

June 14, 2018

CASES

1 No. 71

The People &c.,
Respondent,

v.

Princesam Bailey,
Appellant.

Order affirmed.

Opinion by Judge Rivera.

Chief Judge DiFiore and Judges Stein, Garcia and
Feinman concur.

Judge Wilson dissents in an opinion in which Judge
Fahey concurs.

1 No. 69

In the Matter of Brookford, LLC,
Appellant,

v.

New York State Division of Housing and
Community Renewal, et al.,
Respondents.

Order affirmed, with costs, and certified question not
answered as unnecessary.

Opinion by Judge Feinman.

Chief Judge DiFiore and Judges Rivera, Stein, Fahey
and Wilson concur.

Judge Garcia dissents in an opinion.

3 No. 112 SSM 11

In the Matter of Mason H., &c.

Broome County Department of Social
Services,

Respondent;

Joseph H.,

Appellant.

On review of submissions pursuant to section 500.11
of the Rules, order reversed, without costs, and the
petition dismissed, in a memorandum.

Chief Judge DiFiore and Judges Rivera, Stein, Fahey,
Garcia, Wilson and Feinman concur.

2 No. 70

In the Matter of Nicholas Lemma,

Appellant,

v.

Nassau County Police Officer Indemnification
Board, et al.,

Respondents.

Order affirmed, with costs.

Opinion by Chief Judge DiFiore.

Judges Rivera, Stein, Fahey, Garcia, Wilson and
Feinman concur.

4 No. 63
The People &c.,
 Respondent,
 v.
Gary Thibodeau,
 Appellant.

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

2 No. 62
The People &c.,
 Appellant,
 v.
Natascha Tiger,
 Respondent.

Order, insofar as appealed from, reversed and that branch of defendant's CPL 440.10 motion which was based on an independent claim of actual innocence denied.
Opinion by Chief Judge DiFiore.
Judges Stein, Fahey, Garcia and Feinman concur, Judge Garcia in a concurring opinion.
Judge Wilson dissents in an opinion in which Judge Rivera concurs.

1 No. 65
In the Matter of Natasha W.,
 Respondent,
 v.
New York State Office of Children and Family Services, et al.,
 Appellants,
New York City Administration for Children's Services,
 Respondent.

Order reversed, without costs, and petition dismissed, in a memorandum.
Chief Judge DiFiore and Judges Rivera, Stein, Fahey, Garcia and Feinman concur.
Judge Wilson dissents in an opinion.

2 No. 68
The People &c.,
 Respondent,
 v.
Theodore Wilson,
 Appellant.

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

MOTIONS

2 Mo. No. 2018-330
In the Matter of Beatrice A., &c.

SCO Family of Services,
Respondent;
Selina A.,
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2018-401
In the Matter of Mazeltov B.,
Appellant,
v.
Joseph M., et al.,
Respondents.

Motion for leave to appeal denied.

4 Mo. No. 2018-348
In the Matter of Faith B. et al.

Onondaga County Department of Children
and Family Services,
Respondent;
Rochelle C.,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2018-417
The People &c.,
Respondent,
v.
Carlos Bonilla,
Appellant.

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

4 Mo. No. 2018-434
In the Matter of Brittany C.

Steuben County Department of Social
Services,
Respondent;
Michael C.,
Appellant.
(And Other Related Proceedings)

Motion for leave to appeal denied.

1 Mo. No. 2018-482
Estate of Alexander Calderwood, &c.,
Appellant,
v.
ACE Group International LLC, 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.

1 Mo. No. 2018-453
Champion Auto Sales, LLC, et al.,
Appellants,
v.
Pearl Beta Funding, LLC,
Respondent.

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

2 Mo. No. 2018-390
Citimortgage, Inc.,
Respondent,
v.
Michael C. Banks, et al.,
Appellants,
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.

1 Mo. No. 2018-411
Daniel Collazo, et al.,
Appellants,
v.
Netherland Property Assets LLC et al.,
Respondents.

Motion for leave to appeal granted.

1 Mo. No. 2018-488
Daniel Collazo, et al.,
 Appellants,
 v.
Netherland Property Assets LLC et al.,
 Respondents.

Motion by Legal Services NYC and The Legal Aid Society for leave to appear amici curiae on the motion for leave to appeal herein granted and the brief is accepted as filed.

2 Mo. No. 2018-470
The People &c.,
 Respondent,
 v.
Christopher Collins,
 Appellant.

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

2 Mo. No. 2018-544
In the Matter of Dennis E.,
 Appellant,
 v.
Matthew J. D'Emic, &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 a stay dismissed as academic. Chief Judge DiFiore took no part.

1 Mo. No. 2018-387
In the Matter of Empire Center for Public Policy, Inc.,
 Appellant,
 v.
N.Y.C. Office of Payroll Administration,
 Respondent.

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

3 Mo. No. 2018-409
In the Matter of Jean L. Frantz,
 Appellant,
 v.
Donald Venettozzi, &c.,
 Respondent.

Motion for leave to appeal denied.

