

May 9, 2019

CASES

2 No. 29

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.

Order insofar as appealed from reversed, with costs, and motion of defendants Bobcat of Long Island, Inc. and Bobcat Company for a new trial granted.

Opinion by Chief Judge DiFiore.

Judges Stein, Fahey, Garcia, Wilson and Feinman concur.

Judge Rivera dissents and votes to affirm in an opinion.

2 No. 60 SSM 6

The People &c.,
Respondent,

v.

Vincent Meyers,
Appellant.

On review of submissions pursuant to section 500.11 of the Rules, 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.

3 No. 21

In the Matter of National Energy Marketers
Association, et al.,
Appellants,

v.

New York State Public Service Commission,
Respondent.

(And Two Other Related Proceedings.)

Order insofar as appealed from modified, with costs to respondent, in accordance with the opinion herein and, as so modified, affirmed.

Opinion by Judge Stein.

Chief Judge DiFiore and Judges Rivera, Garcia, Wilson and Feinman concur.

Judge Fahey took no part.

3 No. 22

In the Matter of Retail Energy Supply
Association, et al.,
Appellants,

v.

Public Service Commission of the State of
New York, et al.,
Respondents.

(And Two Other Related Proceedings.)

Order insofar as appealed from modified, with costs to respondents, in accordance with the opinion herein and, as so modified, affirmed.

Opinion by Judge Stein.

Chief Judge DiFiore and Judges Rivera, Garcia, Wilson and Feinman concur.

Judge Fahey took no part.

4 No. 25
Daniel Williams et al.,
 Appellants,
 v.
Beemiller, Inc. &c., et al.,
 Defendants,
Charles Brown,
 Respondent.

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

MOTIONS

2 Mo. No. 2019-275
In the Matter of Jerry Adams,
Appellant,
v.
Kenneth Thompson,
Respondent.

Motion for reargument of motion for leave to appeal denied.

2 Mo. No. 2019-200
Nurussabah Alam,
Respondent,
v.
Mansoor Alam,
Appellant.

Motion for leave to appeal denied.

Mo. No. 2019-266
Susan Aranoff,
Respondent,
v.
Gerald Aranoff,
Appellant.

Motion for leave to appeal dismissed upon the ground that the Court of Appeals does not have jurisdiction to entertain it (see NY Const, art VI, § 3; CPLR 5602).
Motion for poor person relief dismissed as academic.

1 Mo. No. 2019-225
Blue Sage Capital, L.P., &c.,
Respondent,
v.
Alfa Laval U.S. Holding, Inc.,
Appellant.

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

Alfa Laval U.S. Holding, Inc.,
Appellant,
v.
Blue Sage Capital, LP, et al.,
Respondents.

2 Mo. No. 2019-248
Courtney Bolender,
Plaintiff,
CB Walker Stables, LLC,
Appellant,
v.
Ronin Property Partners, LLC et al.,
Respondents.

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

2 Mo. No. 2019-223
In the Matter of Bonacker Property, LLC, et al.,
Appellants,
v.
Village of East Hampton Board of Trustees,
et al.,
Respondents.

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

3 Mo. No. 2019-269
In the Matter of Ricky A. Buckshaw,
Appellant,
v.
Thomas P. DiNapoli, &c.,
Respondent.

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

2 Mo. No. 2019-277
The People &c.,
Respondent,
v.
Joel Cartiglia,
Appellant.

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

4 Mo. No. 2019-206
Agnieszka Chen,
Respondent,
v.
William Chen,
Appellant.

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.

2 Mo. No. 2019-204
Norman R. Colon,
Appellant,
v.
Porsche of Roslyn,
Defendant,
Porsche Leasing, Ltd. et al.,
Respondents.

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

3 Mo. No. 2019-255
In the Matter of Terry Daum,
Appellant,
v.
Donald Venettozzi, &c.,
Respondent.

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

2 Mo. No. 2019-230
In the Matter of Amanda Feliciano,
Respondent,
v.
Orlando I. Cooper,
Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2019-234
In the Matter of Paul Goodwin,
Appellant,
v.
Anthony J. Annucci, &c.,
Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2019-221
The People &c.,
Respondent,
v.
Melvin Harrell,
Appellant.

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

2 Mo. No. 2019-246
Tracy Hill,
Appellant,
v.
City of New York et al.,
Respondents.

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

2 Mo. No. 2019-228
The People &c.,
Respondent,
v.
Asa Johnson,
Appellant.

Motion for leave to appeal denied.

Mo. No. 2019-235
Johnathan Johnson,
Appellant,
v.
Donald Uhler, &c.,
Respondent.

On the Court's own motion, appeal transferred without costs, to the Appellate Division, Third Department, upon the ground that a direct appeal does not lie (see NY Const, art VI, §§ 3[b][2], 5[b]; CPLR 5601[b][2]).
Motion for leave to appeal dismissed upon the ground that the Court of Appeals does not have jurisdiction to entertain it (see NY Const, art VI, § 3; CPLR 5602).
Motion for poor person relief dismissed as academic.

3 Mo. No. 2019-236
Johnathan Johnson,
Appellant,
v.
David Bilow, &c., 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 poor person relief &c. dismissed as academic.

