

February 21, 2019

**CASES**

1                    No. 10  
The People &c.,  
    Respondent,  
    v.  
Ali Cisse,  
    Appellant.

Order affirmed, in a memorandum.  
Chief Judge DiFiore and Judges Rivera, Stein, Fahey,  
Garcia, Wilson and Feinman concur.

2                    No. 9  
The People &c.,  
    Respondent,  
    v.  
Emmanuel Diaz,  
    Appellant.

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

4                    No. 35 SSM 27  
Randall M. Hinton,  
    Appellant,  
    v.  
Village of Pulaski,  
    Respondent.

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

1                    No. 8  
In the Matter of New York City Asbestos  
Litigation.  
  
Ann M. South, &c.,  
    Respondent,  
    v.  
Chevron Corporation, &c.  
    Appellant,  
et al.,  
    Defendant.

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

## MOTIONS

2                    Mo. No. 2018-1166  
Aquelina Equities, LLC,  
Respondent,  
v.  
John Wesley United Methodist Church,  
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. 2018-1164  
In the Matter of Kimberly Austin, et al.,  
Appellants,  
v.  
Maria Milin, &c.,  
Respondent,  
PS 157 Lofts LLC, et al.,  
Respondents.

Motion for leave to appeal denied.

1                    Mo. No. 2018-1185  
The People &c.,  
Respondent,  
v.  
Jackie Barcliff,  
Appellant.

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

2                    Mo. No. 2018-1202  
Ramona Barril,  
Appellant,  
v.  
Mark McClure et al.,  
Respondents.

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

1                    Mo. No. 2018-1227  
Beltway 7 Properties, Ltd.,  
Appellant,  
v.  
Blackrock Realty Advisers, Inc., et al.,  
Respondents.

Motion for leave to appeal denied.

1                    Mo. No. 2018-1177  
Bernstein Liebhard LLP,  
Appellant,  
v.  
Sentinel Insurance Company, Limited,  
Respondent.

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

2                    Mo. No. 2018-1223  
Len Mario Brassell,  
Appellant,  
v.  
Harbourview Abstract, Inc., et al.,  
Defendants,  
Abraham & Abraham, LLC,  
Respondents.

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

2                    Mo. No. 2018-1195  
The People &c.,  
Respondent,  
v.  
James Braxdton,  
Appellant.

Motion for leave to appeal denied.

2                    Mo. No. 2018-1210  
In the Matter of Reina C.,  
Appellant,  
v.  
Yankel F.,  
Respondent.

Motion for leave to appeal denied.

4                    Mo. No. 2019-19  
The People &c.,  
Respondent,  
v.  
Dante Capel,  
Appellant.

Motion for leave to appeal denied.

1                    Mo. No. 2018-1215  
City of New York,  
Appellant,  
v.  
Tri-Rail Construction, Inc. et al.,  
Respondents.

Motion for leave to appeal granted.

4                    Mo. No. 2018-1226  
The People &c.,  
Respondent,  
v.  
Allen Cobb,  
Appellant.

Motion for leave to appeal denied.

4                    Mo. No. 2018-1182  
The People &c.,  
Respondent,  
v.  
Kaitlyn Conley,  
Defendant.  
GateHouse Media New York Holdings, Inc.  
et al.,  
Intervenors-Appellants.

On the Court's own motion, appeal dismissed,  
without costs, and motion for leave to appeal  
dismissed, without costs, each upon the ground that  
no civil appeal lies from the orders of the Appellate  
Division entered in this criminal action.

4                    Mo. No. 2019-97  
The People &c.,  
Respondent,  
v.  
Kaitlyn Conley,  
Defendant.  
GateHouse Media New York Holdings, Inc.  
et al.,  
Intervenors-Appellants.

Motion by Advance Publications, Inc., et al. for  
leave to appear amici curiae on the motion for leave  
to appeal herein granted and the proposed brief is  
accepted as filed.

2                    Mo. No. 2018-1217  
Joyce Demetriou,  
Appellant,  
v.  
Lindsey Wolfer, &c.,  
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.

2 Mo. No. 2018-978  
The People &c.,  
Respondent,  
v.  
Emmanuel Diaz,  
Appellant.

Motion to strike those portions of respondent's brief as rely on or reference grand jury minutes granted.

1 Mo. No. 2018-1190  
The People &c.,  
Respondent,  
v.  
Garth Dunning,  
Appellant.

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

3 Mo. No. 2018-1179  
Pushpa Gami,  
Appellant,  
v.  
Cornell University,  
Respondent,  
et al.,  
Defendant.

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

1 Mo. No. 2019-17  
Anthony Gordon,  
Plaintiff,  
Martina Gordon,  
Appellant,  
v.  
476 Broadway Realty Corp. et al.,  
Respondents.

Motion for reargument of motion for leave to appeal denied.

3 Mo. No. 2018-1206  
Paul A. Gorman, &c. et al.,  
Appellants,  
v.  
Thomas W. Despart,  
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.

4 Mo. No. 2018-1188  
The People &c.,  
Respondent,  
v.  
Howard Griffith,  
Appellant.

On the Court's own motion, appeal dismissed, without costs, upon the ground that the order appealed from does not finally determine the proceeding within the meaning of the Constitution. Motion for poor person relief dismissed as academic.

1 Mo. No. 2018-1213  
The People &c.,  
Respondent,  
v.  
Aquiles Guzman,  
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2018-1194  
James B. Nutter & Company,  
Respondent,  
v.  
Eric H. Feintuch, &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. 2018-1183  
Thomas H. Kheel,  
Appellant,  
v.  
Joseph A. Molinari,  
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. 2018-1175  
Amir Korangy,  
Appellant,  
v.  
Georgia Malone 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 (see McDermott v Manhattan Eye, Ear & Throat Hosp., 15 NY2d 20, 23 n 2 [1964]).

