

April 3, 2018

CASES

1 No. 32
Carlos Rodriguez,
 Appellant,
 v.
City of New York,
 Respondent.

Order, insofar as appealed from, reversed, with costs, case remitted to the Appellate Division, First Department, for consideration of issues raised but not determined on the appeal to that court and certified question answered in the negative.
Opinion by Judge Feinman.
Judges Rivera, Fahey and Wilson concur.
Judge Garcia dissents in an opinion in which Chief Judge DiFiore and Judge Stein concur.

2 No. 28
The People &c.,
 Respondent,
 v.
Spence Silburn,
 Appellant.

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

1 No. 33
Michael Somereve, et al.,
 Respondents,
 v.
Plaza Construction Corp.,
 Appellant.

Order reversed, with costs, plaintiffs' motion for partial summary judgment of liability on the Labor Law § 240(1) claim denied, and certified question answered in the negative, in a memorandum.
Chief Judge DiFiore and Judges Rivera, Stein, Fahey, Garcia, Wilson and Feinman concur.

MOTIONS

1 Mo. No. 2018-129
Apogee Handcraft, Inc.,
 Respondent,
 v.
Verragio, Ltd.,
 Appellant.

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

2 Mo. No. 2018-149
In the Matter of State of New York,
 Respondent,
 v.
David B.,
 Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2018-113
In the Matter of Johanna B.

Suffolk County Department of Social
Services,
 Respondent;
Grace B.,
 Appellant.
(And Another Proceeding)

Motion for leave to appeal dismissed upon the ground that the order sought to be appealed from does not finally determine the proceedings within the meaning of the Constitution.

3 Mo. No. 2018-134
Patricia Barnes, &c.,
 Appellant,
 v.
State of New York,
 Respondent.

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

2 Mo. No. 2018-117
Richard A. Brummel,
 Appellant,
 v.
Board of Trustees of the Village of East Hills,
N.Y., et al.,
 Respondents.

Motion, insofar as it seeks leave to appeal as against Board of Trustees of the Village of East Hills, N.Y. and Michael R. Koblenz, dismissed upon the ground that as to those parties the order sought to be appealed from does not finally determine the action within the meaning of the Constitution; motion for leave to appeal otherwise denied.

4 Mo. No. 2018-196
Cynthia L. Chan,
 Appellant,
 v.
Onyx Capital, LLC,
 Defendant,
SRP 2012-4, &c.,
 Respondent.

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

3 Mo. No. 2018-130
In the Matter of Patricia E. Chu,
 Appellant,
 v.
Robert J. Jones, &c., et al.,
 Respondents.

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

1 SSD 12
Colebrooke Theatrical LLP,
 Respondent,
 v.
Stephane Bibeau et al.,
 Appellants,
et al.,
 Defendant.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that the order appealed from does not finally determine the action within the meaning of the Constitution.

1 Mo. No. 2018-86
Daniel R. Wotman & Associates, PLLC,
Respondent,
v.
Janet Chang,
Appellant.

Motion, insofar as it seeks leave to appeal from the March 2017 Appellate Division order, dismissed upon the ground that it does not lie, appellant having previously moved for leave to appeal to the Court of Appeals from the Appellate Division order from which leave to appeal is currently sought (29 NY3d 1047 [2017]); motion, insofar as it seeks leave to appeal from the October 2017 stipulation, dismissed upon the ground that no appeal lies from the stipulation to discontinue the entire action without prejudice.

2 Mo. No. 2018-177
In the Matter of Adam D.

SCO Family of Services, et al.,
Respondents;
Victoria C.,
Appellant.
(And Two Other Proceedings)

Motion for leave to appeal dismissed upon the ground that the order sought to be appealed from does not finally determine the proceedings within the meaning of the Constitution.
Motion for poor person relief dismissed as academic.
Motion for a stay dismissed as academic.

2 Mo. No. 2018-124
In the Matter of Tamel D.

Administration for Children's Services,
Respondent;
Curtiz J.,
Appellant;
Tanisha R.B.,
Respondent.
(And Three Other Proceedings)

Motion for leave to appeal dismissed upon the ground that the order sought to be appealed from does not finally determine the proceedings within the meaning of the Constitution.
Motion for poor person relief dismissed as academic.

2 Mo. No. 2018-132
Miguelis Diaz, &c.,
Respondent,
v.
Wyckoff Heights Medical Center et al.,
Defendants,
297 Schaeffer Street Realty Corp. 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.

