

March 28, 2019

CASES

1 No. 13
The People &c.,
 Respondent,
 v.
Omar Alvarez,
 Appellant.

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

4 No. 15
In the Matter of Eastbrooke Condominium,
&c.,
 Appellant,
 v.
Elaine Ainsworth, &c. et al.,
 Respondents.
(And Two Other Proceedings.)

Order reversed, with costs, and matter remitted to
Supreme Court, Monroe County, for further
proceedings in accordance with the opinion herein.
Opinion by Judge Fahey.
Judges Rivera, Stein, Garcia and Wilson concur.
Chief Judge DiFiore dissents and votes to affirm in
an opinion in which Judge Feinman concurs.

1 No. 20
The People &c.,
 Respondent,
 v.
Timothy Martin,
 Appellant.

Order affirmed, in a memorandum.
Chief Judge DiFiore and Judges Rivera, Stein, Fahey,
Garcia and Wilson concur.
Judge Feinman took no part.

1 No. 17
In the Matter of Save America's Clocks, Inc.,
et al.,
 Respondents,
 v.
City of New York, &c., et al.,
 Appellants.

Order reversed, with costs, and proceeding dismissed.
Opinion by Judge Garcia.
Judges Stein, Fahey and Feinman concur.
Judge Rivera dissents and votes to affirm in an
opinion in which Judge Wilson concurs.
Chief Judge DiFiore took no part.

MOTIONS

1 Mo. No. 2019-27
45 Renwick Street, LLC,
 Respondent,
 v.
Lionbridge, LLC,
 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.

3 Mo. No. 2019-133
In the Matter of Keith Applewhite,
 Appellant,
 v.
New York State Board of Parole,
 Respondent.

Motion to dismiss appeal granted and appeal dismissed, without costs, upon the ground that the issues presented have become moot.

1 Mo. No. 2019-41
Books for Less, LLC,
 Respondent,
 v.
United National Insurance Company,
 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.

2 Mo. No. 2019-284
Andrew Carothers, M.D., P.C., &c.,
 Appellant,
 v.
Progressive Insurance Company,
 Respondent.

Motion by New York State Department of Financial Services for leave to appeal 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.

3 Mo. No. 2019-48
In the Matter of Darnell Credell,
 Appellant,
 v.
R. Hurt, &c., et al.,
 Respondents.

Motion for leave to appeal denied.

1 Mo. No. 2019-43
In the Matter of Gilberto Diaz,
 Appellant,
 v.
Patricia J. Bailey, et al.,
 Respondents.

Motion for leave to appeal denied.

1 Mo. No. 2019-56
Emel Dilek,
 Respondent,
Louis A. Russo, &c.,
 Appellant,
 v.
David Rozenholc, et al.,
 Respondents.
(And a Third-Party Action.)

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

2 Mo. No. 2019-35
Maria L. Farias-Alvarez, &c.,
 Appellant,
 v.
Interim Healthcare of Greater New York et
al.,
 Respondents.

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

2 Mo. No. 2019-267
The People &c.,
 Appellant,
 v.
John Giuca,
 Respondent.

Motion by National Association of Criminal Defense
Lawyers, et al. for leave to file a brief amici 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. 2019-280
The People &c.,
Appellant,
v.
John Giuca,
Respondent.

Motion by Center on the Administration of Criminal Law at New York University School of Law 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.

3 Mo. No. 2019-54
In the Matter of Shawn Green,
Appellant,
v.
Michael Kirkpatrick, &c.,
Respondent.
(Index No. 2017-580)

Motion for leave to appeal denied.

3 Mo. No. 2019-64
In the Matter of Shawn Green,
Appellant,
v.
Michael Kirkpatrick, &c.,
Respondent.
(Index No. 2017-1662)

Motion for leave to appeal denied.

1 Mo. No. 2019-36
The People &c.,
Respondent,
v.
Ralph Hankerson,
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2019-22
The People &c.,
Respondent,
v.
Willie Howell,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2019-285
In the Matter of Eileen Jordan et al.,
 Respondents,
 v.
New York City Housing Authority,
 Appellant,
Department of Citywide Administrative
Services,
 Respondent.

