

September 08, 2016

CASE

2 No. 210 SSM 20
The People &c.,
 Respondent,
 v.
Ricardo Ricketts,
 Appellant.

On review of submissions pursuant to section 500.11 of the Rules (22 NYCRR 500.11), order affirmed. Defendant's sole argument, concerning whether the trial court followed the proper procedure for permitting witnesses to testify anonymously, is unpreserved for our review. Chief Judge DiFiore and Judges Pigott, Rivera, Abdus-Salaam, Stein, Fahey and Garcia concur.

MOTIONS

4 Mo. No. 2016-702
Russell Baker,
Appellant,
v.
Lofink Motor Co., Inc.,
Respondent.

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

2 Mo. No. 2016-578
Sororazam Bethune,
Appellant,
v.
MTA Long Island Bus,
Respondent,
et al.,
Defendant.
(Nassau County Index No. 4148/12)

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

2 Mo. No. 2016-777
Sororazam Bethune,
Appellant,
v.
MTA/Long Island Bus,
Respondent,
et al.,
Defendant.
(Nassau County Index No. 10773/12)

On the Court's own motion, appeal, insofar as taken from the March 2016 Supreme Court order and the April 2016 Supreme Court judgment, dismissed, without costs, as untimely (see CPLR 5513[a]); appeal, insofar as taken from the June 2016 Appellate Division order, dismissed, without costs, upon the ground that such order does not finally determine the action within the meaning of the Constitution.

Motion, insofar as it seeks leave to appeal from the March 2016 Supreme Court order and the April 2016 Supreme Court judgment, dismissed as untimely (see CPLR 5513[b]); motion, insofar as it seeks leave to appeal from the June 2016 Appellate Division order, dismissed upon the ground that such order does not finally determine the action within the meaning of the Constitution.

1 Mo. No. 2016-844
The People &c.,
Respondent,
v.
James Brown,
Appellant.

Motion by The Bronx Defenders 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 and an original and nine copies filed within seven days.

2 Mo. No. 2016-620
Marie Castiglione, et al.,
Respondents,
v.
Robert Kruse, et al.,
Appellants.

Motion for reargument denied with one hundred dollars costs and necessary reproduction disbursements.

1 Mo. No. 2016-667
CF HY LLC,
Respondent,
v.
Hudson Yards LLC, et al.,
Defendants,
Baruch Singer,
Appellant.

Motion for leave to appeal dismissed upon the ground that no motion for leave to appeal lies pursuant to CPLR 5602(a)(1)(ii) from the April 2016 order of Supreme Court because that order does not finally determine the action within the meaning of the Constitution.

4 Mo. No. 2016-633
Chamberlain, D'Amada, Oppenheimer &
Greenfield, LLP,
Respondent,
v.
Rebecca P. Wilson,
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. 2016-643
In the Matter of Joel S. Charleston, &c.,
 Appellant,
 v.
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.

2 Mo. No. 2016-645
In the Matter of Civil Service Employees
Association, Inc., &c., et al.,
 Respondents,
 v.
Westchester County Health Care Corporation
et al.,
 Appellants.

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

2 Mo. No. 2016-630
The People of State of New York, &c.,
 Respondent,
 v.
Coalition Against Breast Cancer, Inc., et al.,
 Defendants,
Campaign Center, Inc. et al.,
 Appellants.

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

1 Mo. No. 2016-623
The People &c.,
 Respondent,
 v.
Marcial Colon,
 Appellant.

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

1 Mo. No. 2016-901
Estate of Helen Del Terzo, et al.,
 Respondents,
 v.
33 Fifth Avenue Owners Corp.,
 Appellant.

Motion by Council of New York Cooperatives and
Condominiums for leave to file a brief amicus curiae
on the appeal herein granted and the proposed brief
is accepted as filed.

 Mo. No. 2016-898
Flo & Eddie, Inc., a California Corporation,
individually and on behalf of all others
similarly situated,
 Respondent,
 v.
Sirius XM Radio, Inc., a Delaware
Corporation,
 Appellant,
Does, 1 through 10,
 Defendants.

Motion by Electronic Frontier Foundation for leave
to file a brief amicus curiae on consideration of the
certified question 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.

2 Mo. No. 2016-644
In the Matter of Paul D. Garofano,
 Appellant,
 v.
Board of Education of Ramapo Central
School District et al.,
 Respondents.

