

October 21, 2014

**CASES**

1                    No. 158  
The People &c.,  
    Respondent,  
    v.  
Andrew Blake,  
    Appellant.

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

4                    No. 145  
Robert Davis, et al.,  
    Appellants,  
    v.  
James Boenheim, et al.,  
    Respondents.

Order reversed, with costs, and defendants' motion to  
dismiss the complaint denied.  
Opinion by Judge Rivera.  
Chief Judge Lippman and Judges Graffeo, Read,  
Smith and Abdus-Salaam concur.  
Judge Pigott took no part.

4                    No. 165  
John W. Grace,  
    Respondent,  
    v.  
Michael R. Law, et al.,  
    Appellants.

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

                    No. 163  
The People &c.,  
    Respondent,  
    v.  
Thomas Horton,  
    Appellant.

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

3                    No. 161  
The People &c.,  
    Respondent,  
    v.  
William O'Daniel,  
    Appellant.

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

3                    No. 154  
The People &c.,  
    Respondent,  
    v.  
Samuel McLean,  
    Appellant.

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

1                    No. 153  
Joseph W. Powers, &c.,  
    Appellant,  
    v.  
31 E 31 LLC, et al.,  
    Respondents.

Order reversed, with costs, and case remitted to the  
Appellate Division, First Department, for  
consideration of issues raised but not determined on  
the appeal to that court.  
Opinion by Judge Graffeo.  
Chief Judge Lippman and Judges Smith, Pigott,  
Rivera and Abdus-Salaam concur.  
Judge Read dissents and votes to affirm for the  
reasons stated in the memorandum of the Appellate  
Division (105 AD3d 657 [2013]).

2                    No. 168  
In the Matter of Eric Smith,  
    Respondent,  
    v.  
Richard A. Brown,  
    Appellant,  
Kenneth Holder, &c, et al.,  
    Respondents.

Order reversed, without costs, and petition dismissed,  
in a memorandum.  
Judges Graffeo, Read, Smith, Pigott, Rivera and  
Abdus-Salaam concur.  
Chief Judge Lippman concurs in result in an opinion.

## MOTIONS

2                    Mo. No. 2014-893  
Jacob Agai,  
    Appellant,  
    v.  
Liberty Mutual Agency Corporation, &c., et  
al.,  
    Respondents,  
et al.,  
    Defendants.

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

1                    SSD 62  
Hassan O.G. Alamin,  
    Appellant,  
    v.  
Shake Uddin, et al.,  
    Respondents.

Appeal, insofar as taken from the January 2014 Appellate Division order, dismissed without costs, by the Court sua sponte, upon the ground that it is untimely (see CPLR 5513[a]); appeal, insofar as taken from the May 2014 Appellate Division order, 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.

2                    Mo. No. 2014-865  
In the Matter of Robert Butler et al.,  
                  Appellants,  
          v.  
City of Rye Planning Commission, et al.,  
                  Respondents.

Motion, insofar as it seeks leave to appeal from the February 2014 Appellate Division order, dismissed upon the ground that it does not lie, appellants having previously moved in the Court of Appeals for leave to appeal (23 NY3d 984 [2014]) from the same Appellate Division order from which they currently seek leave to appeal (see Selinger v Selinger, 90 NY2d 842 [1997]); motion, insofar as it seeks leave to appeal from the May 2014 Supreme Court judgment, dismissed upon the ground that no motion for leave to appeal lies therefrom (see CPLR 5602; Jajoute v New York City Health & Hosps. Corp., 92 NY2d 941 [1998]).  
Judge Rivera took no part.

1                    Mo. No. 2014-689  
CashZone Check Cashing Corp., et al.,  
                  Respondents,  
          v.  
Vigilant Insurance Company,  
                  Appellant,  
et al.,  
                  Defendant.

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

1                    Mo. No. 2014-721  
Certain Underwriters at Lloyd's London &c.,  
                  Respondent,  
          v.  
Lacher & Lovell-Taylor, P.C.,  
et al.,  
                  Appellants.

Motion for leave to appeal denied.

2                    Mo. No. 2014-851  
In the Matter of Antonio Cole,  
                          Appellant,  
                          v.  
Nicholas DeRosa,  
                          Respondent.

Motion to vacate this Court's July 15, 2014 dismissal order granted.  
On the Court's own motion, appeal dismissed, without costs, upon the ground that no substantial constitutional question is directly involved.

3                    Mo. No. 2014-903  
In the Matter of the Foreclosure of Tax Liens  
by County of Ulster.  
  
County of Ulster,  
                          Appellant;  
Ered Enterprises, Inc.,  
                          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. 2014-894  
Morgan Delijani,  
                          Respondent,  
                          v.  
Parham Delijani,  
                          Defendant;  
Sean Sabeti,  
                          Nonparty-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.

1                    Mo. No. 2014-880  
In the Matter of Alicia Echevarria,  
                          Appellant,  
                          v.  
Matthew M. Wambua, &c., et al.,  
                          Respondents.

Motion for leave to appeal granted.

2                    Mo. No. 2014-691  
Kevin Glassman &c.,  
    Respondent,  
    v.  
ProHealth Ambulatory Surgery Center, Inc. et  
al.,  
    Appellants.

