

January 10, 2019

MOTIONS

1 Mo. No. 2018-1187
The People &c.,
 Respondent,
 v.
Anonymous,
 Appellant.

Motion to seal granted.

2 Mo. No. 2018-1032
The People &c.,
 Respondent,
 v.
Filiberto Aller,
 Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2019-11
Lilya Andryeyeva, &c, et al.,
 Respondents,
 v.
New York Health Care, Inc., d/b/a New York
Home Attendant Agency, et al.,
 Appellants.

Motion by Sanford Heisler Sharp, LLP for leave to file a brief amicus curiae on the appeals herein granted and the proposed brief is accepted as filed. Two copies of the brief must be served, an original and nine copies filed, and the brief submitted in digital format within seven days.

Adriana Moreno, &c., et al.,
 Respondents,
 v.
Future Care Health Services, Inc., et al.,
 Appellants.

2 Mo. No. 2019-12
Lilya Andryeyeva, &c, et al.,
 Respondents,
 v.
New York Health Care, Inc., d/b/a New York
Home Attendant Agency, et al.,
 Appellants.

Adriana Moreno, &c., et al.,
 Respondents,
 v.
Future Care Health Services, Inc., et al.,
 Appellants.

2 Mo. No. 2019-13
Lilya Andryeyeva, &c, et al.,
 Respondents,
 v.
New York Health Care, Inc., d/b/a New York
Home Attendant Agency, et al.,
 Appellants.

Motion by Greater New York Hospital Association,
et al. for leave to file a brief amici curiae on the
appeals herein granted and the proposed brief is
accepted as filed. The brief must be submitted in
digital format within seven days.

Motion by Home Care Association of America et al.
for leave to file a brief amici curiae on the appeal
herein granted and the proposed brief is accepted as
filed. Three copies of the brief must be served, an
original and nine copies filed, and the brief submitted
in digital format within seven days.

2 Mo. No. 2019-26
Lilya Andryeyeva, &c, et al.,
 Respondents,
 v.
New York Health Care, Inc., d/b/a New York
Home Attendant Agency, et al.,
 Appellants.

Adriana Moreno, &c., et al.,
 Respondents,
 v.
Future Care Health Services, Inc., et al.,
 Appellants.

2 Mo. No. 2019-32
Lilya Andryeyeva, &c, et al.,
 Respondents,
 v.
New York Health Care, Inc., d/b/a New York
Home Attendant Agency, et al.,
 Appellants.

2 Mo. No. 2019-45
Lilya Andryeyeva, &c, et al.,
 Respondents,
 v.
New York Health Care, Inc., d/b/a New York
Home Attendant Agency, et al.,
 Appellants.

Motion by Community Development Project, et al.
for leave to file a brief amici curiae on the appeals
herein granted and the proposed brief is accepted as
filed. The brief must be submitted in digital format
within seven days.

Motion by New York State Association of Health
Care Providers Inc. for leave to file a brief amicus
curiae on the appeal herein granted and the proposed
brief is accepted as filed. The brief must be
submitted in digital format within seven days.

Motion by New York State Department of Labor for
leave to appear amicus curiae on the appeal herein
granted and the proposed brief is accepted as filed.
Two copies of the brief must be served, an original
and nine copies filed, and the brief submitted in
digital format within seven days.

2 Mo. No. 2019-47
Lilya Andryeyeva, &c, et al.,
Respondents,
v.
New York Health Care, Inc., d/b/a New York
Home Attendant Agency, et al.,
Appellants.

Motion by National Center for Law and Economic Justice for leave to file a brief amicus curiae on the appeal herein granted and the proposed brief is accepted as filed. Two copies of the brief must be served, an original and nine copies filed, and the brief submitted in digital format within seven days.

2 SSD 71
Leslie Barnave,
Appellant,
v.
Tarik Davis, &c.,
Respondent.

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.

4 Mo. No. 2018-992
Lindsay Boland,
Appellant,
v.
Linda Imboden, M.D., et al.,
Defendants,
Susan E. Stred, M.D.,
Respondent.

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

3 Mo. No. 2018-1022
In the Matter of Brennan Center for Justice at
NYU School of Law, et al.,
Appellants,
v.
New York State Board of Elections,
Respondent.
(Index No. 3579/15)

Motion for leave to appeal denied.

3 Mo. No. 2018-1023
In the Matter of Brennan Center for Justice at
NYU School of Law, et al.,
 Appellants,
 v.
New York State Board of Elections,
 Respondent.
(Index No. 3279/16)

Motion for leave to appeal denied.