1 Mo. No. 2019-226
Lindy Joseph et al.,
Appellants,
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. 2019-253
The People &c.,
Respondent,
v.
Christopher Joseph,
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2019-222
JP Morgan Chase Bank, NA,
Plaintiff,
v.
Ofra Levin,
Appellant,
Wells Fargo Bank, NA, &c.,
Respondent,
et al.,
Defendants.

Motion for leave to appeal denied.

1 Mo. No. 2019-297
George Laboy, &c.,
Appellant,
v.
City of New York, et al.,
Respondents.

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

2 Mo. No. 2019-264
The People &c.,
Respondent,
v.
Richard Lazzari,
Appellant.

Motion for leave to appeal denied.
Chief Judge DiFiore took no part.

4 Mo. No. 2019-219
The People &c.,
Respondent,
v.
Nicholas Mangione,
Appellant.

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

2 Mo. No. 2019-224
In the Matter of Cynthia Manocherian, et al.,
 Appellants,
 v.
Zoning Board of Appeals of the Town of New
Castle, et al.,
 Respondents.

In the Matter of Laura Houston Whitlinger, et
al.,
 Appellants,
 v.
Zoning Board of Appeals of the Town of New
Castle, et al.,
 Respondents.

1 Mo. No. 2019-212
In the Matter of Lorna Martin,
 Appellant,
 v.
Department of Education of the City of New
York, &c. et al.,
 Respondents.

3 Mo. No. 2019-243
The People &c. ex rel. Cerious-Delmarr
McCray,
 Appellant,
 v.
Darwin LaClair, &c.,
 Respondent.

2 Mo. No. 2019-240
In the Matter of Salvatore Mistretta,
 Appellant,
 v.
Donald F. Kane, &c., et al.,
 Respondents.

Motion for reargument of motion for leave to appeal
denied.

Motion for leave to appeal denied.

Motion for reargument of motion for leave to appeal
denied.

Motion for reconsideration of this Court's February
14, 2019 dismissal order denied.
Motion for leave to appeal dismissed as untimely
(see CPLR 5513[b]).

2 Mo. No. 2019-241
In the Matter of Salvatore Mistretta,
Appellant,
v.
Donald F. Kane, &c., et al.,
Respondents.

Motion by Vincent J. Grande III for leave to file a
brief amicus curiae on petitioner's motion denied.

3 Mo. No. 2019-237
In the Matter of Scott Myers,
Appellant,
v.
Barbara J. Fiala, &c.,
Respondent.

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 ancillary relief dismissed upon the
ground that this Court does not have jurisdiction to
entertain it (see NY Const, art VI, § 3).
Motion for poor person relief dismissed as academic.

2 Mo. No. 2019-210
The People &c.,
Respondent,
v.
Cordoza Norris,
Appellant.

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

2 Mo. No. 2019-233
The People &c.,
Respondent,
v.
Lydell Dalton Paul,
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2019-287
Samuel Popkoff,
Appellant,
v.
Extra Space Management, Inc.,
Respondent.

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

3 Mo. No. 2019-214
In the Matter of Juan PP.,
Appellant,
v.
Ann Marie Sullivan, &c. et al.,
Respondents.

Motion for leave to appeal denied.

2 Mo. No. 2019-271
Preferred Group of Manhattan, Inc.,
Appellant,
v.
City of Poughkeepsie, et al.,
Respondents.

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

1 Mo. No. 2019-251
Yocelyn Reyes,
Appellant,
v.
83 Post Avenue Associates, L.L.C.,
Respondent.

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

2 Mo. No. 2019-198
In the Matter of Charles Rochester,
Appellant,
v.
New York State Division of Human Rights et al.,
Respondents.

Motion for leave to appeal dismissed upon the ground that the orders sought to be appealed from do not finally determine the proceeding within the meaning of the Constitution.
Motion for poor person relief dismissed as academic.

2 Mo. No. 2019-250
In the Matter of Route 17K Real Estate, LLC,
et al.,
Appellants,
v.
Zoning Board of Appeals of the Town of
Newburgh, et al.,
Respondents.

Motion for leave to appeal denied.

2 Mo. No. 2019-242
The People &c.,
Respondent,
v.
Frank Sofo,
Appellant.

Motion for leave to appeal denied.
Chief Judge DiFiore took no part.

2 Mo. No. 2019-232
John Stevens,
Respondent,
v.
Judith Stepanski, et al.,
Defendants,
Greenville Inn, Inc.,
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. 2019-259
The People &c.,
Respondent,
v.
John Wallason,
Appellant.

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

4 Mo. No. 2019-268
Richard H. Warner, &c.,
Appellant,
v.
State of New York,
Respondent.
(And Another Action.)

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

4 Mo. No. 2019-262
In the Matter of City of Watertown,
 Appellant;
Watertown Professional Firefighters
Association, Local 191,
 Respondent.

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

2 Mo. No. 2019-247
In the Matter of White Plains Rural Cemetery
Association,
 Respondent,
 v.
City of White Plains,
 Appellant,
et al.,
 Respondents.

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