

May 06, 2014

CASES

3 No. 77
In the Matter of Empire Center for New York
State Policy,
 Appellant,
 v.
New York State Teachers' Retirement System,
 Respondent.

Order reversed, with costs, and the New York State
Teachers' Retirement System is directed to disclose
the requested names.
Opinion by Judge Smith.
Chief Judge Lippman and Judges Graffeo, Read,
Pigott and Rivera concur.
Judge Abdus-Salaam took no part.

1 No. 78
In the Matter of Empire Center for New York
State Policy,
 Appellant,
 v.
Teachers' Retirement System of the City of
New York,
 Respondent.

Order reversed, with costs, and the Teachers'
Retirement System of the City of New York is
directed to disclose the requested names.
Opinion by Judge Smith.
Chief Judge Lippman and Judges Graffeo, Read,
Pigott and Rivera concur.
Judge Abdus-Salaam took no part.

2 No. 71
Richard N. Golden,
 Respondent,
 v.
Citibank, N.A.,
 Appellant.

Order affirmed, with costs, in a memorandum.
Chief Judge Lippman and Judges Graffeo, Read,
Smith, Pigott, Rivera and Abdus-Salaam concur.

3 No. 69
In the Matter of Martin H. Handler, M.D.,
P.C.,
 Appellant,
 v.
Thomas P. DiNapoli, as Comptroller of the
State of New York, et al.,
 Respondents.

Judgment appealed from and order of the Appellate
Division brought up for review affirmed, with costs.
Opinion by Judge Rivera.
Chief Judge Lippman and Judges Graffeo, Read,
Smith, Pigott and Abdus-Salaam concur.

2 No. 52
In the Matter of Barbara Lucia,
 Respondent,
 v.
Board of Education of East Meadow Union
Free School District,
 Appellant.

Order reversed, with costs, petition denied, and
arbitration award confirmed.
Opinion by Judge Abdus-Salaam.
Judges Graffeo, Read and Pigott concur.
Judge Smith concurs in result in an opinion.
Judge Rivera dissents in an opinion in which Chief
Judge Lippman concurs.

4 No. 142 SSM 37
The People &c.,
 Appellant,
 v.
James F. Webb,
 Respondent.

On review of submissions pursuant to section 500.11
of the Rules, order affirmed. Viewing the evidence
in the light most favorable to the People, the evidence
was legally insufficient to establish a conviction for
criminal contempt in the first degree.
Chief Judge Lippman and Judges Graffeo, Read,
Smith, Pigott, Rivera and Abdus-Salaam concur.

2 No. 51
In the Matter of Richard Santer,
 Respondent,
 v.
Board of Education of East Meadow Union
Free School District,
 Appellant.

Order reversed, with costs, petition denied, and
arbitration award confirmed.
Opinion by Judge Abdus-Salaam.
Judges Graffeo, Read and Pigott concur.
Judge Smith concurs in result in an opinion.
Judge Rivera dissents in an opinion in which Chief
Judge Lippman concurs.

 No. 144
Ekaterina Schoenefeld,
 Respondent,
 v.
State of New York et al.,
 Defendants,
Eric T. Schneiderman &c., et al.,
 Appellants.

Certification of a question by the United States Court
of Appeals for the Second Circuit, pursuant to section
500.27 of this Court's Rules of Practice, accepted and
the issues presented are to be considered after
briefing and argument.
Chief Judge Lippman and Judges Graffeo, Read,
Smith, Pigott, Rivera and Abdus-Salaam concur.

3 No. 70
In the Matter of South Island Orthopaedic
Group, P.C.,
 Appellant,
 v.
Thomas P. DiNapoli, as Comptroller of the
State of New York, et al.,
 Respondents.

Judgment appealed from and order of the Appellate
Division brought up for review affirmed, with costs.
Opinion by Judge Rivera.
Chief Judge Lippman and Judges Graffeo, Read,
Smith, Pigott and Abdus-Salaam concur.

2 No. 65
The People &c.,
 Appellant,
 v.
Jonai Washington,
 Respondent.

Order affirmed.
Opinion by Judge Graffeo.
Chief Judge Lippman and Judges Pigott and Rivera
concur.
Judge Read dissents in an opinion in which Judges
Smith and Abdus-Salaam concur.