3 SSD 72
Darryl Briggs,
 Appellant,
 v.
State of New York Department of Corrections
and Community Supervision et al.,
 Respondents.

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

4 Mo. No. 2018-1024
W. James Camperlino,
 Respondent,
 v.
Dan E. Bargabos et al.,
 Appellants.

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

4 Mo. No. 2018-1065
In the Matter of Jenna D.

Ontario County Department of Social
Services Child Protective Unit,
 Respondent;
Paula D.,
 Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2018-1075
In the Matter of Tahja M. Eason,
 Appellant,
 v.
Gerrod T. Bowick, Sr.,
 Respondent.

Motion for leave to appeal denied.

3 Mo. No. 2018-1041
In the Matter of Jillian EE.,
 Respondent,
 v.
Kane FF.,
 Appellant.
(And Another Related Proceeding.)

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

2 Mo. No. 2018-1207
Sofia Fasolas, &c.,
 Respondent,
 v.
Bobcat of New York, Inc., et al.,
 Defendants,
Bobcat of Long Island, Inc., et al.,
 Appellants,
Port Jefferson Rental Center, Inc., &c.,
 Respondent.

Motion by Defense Association of New York, Inc.
for leave to file a brief amicus curiae on the appeal
herein granted and the proposed brief is accepted as
filed. The brief must be submitted in digital format
within seven days.

1 Mo. No. 2018-1114
In the Matter of Davian M.J.G., &c. et al.

Candy J.,
 Appellant;
The Children's Aid Society,
 Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2018-1148
In the Matter of Gino L. Giorgini, III, &c., an
Attorney,
 Appellant.
Attorney Grievance Committee for the First
Judicial Department,
 Respondent.

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.
Motion for a stay dismissed as academic.

3 Mo. No. 2018-1134
In the Matter of Manuel L. Hoppe Jr.,
 Appellant,
 v.
Jamie L. Hoppe, &c.,
 Respondent.
(And Another Proceeding.)

Motion for leave to appeal denied.

2 SSD 74
JP Morgan Chase Bank, NA,
 Plaintiff,
 v.
Ofra Levin,
 Appellant,
Wells Fargo Bank, NA, &c.,
 Respondent,
et al.,
 Defendants.

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

1 Mo. No. 2018-1108
Lawrence Kingsley,
 Appellant,
 v.
300 W. 106th St. Corp.,
 Respondent.
(And a Third-Party Action.)

On the Court's own motion, appeal dismissed,
without costs, upon the ground that the orders
appealed from do not finally determine the action
within the meaning of the Constitution.
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.
Motion for a stay dismissed as academic.

1 Mo. No. 2019-10
John Kuzmich, et al.,
 Appellants,
 v.
50 Murray Street Acquisition LLC,
 Respondent.

Motion by The Real Estate Board of New York for leave to appear amicus curiae on the appeal herein granted only to the extent that the proposed brief is accepted as filed. Two copies of the brief must be served, an original and nine copies filed, and the brief submitted in digital format within seven days.

2 Mo. No. 2018-1214
In the Matter of Larchmont Pancake House,
 Appellant,
 v.
Board of Assessors &c., et al.,
 Respondents.
(And Three Other Proceedings.)

Motion by New York State School Boards Association for leave to file a brief amicus curiae on the appeal herein granted and the proposed brief is accepted as filed. Two copies of the brief must be served, an original and nine copies filed, and the brief submitted in digital format within seven days.

2 Mo. No. 2019-44
In the Matter of Larchmont Pancake House,
 Appellant,
 v.
Board of Assessors &c., et al.,
 Respondents.
(And Three Other Proceedings.)

Motion by New York State Conference of Mayors and Municipal Officials et al. for leave to file a brief amici curiae on the appeal herein granted and the proposed brief is accepted as filed. The brief must be submitted in digital format within seven days.

2 Mo. No. 2018-1026
In the Matter of George Leon,
 Respondent,
 v.
Melissa Quinones,
 Appellant.
(And Another Proceeding.)

Motion for leave to appeal denied.

1 Mo. No. 2018-1029
In the Matter of Joyelli Latasha M., &c.

Charles M.,
 Appellant;
Edwin Gould Services for Children and
Families,
 Respondent.

Motion for leave to appeal denied.