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

2                    Mo. No. 2014-884  
International Shoppes, Inc., et al.,  
    Respondents,  
    v.  
Arleigh Spencer,  
    Appellant.

Motion for leave to appeal dismissed upon the ground that it does not lie (see CPLR 5602).

1                    Mo. No. 2014-882  
Bianca Langer, et al.,  
    Appellants,  
    v.  
116 Lexington Avenue, Inc., et al.,  
    Respondents.

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

4                    Mo. No. 2014-878  
Michael A. Lawler,  
    Respondent,  
    v.  
KST Holdings Corporation, et al.,  
    Defendants,  
Kevin S. Taillie,  
    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.

2                    Mo. No. 2014-920  
In the Matter of David M. (Anonymous).

Westchester County Department of Social  
Services,  
    Respondent;  
Sonia M.-C. (Anonymous) et al.,  
    Appellants.

Motions for leave to appeal denied.  
Motions for poor person relief dismissed as  
academic.  
Motion by Willie H. for a stay dismissed as  
academic.

3                    Mo. No. 2014-902  
In the Matter of Guy McQueen,

    Appellant,  
    v.  
New York State Board of Parole,  
    Respondent.

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

1                    Mo. No. 2014-868  
In the Matter of Dorothy K. Mendelson,  
Deceased.

Jonathan Mendelson,  
    Appellant,  
    v.  
William A. Kass, et al.,  
    Respondents.  
(And Another Proceeding.)

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

3                    Mo. No. 2014-896  
In the Matter of Jacqueline F. Mineo,  
    Appellant,

    v.  
New York State Police, et al.,  
    Respondents.

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

3                    Mo. No. 2014-901  
In the Matter of Hernando Moody, Deceased,  
                          Respondent,  
                          v.  
Quality Structures, Inc. et al.,  
                          Appellants.  
Workers' Compensation Board,  
                          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.

1                    Mo. No. 2014-898  
National Union Fire Insurance Company of  
Pittsburgh Pennsylvania, et al.,  
                          Appellants,  
et al.,  
                          Plaintiffs,  
                          v.  
TransCanada Energy USA, Inc.,  
et al.,  
                          Respondents.  
(And Another Action.)

Motion for leave to appeal dismissed upon the ground that the order sought to be appealed from does not finally determine the actions within the meaning of the Constitution.  
Chief Judge Lippman took no part.

1                    Mo. No. 2014-950  
National Union Fire Insurance Company of  
Pittsburgh Pennsylvania, et al.,  
                          Appellants,  
et al.,  
                          Plaintiffs,  
                          v.  
TransCanada Energy USA, Inc.,  
et al.,  
                          Respondents.  
(And Another Action.)

Motion to vacate stay and for other relief denied.  
Chief Judge Lippman took no part.



2                    Mo. No. 2014-885  
In the Matter of Sinclair P. (Anonymous).

Administration for Children's Services,  
Respondent;  
Arthur P. (Anonymous),  
Appellant.

Motion for leave to appeal denied.

2                    Mo. No. 2014-875  
Gerard Perruzza,  
Appellant,  
v.  
L & M Creations of New York, et al.,  
Respondents.  
(And a Third-Party Action.)

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

2                    Mo. No. 2014-889  
Ioannis Pipinias,  
Respondent,  
v.  
J. Sackaris & Sons, Inc.,  
Defendant,  
Lawrence Mirro,  
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.

4                    Mo. No. 2014-755  
In the Matter of Sangertown Square, L.L.C.,  
Respondent,  
v.  
Assessor of Town of New Hartford, et al.,  
Appellants.

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

4                    Mo. No. 2014-843  
In the Matter of Eighth Judicial District  
Asbestos Litigation.

Joann H. Suttner, &c.,  
Respondent,

v.

A.W. Chesterton Company, et al.,  
Defendants,  
Crane Co.,  
Appellant.

Motion for leave to appeal granted.

3                    Mo. No. 2014-937  
The People &c. ex rel. Robert Tumminia,  
Appellant,

v.

Patrick Griffin, &c.,  
Respondent.

Motion for leave to appeal denied.

2                    Mo. No. 2014-900  
Utica First Insurance Company,  
Respondent,

v.

Mumpus Restorations, Inc.,  
Defendant,  
Albert Guilbe Montalvo,  
Appellant.

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

2                    SSD 71  
In the Matter of R. Rodney Washington, a  
Suspended Attorney,  
Appellant.

Appeal dismissed without costs, by the Court sua  
sponte, upon the ground that no substantial  
constitutional question is directly involved.

2                    Mo. No. 2014-740  
In the Matter of Martin Wiley,  
    Petitioner,  
    v.  
Epiphanie Musabyemariya,  
    Respondent.

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In the Matter of Epiphanie Musabyemariya,  
    Respondent,  
    v.  
Martin Wiley,  
    Appellant.

Motion for leave to appeal denied.

2                    Mo. No. 2014-852  
The People &c.,  
    Respondent,  
    v.  
Christopher Wortham,  
    Appellant.

Motion for leave to appeal denied.