

February 19, 2019

**CASES**

3                    No. 3  
In the Matter of James Q.

Commissioner of the Office for People with  
Developmental Disabilities,  
    Petitioner;  
James Q.,  
    Appellant,  
Suffolk County District Attorney,  
    Respondent.

Order, insofar as appealed from, affirmed, without  
costs.  
Opinion by Chief Judge DiFiore.  
Judges Rivera, Stein, Fahey, Garcia, Wilson and  
Feinman concur.

2                    No. 5  
The People &c.,  
    Appellant,  
    v.  
Michael Thomas,  
    Respondent.

Order reversed and defendant's motion to set aside  
sentence denied.  
Opinion by Judge Stein.  
Chief Judge DiFiore and Judges Garcia and Feinman  
concur.  
Judge Fahey dissents in an opinion in which Judges  
Rivera and Wilson concur.

1                    No. 6  
U.S. Bank National Association, &c.,  
    Appellant,  
    v.  
DLJ Mortgage Capital, Inc.,  
    Respondent.

Order affirmed, with costs.  
Opinion by Judge J. Rivera.  
Chief Judge DiFiore and Judges Stein, Fahey, Garry,  
R. E. Rivera and Sweeny, Jr. concur.  
Judges Garcia, Wilson and Feinman took no part.

1                    No. 7  
U.S. Bank National Association, &c.,  
    Respondent,  
    v.  
DLJ Mortgage Capital, Inc.,  
    Appellant.

Order, insofar as appealed from, affirmed, with costs.  
Opinion by Judge J. Rivera.  
Chief Judge DiFiore and Judges Stein, Fahey, Garry,  
R. E. Rivera and Sweeny, Jr. concur.  
Judges Garcia, Wilson and Feinman took no part.

## MOTIONS

2                    Mo. No. 2018-1125  
In the Matter of Jerry Adams,  
    Appellant,  
    v.  
Kenneth Thompson,  
    Respondent.

Motion for leave to appeal dismissed upon the ground that this Court does not have jurisdiction to entertain it (see NY Const, art VI, § 3[b]; CPLR 5602).

                          Mo. No. 2018-1149  
Susan Aranoff,  
    Respondent,  
    v.  
Gerald Aranoff,  
    Appellant.

Motion for reargument of motion for leave to appeal denied.

4                    Mo. No. 2018-1141  
The People &c.,  
    Respondent,  
    v.  
Morice E. Armstrong,  
    Appellant.

Motion for leave to appeal denied.

2                    Mo. No. 2018-1138  
In the Matter of Robert B. Bernstein, et al.,  
    Appellants,  
    v.  
Paul Feiner, &c., et al.,  
    Respondents.

Motion for leave to appeal denied.

1                    Mo. No. 2018-1137  
The People &c.,  
    Respondent,  
    v.  
Davian Brewer,  
    Appellant.

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

3 Mo. No. 2018-1100  
In the Matter of Buffalo Teachers Federation,  
Inc.,  
Appellant,  
v.  
Mary Ellen Elia, &c., et al.,  
Respondents,  
et al.,  
Respondents.

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

3 Mo. No. 2018-1200  
In the Matter of State of New York,  
Respondent,  
v.  
Jefferson CC.,  
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2018-1140  
Michael Chenkin,  
Appellant,  
v.  
Public Administrator of New York County,  
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. 2018-1153  
In the Matter of Daesang Corporation,  
Respondent,  
v.  
The NutraSweet Company, et al.,  
Appellants.

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

1 Mo. No. 2018-976  
Alexandros Demetriades,  
Appellant,  
v.  
Royal Abstract Deferred, LLC,  
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.

3                    Mo. No. 2018-1062  
The People &c.,  
    Respondent,  
    v.  
Daniel W. DePerno,  
    Appellant.

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

2                    Mo. No. 2018-1150  
FBP 250, LLC,  
    Appellant,  
    v.  
Wells Fargo Bank, National Association, &c.,  
    Respondent,  
et al.,  
    Defendants.

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

1                    Mo. No. 2018-1139  
In the Matter of Gabrielle G. et al., &c.  
  
Mike G.,  
    Appellant;  
Catholic Guardian Services,  
    Respondent.

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

4                    Mo. No. 2018-1222  
The People &c. ex rel. Ariel Garcia,  
    Appellant,  
    v.  
Anthony Annucci, &c. et al.,  
    Respondents.

Motion for leave to appeal dismissed upon the  
ground that the issues presented have become moot.

4 Mo. No. 2018-1163  
In the Matter of Carmela H.

Onondaga County Department of Children  
and Family Services,  
Respondent;  
Danielle F.,  
Appellant,  
James H.,  
Respondent.

Motion, insofar as it seeks leave to appeal from so much of the Appellate Division order as dismissed the appeal from the portion of the Family Court order as was entered on consent, dismissed upon the ground that such portion of the Appellate Division order is not appealable; motion for leave to appeal otherwise denied.

4 Mo. No. 2018-1142  
The People &c.,  
Respondent,  
v.  
Deon D. Hayes,  
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2018-1060  
Rosemarie A. Herman, &c., et al.,  
Respondents,  
v.  
Julian Maurice Herman, et al.,  
Appellants,  
Michael Offit, et al.,  
Defendants.  
(And a Third-Party Action.)

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

1 Mo. No. 2018-1220  
International Brain Research Foundation, Inc.,  
Appellant,  
v.  
John A. Cavalier, et al.,  
Respondents.

Motion for reargument of motion for leave to appeal denied.

4 Mo. No. 2018-1151  
In the Matter of J.C. Smith, Inc.,  
Appellant,  
v.  
New York State Department of Economic  
Development, &c., et al.,  
Respondents.

Motion for leave to appeal denied.  
Motion for a stay dismissed as academic.

