c/o The Abbatoy Law Firm, PLLC, 339 East Ave., Rochester, NY 14604 assigned as counsel to the appellant on the appeal herein.

1 Mo. No. 2014-876
The People &c.,
Respondent,
v.
Todd Holley,
Appellant.

Motion for assignment of counsel granted and Seymour James, Jr., Esq., The Legal Aid Society, 199 Water Street, New York, NY 10038 assigned as counsel to the appellant on the appeal herein.

1 Mo. No. 2014-532
Honeymoon Diamonds,
Appellant,
v.
International Jewelers Underwriters Agency
Ltd., et al.,
Respondents.

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

1 Mo. No. 2014-648
The People &c.,
Respondent,
v.
Daniel Israel,
Appellant.

Motion for assignment of counsel granted and Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, NY 10005 assigned as counsel to the appellant on the appeal herein.

1 Mo. No. 2014-849
The People &c.,
Respondent,
v.
Anthony Jones,
Appellant.

Motion for assignment of counsel granted and Seymour James, Jr., Esq., The Legal Aid Society, 199 Water Street, New York, NY 10038 assigned as counsel to the appellant on the appeal herein.

4 Mo. No. 2014-651
The People &c.,
Appellant-Respondent,
v.
Stanley R. Kims, II,
Respondent-Appellant.

Motion for assignment of counsel granted and Mark C. Davison, Esq. c/o Davison Law Office, 61 North Main Street, Suite C, PO Box 652, Canandaigua, NY 14424 assigned as counsel to the respondent-appellant on the appeal herein.

2 Mo. No. 2014-701
The People &c.,
Respondent,
v.
Urselina King,
Appellant.

Motion for assignment of counsel granted and Lynn W. L. Fahey, Esq., Appellate Advocates, 2 Rector Street, 10th Floor, New York, NY 10006 assigned as counsel to the appellant on the appeal herein.

4 Mo. No. 2014-772
The People &c.,
Respondent,
v.
Salvatore Letizia,
Appellant.

Motion for an extension of the time within which to apply for permission to appeal pursuant to CPL 460.20 dismissed upon the ground that no application for leave to appeal pursuant to CPL 460.20 will lie from an order of a single Justice of the Appellate Division denying leave to appeal to that court pursuant to CPL 460.15.

2 Mo. No. 2014-841
The People &c.,
Appellant,
v.
Collin F. Lloyd-Douglas,
Respondent.

Motion by District Attorneys Association of the State of New York for leave to appear amicus curiae on the appeals herein granted only to the extent that the proposed brief is accepted as filed. Three copies of the brief must be served and an original and nine copies filed within seven days.

The People &c.,
Appellant,
v.
Eugene Polhill,
Respondent.

The People &c.,
Appellant,
v.
Jermaine Dunbar,
Respondent.

1 Mo. No. 2014-739
The People &c.,
Respondent,
v.
Cleveland Lovett,
Appellant.

Motion for assignment of counsel granted and Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Suite 1601, New York, NY 10007 assigned as counsel to the appellant on the appeal herein.

4 Mo. No. 2014-891
The People &c.,
Respondent,
v.
Fabrice Lowe,
Appellant.

Motion for assignment of counsel granted and Philip Rothschild, Esq., Hiscock Legal Aid Society, 351 South Warren Street, Syracuse, New York, NY 13202 is assigned as counsel to the appellant on the appeal herein.

4 Mo. No. 2014-763
The People &c.,
Appellant,
v.
Terrance L. Mack,
Respondent.

Motion for assignment of counsel granted and Timothy P. Donaher, Esq., Monroe County Public Defender, 10 N. Fitzhugh Street, Rochester, NY 14614 assigned as counsel to the respondent on the appeal herein.

Mo. No. 2014-883
The People &c.,
Respondent,
v.
Kaity Marshall,
Appellant.

Motion for assignment of counsel granted and Seymour James, Jr., Esq., The Legal Aid Society, 199 Water Street, New York, NY 10038 assigned as counsel to the appellant on the appeal herein.

