

May 05, 2015

CASES

4 No. 65
The People &c.,
 Respondent,
 v.
Pernell A. Flanders,
 Appellant.

Order affirmed, in a memorandum.
Chief Judge Lippman and Judges Read, Pigott,
Rivera, Abdus-Salaam and Stein concur.
Judge Fahey took no part.

4 No. 63
The People &c.,
 Respondent,
 v.
Clifford Graham,
 Appellant.

Order affirmed, in a memorandum.
Chief Judge Lippman and Judges Read, Pigott,
Rivera, Abdus-Salaam and Stein concur.
Judge Fahey took no part.

2 No. 30
In the Matter of Trenasia J. (Anonymous).

Administration for Children's Services,
 Respondent;
Frank J. (Anonymous),
 Appellant.
(And Three Other Proceedings.)

Order affirmed, without costs, in a memorandum.
Judges Read, Pigott, Abdus-Salaam and Fahey
concur.
Judge Rivera dissents in part in an opinion in which
Chief Judge Lippman and Judge Stein concur.

2 No. 48
In the Matter of Natural Resources Defense
Council, Inc., et al.,
 Appellants,
 v.
New York State Department of
Environmental Conservation,
 Respondent.

Order, insofar as appealed from, affirmed, with costs.
Opinion by Judge Read.
Judges Pigott, Abdus-Salaam and Stein concur.
Judge Rivera dissents in part in an opinion in which
Chief Judge Lippman and Judge Fahey concur.

1 No. 20
The People &c.,
 Appellant,
 v.
David Rivera,
 Respondent.

Order affirmed.
Opinion by Judge Pigott.
Chief Judge Lippman and Judges Read, Rivera, Stein
and Fahey concur.
Judge Abdus-Salaam took no part.

MOTIONS

4 Mo. No. 2015-206
In the Matter of Amiyn A., &c.,
 Appellant,
 v.
State of New York, et al.,
 Respondents.

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

1 Mo. No. 2015-189
In the Matter of American Country Insurance
Company,
 Appellant,
 v.
Jennifer Mariany,
 Respondent.

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

2 Mo. No. 2015-411
Aurora Loan Services, LLC,
 Respondent,
 v.
Monique Taylor, &c., et al.,
 Appellants,
et al.,
 Defendants.

Motion by MERSCORP Holdings, Inc. et al. for
leave to appear amici curiae on the appeal 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.

2 Mo. No. 2015-266
The People &c.,
 Respondent,
 v.
Anthony Beers,
 Appellant.

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

1 Mo. No. 2015-299

James Brady,
Appellant,
v.
Jeffrey Katz, et al.,
Respondents.

James Brady,
Appellant,
v.
450 West 31st Street Owner's Corp., 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 actions within the meaning of the Constitution.
Motion for a stay dismissed as academic.

2 Mo. No. 2015-378
In the Matter of Chanel C. (Anonymous).

Heart Share Human Services of New York,
Roman Catholic Diocese of Brooklyn,
Respondent;
Vanessa N. (Anonymous),
Appellant.
(And Another Proceeding.)

Motion for leave to appeal denied.

4 Mo. No. 2015-429

The People &c.,
Respondent,
v.
Leroy Carver,
Appellant.

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 appellant on the appeal herein.
Judge Fahey took no part.

3 Mo. No. 2015-348
In the Matter of Devon EE., &c.

Schenectady County Department of Social
Services,
 Respondent;
Evelyn EE.,
 Appellant.
(And Another Proceeding.)

Motion for leave to appeal denied.

2 Mo. No. 2015-178
In the Matter of Philip J. Elenidis, deceased.

Yolande Elenidis,
 Petitioner;
Joseph H. Gruner, et al.,
 Nonparty-Appellants;
Gerard Esposito & Company, Inc. et al.,
 Nonparty-Respondents.

Motion for leave to appeal denied.

2 Mo. No. 2015-446
Emigrant Savings Bank - Brooklyn/Queens,
&c.,

 Respondent,
v.
Bonifacio Makinano,
 Appellant,
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.
Motion for a stay dismissed as academic.

4 Mo. No. 2015-168
In the Matter of the Foreclosure of Tax Liens
by County of Genesee.

County of Genesee,
Appellant,
v.
Timothy D. Butlak,
Respondent.

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

4 Mo. No. 2015-313
In the Matter of the Foreclosure of Tax Liens
by the County of Genesee.

County of Genesee,
Appellant;
Richard Spicola,
Respondent.
Bank of Akron,
Interested Party-Respondent.

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

4 Mo. No. 2015-292
Ryan M. Forrestel,
Respondent,

v.
Marguerita M. Forrestel,
Appellant.

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

1 Mo. No. 2015-213
In the Matter of Lourdes G.,
Respondent,

v.
Julio P.,
Appellant.

Motion for reargument of motion for leave to appeal
denied.
Judges Stein and Fahey took no part.

2 Mo. No. 2015-335
In the Matter of Kevina G.

Administration for Children's Services et al.,
 Respondents;
Kevin C.,
 Appellant;
et al.,
 Respondent.

1 SSD 16
Mark Robert Gordon,
 Appellant,
 v.
Chubb Group of Insurance Company, et al.,
 Respondents.

1 Mo. No. 2015-397
Greater New York Taxi Association, et al.,
 Appellants,
 v.
New York City Taxi and Limousine
Commission, &c., et al.,
 Respondents,
Nissan Taxi Marketing, N.A., LLC., et al.,
 Intervenors-Respondents.

