

November 18, 2014

CASES

1 No. 200
Branic International Realty Corp.,
 Appellant,
 v.
Phillip Pitt, &c.,
 Respondent,
"John Doe," et al.,
 Respondents.

Order reversed, without costs, matter remitted to the Appellate Division, First Department, with directions to dismiss the petition solely on the ground of mootness and certified question not answered as unnecessary, in a memorandum. Chief Judge Lippman and Judges Graffeo, Read, Smith, Pigott and Rivera concur. Judge Abdus-Salaam took no part.

2 No. 190
In the Matter of Catherine A. Gorman,
 Appellant,
 v.
Kathleen M. Rice, &c.,
 Respondent,
et al.,
 Respondent.

Order affirmed, without costs, in a memorandum. Chief Judge Lippman and Judges Graffeo, Read, Smith, Pigott, Rivera and Abdus-Salaam concur.

 No. 193
The People &c.,
 Respondent,
 v.
Howard Grubstein,
 Appellant.

Order reversed and case remitted to the Appellate Term, Ninth and Tenth Judicial Districts, for consideration of issues raised but not determined on the appeal to that court. Opinion by Judge Smith. Chief Judge Lippman and Judges Graffeo, Read, Pigott, Rivera and Abdus-Salaam concur.

1 No. 194
The People &c.,
 Respondent,
 v.
Derrick Hill,
 Appellant.

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

3 No. 202
In the Matter of Maetream of Cybele, Magna
Mater, Inc.,
 Respondent,
 v.
Nancy McCoy, &c., et al.,
 Appellants.
(And Two Other Related Proceedings.)

Order affirmed, with costs, in a memorandum.
Chief Judge Lippman and Judges Graffeo, Read,
Smith, Pigott, Rivera and Abdus-Salaam concur.

4 No. 201
In the Matter of Merry-Go-Round Playhouse,
Inc.,
 Respondent,
 v.
Assessor of City of Auburn, et al.,
 Appellants.

Order affirmed, with costs.
Opinion by Chief Judge Lippman.
Judges Graffeo, Read, Smith, Pigott, Rivera and
Abdus-Salaam concur.

2 No. 195
Elissa Motelson, &c., et al.,
 Appellants,
 v.
Ford Motor Company, et al.,
 Respondents.
(And Another Action.)

Order affirmed, with costs, in a memorandum.
Chief Judge Lippman and Judges Graffeo, Read,
Smith, Pigott, Rivera and Abdus-Salaam concur.

MOTIONS

2 Mo. No. 2014-1058
The People &c.,
 Respondent,
 v.
Assad Cedeno,
 Appellant.

Motion for assignment of counsel granted and Lynn W. L. Fahey, Esq., Appellate Advocates, 111 John Street, 9th Floor, New York, NY 10038 assigned as counsel to the appellant on the appeal herein.

1 Mo. No. 2014-1069
The People &c.,
 Respondent,
 v.
Anthony Crawford,
 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 SSD 74
Linda Dauria, et al.,
 Appellants,
 v.
Castlepoint Insurance Company, et al.,
 Defendants,
Frank Campo,
 Respondent.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that the order appealed from does not finally determine the action within the meaning of the Constitution.

4 Mo. No. 2014-949
In the Matter of Andrew M. Delong,
 Respondent,
 v.
Frances A. Bristol,
 Appellant.

Motion for leave to appeal denied.

Mo. No. 2014-1047
The People &c.,
Respondent,
v.
Zachary T. Guerin,
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. 2014-1096
The People &c.,
Respondent,
v.
Sean John,
Appellant.

Motion for assignment of counsel granted and Lynn W. L. Fahey, Esq., Appellate Advocates, 111 John Street, 9th Floor, New York, NY 10038 assigned as counsel to the appellant on the appeal herein.

3 Mo. No. 2014-951
In the Matter of Jorge L. Linares,
Appellant,
v.
Brian Fischer, &c.,
Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2014-1033
The People &c.,
Respondent,
v.
Lynden Lobban,
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.

1 Mo. No. 2014-1098
In the Matter of Edwin Lopez,
Respondent,
v.
Andrea Evans, &c.,
Appellant.

Motion by The Fortune Society 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.

2 SSD 73
Nella Manko,
 Appellant,
 v.
Lenox Hill Hospital,
 Respondent.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that it does not lie (see NY Const, art VI, § 3[b]; CPLR 5601).

1 Mo. No. 2014-1091
The People &c.,
 Respondent,
 v.
Jeffrey Mercado,
 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. 2014-962
In the Matter of Noel Olmosperez,
 Appellant,
 v.
Andrea W. Evans, &c.,
 Respondent.

Motion to expand the record denied.

3 Mo. No. 2014-1045
The People &c.,
 Respondent,
 v.
Anthony V. Pavone,
 Appellant.

Motion for assignment of counsel granted and Paul J. Connolly, c/o Law Office of Paul J. Connolly, Esq., 2 Wedge Road, Delmar, NY 12054 assigned as counsel to the appellant on the appeal herein.

 Mo. No. 2014-1097
The People &c.,
 Respondent,
 v.
Matthew P.,
 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. 2014-1115
The People &c.,
 Respondent,
 v.
Ronald D. Rossborough,
 Appellant.

Motion for assignment of counsel granted and Christine Seppeler, c/o Law Office of Christine Seppeler, 144 Exchange Blvd., Suite 402, Rochester, NY 14614, assigned as counsel to the appellant on the appeal herein.

1 Mo. No. 2014-1123
The People &c.,
 Respondent,
 v.
Julian Silva,
 Appellant.

Motion by Thomas P. Theophilos for leave to file a brief amicus curiae on the appeals herein dismissed as untimely (see Rules of Ct of Appeals [22 NYCRR] § 500.23[a][1][iii]).
Judge Abdus-Salaam took no part.

The People &c.,
 Respondent,
 v.
Pamela Hanson,
 Appellant.

2 Mo. No. 2014-986
In the Matter of Richard Weinberger,
 Respondent,
 v.
Terri Monroe,
 Appellant.

Motion for leave to appeal denied.

 Mo. No. 2014-1057
The People &c.,
 Respondent,
 v.
Omar White,
 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.