

June 13, 2019

**CASES**

1                    No. 40  
In the Matter of Eileen Jordan et al.,  
    Respondents,  
    v.  
New York City Housing Authority,  
    Appellant,  
Department of Citywide Administrative  
Services,  
    Respondent.

Order insofar as appealed from reversed, with costs,  
and petition dismissed in its entirety.  
Opinion by Judge Garcia.  
Chief Judge DiFiore and Judges Rivera, Stein, Fahey,  
Wilson and Feinman concur.

3                    No. 41  
In the Matter of Bethany Kosmider,  
    Respondent,  
    v.  
Mark Whitney, as Commissioner of the Essex  
County Board of Elections,  
    Respondent,  
Allison McGahay, as Commissioner of the  
Essex County Board of Elections, et al.,  
    Appellants.

Order reversed, with costs, and petition dismissed in  
its entirety.  
Opinion by Chief Judge DiFiore.  
Judges Fahey, Garcia and Feinman concur.  
Judge Stein dissents and votes to affirm in an opinion  
in which Judge Rivera concurs.  
Judge Wilson dissents in a separate opinion.

1                    No. 43  
The People &c.,  
    Respondent,  
    v.  
Jaime Lopez-Mendoza,  
    Appellant.

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

2                    No. 42  
The People &c.,  
    Respondent,  
    v.  
David Mendoza,  
    Appellant.

Order affirmed.  
Opinion by Chief Judge DiFiore.  
Judges Rivera, Stein, Fahey, Garcia, Wilson and  
Feinman concur.

## MOTIONS

2 Mo. No. 2019-356  
41st Road Properties, LLC,  
Respondent,  
v.  
Wang Real Property, LLC, 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.

2 Mo. No. 2019-362  
Kevin Ade, &c. et al.,  
Appellants,  
v.  
City of New York et al.,  
Respondents,  
et al.,  
Defendants.

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

1 Mo. No. 2019-339  
Aspen Specialty Insurance Company,  
Respondent,  
v.  
Ironshore Indemnity Incorporated,  
Appellant,  
et al.,  
Defendant.

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. 2019-366  
In the Matter of Kimberly Austin, et al.,  
Appellants,  
v.  
Maria Milin, &c.,  
Respondent,  
PS 157 Lofts LLC, et al.,  
Respondents.

Motion for reargument of motion for leave to appeal denied.

2 Mo. No. 2019-346  
The People &c.,  
Respondent,  
v.  
Edward Blinker,  
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2019-349  
Marilyn Bloch,  
Appellant,  
v.  
City of New York, 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 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 poor person relief dismissed as academic.

4 Mo. No. 2019-412  
John D. Cadore,  
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.

1 Mo. No. 2019-385  
The People &c.,  
Respondent,  
v.  
Guillermo Cisneros,  
Appellant.

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

2 Mo. No. 2019-397  
The People &c.,  
Respondent,  
v.  
Vain Dadd,  
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2019-374  
The People &c.,  
Respondent,  
v.  
Sergio Del Rosario,  
Appellant.

Motion for leave to appeal granted.  
Motion for poor person relief granted.  
Chief Judge DiFiore took no part.

1 Mo. No. 2019-409  
FranPearl Equities Corp.,  
Appellant,  
v.  
124 West 23rd Street, LLC,  
Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2019-384  
The People &c.,  
Respondent,  
v.  
David Garray,  
Appellant.

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

1 Mo. No. 2019-359  
The People &c.,  
Respondent,  
v.  
Juan Gonzalez,  
Appellant.

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

3 Mo. No. 2019-393  
Scott C. Gottlieb,  
Appellant,  
v.  
James M. Merrigan, &c. et al.,  
Respondents.

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

2 Mo. No. 2019-382  
The People &c.,  
Respondent,  
v.  
Thomas S. Greene,  
Appellant.

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

4 Mo. No. 2019-358  
The People &c.,  
Respondent,  
v.  
Joseph Hackrott,  
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2019-361  
The People &c.,  
Respondent,  
v.  
Raymond Hannah,  
Appellant.

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

1 Mo. No. 2019-416  
In the Matter of Kyle Jiggetts,  
Appellant,  
v.  
New York City Human Resources  
Administration et al.,  
Respondents.

Motion for leave to appeal dismissed upon the  
ground that this Court does not have jurisdiction to  
entertain it (see CPLR 5602).  
Motion for poor person relief &c. dismissed as  
academic.

2 Mo. No. 2019-341  
Nella Manko,  
Appellant,  
v.  
Lenox Hill Anesthesiology, PLLC, et al.,  
Respondents.

Motion for reargument of motion for leave to appeal  
dismissed as untimely (see Rules of Ct of Appeals  
[22 NYCRR] § 500.24[b]).  
Motion for poor person relief dismissed as academic.

2 Mo. No. 2019-429  
Nella Manko,  
Appellant,  
v.  
Lenox Hill Hospital,  
Respondent.

Motion for reconsideration of this Court's March 21,  
2019 dismissal order denied.  
Motion for poor person relief dismissed as academic.

2 Mo. No. 2019-442  
Nella Manko,  
Appellant,  
v.  
Bernard H. Broome, et al.,  
Respondents.

Motion for reargument of motions for leave to appeal  
dismissed as untimely (see Rules of Ct of Appeals  
[22 NYCRR] § 500.24[b]).  
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 poor person relief dismissed as academic.