4 Mo. No. 2018-144
Encore Properties of Rochester, LLC,
Appellant,
v.
Wells Fargo Bank, N.A., &c.,
Respondent,
et al.,
Defendant.

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

2 Mo. No. 2018-35
In the Matter of Sinclair Haberman et al.,
Respondents,
v.
Rocco Morelli, et al.,
Appellants,
Zoning Board of Appeals of City of Long
Beach, 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 proceeding within the meaning of the Constitution.

2 Mo. No. 2018-224
In the Matter of New York City Housing
Authority, South Jamaica 11 Houses,
Respondent,
v.
Jonathan Headley,
Respondent,
Pamela Jackson,
Appellant.

Motion for leave to appeal dismissed upon the ground that this Court does not have jurisdiction to entertain this motion for leave to appeal from the order of the Appellate Division entered in this proceeding commenced in the Civil Court of the City of New York (see NY Const, art VI, § 3[b][7]; CPLR 5602[a]).

1 Mo. No. 2018-97
Cheryl Jacobus,
 Appellant,
 v.
Donald J. Trump, et al.,
 Respondents.

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

1 Mo. No. 2018-110
Harvey Keitel,
 Appellant,
 v.
E*TRADE Financial Corporation,
 Respondent.

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

2 Mo. No. 2018-239
In the Matter of Feng Li, a suspended
attorney.

Motion for reargument denied.

Grievance Committee for the Ninth Judicial
District,
 Respondent;
Feng Li,
 Appellant.

3 Mo. No. 2018-125
In the Matter of James R. Link,
 Respondent.
Cantor & Pecorella, Inc.,
 Appellant;
Commissioner of Labor,
 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.

1 Mo. No. 2018-198
The People &c.,
 Respondent,
 v.
Samuel Morales,
 Appellant.

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

1 Mo. No. 2018-164
In the Matter of New York City Asbestos
Litigation.

Charles D. North, &c.,
Respondent,

v.

Air & Liquid Systems Corporation, &c., et
al.,

Defendants,
National Grid Generation, LLC,
Respondent,
O'Connor Constructors, Inc.,
Appellant.

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

Judge Feinman took no part.

1 Mo. No. 2018-202

Pauline Okpo,
Appellant,

v.

City of New York,
Defendant,
District Council 37 et al.,
Respondents.

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

2 Mo. No. 2018-201
In the Matter of Michael Parietti et al.,
Appellants,

et al.,
Petitioner,

v.

Town of Ramapo et al.,
Respondents.

Motion for leave to appeal denied.

4 Mo. No. 2018-54
In the Matter of Kevin Phillip,
Appellant,
v.
Barry McArdle, &c.,
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. The Appellate Division order does not resolve petitioner's appeal before that court.

4 Mo. No. 2018-197
In the Matter of Joel Providence,
Appellant,
v.
Anthony Annucci, &c.,
Respondent.

Motion for leave to appeal denied.

1 SSD 17
In the Matter of Dennis W. Quirk, &c.,
Appellant,
v.
Hon. Jonathan Lippman, &c.,
Respondent.

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

2 Mo. No. 2018-141
The People &c.,
Respondent,
v.
Gregory Santogual,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2018-259
In the Matter of Save Gansevoort, LLC, et al.,
Appellants,
v.
City of New York, et al.,
Respondents.

Motion for leave to appeal denied with one hundred dollars costs and necessary reproduction disbursements.
Motion for a stay dismissed as academic.

1 Mo. No. 2018-156
Heather Thomson Schindler, et al.,
 Respondents,
 v.
Eric Rothfeld, et al.,
 Appellants,
Times Three Clothier, LLC,
 Nominal Defendant.
(And Another Action.)

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. 2018-172
In the Matter of Theodore Simpson,
 Appellant,
 v.
A. Rodriguez, &c.,
 Respondent.

Motion for reargument of motion for leave to appeal denied.

2 Mo. No. 2018-163
Lazaro Sotolongo,
 Appellant,
 v.
Robert L. Cristofaro, &c., 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.

4 Mo. No. 2018-147
Tag Mechanical Systems, Inc.,
 Respondent,
 v.
Dworkin Construction Corp. (USA),
 Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2018-226
In the Matter of New York City Asbestos
Litigation.

Theresa Warren, &c.,
Respondent,

v.

Amchem Products, Inc., et al.,
Defendants,
J-M Manufacturing Company, Inc.,
Appellant.

Motion for reargument of motion for leave to appeal
denied.

Judge Feinman took no part.