

November 27, 2018

CASES

3 No. 121
In the Matter of Miguel Gonzalez,
 Respondent-Appellant,
 v.
Anthony J. Annucci, &c.,
 Appellant-Respondent.

Order modified, without costs, in accordance with the opinion herein and, as so modified, affirmed.
Opinion by Chief Judge DiFiore.
Judges Stein, Fahey, Garcia and Feinman concur.
Judge Rivera concurs in part and dissents in part for the reasons stated in sections I through III of Judge Wilson's dissenting opinion.
Judge Wilson dissents in an opinion.

1 No. 122
The People &c.,
 Respondent,
 v.
Damian Jones,
 Appellant.

Order reversed and indictment dismissed, in a memorandum.
Chief Judge DiFiore and Judges Stein, Fahey, Garcia, Wilson and Feinman concur.
Judge Rivera concurs in result in an opinion.

1 No. 123
In the Matter of New York City Asbestos
Litigation.

Mary Juni, &c.,
 Appellant,
 v.
A.O. Smith Water Products Co., et al.,
 Defendants,
Ford Motor Company,
 Respondent.

Order affirmed, with costs, and certified question answered in the affirmative, in a memorandum.
Chief Judge DiFiore and Judges Stein, Fahey and Wilson concur, Judge Fahey in a concurring opinion and Judge Wilson in a separate concurring opinion.
Judge Rivera dissents in an opinion.
Judges Garcia and Feinman took no part.

3 No. 136
In the Matter of Luis Pena,
 Respondent,
 v.
New York State Gaming Commission,
 Appellant.

Order reversed, with costs, determination of the New York State Gaming Commission confirmed, and petition dismissed for reasons stated in the dissenting opinion of Justice Presiding William E. McCarthy (144 AD3d 1244, 1247-1252 [2016]). Chief Judge DiFiore and Judges Rivera, Stein, Fahey, Garcia, Wilson and Feinman concur.

1 No. 117
The People &c.,
 Respondent,
 v.
Saylor Suazo,
 Appellant.

Order reversed and a new trial ordered.
Opinion by Judge Stein.
Chief Judge DiFiore and Judges Rivera, Fahey and Feinman concur.
Judge Garcia dissents and votes to affirm in an opinion.
Judge Wilson dissents in a separate dissenting opinion.

MOTIONS

2 Mo. No. 2018-836
B & R Mechanical, Inc.,
 Respondent,
 v.
Oak Ridge Hollow, LLC,
 Appellant,
et al.,
 Defendant.

Motion for leave to appeal denied.

1 Mo. No. 2018-940
Donnell Baines,
 Appellant,
 v.
The Daily News, L.P., 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. 2018-994
Tamara Behan,
 Respondent,
 v.
Andrew N. Kornstein,
 Appellant.

Motion, insofar as it seeks leave to appeal from that part of the Appellate Division order that affirmed Supreme Court's order finding defendant in contempt, 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.

3 Mo. No. 2018-913
In the Matter of Frank Brown,
 Appellant,
 v.
Tina M. Stanford, &c.,
 Respondent.

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

1 Mo. No. 2018-895
Daniel Collin, et al.,
 Respondents,
 v.
Park Right Corporation,
 Defendant,
415 PR LLC,
 Appellant.

Motion for leave to appeal dismissed upon the ground that movant is not a party aggrieved (see CPLR 5511).

2 Mo. No. 2018-924
In the Matter of Delkap Management, Inc. et al.,
 Respondents,
 v.
New York State Division of Human Rights,
 Appellant,
et al.,
 Respondent.

Motion for leave to appeal granted.

3 Mo. No. 2018-904
Dominic M. Franza,
 Appellant,
 v.
State of New York,
 Respondent.

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

1 Mo. No. 2018-949
Anthony Gordon,
 Plaintiff,
Martina Gordon,
 Appellant,
 v.
476 Broadway Realty Corp. 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. 2018-946
Grandfeld II, LLC,
 Respondent,
 v.
Kohl's Department Stores, Inc. et al.,
 Appellants.

Motion for leave to appeal denied.

1 Mo. No. 2018-965
Walter Grant,
 Appellant,
 v.
County 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 proceeding within the meaning of the Constitution.
Motion for poor person relief dismissed as academic.

1 Mo. No. 2018-886
Intrepid Investments, LLC,
 Appellant,
et al.,
 Plaintiff,
 v.
Selling Source, LLC,
 Respondent,
Clickgen, LLC, et al.,
 Defendants.

Motion, insofar as it seeks leave to appeal from so much of the Appellate Division order as affirmed the September 2015 order in the above-captioned action, 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.

In the Matter of Intrepid Investments, LLC,
 Appellant,
 v.
Selling Source, LLC,
 Respondent.

2 Mo. No. 2018-890
JPMorgan Chase Bank, National Association,
&c.,
 Respondent,
 v.
Doina Almazon, &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.
Motion for poor person relief dismissed as academic.

2 Mo. No. 2018-897
Eric Keshin et al.,
 Appellants,
 v.
Montauk Homes, LLC et al.,
 Defendants,
280 Eastlake Drive, LLC, et al.,
 Respondents.

Motion for leave to appeal denied.

2 Mo. No. 2018-953
Long Island Pine Barrens Society, Inc., et al.,
 Appellants,
 v.
Suffolk County Legislature et al.,
 Respondents,
et al.,
 Defendant.

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

3 Mo. No. 2018-955
In the Matter of the Claim of Richard Love,
 Respondent,
 v.
Village of Pleasantville 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.

2 Mo. No. 2018-970
Metropolitan Lofts of NY, LLC,
 Respondent,
 v.
Metroeb Realty 1, LLC,
 Appellant-Respondent,
RedSky Capital, LLC,
 Respondent-Appellant.

Motions 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.

1 Mo. No. 2018-857
In the Matter of New York City Transit
Authority,
 Appellant,
 v.
Physical Medicine & Rehab of NY PC, &c.,
 Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2018-871
Project Cricket Acquisition, Inc.,
 Appellant,
 v.
FCP Investors VI, L.P., et al.,
 Respondents,
Florida Capital Partners, Inc., et al.,
 Defendants.

Motion, insofar as it seeks leave to appeal as against defendants Felix J. Wong and Gregory Johnson, denied; motion for leave to appeal otherwise 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. 2018-921
In the Matter of Santander Consumer USA,
Inc.,
 Respondent,
 v.
A-1 Towing Inc.,
 Appellant,
et al.,
 Respondent.

Motion for leave to appeal denied.

3 Mo. No. 2018-896
In the Matter of the Claim of Susan
Schmerler,
 Appellant,
 v.
Longwood School District et al.,
 Respondents.
Workers' Compensation Board,
 Respondent.

Motion for leave to appeal denied.

 Mo. No. 2018-941
In the Matter of the New York State Office of
Victim Services, &c.,
 Respondent,
 v.
William D. Smith,
 Appellant.

Motion for leave to appeal dismissed upon the
ground that this Court does not have jurisdiction to
entertain the motion (see NY Const, art VI, § 3[b];
CPLR 5602[a]).
Motion for poor person relief &c. dismissed as
academic.

1 Mo. No. 2018-968
UBS Securities LLC, et al.,
 Respondents,
 v.
Highland Capital Management, L.P., 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.
Judge Feinman took no part.

3 Mo. No. 2018-919
Peter Waldman,
 Appellant,
 v.
State of New York,
 Respondent.

Motion for leave to appeal denied.

3 Mo. No. 2018-920
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 leave to appeal dismissed as untimely
(see CPLR 5513[b]; 2103[b][2]).