

September 15, 2016

CASES

1 No. 215 SSM 14
In the Matter of the 60 East 12th Street
Tenants' Association, et al.,
 Appellants,
 v.
New York State Division of Housing and
Community Renewal, et al.,
 Respondents.
(And Another Proceeding.)

On review of submissions pursuant to section 500.11 of the Rules (22 NYCRR 500.11), order affirmed, with costs, and certified question answered in the affirmative. The Appellate Division did not err in permitting respondent New York State Division of Housing and Community Renewal to address on remand the application of respondent 12 Broadway Realty, LLC for a claimed major capital improvement rent increase based on resurfacing work consistent with the Appellate Division decision. Chief Judge DiFiore and Judges Pigott, Rivera, Abdus-Salaam, Stein, Fahey and Garcia concur.

1 No. 214 SSM 17
Estee Lauder Inc.,
 Respondent,
 v.
OneBeacon Insurance Group, LLC, et al.,
 Appellants.

On review of submissions pursuant to section 500.11 of the Rules (22 NYCRR 500.11), order reversed, with costs, order of Supreme Court, New York County, reinstated, and certified question answered in the negative, in a memorandum. Chief Judge DiFiore and Judges Pigott, Rivera, Abdus-Salaam, Stein, Fahey and Garcia concur.

MOTIONS

1 Mo. No. 2016-649
In the Matter of Ironelys A.,
 Appellant,
 v.
Jose A.,
 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. 2016-699
The People &c.,
 Respondent,
 v.
Melvin Alas,
 Appellant.

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

 Mo. No. 2016-933
The People &c.,
 Respondent,
 v.
Jose Aviles,
 Appellant.

Motion by Make the Road New York for leave to appear amicus curiae on the appeal herein granted only to the extent that 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. 2016-707
H. Patrick Barclay,
 Appellant,
 v.
Odell H. Etim, 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 action within the meaning of the Constitution.

2 Mo. No. 2016-764
Board of Managers of Regent's Park Gardens
Condo,
Plaintiff,
v.
Herman Chavez et al.,
Defendants,
Mortgage Electronic Registration Systems,
Inc., et al.,
Respondents,
Adam Plotch,
Nonparty-Appellant.

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

4 Mo. No. 2016-695
In the Matter of Fr. John W. Broderick,
Appellant,
v.
Hugh A. Gilbert, &c. et al.,
Respondents.

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

1 Mo. No. 2016-916
The People &c.,
Respondent,
v.
James Brown,
Appellant.

Motion by District Attorneys Association of the State of New York 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. 2016-710
In the Matter of CPD NY Energy Corp. et al.,
Appellants,
v.
Town of Poughkeepsie Planning Board, et al.,
Respondents,
et al.,
Respondent.

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

1 Mo. No. 2016-655
Dexia SA/NV, et al.,
 Appellants,
 v.
Morgan Stanley, et al.,
 Respondents.

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

2 Mo. No. 2016-897
In the Matter of David E. Eagan, an attorney
and counselor-at-law.

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

Grievance Committee for the Tenth Judicial
District,
 Respondent;
David E. Eagan,
 Appellant.

3 Mo. No. 2016-928
In the Matter of Entergy Nuclear Operations,
Inc., et al.,
 Respondents,
 v.
New York State Department of State et al.,
 Appellants.

Motion by Chamber of Commerce of the United
States of America 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 and an original and nine copies filed
within seven days.

3 Mo. No. 2016-938
In the Matter of Entergy Nuclear Operations,
Inc., et al.,
 Respondents,
 v.
New York State Department of State et al.,
 Appellants.

Motion by Emily Hammond 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 and an original and nine
copies filed within seven days.

3 Mo. No. 2016-939
In the Matter of Entergy Nuclear Operations,
Inc., et al.,
 Respondents,
 v.
New York State Department of State et al.,
 Appellants.