2 Mo. No. 2018-1113  
The People &c.,  
Respondent,  
v.  
Raphael James,  
Appellant.

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

2 Mo. No. 2018-1135  
Jerry L. Johnson,  
Appellant,  
v.  
State of New York,  
Respondent.

Motion for leave to appeal dismissed for failure to  
demonstrate timeliness as required by Rules of the  
Court of Appeals (22 NYCRR § 500.22[b][2]).  
Motion for poor person relief dismissed as academic.

3 Mo. No. 2018-1178  
In the Matter of Derick L., &c.  
  
Schenectady County Department of Social  
Services,  
Respondent;  
Michael L.,  
Appellant.  
(And Nine Other Related Proceedings.)

Motion for leave to appeal denied.

4 Mo. No. 2018-1102  
William Landahl et al.,  
Appellants,  
v.  
Daniel B. Stein et al.,  
Respondents.

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

2                    Mo. No. 2018-1105  
In the Matter of Chung Li, &c., Deceased.

Donald Edward Osborn,  
Respondent;  
Chun Ka Luk, &c.,  
Appellant.

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

1                    Mo. No. 2018-1239  
Patrick Lynch, &c. et al.,  
Appellants,  
v.  
City of New York, et al.,  
Respondents.

Motion for leave to appeal granted.

1                    Mo. No. 2018-1049  
William E. Mack, Jr.,  
Appellant,  
v.  
Ronald Seabrook,  
Respondent.  
(And a Third-Party Action.)

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

2                    Mo. No. 2018-1093  
In the Matter of George Marden,  
Appellant,  
v.  
New York State Department of Motor  
Vehicles, et al.,  
Respondents.

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



2 Mo. No. 2018-1123  
Kaitlyn Monaghan,  
Appellant,  
v.  
Roman Catholic Diocese of Rockville Centre,  
et al.,  
Respondents,  
et al.,  
Defendant.

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. 2018-1118  
Nationstar Mortgage, LLC,  
Respondent,  
v.  
Frederick Vordermeier,  
Appellant,  
et al.,  
Defendants.

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

1 Mo. No. 2018-1147  
The People &c.,  
Respondent,  
v.  
Richard Ortiz,  
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2018-1131  
In the Matter of Mishelys R., et al., &c.  
Garland R.,  
Appellant;  
Administration for Children's Services,  
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.  
Motion for a stay dismissed as academic.

3 Mo. No. 2018-1109  
In the Matter of Shadron Rambert,  
Appellant,  
v.  
Anthony J. Annucci, &c.,  
Respondent.

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

3 Mo. No. 2018-1154  
In the Matter of the Claim of Rosemary  
Rodriguez,  
Appellant,  
v.  
New York City Transit Authority,  
Respondent.  
Workers' Compensation Board,  
Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2018-1090  
The People &c.,  
Respondent,  
v.  
Richard Royal,  
Appellant.

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

2 Mo. No. 2018-1034  
In the Matter of Steven A. Saporito,  
Appellant,  
v.  
Jennifer K. Ward,  
Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2018-1035  
In the Matter of Jennifer K. Ward,  
Respondent,  
v.  
Steven A. Saporito,  
Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2018-1143  
The People &c.,  
Respondent,  
v.  
David E. Schmidt,  
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2018-1133  
The People &c.,  
Respondent,  
v.  
Keith Schoelermann,  
Appellant.

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

1 Mo. No. 2018-1081  
Shawmut Woodworking & Supply, Inc., &c.,  
Appellant,  
v.  
ASICS America Corporation,  
Respondent,  
et al.,  
Defendants.

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

2 Mo. No. 2018-998  
In the Matter of Martin Singer, Deceased.  
Slade & Newman, LLP et al.,  
Appellants;  
Daniel Singer et al.,  
Respondents.

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

1 Mo. No. 2018-1120  
The People &c.,  
Respondent,  
v.  
Lina Sinha,  
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2018-1146  
The People &c.,  
Respondent,  
v.  
Vernon Stanley,  
Appellant.

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

3 Mo. No. 2018-1152  
Russell Lewis Stein,  
Appellant,  
v.  
Georgiana Marie Paes,  
Respondent.

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

3 Mo. No. 2018-1103  
In the Matter of the Claim of Londa Torres,  
Appellant,  
v.  
St. Luke's Roosevelt Hospital et al.,  
Respondents.  
Workers' Compensation Board,  
Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2018-1130  
In the Matter of Vinland Commons, LLC,  
Appellant,  
v.  
Building Department of Town of Riverhead,  
et al.,  
Respondents.

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

2 Mo. No. 2018-1129  
In the Matter of J'Min Ward,  
Appellant,  
v.  
Craig Brown, &c.,  
Respondent.

Motion for leave to appeal denied.

1                    Mo. No. 2018-1144  
In the Matter of Carl D. Wells,  
                  Appellant,  
          v.  
Warden Ada Pressley, et al.,  
                  Respondents.

Motion for reconsideration of this Court's June 7, 2018 dismissal order dismissed as untimely (see Rules of Ct of Appeals [22 NYCRR] § 500.24[b]). Judge Feinman took no part.

2                    Mo. No. 2018-1136  
In the Matter of Shamduh Wilson,  
                  Appellant,  
          v.  
Kings County District Attorney, et al.,  
                  Respondents.

Motion for leave to appeal denied.

2                    Mo. No. 2018-1121  
In the Matter of Yonkers Firefighters, &c., et  
al.,  
                  Appellants,  
          v.  
City of Yonkers,  
                  Respondent.

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

2                    Mo. No. 2018-1122  
In the Matter of City of Yonkers,  
                  Respondent,  
          v.  
Yonkers Firefighters, &c., et al.,  
                  Appellants.

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