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

Appeal, insofar as taken from the November 2014 Appellate Division order, dismissed, without costs, by the Court sua sponte, upon the ground that such order does not finally determine the action within the meaning of the Constitution; appeal, insofar as taken from the February 2014 Appellate Division order, dismissed, without costs, by the Court sua sponte, upon the ground that no substantial constitutional question is directly involved.

Motion by Design Trust for Public Space et al. for leave to file a brief amici 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 Mo. No. 2015-215
Green Tree Credit, LLC, &c.,
 Respondent,
 v.
Godfrey Jelks, &c.,
 Appellant,
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. 2015-174
Matthew Hathaway,
 Appellant,
 v.
Brian Eastman et al.,
 Respondents,
et al.,
 Defendant.

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

2 Mo. No. 2015-432
The People &c.,
 Respondent,
 v.
Steven Henderson,
 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 SSD 17
In the Matter of Terri A. Jablonski,
 Appellant.
Commissioner of Labor,
 Respondent.

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

4 Mo. No. 2015-308
The People &c. ex rel. Tommy Jackson,
 Appellant,
 v.
New York State Department of Corrections
and Community Supervision,
 Respondent.

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

1 Mo. No. 2015-485
The People &c.,
 Respondent,
 v.
Marcellus Johnson,
 Appellant.

Motion for assignment of counsel granted and
Stanley Neustadter, c/o Cardozo Law School
Appeals Clinic, 55 Fifth Avenue, 11th Floor, New
York, NY 10003 assigned as counsel to the appellant
on the appeal herein.

3 Mo. No. 2015-225
In the Matter of Erika Kwasnik,
 Respondent,
 v.
John B. King, &c., et al.,
 Respondents,
Board of Education of the Norwich City
School District, et al.,
 Appellants.

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.

3 Mo. No. 2015-274
In the Matter of Aniya L.
et al., &c.

Albany County Department for Children,
Youth and Families,
 Respondent;
Samantha L.,
 Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2015-440
The People &c.,
Respondent,
v.
Corey A. Latimer,
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 SSD 15
In the Matter of Irene Leung,
Appellant,
v.
New York City Department of Buildings, et al.,
Respondents.

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

1 Mo. No. 2015-307
In the Matter of Manuel John M.,
Respondent,
v.
Lisa Rossi M.,
Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2015-435
The People &c.,
Respondent,
v.
Tyrone D. Manor,
Appellant.

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 appellant on the appeal herein.
Judge Fahey took no part.

2 Mo. No. 2015-467
The People &c.,
Respondent,
v.
Joel Nelson,
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. 2015-420
In the Matter of New York City Asbestos
Litigation.

Doris Kay Dummitt, Individually and as
Executrix of the Estate of Ronald Dummitt,
Deceased,

Respondent,

v.

A.W. Chesterton, et al.,
Defendants,

Crane Co.,

Appellant.

4 Mo. No. 2015-414

The People &c.,
Respondent,

v.

Anthony Parson, Jr.,
Appellant.

1 Mo. No. 2015-476
In the Matter of Patrolmen's Benevolent
Association of the City of New York, Inc.,
&c., et al.,

Appellants,

v.

City of New York, et al.,
Respondents.

Motion by Retired Enlisted Association et al. for
leave to file a brief amici curiae on the appeal herein
granted and the proposed brief is accepted as filed.

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.

Judge Fahey took no part.

Motion by Harry Nespoli, as Chair and on behalf of
the New York City Municipal Labor Committee, for
leave to appear amicus curiae on the appeal 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.

1 Mo. No. 2015-38
In the Matter of Ronald O. Perelman, &c.

Ronald O. Perelman,
Appellant,
v.
James Cohen, et al.,
Respondents.

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

3 Mo. No. 2015-200

Jarrold Perez,
Appellant,
v.
Lenore Fleischer, et al., &c.,
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.
Judge Stein took no part.

2 Mo. No. 2015-329

Adam Plotch,
Appellant,
v.
Citibank, N.A.,
Respondent.

Motion for leave to appeal granted.

4 Mo. No. 2015-408

Jennifer L. Rech,
Respondent,
v.
Michael B. Rech,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2015-456

The People &c.,
Respondent,
v.
Baasil Reynolds,
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.

2 Mo. No. 2015-223
The People &c.,
Respondent,
v.
Timothy Richardson,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2015-182
The People &c.,
Respondent,
v.
Manuel Rivera,
Appellant.

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

1 Mo. No. 2015-184
Philip Seldon,
Appellant,
v.
Lewis Brisbois Bisgaard & Smith LLP, 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.

1 Mo. No. 2015-179
The People &c.,
Respondent,
v.
Michael Simmons,
Appellant.

Motion for leave to appeal dismissed as untimely
(see CPLR 5513[b]).
Motion for poor person relief dismissed as academic.

2 Mo. No. 2015-327
The People &c.,
Respondent,
v.
Louis Speaks,
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.

2 Mo. No. 2015-56
In the Matter of Jalil U.

Suffolk County Department of Social
Services,
 Respondent;
Rachel L.-U.,
 Appellant.
(And Other Proceedings.)

Motion for leave to appeal denied.

1 Mo. No. 2015-398
In the Matter of Robin Watson,
 Appellant,
 v.
New York City Housing Authority,
 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.
Motion for poor person relief and a stay dismissed as
academic.