Motion by City of New York 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.

4 Mo. No. 2019-38
In the Matter of Daniel K., et al.

Onondaga County Department of Children
and Family Services,
 Respondent;
Mildred K.,
 Respondent,
Roger K.,
 Appellant.

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

3 Mo. No. 2019-42
The People &c.,
 Respondent,
 v.
Adam Kemp,
 Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2019-51
KM, &c. et al.,
 Appellants,
 v.
Fencers Club, Inc.,
 Respondent,
et al.,
 Defendant.

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

1 Mo. No. 2019-23
Ashley Kozel,
Respondent,
v.
Todd Kozel,
Defendant.
Inga Kozel,
Nonparty Appellant.
(App. Div. Nos. 6729N & M-258)

Motion for reargument of motion for leave to appeal denied.

1 Mo. No. 2019-24
Ashley Kozel,
Respondent,
v.
Todd Kozel,
Defendant.
Inga Kozel,
Nonparty Appellant.
(App. Div. Nos. 6730-6731N)

Motion for reargument of motion for leave to appeal denied.

2 Mo. No. 2019-261
The People &c.,
Respondent,
v.
Javon Loney,
Appellant.

Motion for assignment of counsel granted and Paul Skip Laisure, Esq., Appellate Advocates, 111 John Street, 9th Floor, New York, NY 10038 assigned as counsel to the appellant on the appeal herein.

1 Mo. No. 2019-50
In the Matter of Liquidation of Midland Ins.
Co.

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

Northern States Power Company, &c.,
Appellant,
v.
Maria T. Vullo, &c.,
Respondent.

1 Mo. No. 2019-257
Nationstar Mortgage LLC,
Respondent,
v.
Agostino Accardo,
Appellant,
et al.,
Defendants.

Motion for leave to appeal denied.
Motion for a stay dismissed as academic.

3 Mo. No. 2019-60
In the Matter of the Claim of Rosalba
Ormanian,
Appellant.
Montauk Bus Service, Inc.,
Respondent.
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. 2019-28
The People &c.,
Respondent,
v.
Devrol Palmer,
Appellant.

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

1 Mo. No. 2019-33
State of New York ex rel. Kristie Perkins,
Appellant,
v.
Cooke Center for Learning & Development,
Inc.,
Respondent.

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

1 Mo. No. 2018-1186
In the Matter of Gary Segal,
Appellant,
v.
Five Star Electric Corporation et al.,
Respondents.

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

2 Mo. No. 2019-31

Elaine R. Spano et al.,
Appellants,

v.

Apogee Retail NY, LLC, &c., et al.,
Respondents,

et al.,

Defendants.

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

1 Mo. No. 2019-55

In the Matter of Dennis Stavropoulos,
Appellant,

v.

William J. Bratton, &c. et al.,
Respondents.

Motion for leave to appeal denied.

3 Mo. No. 2019-49

In the Matter of Marian T.

Lauren R. et al.,
Respondents;

Marian T.,

Appellant.

Motion for leave to appeal granted.

3 Mo. No. 2019-25

In the Matter of Injah Unique Tafari,
Appellant,

v.

Gregory Keller, &c., et al.,
Respondents.

(Index No. 2016-1752)

Motion, insofar as it seeks leave to appeal from the December 2018 Appellate Division order, dismissed upon the ground that such order does not finally determine the proceedings within the meaning of the Constitution; motion for leave to appeal otherwise denied.

In the Matter of Injah Unique Tafari,
Appellant,

v.

Anthony J. Annucci, &c.,
Respondent.

(Index No. 2016-2051)

4 Mo. No. 2019-276
In the Matter of the Eighth Judicial District
Asbestos Litigation.

Donald J. Terwilliger, &c.,
Appellant,

v.

Beazer East, Inc., &c., et al.,
Defendants,

Honeywell International, Inc., &c.,
Respondent.

Motion by Builders Exchange, Inc., et al. for leave to file a brief amici 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.
Judge Garcia took no part.