3 Mo. No. 2018-388
In the Matter of Alvin Fulton,
 Appellant,
 v.
Janet DiFiore, &c.,
 Respondent.

Motion, insofar as it seeks leave to appeal from the December 2017 Appellate Division order, dismissed 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 February 2018 Appellate Division order granting appellant's application to withdraw and discontinue his appeal to that court, dismissed upon the ground that appellant is not a party aggrieved (see CPLR 5511).
Chief Judge DiFiore took no part.

2 Mo. No. 2018-426
The People &c.,
 Respondent,
 v.
Trevor Gilmore,
 Appellant.

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

1 Mo. No. 2018-444
In the Matter of Ryszard Grajko,
 Appellant,
 v.
City of New York, et al.,
 Respondents.

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

2 Mo. No. 2018-420
The People &c.,
 Respondent,
 v.
Jeffrey Hallett,
 Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2018-445
C. Louise Hepworth, &c.,
Appellant,
v.
Douglas J. Hepworth, 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.

2 Mo. No. 2018-392
The People &c.,
Respondent,
v.
Elijah Hesterbey,
Appellant.

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

2 Mo. No. 2018-460
Hoeg Corporation,
Appellant,
v.
Peebles Corporation,
Respondent.

Motion for reargument of motion for leave to appeal denied.

1 Mo. No. 2018-438
In the Matter of Gregory Huss,
Appellant,
v.
The Conference on Jewish Material Claims
Against Germany,
Respondent.

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

2 Mo. No. 2018-511
The People &c.,
Respondent,
v.
Michael Johnson,
Appellant.

Motion for reargument denied.

1 Mo. No. 2018-475
Patricia Kenny,
 Respondent,
 v.
Turner Construction Company, et al.,
 Defendants,
The Corporate Source, Inc.,
 Appellant.

Patricia Kenny,
 Plaintiff,
 v.
Turner Construction Company, et al.,
 Defendants.
(And Third and Fourth-Party Actions)

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. 2018-452
In the Matter of James Kumano,
 Appellant,
 v.
Richard Conway, et al.,
 Respondents.

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

2 Mo. No. 2018-440
Nadine Leach,
 Appellant,
 v.
State of New York,
 Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2018-396
Nella Manko,
 Appellant,
 v.
David A. Gabay, et al.,
 Respondents.

Motion for reconsideration of this Court's March 28, 2017 dismissal order dismissed as untimely (see Rules of Ct of Appeals [22 NYCRR] § 500.24[b]).
Motion for poor person relief dismissed as academic.

1 Mo. No. 2018-416
The People &c.,
Respondent,
v.
Russell Mann,
Appellant.

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

2 Mo. No. 2018-458
The People &c.,
Respondent,
v.
David Martinez,
Appellant.

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

1 Mo. No. 2018-395
Luis Jose Martinez,
Appellant,
v.
3801 Equity Company, LLC,
Respondent,
et al.,
Defendants.
(And a Third-Party Action)

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

4 Mo. No. 2018-391
In the Matter of the Arbitration between
Monroe County Deputy Sheriffs' Association,
Inc.,
Respondent;
Monroe County et al.,
Appellants.

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

2 Mo. No. 2018-412
The People &c.,
Respondent,
v.
Nazario Morales,
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2018-410
In the Matter of Elizabeth Pastor,
 Appellant,
 v.
Partnership for Children's Rights,
 Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2018-377
In the Matter of James Pettus,
 Appellant,
et al.,
 Petitioner,
 v.
Board of Directors, et al.,
 Respondents.

Motion, insofar as it seeks leave to appeal from so much of the Appellate Division order as dismissed the appeal from the February 2016 Supreme Court order, dismissed upon the ground that such portion of the order does not finally determine the action within the meaning of the Constitution; motion for leave to appeal otherwise denied.
Motion for poor person relief dismissed as academic.

1 Mo. No. 2018-484
In the Matter of James Pettus,
 Appellant,
et al.,
 Petitioner,
 v.
Board of Directors, et al.,
 Respondents.

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

3 Mo. No. 2018-419
The People &c.,
 Respondent,
 v.
Robert S. Remonda,
 Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2018-398
In the Matter of the Application of the
Metropolitan Transportation Authority, &c.

S.H. Knight, LLC,
Appellant,

v.

Metropolitan Transportation Authority,
Respondent.

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

2 Mo. No. 2018-436
The People &c.,
Respondent,

v.

Jamall Samuel,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2018-450
The People &c.,
Respondent,

v.

Arsenio Santiago,
Appellant.

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

2 Mo. No. 2018-427
The People &c.,
Respondent,

v.

Alexander Santos,
Appellant.

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

4 Mo. No. 2018-435
The People &c. ex rel. Jasmine Valentin,
Appellant,
v.
Anthony Annucci, &c. et al.,
Respondents.

Motion for leave to appeal denied.

2 Mo. No. 2018-437
The People &c.,
Respondent,
v.
Christopher Wustrau,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2018-550
Summer Zervos,
Respondent,
v.
Donald J. Trump,
Appellant.

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.
Motion for a stay dismissed as academic.