

August 25, 2016

CASES

2                    No. 189 SSM 15  
The People &c. ex rel. Eduardo Baez,  
    Appellant,  
    v.  
Superintendent, Queensboro Correctional  
Facility, et al.,  
    Respondents.

On review of submissions pursuant to section 500.11 of the Rules (22 NYCRR 500.11), appeal dismissed, without costs, upon the ground that the issues presented have become moot.  
Chief Judge DiFiore and Judges Pigott, Rivera, Abdus-Salaam, Stein, Fahey and Garcia concur.

2                    No. 188 SSM 10  
The People &c,  
    Respondent,  
    v.  
Cliffon Fletcher,  
    Appellant.

On review of submissions pursuant to section 500.11 of the Rules (22 NYCRR 500.11), order affirmed, in a memorandum.  
Chief Judge DiFiore and Judges Pigott, Rivera, Abdus-Salaam, Stein, Fahey and Garcia concur.

1  
Garthon Business Inc., et al.,  
    Respondents,  
    v.  
Kirill Ace Stein et al.,  
    Appellants.

Appeal, insofar as taken from the part of the Appellate Division order reversing so much of Supreme Court's orders that granted defendants' motions to stay discovery and dismissed the action, and reinstating the complaint, and insofar as taken from the part of the Appellate Division order modifying Supreme Court's order that denied plaintiffs' motion for limited discovery, by permitting certain discovery, dismissed without costs, by the Court sua sponte, upon the ground that such portions of the order appealed from do not finally determine an action or proceeding within the meaning of the Constitution.

**MOTIONS**

1                   SSD 43  
The People &c. ex rel. Jerome A.,  
Appellant,  
v.  
Joseph Ponte, &c., et al.,  
Respondents.

Appeal transferred, without costs, by the Court sua sponte, to the Appellate Division, First Department, upon the ground that a direct appeal does not lie when questions other than the constitutional validity of a statutory provision are involved (see NY Const, art VI, §§ 3[b][2]; 5[b]; CPLR 5601[b][2]).

2                   Mo. No. 2016-651  
Richard E. Aebly,  
Respondent,  
v.  
Regan Lally,  
Appellant;  
Bernice K. Leber,  
Nonparty-Respondent.

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.

1                   SSD 44  
Niurka Andino,  
Appellant-Respondent,  
v.  
Ronald Mills, et al.,  
Respondents-Appellants.  
(And a Third-Party Action.)

Appeals dismissed without costs, by the Court sua sponte, upon the ground that the Appellate Division does not have the power to grant leave to appeal to this Court on a certified question from an order granting a new trial (see CPLR 5601[c]; 5602[b][1]; Maynard v Greenberg, 82 NY2d 913, 914 [1994]; Fishman v Manhattan & Bronx Surface Tr. Operating Auth., 78 NY2d 878, 878 [1991]).

2                   Mo. No. 2016-811  
The People &c.,  
Respondent,  
v.  
Mario Arjune,  
Appellant.

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

2 Mo. No. 2016-516  
The People &c.,  
Respondent,  
v.  
David M. Baker,  
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2016-830  
The Bank of New York Mellon, solely as  
Securities Administrator for J.P. Morgan  
Mortgage Acquisition Trust 2006-WMC4,  
Respondent,  
v.  
WMC Mortgage, LLC,  
Defendant,  
J.P. Morgan Mortgage Acquisition  
Corporation, et al.,  
Appellants.

Motion by Securities Industry and Financial Markets  
Association for leave to file a letter brief amicus  
curiae on the appeal herein granted and the proposed  
letter brief is accepted as filed.

4 Mo. No. 2016-639  
In the Matter of Corey D.B.  
  
Genesee County Department of Social  
Services,  
Respondent;  
Cody B.,  
Appellant.  
(And Two Other Proceedings.)

Motion for leave to appeal denied.

4 Mo. No. 2016-693  
The People &c.,  
Respondent,  
v.  
Timothy Boyd,  
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.

3                    Mo. No. 2016-596  
In the Matter of Capital Siding &  
Construction, LLC, &c.,  
                  Appellant,  
          v.  
Alltek Energy System, Inc.,  
                  Respondent.