Motion by Kevin S. Parker et al. for leave to file a
brief amici curiae on the appeal herein granted and
the proposed brief is accepted as filed.

1 Mo. No. 2016-668
Facebook, Inc. et al.,
 Appellants,
 v.
DLA Piper LLP (US), et al.,
 Respondents,
et al.,
 Defendants.

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

2 Mo. No. 2016-700
In the Matter of Philip Fagan,
 Appellant,
 v.
Village of Harriman,
 Respondent.

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

 Mo. No. 2016-918
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 Recording Industry Association of
America, Inc. for leave to appear amicus curiae on
consideration of the certified question herein granted
only to the extent that 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.
Chief Judge DiFiore took no part.

Mo. No. 2016-934

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 National Association of Broadcasters 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.
Chief Judge DiFiore took no part.

Mo. No. 2016-935

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 Association for Recorded Sound
Collections 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 within seven days.
Chief Judge DiFiore took no part.

Mo. No. 2016-936

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 Howard B. Abrams et al. for leave to file
a brief amici 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.
Chief Judge DiFiore took no part.

Mo. No. 2016-937

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 The New York State Broadcasters
Association Inc. 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.
Chief Judge DiFiore took no part.

Mo. No. 2016-951

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 CBS Radio Inc. 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.
Chief Judge DiFiore took no part.

Mo. No. 2016-956

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 iHeartMedia, Inc. et al. for leave to file a
brief amici curiae on consideration of the certified
question herein granted and the proposed brief is
accepted as filed.
Chief Judge DiFiore took no part.

Mo. No. 2016-957
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.

2 Mo. No. 2016-706
The People &c. ex rel. Dominic M. Franza,
Appellant,
v.
William J. Connolly, &c.,
Respondent.

1 Mo. No. 2016-670
Alexander Gliklad,
Respondent,
v.
Michael Cherney,
Appellant.

2 Mo. No. 2016-779
In the Matter of Richard T. Harris, an
Attorney.

Grievance Committee for the Second,
Eleventh, and Thirteenth Judicial Districts,
Respondent,
Richard T. Harris,
Appellant.

Motion by Public Knowledge 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.
Chief Judge DiFiore took no part.

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

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 (see Burke v Crosson,
85 NY2d 10, 18 n 5 [1995]).

Motion for leave to appeal denied.

2 Mo. No. 2016-849
The People &c.,
Respondent,
v.
Lanze R. Mason,
Appellant.

Motion to vacate this Court's July 27, 2016
preclusion order granted.

2 Mo. No. 2016-958
In the Matter of Ganiyu Adebola Odunbaku,
Respondent,
v.
Diana Odunbaku,
Appellant.
(And Another Proceeding.)

Motion by Sanctuary for Families 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.

2 Mo. No. 2016-770
In the Matter of Emily R. (Anonymous).

Motion for leave to appeal denied.

Suffolk County Department of Social
Services,
Respondent;
Martin C. (Anonymous),
Appellant,
et al.,
Respondent.
(And Two Other Proceedings.)

Mo. No. 2016-917
In the Matter of the Honorable Alan M.
Simon, a Justice of the Spring Valley Village
Court and the Ramapo Town Court, Rockland
County,
Petitioner,
State Commission on Judicial Conduct,
Respondent.

Motion by James D. Licata, Rockland County Public
Defender, for leave to file a brief amicus curiae on
the request for review herein dismissed as untimely
(see Rules of Ct of Appeals [22 NYCRR] 500.23[a]).

2 Mo. No. 2016-889
The People &c.,
 Respondent,
 v.
Darren Staton,
 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.

3 Mo. No. 2016-697
In the Matter of Ronald Timmons,
 Appellant,
 v.
Anthony J. Annucci, &c.,
 Respondent.

Motion for leave to appeal denied.

3 Mo. No. 2016-712
In the Matter of John Z.

Commissioner of Mental Health,
 Respondent,
John Z.,
 Appellant.

Motion for leave to appeal denied.