MOTIONS

1 Mo. No. 2014-260
In the Matter of 155 West 21st Street, LLC,
 Appellant,
et al.,
 Petitioner,
 v.
Alistair McMullan,
 Respondent,
et al.,
 Respondent.

Motion for leave to appeal granted.

2 Mo. No. 2014-250
In the Matter of Julie Sacks,
 Petitioner,
 v.
Barbara Abraham,
 Respondent.

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

In the Matter of Barbara Abraham,
 Appellant,
 v.
Julie Sacks, et al.,
 Respondents.
(And Other Proceedings.)

1 Mo. No. 2014-224
Alf Naman Real Estate Advisors, LLC,
 Appellant,
 v.
Cape Sag Developers, LLC, et al.,
 Respondents.

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

4 Mo. No. 2014-157
American Tower Asset Sub, LLC et al.,
 Respondents,
 v.
Buffalo-Lake Erie Wireless Systems, Co.,
LLC,
 Appellant.

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

2 Mo. No. 2014-238
John B., &c., et al.,
 Appellants,
 v.
Allegro Vivace Music School, Inc.,
 Respondent,
et al.,
 Defendant.

Motion for leave to appeal denied.

3 Mo. No. 2014-35
In the Matter of State of New York,
 Respondent,
 v.
Timothy BB.,
 Appellant.

On the Court's own motion, appeal dismissed, without costs, upon the ground that no substantial constitutional question is directly involved. Motion for leave to appeal denied.

1 Mo. No. 2014-207
In the Matter of Alliyah C., &c. et al.

Colleen C., &c. et al.,
 Appellants;
St. Vincent's Services, Inc.,
 Respondent.

Motions for leave to appeal denied.

4 Mo. No. 2014-288
Patricia DeJoy,
 Appellant,
 v.
Kevin M. Ehmann,
 Respondent.

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

3 Mo. No. 2014-296
In the Matter of Reginald Ferguson,
 Appellant,
 v.
Thomas P. DiNapoli, &c., et al.,
 Respondents.

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

4 Mo. No. 2014-302
The People &c.,
 Respondent,
 v.
Gunther J. Flinn,
 Appellant.

Motion for reargument denied.

3 Mo. No. 2014-253
Robert Forshey,
 Appellant,
 v.
State of New York,
 Respondent.

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

4 Mo. No. 2014-214
In the Matter of Oman Gutierrez,
 Appellant,
 v.
Brian Fischer, &c.,
 Respondent.

Motion for reargument of motion for leave to appeal denied.

2 Mo. No. 2014-278
In the Matter of Robert Haigler,
 Appellant,
 v.
Brian Fischer, &c.,
 Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2014-271
In the Matter of Keith H., Jr., &c.

Logann M.K., &c.,
Appellant,
Administration for Children's Services of the
City of New York,
Respondent.

Motion for leave to appeal denied.
Motion for poor person relief dismissed as academic.
Judge Abdus-Salaam took no part.

1 Mo. No. 2014-225

Barbara Kulig Hochmuller,
Appellant,
v.
Bellwest Management Corporation, 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. 2014-315

K2 Investment Group, LLC, et al.,
Respondents-Appellants,
v.
American Guarantee & Liability Insurance
Company,
Appellant-Respondent.

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

4 Mo. No. 2014-298

Danyelle Kramer, &c.,
Appellant,
v.
John Grieco, Jr., et al.,
Respondents,
et al.,
Defendants.

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

1 Mo. No. 2014-265
In the Matter of Angelina Jessie Pierre L., &c.

Anne Elizabeth Pierre L.,
Appellant,
St. Vincent's Services, Inc.,
Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2014-270
Las Palmeras De Ossining Restaurant, Inc.,
Appellant,
v.
Midway Center Corporation,
Respondent.

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. 2014-236
Huan Nu Lu,
Appellant,
v.
New York City Transit Authority,
Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2014-261
Effreny Martinez, et al.,
Respondents,
v.
Alubon, LTD, 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.

