

September 17, 2015

**CASE**

1                    No. 189 SSM 16  
Shiby Abraham, &c.,  
    Appellant,  
    v.  
Chelsea Piers Management, Inc.  
    Respondent.

On review of submissions pursuant to section 500.11 of the Rules, order affirmed, with costs, and certified question answered in the affirmative. The Appellate Division properly concluded, under the circumstances presented here, that the decedent's actions were not foreseeable. Chief Judge Lippman and Judges Pigott, Abdus-Salaam, Stein and Fahey concur. Judge Rivera took no part.

## MOTIONS

2 Mo. No. 2015-948  
Yuliya Angelova,  
Respondent,  
v.  
Vladislav Ruchinsky,  
Appellant.

Motion for reargument of motion for leave to appeal denied.

1 Mo. No. 2015-856  
The Apparel Corporation (Far East),  
Respondent,  
v.  
Sheermax LLC, et al.,  
Appellants.

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

3 Mo. No. 2015-893  
In the Matter of Joseph Bargellini,  
Appellant,  
v.  
New York State Department of Health et al.,  
Respondents.

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

1 Mo. No. 2015-887  
Bayswater Development LLC, et al.,  
Appellants,  
v.  
Admiral Insurance Company, et al.,  
Respondents.

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

1 Mo. No. 2015-881  
Carlos Bazan, et al.,  
Appellants,  
v.  
Manuel Concepcion, et al.,  
Respondents.

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

1                    Mo. No. 2015-749  
Elliot Bertram, &c., et al.,  
                        Appellants,  
                        v.  
Columbia Presbyterian/New York  
Presbyterian Hospital,  
                        Respondent.

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

2                    Mo. No. 2015-1064  
The People &c.,  
                        Respondent,  
                        v.  
Alma Caldavado, &c.,  
                        Appellant.

Motion by National Association of Criminal Defense Lawyers 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. 2015-1093  
The People &c.,  
                        Respondent,  
                        v.  
Alma Caldavado, &c.,  
                        Appellant.

Motion by District Attorneys Association of the State of New York 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. 2015-941  
Philip Caprio, et al.,  
                        Respondents,  
                        v.  
New York State Department of Taxation and  
Finance, et al.,  
                        Appellants,  
Andrew M. Cuomo, &c.,  
                        Defendant.

Motion for reargument denied with one hundred dollars costs and necessary reproduction disbursements.

3 Mo. No. 2015-686  
Steven Carrington,  
Appellant,  
v.  
PH Superintendent Moore, as Hearing  
Officer, et al.,  
Respondents.

Motion to vacate this Court's May 18, 2015 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. 2015-934  
In the Matter of Ling Chen,  
Appellant,  
v.  
Reuters America Holdings, Inc. et al.,  
Respondents.  
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.

Motion for poor person relief dismissed as academic.

2 Mo. No. 2015-928  
Man Choi Chiu, et al.,  
Respondents-Appellants,  
v.  
Winston Chiu,  
Appellant-Respondent.  
(And Another Action.)

Motions for leave to appeal denied.

2 Mo. No. 2015-950  
In the Matter of Mariah Corrigan, et al.,  
Appellants,  
v.  
New York State Office of Children and  
Family Services, et al.,  
Respondents.

Motion for leave to appeal granted.

3                    Mo. No. 2015-699  
In the Matter of Tiffany Cruz,  
                        Respondent,  
                        v.  
City of New York Department of Children's  
Services,  
                        Appellant.  
Workers' Compensation Board,  
                        Respondent.

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

1                    Mo. No. 2015-689  
In the Matter of Carlos R. Delgado,  
                        Appellant,  
                        v.  
Raymond Kelly, &c.,  
                        Respondent.

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

2                    Mo. No. 2015-873  
In the Matter of Dennis DeMille, Jr.,  
                        Appellant,  
                        v.  
Irene Pizzo,  
                        Respondent.

Motion for leave to appeal denied.

1                    Mo. No. 2015-947  
In the Matter of Jasmine Devers,  
                        Appellant,  
                        v.  
Raymond Kelly, &c., et al.,  
                        Respondents.

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

4                    Mo. No. 2015-904  
In the Matter of Vincent Donegan,  
                        Respondent,  
                        v.  
Damari Torres,  
                        Appellant.

Motion for leave to appeal denied.

1                    Mo. No. 2015-891  
The Dorothy G. Bender Foundation, Inc., et  
al.,  
                  Respondents,  
                  v.  
Joseph P. Carroll, et al.,  
                  Appellants.  
(And a Third-Party Action.)

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

1                    Mo. No. 2015-760  
In the Matter of Steven F., &c.,  
                  Appellant.

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

2                    Mo. No. 2015-919  
Regina Farage,  
                  Appellant,  
                  v.  
Lance Ehrenberg, Esq.,  
                  Respondent.

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 poor person relief dismissed as academic.

2                    Mo. No. 2015-826  
The People &c.,  
                  Respondent,  
                  v.  
Jason M. Gabriel,  
                  Appellant.

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

2                    Mo. No. 2015-834  
In the Matter of Mona Goodman, et al.,  
                  Appellants,  
                  v.  
The City of Long Beach, et al.,  
                  Respondents.

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

1                    Mo. No. 2015-890  
Daniel Jollon,  
    Appellant,  
    v.  
The City of New York,  
    Respondent.

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

4                    Mo. No. 2015-762  
David H. Kernan, et al.,  
    Respondents,  
    v.  
Trajanka Williams,  
    Appellant.

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

3                    Mo. No. 2015-879  
In the Matter of Sincere KK.,  
    Appellant,  
    v.  
State of New York,  
    Respondent.

