

May 7, 2019

**CASES**

2                    No. 26  
159 MP Corp., et al.,  
    Appellants,  
    v.  
Redbridge Bedford, LLC,  
    Respondent.

Order affirmed, with costs, and certified question not answered as unnecessary.  
Opinion by Chief Judge DiFiore.  
Judges Stein, Garcia and Feinman concur.  
Judge Wilson dissents in an opinion in which Judges Rivera and Fahey concur.

1                    No. 32  
The People &c.,  
    Appellant,  
    v.  
Darryl Brown,  
    Respondent.

Order reversed and case remitted to the Appellate Division, First Department, for determination of the facts and issues raised but not determined on appeal to that court.  
Opinion by Judge Wilson.  
Chief Judge DiFiore and Judges Rivera, Stein, Fahey, Garcia and Feinman concur.

1                    No. 31  
The People &c.,  
    Respondent,  
    v.  
Hassan Rkein,  
    Appellant.

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

4                    No. 30  
The People &c.,  
    Respondent,  
    v.  
Agape A. Towns,  
    Appellant.

Order reversed and case remitted to County Court, Monroe County, for further proceedings in accordance with the opinion herein.  
Opinion by Judge Stein.  
Chief Judge DiFiore and Judges Fahey, Garcia, Wilson and Feinman concur.  
Judge Rivera concurs in result in an opinion.

1                      No. 33  
The People &c.,  
    Respondent,  
    v.  
Fidel Vega,  
    Appellant.

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

## MOTIONS

2                    Mo. No. 2019-120  
In the Matter of Jean Carlos Aguilera,  
Appellant,  
v.  
Anthony J. Annucci, &c.,  
Respondent.

Motion for leave to appeal denied.

2                    Mo. No. 2019-152  
In the Matter of Lyson Bazile, et al.,  
Petitioners,  
David Jacobs,  
Appellant,  
v.  
James R. Rubin, &c., et al.,  
Respondents.

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

3                    Mo. No. 2019-184  
Darryl Briggs,  
Appellant,  
v.  
State of New York Department of Corrections  
and Community Supervision et al.,  
Respondents.

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

1                    Mo. No. 2019-174  
Stephane Cosman Connery, et al.,  
Respondents,  
v.  
Burton S. Sultan,  
Appellant.

Motion for reargument of motion for leave to appeal  
denied.  
Motion for other relief dismissed upon the ground  
that this Court does not have jurisdiction to entertain  
it (see NY Const, art VI, § 3).  
Judge Feinman took no part.

4                    Mo. No. 2019-338  
The People &c. ex rel. Andre Durham,  
Appellant,  
v.  
Anthony J. Annucci, &c.,  
Respondent.

Motion for leave to appeal dismissed upon the ground that the issues presented have become moot.

1                    Mo. No. 2019-193  
The People &c.,  
Respondent,  
v.  
Jonathan Espinal-Diaz,  
Appellant.

Motion for leave to appeal denied.

2                    Mo. No. 2019-172  
First Choice Plumbing Corp. et al.,  
Respondents,  
v.  
Miller Law Offices, PLLC,  
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. 2019-130  
In the Matter of Jack R. Franco, et al.,  
Respondents,  
v.  
Murray Dweck et al.,  
Appellants.

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

2                    Mo. No. 2019-191  
Global Granite Sales Corporation,  
Appellant,  
v  
Hasim Sabovic,  
Respondent;  
Mondo Pallon, &c., et al.,  
Third-Party Appellants.

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

1                    Mo. No. 2019-147  
Fitzmore H. Harris,  
    Appellant,  
    v.  
Mitchell N. Kay, et al.,  
    Respondents.

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

2                    Mo. No. 2019-169  
Oswald Jeffers,  
    Appellant,  
    v.  
Bruce L. Stein, &c., et al.,  
    Respondents,  
et al.,  
    Defendant.

Motion for leave to appeal denied.

2                    Mo. No. 2019-171  
The People &c.,  
    Respondent,  
    v.  
Jermaine Jonas,  
    Appellant.

Motion for leave to appeal denied.

3                    Mo. No. 2019-178  
In the Matter of Jeffrey Joseph,  
    Appellant,  
    v.  
Anthony Polizzi, &c., et al.,  
    Respondents.

Motion for leave to appeal denied.

2                    Mo. No. 2019-151  
The People &c.,  
    Respondent,  
    v.  
John Kaiser,  
    Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2019-162  
Lawrence Kingsley,  
Appellant,  
v.  
300 W. 106th St. Corp.,  
Respondent.  
(And a Third-Party Action.)

Motion for reargument denied.

4 Mo. No. 2019-131  
In the Matter of Jerry Knight,  
Appellant,  
v.  
John Colvin, &c.,  
Respondent.

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

4 Mo. No. 2019-119  
Inmate M.,  
Appellant,  
v.  
State of New York,  
Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2019-181  
Ivy J. Mack,  
Appellant,  
v.  
City of New York et al.,  
Respondents.

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

1 Mo. No. 2019-170  
The People &c.,  
Respondent,  
v.  
Alexis Matos,  
Appellant.

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

2 Mo. No. 2019-150

Simon Mitchell,  
Appellant,

v.

Caton on the Park, LLC,  
Defendant,  
Springline Builders, LLC,  
Respondent.

(And a Third-Party Action.)

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

4 Mo. No. 2019-187

The People &c. ex rel. Gary H. Moore,  
Appellant,

v.