2 Mo. No. 2014-716
The People &c.,
Respondent,
v.
Jorge Mercado,
Appellant.

Motion for an extension of the time within which to apply for permission to appeal pursuant to CPL 460.20 granted and motion papers treated as a timely CPL 460.20 application.

4 Mo. No. 2014-702
The People &c.,
Respondent,
v.
William Middlebrooks,
Appellant.

Motion for assignment of counsel granted and David C. Schopp, Esq., The Legal Aid Bureau of Buffalo, Inc., 237 Main Street, Suite 1602, Buffalo, NY 14203 assigned as counsel to the appellant on the appeal herein.

Mo. No. 2014-666

The People &c.,
Respondent,
v.
Kenneth Moore,
Appellant.

Motion for assignment of counsel granted and Seymour James, Jr., Esq., The Legal Aid Society, 199 Water Street, New York, NY 10038 assigned as counsel to the appellant on the appeal herein.

Mo. No. 2014-798

Motorola Credit Corporation,
Appellant-Respondent,
Nokia Corporation,
Plaintiff-Counter-
Defendant,
Motorola, Inc., et al.,
Counter Defendants.

Motion by Institute of International Bankers, et al. for leave to appear amici curiae on consideration of the certified questions herein granted only to the extent that the proposed brief is accepted as filed. Three copies of the brief must be served and an original and nine copies filed within seven days.

v.

Standard Chartered Bank,
Respondent-Appellant,
Murat Hakan Uzan, et al.,
Defendants-Counter-
Claimants,
Kemal Uzan, et al.,
Defendants.

Mo. No. 2014-810

Motorola Credit Corporation,
Appellant-Respondent,
Nokia Corporation,
Plaintiff-Counter-
Defendant,
Motorola, Inc., et al.,
Counter Defendants.

Motion by Government of the United Kingdom of Great Britain and Northern Ireland for leave to file a brief amicus curiae on consideration of the certified questions herein granted and the proposed brief is accepted as filed. Three copies of the brief must be served and an original and nine copies filed within seven days.

v.

Standard Chartered Bank,
Respondent-Appellant,
Murat Hakan Uzan, et al.,
Defendants-Counter-
Claimants,
Kemal Uzan, et al.,
Defendants.

Mo. No. 2014-812

Motorola Credit Corporation,
Appellant-Respondent,
Nokia Corporation,
Plaintiff-Counter-
Defendant,
Motorola, Inc., et al.,
Counter Defendants.

v.

Standard Chartered Bank,
Respondent-Appellant,
Murat Hakan Uzan, et al.,
Defendants-Counter-
Claimants,
Kemal Uzan, et al.,
Defendants.

Motion by Central Bank of Jordan for leave to file a brief amicus curiae on consideration of the certified questions herein granted and the proposed brief is accepted as filed. Three copies of the brief must be served and an original and nine copies filed within seven days.

Mo. No. 2014-813

Motorola Credit Corporation,
Appellant-Respondent,
Nokia Corporation,
Plaintiff-Counter-
Defendant,
Motorola, Inc., et al.,
Counter Defendants.

v.

Standard Chartered Bank,
Respondent-Appellant,
Murat Hakan Uzan, et al.,
Defendants-Counter-
Claimants,
Kemal Uzan, et al.,
Defendants.

Motion by Committee on Banking Law of the Association of the Bar of the City of New York for leave to file a brief amicus curiae on consideration of the certified questions herein granted and the proposed brief is accepted as filed.

Mo. No. 2014-814
Motorola Credit Corporation,
Appellant-Respondent,
Nokia Corporation,
Plaintiff-Counter-
Defendant,
Motorola, Inc., et al.,
Counter Defendants.

v.
Standard Chartered Bank,
Respondent-Appellant,
Murat Hakan Uzan, et al.,
Defendants-Counter-
Claimants,
Kemal Uzan, et al.,
Defendants.