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

1                    Mo. No. 2016-734  
Cara Associates, L.L.C., et al.,  
                  Respondents,  
          v.  
Howard P. Milstein 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.  
Motion for a stay dismissed as academic.

2                    Mo. No. 2016-636  
In the Matter of Stephen T. Carleo,  
                  Appellant,  
          v.  
Jennifer Pluchinotta,  
                  Respondent.  
(And Another Proceeding.)

Motion for leave to appeal denied.

1                    Mo. No. 2016-563  
In the Matter of Kadiza D., &c.  
  
Saaniel T.,  
                  Appellant;  
Abbott House,  
                  Respondent.

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

                  Mo. No. 2016-703  
The People &c.,  
                  Respondent,  
          v.  
Martesha Davidson,  
                  Appellant.

Motion for assignment of counsel granted and Robert R. LaLonde, Esq., 1109 East State Street, PO Box 7005, Ithaca, NY 14851 assigned as counsel to the appellant nunc pro tunc on the appeal herein.

1                    Mo. No. 2016-637  
The People &c.,  
    Respondent,  
    v.  
Brian Degraffenreid,  
    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.

1                    Mo. No. 2016-568  
In the Matter of Zhane A.F., et al., &c.,  
  
Andrea V.F.,  
    Appellant,  
Catholic Guardian Society and Home Bureau,  
    Respondent.

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

2                    Mo. No. 2016-718  
The People &c.,  
    Respondent,  
    v.  
Jude Francis,  
    Appellant.

Motion for poor person relief granted.

2                    Mo. No. 2016-658  
In the Matter of Jesse Friedman,  
    Appellant,  
    v.  
Kathleen M. Rice, &c.,  
    Respondent.

Motion by The Reporters Committee for Freedom of the Press 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 and an original and nine copies filed within seven days.

3                    Mo. No. 2016-625  
In the Matter of Stephen G.,  
                        Respondent,  
                        v.  
Lara H.,  
                        Appellant.  
(And Three Other Related Proceedings.)

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

1                    Mo. No. 2016-589  
In the Matter of Josee Louise L.H., &c.  
  
DeCarla L.,  
                        Appellant,  
Administration for Children's Services,  
                        Respondent.

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

4                    Mo. No. 2016-622  
In the Matter of London J.  
  
Onondaga County Department of Children  
and Family Services,  
                        Respondent;  
Niaya W.,  
                        Appellant.

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

4                    Mo. No. 2016-746  
The People &c.,  
                        Respondent,  
                        v.  
Clinton Johnson,  
                        Appellant.

Motion for assignment of counsel granted and Philip  
Rothschild, Esq., Hiscock Legal Aid Society, 351  
South Warren Street, Syracuse, NY 13202 assigned  
as counsel to the appellant on the appeal herein.

1                    Mo. No. 2016-793  
Justinian Capital SPC &c.,  
    Appellant,  
    v.  
WestLB AG, &c., et al.,  
    Respondents.

Motion by Burford Capital LLC for leave to file a brief amicus curiae on the appeal herein granted and the proposed brief is accepted as filed. Three copies of the brief must be served and an original and nine copies filed within seven days.

1                    Mo. No. 2016-577  
In the Matter of Shaquana Michelle M.-L.  
(Anonymous),  
    Appellant,  
    v.  
Leake and Watts, et al.,  
    Respondents,  
Administration for Children's Services,  
    Respondent.

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

1                    Mo. No. 2016-638  
In the Matter of Frank Mestecky,  
    Appellant,  
    v.  
City of New York, et al.,  
    Respondents.

Motion to vacate this Court's June 1, 2016 dismissal order granted.

2                    Mo. No. 2016-676  
In the Matter of Raymond Newcomb, et al.,  
    Appellants,  
    v.  
Middle Country Central School District,  
    Respondent.

Motion by Academy of Trial Lawyers for leave to file a brief amicus curiae on the appeal herein granted and the proposed brief is accepted as filed. Three copies of the brief must be served and an original and nine copies filed within seven days.