2 Mo. No. 2019-482  
Nella Manko,  
Appellant,  
v.  
Lenox Hill Hospital,  
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. 2019-427  
Nella Manko,  
Appellant,  
v.  
Shorefront Apartments, LLC,  
et al.,  
Respondents.

Motion for reargument of motion for leave to appeal  
dismissed as untimely (see Rules of Ct of Appeals  
[22 NYCRR] § 500.24[b]).  
Motion for leave to appeal denied.  
Motion for poor person relief dismissed as academic.

2 Mo. No. 2019-428  
Nella Manko,  
Appellant,  
v.  
Elton Strauss, &c., et al.,  
Respondents,  
et al.,  
Defendants.

Motion for reargument of motions for leave to appeal  
dismissed as untimely (see Rules of Ct of Appeals  
[22 NYCRR] § 500.24[b]).  
Motion for poor person relief dismissed as academic.

2 Mo. No. 2019-444  
Nella Manko,  
Appellant,  
v.  
Bernard H. Broome, &c. et al.,  
Defendants,  
Professional Evaluation Group, Inc.,  
Respondent.

Motion for reargument of motion for leave to appeal dismissed as untimely (see Rules of Ct of Appeals [22 NYCRR] § 500.24[b]).  
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.  
Cross motion to hold plaintiff in contempt denied.

2 Mo. No. 2019-373  
Jill S. Meyer, &c.,  
Appellant,  
v.  
New York-Presbyterian Hospital Queens,  
&c., et al.,  
Respondents.

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

1 Mo. No. 2019-380  
The People &c.,  
Respondent,  
v.  
Isaac Middleton,  
Appellant.

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

2 Mo. No. 2019-378  
Teddy Moore,  
Appellant,  
v.  
Frank Guerra,  
Defendant,  
City of New York, et al.,  
Respondents.

Motion for reargument of motion for leave to appeal denied.

3                    Mo. No. 2019-342  
In the Matter of the Claim of Jonathan  
Mullane,  
                  Appellant.  
Commissioner of Labor,  
                  Respondent.

Motion for reargument of motion for leave to appeal  
denied.

3                    Mo. No. 2019-379  
Scott Myers,  
                  Appellant,  
          v.  
State Farm Insurance,  
                  Respondent.

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.

3                    Mo. No. 2019-332  
In the Matter of National Fuel Gas  
Distribution Corporation,  
                  Appellant,  
          v.  
Public Service Commission of the State of  
New York,  
                  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.

1                    Mo. No. 2019-386  
In the Matter of New York Community Bank,  
                  Respondent,  
          v.  
Bank of America, N.A.,  
                  Respondent,  
Ari Chitrik, &c. et al.,  
                  Appellants.

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



4                    Mo. No. 2019-335  
In the Matter of Matthew Nix,  
                          Appellant,  
                          v.  
New York State Division of Criminal Justice  
Services,  
                          Respondent.

Motion for leave to appeal denied.

2                    Mo. No. 2019-383  
The People &c.,  
                          Respondent,  
                          v.  
Damell Padgett,  
                          Appellant.

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

1                    Mo. No. 2019-351  
The People &c.,  
                          Respondent,  
                          v.  
William Powell,  
                          Appellant.

Motion for leave to appeal denied.

2                    Mo. No. 2019-389  
The People &c.,  
                          Respondent,  
                          v.  
Richard Ralph,  
                          Appellant.

Motion for leave to appeal denied.

2                    Mo. No. 2019-369  
The People &c.,  
                          Respondent,  
                          v.  
Javier Rodriguez,  
                          Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2019-431  
Rhonda Rosenheck,  
Respondent,  
v.  
Jonathan Peter Schachter,  
Appellant.

Motion for reargument of motion for leave to appeal denied.

1 Mo. No. 2019-448  
In the Matter of Save America's Clocks, Inc.,  
et al.,  
Respondents,  
v.  
City of New York, &c., et al.,  
Appellants.

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

2 Mo. No. 2019-381  
The People &c.,  
Respondent,  
v.  
Robert Simmons,  
Appellant.

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

3 Mo. No. 2019-394  
Solartech Renewables, LLC,  
Respondent,  
v.  
Techcity Properties, Inc. 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.

3 Mo. No. 2019-365  
In the Matter of Paul Solomon,  
Appellant,  
v.  
New York State Office of Children and  
Family Services,  
Respondent.

Motion for leave to appeal denied.

1                    Mo. No. 2019-344  
In the Matter of Myrna Vazquez, &c.,  
                  Appellant,  
                  v.  
Howard A. Zucker, &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 proceeding within the meaning of the Constitution.

2                    Mo. No. 2019-343  
In the Matter of J'Min Ward,  
                  Appellant,  
                  v.  
Craig Brown, &c.,  
                  Respondent.

Motion for reargument of motion for leave to appeal denied.

2                    Mo. No. 2019-390  
The People &c.,  
                  Respondent,  
                  v.  
Dwayne Webb, &c.,  
                  Appellant.

Motion for reargument of motion for leave to appeal denied.

3                    Mo. No. 2019-360  
In the Matter of Equarn White,  
                  Appellant,  
                  v.  
Anthony J. Annucci, &c.,  
                  Respondent.

Motion for leave to appeal denied.