

December 16, 2015

CASES

1 No. 200

Rita Cusimano, &c., et al.,
Respondents,

v.

Andrew V. Schnurr, CPA, et al.,
Appellants.

Bernard V. Strianese, et al.,
Intervenors-Appellants.

Order reversed, with costs, and case remitted to the Appellate Division, First Department, for further proceedings in accordance with the opinion herein. Opinion by Chief Judge Lippman. Judges Pigott, Rivera, Abdus-Salaam, Stein and Fahey concur.

2 No. 163

Edwin Davis et al.,
Appellants,

v.

South Nassau Communities Hospital, et al.,
Respondents.

Order modified, without costs, by denying the motions of the Island Medical Physicians, P.C. defendants and of defendant South Nassau Communities Hospital to dismiss the complaint and, as so modified, affirmed. Opinion by Judge Fahey. Chief Judge Lippman and Judges Pigott and Rivera concur. Judge Stein dissents and votes to affirm in an opinion in which Judge Abdus-Salaam concurs.

1 No. 192

The People &c.,
Respondent,

v.

Marcos Llibre,
Appellant.

Order affirmed. Opinion by Judge Pigott. Judges Abdus-Salaam, Stein and Fahey concur. Chief Judge Lippman concurs in a separate opinion in which Judge Rivera concurs.

1 No. 201

The People &c.,
Respondent,

v.

Luis Ortiz,
Appellant.

Order reversed and a new trial ordered. Opinion by Judge Pigott. Chief Judge Lippman and Judges Rivera, Stein and Fahey concur. Judge Abdus-Salaam took no part.

1 No. 191
The People &c.,
 Respondent,
 v.
Luciano Rosario,
 Appellant.

Order affirmed.
Opinion by Judge Pigott.
Judges Abdus-Salaam, Stein and Fahey concur.
Chief Judge Lippman dissents in an opinion in which
Judge Rivera concurs.

4 No. 198
In the Matter of Ricardo Suarez, et al.,
 Appellants,
 v.
Melissa Williams, et al.,
 Respondents.

Order reversed, without costs, and matter remitted to
the Appellate Division, Fourth Department, for
further proceedings in accordance with the opinion
herein.
Opinion by Judge Stein.
Chief Judge Lippman and Judges Pigott, Rivera,
Abdus-Salaam and Fahey concur.

MOTIONS

1 Mo. No. 2015-1139
In the Matter of 381 Search Warrants
Directed to Facebook, Inc., &c.

Facebook, Inc.,
Appellant,
v.
New York County District Attorney's Office,
Respondent.
(And Another Proceeding.)

Motion for leave to appeal granted.

1 Mo. No. 2015-1196
In the Matter of 381 Search Warrants
Directed to Facebook, Inc., &c.

Facebook, Inc.,
Appellant,
v.
New York County District Attorney's Office,
Respondent.
(And Another Proceeding.)

Motion by New York Civil Liberties Union, et al. for leave to appear amici curiae on the motion for leave to appeal herein granted and the brief is accepted as filed.

1 Mo. No. 2015-1197
In the Matter of 381 Search Warrants
Directed to Facebook, Inc., &c.

Facebook, Inc.,
Appellant,
v.
New York County District Attorney's Office,
Respondent.
(And Another Proceeding.)

Motion by Foursquare Labs, Inc., et al. for leave to appear amici curiae on the motion for leave to appeal herein granted and the memorandum is accepted as filed.

1 Mo. No. 2015-1198
In the Matter of 381 Search Warrants
Directed to Facebook, Inc., &c.

Facebook, Inc.,
Appellant,
v.
New York County District Attorney's Office,
Respondent.
(And Another Proceeding.)

Motion by Brennan Center for Justice at New York
University School of Law et al. for leave to appear
amici curiae on the motion for leave to appeal herein
granted and the brief is accepted as filed.

1 Mo. No. 2015-1213
In the Matter of 381 Search Warrants
Directed to Facebook, Inc., &c.

Facebook, Inc.,
Appellant,
v.
New York County District Attorney's Office,
Respondent.
(And Another Proceeding.)