3 Mo. No. 2018-1013
In the Matter of Joseph W. McKay,
 Respondent,

 v.
Village of Endicott,
 Appellant.

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

3 Mo. No. 2018-1014
In the Matter of Joseph W. McKay,
 Respondent,

 v.
Village of Endicott et al.,
 Appellants.

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

2 Mo. No. 2019-46
Adriana Moreno, &c., et al.,
 Respondents,

 v.
Future Care Health Services, Inc., et al.,
 Appellants.

Motion by New York State Department of Labor for leave to appear amicus curiae on the appeal herein granted and the proposed brief is accepted as filed. Two copies of the brief must be served, an original and nine copies filed, and the brief submitted in digital format within seven days.

4 Mo. No. 2018-1170
The People &c.,
 Appellant,

 v.
William Morrison,
 Respondent.

Motion for assignment of counsel granted and Mary R. Humphrey, Esq., 4063 Oneida Street, Suite 6, New Hartford, NY 13413 assigned as counsel to the respondent nunc pro tunc on the appeal herein.

2 Mo. No. 2018-1145
The People &c.,
Respondent,
v.
John Murray,
Appellant.

Motion for an extension of the time within which to apply for permission to appeal pursuant to CPL 460.20 granted and motion papers treated as a timely CPL 460.20 application.
Chief Judge DiFiore took no part.

2 Mo. No. 2018-1203
New York Community Bank,
Respondent,
v.
Woodhaven Associates LLC,
Appellant,
et al.,
Defendants.

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

2 Mo. No. 2018-1115
In the Matter of State of New York,
Respondent,
v.
Walter J.R.,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2018-1053
In the Matter of Michael P.

Michael P.,
Appellant;
Edwin Gould Services for Children and Families,
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.

SSD 1
James Pettus,
Appellant,
v.
Boyd, Richards, Parker & Colonnelli, P.L., et
al.,
Respondents.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that it does not lie.

1 Mo. No. 2018-1025
In the Matter of James Pettus,
Appellant,
et al.,
Petitioner,
v.
Board of Directors, et al.,
Respondents.

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 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 other relief dismissed upon the ground that this Court does not have jurisdiction to entertain it (see NY Const, art VI, § 3).

3 Mo. No. 2018-1189
In the Matter of The Plastic Surgery Group,
P.C.,
Appellant,
v.
Comptroller of the State of New York,
Respondent.

Motion by Medical Society of the State of New York et al. for leave to appear amici curiae on the appeal herein granted only to the extent that the proposed brief is accepted as filed. Two copies of the brief must be served, an original and nine copies filed, and the brief submitted in digital format within seven days.

1 Mo. No. 2018-1043
Board of Directors of Windsor Owners Corp.,
Respondent,
v.
Elaine Platt,
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. 2018-909
Brenda Pomerance, &c.,
Appellant,
v.
Brian Scott McGrath, et al.,
Respondents.

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

2 Mo. No. 2018-1017
The People &c.,
Respondent,
v.
Keyan Price,
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2018-1030
The People &c.,
Respondent,
v.
Edmund Reed,
Appellant.

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

2 Mo. No. 2018-1031
The People &c.,
Respondent,
v.
Darin Ruffin,
Appellant.

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

4 Mo. No. 2018-1067
In the Matter of Celeste S., et al.

Monroe County Department of Human
Services,
Respondent;
Michelle S.,
Respondent,
Richard B.,
Appellant.

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

4 Mo. No. 2018-972
Randal D. Smith et al.,
Respondents,
v.
Safeco Insurance Company of America,
Appellant,
et al.,
Defendant.

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

1 SSD 73
Rachana Suri,
Respondent,
v.
Grey Global Group, Inc., et al.,
Appellants.

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.

Mo. No. 2019-14
The People &c.,
Respondent,
v.
Sixtus Udeke,
Appellant.

Motion for assignment of counsel granted and Robert
S. Dean, Esq., Center for Appellate Litigation, 120
Wall Street, 28th Floor, New York, NY 10005
assigned as counsel to the appellant on the appeal
herein.

Mo. No. 2018-1232
The People &c.,
Respondent,
v.
Justin Wehling,
Appellant.

Motion for an extension of the time within which to
apply for permission to appeal pursuant to CPL
460.20 granted and motion papers treated as a timely
CPL 460.20 application.

4 Mo. No. 2018-1085
In the Matter of Bridgette White,
Appellant,
v.
Mark Stone,
Respondent.

Motion for leave to appeal denied.