4 Mo. No. 2018-1233  
Dr. Joy L. Kreeger, M.D.,  
Appellant,  
v.  
State of New York, et al.,  
Respondents.

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

1 Mo. No. 2018-1176  
Level 3 Communications, LLC (Now Known  
as Centurylink),  
Appellant,  
RCN Telecom Services of New York L.P., et  
al.,  
Respondents,  
v.  
Jacques Jiha, et al.,  
Respondents.

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

2 Mo. No. 2018-1161  
The People &c.,  
Respondent,  
v.  
George Lorenzo, Jr.,  
Appellant.

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

2 Mo. No. 2018-1165  
The People &c.,  
Respondent,  
v.  
Johnny Medina,  
Appellant.

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

2 Mo. No. 2018-1240  
Paige Miller,  
Respondent,  
v.  
James Ball,  
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. 2018-1172  
Moran Enterprises, Inc.,  
Appellant,  
v.  
Margaret Hurst,  
Respondent,  
et al.,  
Defendants.

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

2 Mo. No. 2018-1205  
The People &c.,  
Appellant,  
v.  
Arquimedes Mota,  
Respondent.

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

1 Mo. No. 2018-1155  
Risk Control Associates Insurance Group,  
Appellant,  
v.  
Maloof, Lebowitz, Connahan & Oleske, P.C.,  
et al.,  
Respondents.

Motion for leave to appeal dismissed upon the ground that movant is not a party aggrieved within the meaning of CPLR 5511, having stipulated to dismiss the action in its entirety.  
Judge Feinman took no part.

1 Mo. No. 2018-1184  
Stanley H. Epstein et al.,  
Plaintiffs,  
SEP IRA A/C Peter Christopher Gardner,  
&c.,  
Appellant,  
v.  
Ruane, Cunniff & Goldfarb Inc., et al.,  
Respondents,  
Sequoia Fund, Inc., &c.,  
Nominal Defendant-Respondent.

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



2 Mo. No. 2018-1191  
The People &c.,  
Respondent,  
v.  
Todd Slavik,  
Appellant.

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

2 Mo. No. 2018-1169  
In the Matter of Roger W. Strnad, Jr.,  
Respondent,  
v.  
Lesley B. Stevens,  
Appellant.

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. 2018-1196  
John Sullivan,  
Appellant,  
v.  
New York Athletic Club of City of New York  
et al.,  
Respondents.  
(And a Third-Party Action.)

Motion for leave to appeal dismissed upon the  
ground that the orders sought to be appealed from do  
not finally determine the action within the meaning  
of the Constitution.

2 Mo. No. 2019-70  
In the Matter of T-Mobile Northeast, LLC,  
Appellant,  
v.  
Anthony V. DeBellis, &c., et al.,  
Respondents,  
et al.,  
Respondents/Defendants.

Motion for reargument denied.

3 Mo. No. 2018-1201  
In the Matter of the Claim of Mohammed  
Taher,  
Respondent,  
v.  
Yiota Taxi, 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.

3 Mo. No. 2018-1193  
In the Matter of Richard Taus,  
Appellant,  
v.  
Tina M. Stanford, &c., et al.,  
Respondents.

On the Court's own motion, appeal dismissed,  
without costs, upon the ground that no substantial  
constitutional question is directly involved.  
Motion for leave to appeal denied.

2 Mo. No. 2018-1221  
Lincoln S. Trotman,  
Appellant,  
v.  
Verizon Communications, Inc.,  
Respondent,  
et al.,  
Defendant.

Motion for leave to appeal denied.

2 Mo. No. 2018-1192  
U.S. Bank National Association, &c.,  
Respondent,  
v.  
Ruth Clement, &c.,  
Appellant,  
et al.,  
Defendants.

On the Court's own motion, appeal dismissed,  
without costs, upon the ground that the order  
appealed from does not finally determine the action  
within the meaning of the Constitution.  
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. 2019-2  
The People &c.,  
Respondent,  
v.  
Rafael Urena,  
Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2018-1225  
In the Matter of the Claim of Joseph Varrone,  
Appellant,  
v.  
Coastal Environment Group et al.,  
Respondents.  
Workers' Compensation Board,  
Respondent.

Motion for leave to appeal denied.

4 Mo. No. 2019-16  
The People &c.,  
Respondent,  
v.  
Timothy Walker,  
Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2018-1180  
Larry Williams,  
Appellant,  
v.  
State of New York,  
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. 2018-1219  
Robert Williams,  
Appellant,  
v.  
City University of New York,  
Respondent.

Motion for leave to appeal denied.  
Motion for poor person relief dismissed as academic.  
Judge Rivera took no part.

4                    Mo. No. 2018-1212  
The People &c. ex rel. Ricky Winters,  
Appellant,  
v.  
K. Crowley, Superintendent, Orleans  
Correctional Facility,  
Respondent.

Motion for leave to appeal denied.

2                    Mo. No. 2018-1209  
Laura Wise,  
Appellant,  
v.  
Monika Filincieri et al.,  
Respondents.

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

1                    Mo. No. 2018-1168  
The People &c.,  
Respondent,  
v.  
James Wright,  
Appellant.

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

3                    Mo. No. 2019-21  
In the Matter of John W. Yengo, Jr., et al.,  
Appellants,  
v.  
Lawyers Fund for Client Protection of the  
State of New York,  
Respondent.

Motion for reargument of motion for leave to appeal  
denied.