Motion by Dropbox, Inc., et al. for leave to appear
amici curiae on the motion for leave to appeal herein
granted and the brief is accepted as filed.

3 Mo. No. 2015-1158
In the Matter of Mahud Khabir Al-Matin,
Appellant,
v.
Albert Prack, &c., et al.,
Respondents.

Motion for leave to appeal denied.

4 Mo. No. 2015-1186
In the Matter of Kevin Blair,
Appellant,
v.
Crystal DiGregorio,
Respondent.

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

2 Mo. No. 2015-1151
In the Matter of Robert Coull,
 Respondent,
 v.
Pamela Rottman,
 Respondent.
Attorney for the Child,
 Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2015-1157
In the Matter of Robert Cumberland,
 Appellant,
 v.
Commissioner of Corrections and Community
Supervision,
 Respondent.

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

1 Mo. No. 2015-1178
D&R Global Selections, S.L.,
 Appellant,
 v.
Bodega Olegario Falcon Pineiro,
 Respondent.

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

1 Mo. No. 2015-1183
In the Matter of Allyerra E., &c.

Alando E.,
 Appellant,
Administration for Children's Services,
 Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2015-1181
In the Matter of Beatrice R.H. (Anonymous),
 Respondent.
Dean E.H. (Anonymous),
 Respondent;
Penny F.H. (Anonymous),
 Nonparty-Respondent;
Estate of Ronald H. (Anonymous),
 Nonparty-Appellant.

Motion for leave to appeal dismissed upon the ground that movant is not a party aggrieved (see CPLR 5511).

3 Mo. No. 2015-1169
In the Matter of Robert Jones,
 Appellant,
 v.
Kevin Hickey, &c.,
 Respondent.

Motion for reconsideration of this Court's September 10, 2015 dismissal orders denied.
Motion for poor person relief dismissed as academic.

4 Mo. No. 2015-1176
In the Matter of Sophia M.G.K.

Monroe County Department of Human
Services,
 Respondent;
Tracy G.K.,
 Appellant.
(And Another Proceeding.)

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

2 Mo. No. 2015-1177
Andrew M. Klapper, &c.,
 Appellant,
 v.
Renee Graziano, et al.,
 Defendants,
Weinstein Company, 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.
Motion for a stay dismissed as academic.

2 Mo. No. 2015-1179
Adia Lopez,
 Appellant,
 v.
George Hage,
 Respondent.

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

3 Mo. No. 2015-1185
In the Matter of Daniel Martuscello, Jr., &c.,
 Respondent,
 v.
Jua Smith,
 Appellant.

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 and is not a nonfinal order of the type within the meaning of CPLR 5602(a)(2).

1 Mo. No. 2015-1175
In the Matter of Michael Mazziotti,
 Appellant,
 v.
Raymond Kelly, &c., et al.,
 Respondents.

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

1 Mo. No. 2015-1149
Midwest Goldbuyers, Inc.,
 Appellant,
 v.
Brink's Global Services USA, Inc., &c.,
 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. 2015-1127
Tara N.P. (Anonymous),
 Appellant,
 v.
Western Suffolk Board of Cooperative
Educational Services, &c.,
 Defendant,
County of Suffolk, et al.,
 Respondents,
et al.,
 Defendants.

Motion for leave to appeal granted.

2 Mo. No. 2015-1137
PNC Bank, National Association, &c.,
 Respondent,
 v.
Aaron Klein,
 Appellant,
et al.,
 Defendants.

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. 2015-1182
Sisters of Holy Child Jesus at Old Westbury,
Inc., &c.,
 Respondent,
 v.
Shane Pallotta,
 Appellant.

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

2 Mo. No. 2015-1180
In the Matter of Barbara Sperber Thill, et al.,
 Appellants,
 v.
North Shore Central School District,
 Respondent.

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

2 Mo. No. 2015-1143
Douglas Wilson,
 Appellant,
 v.
A.H. Harris & Sons, Inc.,
 Respondent.

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