Superintendent of Mid-State Correctional  
Facility,  
Respondent.

Motion for leave to appeal dismissed upon the ground that it does not lie from the order of an individual Justice of the Appellate Division (see NY Const, art VI, § 3[b]; CPLR 5602).

2 Mo. No. 2019-112

In the Matter of Kristy Murphy,  
Respondent,

v.

Mark Murphy,  
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2019-135

In the Matter of Oakwood Beach Bluebelt -  
Stage 1.

City of New York,  
Respondent,

v.

Yeshivas Ch'San Sofer, Inc.,  
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2019-205  
In the Matter of Oakwood Beach Bluebelt -  
Stage 1.

City of New York,  
Appellant,  
v.  
Yeshivas Ch'San Sofer, Inc.,  
Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2019-197  
Witold Opalinski,  
Appellant,  
v.  
City of New York, 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. 2019-194  
Prince Oparaji et al.,  
Appellants,  
v.  
Lawrence T. Yablon et al.,  
Respondents.

Motion for reargument by appellant Maurice Oparaji  
of motion for leave to appeal denied.

2 Mo. No. 2019-345  
The People &c.,  
Respondent,  
v.  
Jose Perez,  
Appellant.

Motion to dismiss appeal denied.

Mo. No. 2019-183  
James Pettus,  
Appellant,  
v.  
Boyd, Richards, Parker & Colonnelli, P.L., et  
al.,  
Respondents.

Motion for reconsideration of this Court's January  
10, 2019 dismissal order denied.



2 Mo. No. 2019-177  
The People &c.,  
Respondent,  
v.  
Ashley Pritchett,  
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2019-137  
Quadrozzi Concrete Corporation Individual  
Account Plan and Trust, &c.,  
Appellant,  
v.  
Javash Realty, LLC,  
Respondent,  
et al.,  
Defendants.

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

4 Mo. No. 2019-190  
In the Matter of Jennifer Rice,  
Respondent,  
v.  
Michael Wightman,  
Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2019-149  
Dorothea Roberts, &c.,  
Appellant,  
v.  
Coeymans Hollow Volunteer Fire Company,  
Respondent.

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

1 Mo. No. 2019-175  
Paul Schwenger,  
Appellant,  
v.  
New York University, et al.,  
Respondents.

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

2                    Mo. No. 2019-195  
In the Matter of Shalom Bayit, LLC,  
                         Respondent,  
                         v.  
Kalmon Glovin et al.,  
                         Appellants.

Motion for leave to appeal dismissed upon the ground that this Court does not have jurisdiction to entertain a motion for leave to appeal from an order of the Appellate Division entered in a proceeding commenced in the Civil Court of the City of New York (see NY Const, art VI, § 3[b][7]; CPLR 5602[a]).

1                    Mo. No. 2019-99  
Philip R. Shawe,  
                         Appellant,  
                         v.  
Kramer Levin Naftalis & Frankel LLP et al.,  
                         Respondents.

On the Court's own motion, appeal dismissed, without costs, insofar as taken from so much of the Appellate Division order as affirmed the March 2018 judgment upon the ground that no substantial constitutional question is directly involved and otherwise dismissed upon the ground that the remainder of the order does not finally determine the action within the meaning of the Constitution. Motion, insofar as it seeks leave to appeal from so much of the Appellate Division order as affirmed the March 2018 judgment, denied; motion for leave to appeal otherwise dismissed upon the ground that the remainder of the order does not finally determine the action within the meaning of the Constitution.

3                    Mo. No. 2019-145  
Gary Stone,  
                         Appellant,  
                         v.  
Denise Donlon,  
                         Respondent.

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

2                    Mo. No. 2019-180  
Sunlight Clinton Realty, LLC, et al.,  
                         Appellants,  
                         v.  
Gowanus Industrial Park, Inc.,  
                         Respondent.

Motion for leave to appeal denied.

3                    Mo. No. 2019-118  
In the Matter of the Claim of Charles  
Sweeney III,  
    Appellant,  
    v.  
Air Stream Air Conditioning Co. et al.,  
    Respondents.  
Workers' Compensation Board,  
    Respondent.

Motion for leave to appeal denied.

4                    Mo. No. 2019-186  
Mark V. Thompson,  
    Appellant,  
    v.  
Cliffstar Corporation,  
    Respondent.

Motion for leave to appeal denied.

1                    Mo. No. 2019-216  
The Trustees of Columbia University in the  
City of New York,  
    Appellant,  
    v.  
D'Agostino Supermarkets, Inc.,  
    Respondent.

Motion for leave to appeal granted.

1                    Mo. No. 2019-173  
Aaron Tzamarot,  
    Appellant,  
    v.  
JP Morgan Chase & Co., et al.,  
    Respondents.  
(And a Third-Party Action.)

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

4 Mo. No. 2019-105  
Village of Solvay,  
Respondent,  
v.  
Rana J. Zahran et al.,  
Appellants.

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.

4 Mo. No. 2019-199  
In the Matter of State of New York,  
Respondent,  
v.  
Nathaniel W., &c.,  
Appellant.

Motion for leave to appeal dismissed as untimely (see CPLR 5513[b]; 2103[b][2]).

2 Mo. No. 2019-188  
The People &c.,  
Respondent,  
v.  
Junior Watkins,  
Appellant.

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

2 Mo. No. 2019-158  
The People &c.,  
Respondent,  
v.  
Kevin C. Whitney,  
Appellant.

Motion for leave to appeal denied.