3 Mo. No. 2014-235
In the Matter of Valerie A. Mathis,
Appellant,
v.
Commissioner of Labor,
Respondent.

Motion for leave to appeal denied.

4 Mo. No. 2014-234
Joshua Morris et al.,
Appellants,
v.
Town of Locke et al.,
Respondents.

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

2 Mo. No. 2014-218
In the Matter of State of New York,
Respondent,
v.
Robert F. (Anonymous),
Appellant.

Motion for leave to appeal granted.

2 Mo. No. 2014-237
The People &c.,
Respondent,
v.
David Ortiz, Jr.,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2014-247
Alexander Pereira,
Appellant,
v.
The 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 (see Cuadrado v New York City Tr. Auth., 14 NY3d 748 [2010]).

1 Mo. No. 2014-245
In the Matter of Daryl Perry, et al.,
Appellants,
v.
Hon. Steven L. Barrett,
Respondent.
Joseph Anthony, et al.,
Intervenors.

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

3 Mo. No. 2014-229
PHH Mortgage Corporation,
 Respondent,
 v.
Henry E. Davis et al.,
 Appellants,
et al.,
 Defendants.
(And a Third-Party Action.)

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. 2014-215
The People &c.,
 Respondent,
 v.
Lionel Pittman,
 Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2014-252
In the Matter of Robert Quintana,
 Appellant,
 v.
City of Buffalo,
 Respondent.

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

2 Mo. No. 2014-226
In the Matter of Dashawn R. (Anonymous),
 Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2014-220
In the Matter of Alissa R. Rhodes,
 Respondent,
 v.
Claude M. Nelson,
 Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2014-254
S.T.A. Parking Corp.,
 Appellant,
 v.
Lancer Insurance Company,
 Respondent.
(And Another Action.)

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

2 Mo. No. 2014-279
In the Matter of Eugene S., Jr.

Westchester County Department of Social
Services,
 Respondent;
Priscilla E.,
 Appellant,
et al.,
 Respondent.
(And Another Proceeding.)

Motion for leave to appeal denied.

2 Mo. No. 2013-1157
In the Matter of Richard Santer,
 Respondent,
 v.
Board of Education of East Meadow Union
Free School District,
 Appellant.

Motion to expand the record denied.

1 Mo. No. 2014-266
In the Matter of Akhtar Ali Sheikh,
 Appellant,
 v.
New York City Taxi and Limousine
Commission,
 Respondent.

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

1 Mo. No. 2014-273
The People &c.,
Respondent,
v.
Herbert Sheppard,
Appellant.

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

2 Mo. No. 2014-255
In the Matter of Jasiah T.-V.S.J.
(Anonymous).

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

Heart Share Human Services of New York,
&c.,
Respondent;
Joshua W. (Anonymous),
Appellant.

1 Mo. No. 2014-263
Tarry Realty, LLC,
Appellant,
v.
Utica First Insurance Company,
Respondent,
Sinis Contracting, Inc.,
Respondent.

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

1 Mo. No. 2014-323
Tarry Realty, LLC,
Respondent,
v.
Utica First Insurance Company,
Respondent,
Sinis Contracting, Inc.,
Appellant.

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

3 Mo. No. 2014-213
In the Matter of Vartholome K. Tekmitchov,
 Respondent.
Musika, LLC,
 Appellant.
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.

1 Mo. No. 2014-300
In the Matter of Rudranu Toolasprashad,
 Respondent,
 v.
Raymond W. Kelly, &c., et al.,
 Appellants.

Motion for leave to appeal denied.
Judge Abdus-Salaam took no part.

3 Mo. No. 2014-222
In the Matter of Charles Watson,
 Appellant,
 v.
New York State Department of Corrections
and Community Supervision,
 Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2014-259
Wells Fargo Bank National Association, et
al.,
 Respondents,
 v.
Webster Business Credit Corporation,
 Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2014-233
The People &c. ex rel. Joseph Williams,
Appellant,
v.
Malcolm R. Cully, &c.,
Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2014-264
In the Matter of Grigoriy Zaltsman,
Appellant,
v.
New York City Housing Authority,
Respondent.

Motion for reargument of motion for leave to appeal
denied.