

April 2, 2019

CASES

2 No. 16
In the Matter of Larchmont Pancake House,
 Appellant,
 v.
Board of Assessors &c., et al.,
 Respondents.
(And Three Other Proceedings.)

Order affirmed, with costs.
Opinion by Judge Garcia.
Chief Judge DiFiore and Judges Stein, Fahey and
Feinman concur.
Judge Wilson dissents in an opinion in which Judge
Rivera concurs.

3 No. 59 SSM 2
The People &c.,
 Respondent,
 v.
Alexis Rodriguez,
 Appellant.

On review of submissions pursuant to section 500.11
of the Rules, order affirmed, in a memorandum.
Chief Judge DiFiore and Judges Stein, Fahey, Garcia
and Feinman concur.
Judge Rivera dissents in an opinion in which Judge
Wilson concurs.

1 No. 19
The People &c.,
 Respondent,
 v.
Carlos Tapia,
 Appellant.

Order affirmed.
Opinion by Chief Judge DiFiore.
Judges Stein, Garcia and Feinman concur.
Judge Wilson dissents in an opinion in which Judges
Rivera and Fahey concur.

 No. 49
In the Matter of the Hon. Lurlyn A.
Winchester, a Justice of the Monroe Town
Court, Orange County.

On the Court's own motion, it is determined that
Lurlyn A. Winchester is removed pursuant to New
York Constitution, article VI, § 22 and Judiciary Law
§ 44 (8).
Chief Judge DiFiore and Judges Rivera, Stein, Fahey,
Garcia, Wilson and Feinman concur.

MOTIONS

1 Mo. No. 2019-156
A. Anonymous,
 Appellant,
 v.
Mount Sinai Hospital,
 Respondent,
et al.,
 Defendant.

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

1 Mo. No. 2019-73
The People &c.,
 Respondent,
 v.
Luis Alvarez,
 Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2019-126
In the Matter of Lisa Brown,
 Appellant,
 v.
Police Commissioner William J. Bratton et
al.,
 Respondents.

Motion for leave to appeal dismissed as untimely (see CPLR 5513[b]; 2103[b][2]).

1 Mo. No. 2019-101
Robert A. Cardali et al.,
 Appellants,
 v.
Richard Slater,
 Respondent,
et al.,
 Defendant.

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

2 Mo. No. 2019-102
The People &c.,
Respondent,
v.
Federico Chamorro-Yax,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2019-83
Commissioner of the Department of Social
Services of the City of New York,
Respondent,
v.
New York-Presbyterian Hospital,
Appellant,
et al.,
Defendants.

Motion for leave to appeal denied.
Chief Judge DiFiore took no part.

2 Mo. No. 2019-121
The People &c.,
Respondent,
v.
Billy Dixon,
Appellant.

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

1 Mo. No. 2019-116
The People &c.,
Respondent,
v.
Tracy E.,
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2019-85
Emigrant Bank, &c.,
 Plaintiff,
 v.
Wang Real Property, LLC, et al.,
 Appellants,
et al.,
 Defendants;
41st Road Properties, LLC,
 Nonparty 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.

1 Mo. No. 2019-125
In the Matter of Will of Sydney H. Fields,
Deceased.

Richard Fields,
 Appellant,
 v.
Diana Palmeri,
 Respondent.

On the Court's own motion, appeal, insofar as taken from the September 2018 Appellate Division order, dismissed, without costs, as untimely (see CPLR 5513[a]); appeal, insofar as taken from the December 2018 Appellate Division order, dismissed, without costs, upon the ground that such order does not finally determine the proceeding within the meaning of the Constitution.

Motion, insofar as it seeks leave to appeal from the September 2018 Appellate Division order, dismissed as untimely (see CPLR 5513[b]); motion, insofar as it seeks leave to appeal from the December 2018 Appellate Division order, dismissed upon the ground that such order does not finally determine the proceeding within the meaning of the Constitution.