Motion for leave to appeal denied.

2 Mo. No. 2016-662
In the Matter of Sylvia Golub, deceased.

Norman Golub,
 Respondent;
J. David Golub,
 Appellant.
(And Another Matter.)

Motion for reargument &c. denied.
Chief Judge DiFiore and Judge Garcia took no part.

3 Mo. No. 2016-650
In the Matter of Michele Greco-Meyer,
 Appellant,
 v.
Nassau County Police Department et al.,
 Respondents.
Workers' Compensation Board,
 Respondent.

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

2 Mo. No. 2016-624
Mary Jane Hayes,
 Respondent,
 v.
William Ames Hayes,
 Appellant.

Motion for reargument of motion &c. dismissed
upon the ground that it does not lie (see Rules of Ct
of Appeals [22 NYCRR] § 500.24[e]).
Chief Judge DiFiore and Judge Garcia took no part.

3 Mo. No. 2016-656
Marita E. Hyman,
 Appellant,
 v.
Arthur Schwartz, et al.,
 Respondents.

Marita E. Hyman,
 Appellant,
 v.
Arthur Schwartz,
 Respondent.

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

2 Mo. No. 2016-628
In the Matter of Kent Jacobs, &c.,
 Respondent,
 v.
Samuel Jacobs, Sr.,
 Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2016-648
John G. Ullman & Associates, Inc.,
Appellant,
v.
BCK Partners, Inc., 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.

3 Mo. No. 2016-736
In the Matter of Johnathan Johnson,
Appellant,
v.
Anthony J. Annucci, &c.,
Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2016-618
Stacey Levine et al.,
Appellants,
v.
425 Madison Associates et al.,
Respondents.

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

1 Mo. No. 2016-743
Joan C. Lipin,
Appellant,
v.
David E. Hunt,
Defendant,
Danske Bank, et al.,
Respondents.

Motion for reargument denied.

3 Mo. No. 2016-689
Nicholas M. Lucas, &c.,
Appellant,
v.
Richard J. Devlin Jr., Otsego County Sheriff,
et al.,
Respondents.

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

4 Mo. No. 2016-749
The People &c.,
Appellant,
v.
Terrance L. Mack,
Respondent.

Motion for reargument denied.

1 Mo. No. 2016-626
Millennium Holdings LLC,
Plaintiff,
The Northern Assurance Company of
America,
Appellant,
Certain Underwriters at Lloyd's, et al.,
Intervenors-Appellants,
v.
The Glidden Company, &c., et al.,
Respondents.

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

1 Mo. No. 2016-873
Anthony Oddo,
Respondent,
v.
Queens Village Committee for Mental Health
for Jamaica Community Adolescent Program,
Inc.,
Appellant.

Motion by Pacific Legal Foundation for leave to file
a brief amicus curiae on the appeal herein granted
and the proposed brief is accepted as filed. An
original and nine copies of the brief must be filed
within seven days.

4 Mo. No. 2016-768
Thomas J. Pieroni, et al.,
Appellants,
v.
Phillips Lytle LLP, et al.,
Respondents.

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

2 Mo. No. 2016-640
Adam Plotch,
Appellant,
v.
Citibank, N.A.,
Respondent.

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

Mo. No. 2016-786
PS 157 Lofts, LLC,
Respondent,
v.
Kimberly Austin, et al.,
Appellants,

Motion for reconsideration denied.

2 Mo. No. 2016-683
In the Matter of Queens West Development Corporation,
Respondent;
Nixbot Realty Associates, et al.,
Appellants.

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

1 Mo. No. 2016-711
The People &c.,
Respondent,
v.
George Reid,
Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2016-642
In the Matter of John T. Smoke et al., &c.,
Appellants,
v.
Planning Board of Town of Greig,
Respondent.

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

1 Mo. No. 2016-621
In the Matter of Aly T.,
 Appellant,
 v.
Francisco B.,
 Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2016-657
Michael Tisdell, &c., et al.,
 Appellants,
 v.
Metropolitan Transportation Authority et al.,
 Respondents,
et al.,
 Defendants.

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

1 Mo. No. 2016-646
Sam Wietschner, &c.,
 Appellant,
 v.
James Dimon, et al.,
 Respondents,
JPMorgan Chase & Co.,
 Respondent.

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