1 Mo. No. 2016-661

Thomas J. O'Brien, Jr.,  
Respondent,

v.

The Port Authority of New York and New  
Jersey, et al.,

Appellants,  
Silverstein Properties, Inc., et al.,  
Defendants.

Motion to strike portions of respondent's brief  
denied.

2 Mo. No. 2016-716

In the Matter of Angel P. (Anonymous).

St. Vincent's Services, Inc.,  
Respondent;

Evelyn C. (Anonymous),  
Respondent,

et al.,  
Respondent,

Keith G. (Anonymous),  
Intervenor-Appellant.

(And Another Proceeding.)

Motion for leave to appeal denied.

Motion for a stay dismissed as academic.

Motion for poor person relief dismissed as academic.

1 Mo. No. 2016-567

In the Matter of Nephra P.I., &c.,

Shanel N.,  
Appellant,

et al.,  
Respondent,

Administration for Children's Services,  
Respondent.

Motion for leave to appeal denied.

Motion for poor person relief dismissed as academic.

1                    Mo. No. 2016-843  
The People &c.,  
    Respondent,  
    v.  
Natalio Pastor,  
    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.

2                    Mo. No. 2016-721  
The People &c.,  
    Respondent,  
    v.  
Robert Perry,  
    Appellant.

Motion for assignment of counsel granted and Seymour W. James, Jr., Esq., The Legal Aid Society, 199 Water Street, New York, NY 10038 assigned as counsel to the appellant on the appeal herein.

1                    Mo. No. 2016-709  
Rajagopala S. Raghavendra, &c.,  
    Appellant,  
    v.  
Edward Brill, et al.,  
    Respondents.

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

3                    Mo. No. 2016-572  
In the Matter of Dylan R., et al., &c.

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

Clinton County Department of Social  
Services,  
    Respondent;  
Jeremy T.,  
    Appellant.

3                    Mo. No. 2016-776  
In the Matter of County of St. Lawrence,  
    Respondent,  
    v.  
Nirav R. Shah, &c., et al.,  
    Appellants.  
(And Seven Other Related Appeals.)

Motion by New York State Association of Counties for leave to file a brief amicus curiae on the appeals herein granted and the proposed brief is accepted as filed.  
Judges Stein and Fahey took no part.

3                    Mo. No. 2016-802  
In the Matter of County of St. Lawrence,  
    Respondent,  
    v.  
Nirav R. Shah, &c., et al.,  
    Appellants.  
(And Seven Other Related Appeals.)

Motion by City of New York for leave to file a brief amicus curiae on the appeals herein granted and the proposed brief is accepted as filed.  
Judges Stein and Fahey took no part.

1                    Mo. No. 2016-654  
The People &c.,  
    Respondent,  
    v.  
Alfred Stewart,  
    Appellant.

Motion for assignment of counsel granted and Seymour W. James, Jr., Esq., The Legal Aid Society, 199 Water Street, New York, NY 10038 assigned as counsel to the appellant on the appeal herein.

1                    Mo. No. 2016-821  
Stonehill Capital Management, LLC, et al.,  
    Appellants,  
    v.  
Bank of the West,  
    Respondent,  
et al.,  
    Defendant.

Motion by Mission Capital Advisors, LLC for leave to appear amicus curiae on the appeal herein denied as unnecessary because movant is a party respondent on the appeal. The proposed brief is accepted as filed. Three copies of the brief must be served and an original and nine copies filed within seven days.

2                    Mo. No. 2016-557  
In the Matter of Marvin Suitt,  
    Respondent,  
    v.  
Luz E. Martos,  
    Appellant.

Motion for leave to appeal denied.

2                    Mo. No. 2016-810  
The People &c.,  
    Appellant,  
    v.  
Iquan Wiggs,  
    Respondent.

Motion for assignment of counsel granted and Lynn W. L. Fahey, Esq., Appellate Advocates, 111 John Street, 9th Floor, New York, NY 10038 assigned as counsel to the respondent on the appeal herein.

2                    Mo. No. 2016-758  
The People &c.,  
    Respondent,  
    v.  
Jaerue Williams,  
    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.