1 Mo. No. 2019-109
The People &c.,
 Respondent,
 v.
Tamarkqua Garland,
 Appellant.

Motion for reargument denied.

1 Mo. No. 2019-69
Sian Green,
Appellant,
v.
Fasyal Kabir Mohammad Himon, et al.,
Defendants,
1251 America Associates II LP, &c.,
Respondent.

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

1 Mo. No. 2019-122
Damary Guzman,
Appellant,
v.
Promesa Administrative Services
Organization, Inc. et al.,
Respondents.

Motion for leave to appeal denied.

3 Mo. No. 2019-108
In the Matter of Royal Dannel Hall,
Appellant,
v.
Debra Benziger, &c.,
Respondent.

Motion for reargument of motion for leave to appeal denied.

2 Mo. No. 2019-74
The People &c.,
Respondent,
v.
Brian Holmes,
Appellant.

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

1 Mo. No. 2019-89
The People &c.,
Respondent,
v.
Leondriss Jeffreys,
Appellant.

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

3 Mo. No. 2019-134
In the Matter of the Claim of James J. Karam,
Appellant,
v.
Rensselaer County Sheriff's Department,
Respondent.
Workers' Compensation Board,
Respondent.

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

1 Mo. No. 2019-76
In the Matter of L&M Bus Corp., et al.,
Respondents,
v.
New York City Dept. of Education, et al.,
Appellants.

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

1 Mo. No. 2019-98
In the Matter of L&M Bus Corp., et al.,
Respondents,
v.
New York City Dept. of Education, et al.,
Appellants.

Motion by Local 1181-1061, Amalgamated Transit Union, AFL-CIO, for leave to appear amicus curiae on the motion for leave to appeal herein granted and the memorandum is accepted as filed.

1 Mo. No. 2019-68
Malou Mananghaya, &c., et al.,
Respondents,
v.
Bronx-Lebanon Hospital Center,
Respondent-Appellant,
et al.,
Defendant.

Motions 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.

Napoli Transportation, Inc., &c.,
Third-Party Respondent,
v.
Aggreko, LLC,
Third-Party Appellant-Respondent.
(And Another Third-Party Action.)

3 Mo. No. 2019-79
In the Matter of Evan Marshall,
Appellant,
v.
New York State Department of Corrections
and Community Supervision,
Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2019-129
Teddy Moore,
Appellant,
v.
Frank Guerra,
Defendant,
City of New York, 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.
Motion for poor person relief dismissed as academic.

1 Mo. No. 2019-144
Board of Directors of Windsor Owners Corp.,
Respondent,
v.
Elaine Platt,
Appellant.

Motion for reargument of motion for leave to appeal
denied.

2 Mo. No. 2019-128
In the Matter of QuickChek Corporation et
al.,
Respondents,
v.
Town of Islip, et al.,
Appellants.

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

1 Mo. No. 2019-71
In the Matter of Dennis W. Quirk, &c.,
Appellant,
v.
Hon. Jonathan Lippman, &c.,
Respondent.

Motion for reargument of motion for leave to appeal
denied.
Motion for ancillary relief dismissed as moot.
Chief Judge DiFiore took no part.

4 Mo. No. 2019-81
Serafin Properties, LLC,
Appellant,
v.
Amore Enterprises, Inc.,
Respondent.

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

3 Mo. No. 2019-63
In the Matter of Ronald Smiley,
Appellant,
v.
Donald Venettozzi, &c.,
Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2019-75
The People &c.,
Respondent,
v.
Arturo Soriano,
Appellant.

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

2 Mo. No. 2019-95
The People &c.,
Respondent,
v.
Fredis Vasquez,
Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2019-111
In the Matter of Blake Wingate,
Appellant,
v.
Donald Venettozzi, &c., et al.,
Respondents.

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

3 Mo. No. 2019-91
In the Matter of the Claim of Abiy Yifru,
 Appellant.
Commissioner of Labor,
 Respondent.

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