2 Mo. No. 2014-811
In the Matter of Town of North Hempstead,
Appellant-Respondent,
v.
County of Nassau,
Respondent-Appellant.

2 Mo. No. 2014-872
In the Matter of Town of North Hempstead,
Appellant-Respondent,
v.
County of Nassau,
Respondent-Appellant.

3 Mo. No. 2014-781
In the Matter of Noel Olmosperez,
Appellant,
v.
Andrea W. Evans, &c.,
Respondent.

Motion by Securities Industry and Financial Markets Association for leave to appear amicus curiae on consideration of the certified questions herein granted only to the extent that the proposed brief is accepted as filed. Three copies of the brief must be served and an original and nine copies filed within seven days.

Motion by Association of Towns of the State of New York for leave to file a brief amicus curiae on the appeal herein granted and the proposed brief is accepted as filed.

Motion by Town of Huntington for leave to file a brief amicus curiae on the appeal herein granted and the proposed brief is accepted as filed. Three copies of the brief must be served and an original and nine copies filed within seven days.

Motion for poor person relief granted.

1 Mo. No. 2014-754
The People &c.,
Respondent,
v.
Clifford Jones,
Appellant.

Motion by Innocence Project for leave to file a brief amicus curiae on the appeal herein granted and the proposed brief is accepted as filed.

3 Mo. No. 2014-698
The People &c.,
Respondent,
v.
Anthony N. Pacherille,
Appellant.

Motion to vacate this Court's June 17, 2014 preclusion order granted.

1 Mo. No. 2014-644
The People &c.,
Respondent,
v.
Dean Pacquette,
Appellant.

Motion for assignment of counsel granted and Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, NY 10005 assigned as counsel to the appellant on the appeal herein.

2 Mo. No. 2014-803
The People &c.,
Respondent,
v.
Jin Cheng Lin,
Appellant.

Motion for assignment of counsel granted and Lynn W. L. Fahey, Esq., Appellate Advocates, 2 Rector Street, 10th Floor, New York, NY 10006 assigned as counsel to the appellant on the appeal herein.

4 Mo. No. 2014-592
The People &c. ex rel. Leroy Peoples,
Appellant,
v.
New York State Department of Correctional
Services,
Respondent.

Motion for leave to appeal denied.

3 Mo. No. 2014-634
In the Matter of Lori QQ.,
 Appellant,
 v.
Jason OO.,
 Respondent.
(And Another Proceeding.)

Motion for leave to appeal denied.

2 Mo. No. 2014-564
In the Matter of Samantha R. (Anonymous).

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

Suffolk County Department of Social
Services,
 Respondent;
Laurie R. (Anonymous),
 Appellant.

4 Mo. No. 2014-558
In the Matter of Frank Russell,
 Appellant,
 v.
Brian Fischer, &c.,
 Respondent.

Motion for leave to appeal denied.

4 Mo. No. 2014-618
The People &c. ex rel. Kester Sandy,
 Appellant,
 v.
Harold D. Graham, &c.,
 Respondent.

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

 Mo. No. 2014-770
The People &c.,
 Respondent,
 v.
Michael Sans,
 Appellant.

Motion for assignment of counsel granted and
Seymour James, Jr., Esq., The Legal Aid Society,
199 Water Street, New York, NY 10038 assigned as
counsel to the appellant on the appeal herein.

3 Mo. No. 2014-572
Sportsfield Specialties, Inc.,
Appellant,
v.
Twin City Fire Insurance Company et al.,
Respondents.

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

2 Mo. No. 2014-795
The People &c.,
Respondent,
v.
Michael Washington,
Appellant.

Motion for an extension of the time within which to apply for permission to appeal pursuant to CPL 460.20 granted and motion papers treated as a timely CPL 460.20 application.

4 Mo. No. 2014-725
The People &c.,
Respondent,
v.
Cedric J. Williams,
Appellant.

Motion for an extension of the time within which to apply for permission to appeal pursuant to CPL 460.20 granted and motion papers treated as a timely CPL 460.20 application.