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

2                    Mo. No. 2015-789  
Law Offices of J. Stewart Moore, P.C.,  
    Appellant,  
    v.  
Sherman Trent, et al.,  
    Respondents,  
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. 2015-872  
The People &c.,  
    Respondent,  
    v.  
Anthony Lesch,  
    Appellant.

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

2 Mo. No. 2015-796  
Rafael D. Lopez,  
Respondent,  
v.  
New York City Department of Environmental  
Protection, et al.,  
Appellants.

Motion for leave to appeal denied.

1 Mo. No. 2015-870  
In the Matter of Jacquelin M.,  
Appellant,  
v.  
Joseph M.,  
Respondent.

Motion, insofar as it seeks leave to appeal from the  
Appellate Division order denying reargument or  
leave to appeal to this Court, dismissed upon the  
ground that such order does not finally determine the  
proceeding within the meaning of the Constitution;  
motion for leave to appeal otherwise denied.

1 Mo. No. 2015-852  
In the Matter of Toteanna M., &c.  
Keyshana M.,  
Appellant,  
St. Vincent's Services, Inc.,  
Respondent.

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

2 Mo. No. 2015-786  
Ronald Michel, &c.,  
Appellant,  
v.  
Long Island Jewish Medical Center, et al.,  
Respondents.

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



2                    Mo. No. 2015-700  
In the Matter of Raymond Newcomb, et al.,  
                  Appellants,  
          v.  
Middle Country Central School District,  
                  Respondent.

Motion for leave to appeal granted.

1                    Mo. No. 2015-683  
George Newman, et al.,  
                  Appellants,  
          v.  
RCPI Landmark Properties, LLC, et al.,  
                  Respondents.

Motion for leave to appeal granted.

2                    Mo. No. 2015-763  
Julio Pichardo,  
                  Appellant,  
          v.  
Carmen Zayas, et al.,  
                  Respondents.

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

2                    Mo. No. 2015-877  
In the Matter of Ruth S. (Anonymous).  
  
Integral Guardianship Services, et al.,  
                  Respondents;  
Sharon S. (Anonymous), et al.,  
                  Appellants.

Motion for leave to appeal denied.

2 Mo. No. 2015-894  
In the Matter of Richard S. (Anonymous).

Suffolk County Department of Social  
Services,  
Respondent;  
Lacey P.,  
Respondent;  
Richard S.,  
Appellant.  
(And Another Proceeding.)

Motion for leave to appeal denied.

1 Mo. No. 2015-791  
Eric T. Schneiderman, &c., et al.,  
Respondents,  
v.  
Mujahid Pervez, &c., et al.,  
Defendants,  
Nadia Pervez, 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 action within the meaning of the Constitution and is not a nonfinal order of the type within the meaning of CPLR 5602(a)(2).

4 Mo. No. 2015-1079  
In the Matter of Sierra Club, et al.,  
Appellants,  
v.  
Village of Painted Post, et al.,  
Respondents.

Motion by Railroads of New York 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.

4 Mo. No. 2015-1080  
In the Matter of Sierra Club, et al.,  
Appellants,  
v.  
Village of Painted Post, et al.,  
Respondents.

Motion by Gas Free Seneca 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.

4 Mo. No. 2015-1091  
In the Matter of Sierra Club, et al.,  
Appellants,  
v.  
Village of Painted Post, et al.,  
Respondents.

Motion by New York State Conference of Mayors  
and Municipal Officials for leave to appear amicus  
curiae on the appeal herein granted only to the extent  
that the proposed brief is accepted as filed.

3 Mo. No. 2015-895  
In the Matter of Jeffrey L. Skinner,  
Appellant.  
Commissioner of Labor,  
Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2015-1031  
In the Matter of Eamon Teague, an attorney  
and counselor-at-law.

On the Court's own motion, appeal dismissed,  
without costs, upon the ground that no substantial  
constitutional question is directly involved.  
Motion for a stay dismissed as academic.

Departmental Disciplinary Committee for the  
First Judicial Department,  
Respondent,  
Eamon Teague,  
Appellant.

4 Mo. No. 2015-875  
In the Matter of the Torok Trust,  
Respondent,  
v.  
Town Board of Town of Alexandria, et al.,  
Respondents.  
Alexandria Central School District,  
Appellant.

Motion for reargument of motion for leave to appeal  
denied.

4 Mo. No. 2015-905  
The People &c. ex rel. Nouchie Vellon,  
Appellant,  
v.  
Dale Artus, &c.,  
Respondent.

Motion for reargument of motion for leave to appeal  
denied.

2                    Mo. No. 2015-833  
In the Matter of the Village of Chester,  
                  Appellant,  
          v.  
Local 445, International Brotherhood of  
Teamsters,  
                  Respondent.

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

2                    Mo. No. 2015-880  
Wachovia Mortgage Corporation,  
                  Respondent,  
          v.  
Frank Lopa, Jr.,  
                  Appellant,  
et al.,  
                  Defendants.

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

3                    Mo. No. 2015-793  
In the Matter of Javan W. et al., &c.  
  
Columbia County Department of Social  
Services,  
                  Appellant;  
Aba W.,  
                  Respondent.

Motion for leave to appeal denied.

4                    Mo. No. 2015-951  
The People &c.,  
                  Respondent,  
          v.  
Edward T. Wheeler,  
                  Appellant.

Motion for leave to appeal denied.

2                    Mo. No. 2015-898  
The People &c.,  
    Respondent,  
    v.  
Marvin Williams,  
    Appellant.

Motion for leave to appeal denied.