

December 17, 2015

**CASES**

1                    No. 196  
The People &c.,  
    Respondent,  
    v.  
Todd Holley,  
    Appellant.

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

1                    No. 178  
The People &c.,  
    Respondent,  
    v.  
Mark Jurgins,  
    Appellant.

Order reversed and case remitted to Supreme Court,  
Bronx County, for further proceedings in accordance  
with the opinion herein.  
Opinion by Judge Stein.  
Chief Judge Lippman and Judges Rivera, Abdus-  
Salaam and Fahey concur.  
Judge Pigott dissents and votes to affirm in an  
opinion.

                      No. 195  
The People &c.,  
    Respondent,  
    v.  
Kaity Marshall,  
    Appellant.

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

3                    No. 199  
The People &c.,  
    Respondent,  
    v.  
Anthony V. Pavone,  
    Appellant.

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

1                    No. 206  
The People &c.,  
    Appellant,  
    v.  
Victor Soto,  
    Respondent.

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

2                    No. 193  
The People &c.,  
    Appellant,  
    v.  
Nataanael Sagastumeal Varenga,  
    Respondent.

Order of the Appellate Division reversed and order of  
Supreme Court, Suffolk County, reinstated.  
Opinion by Judge Fahey.  
Judges Pigott, Abdus-Salaam and Stein concur.  
Judge Rivera dissents in an opinion in which Chief  
Judge Lippman concurs.

## MOTIONS

1                    Mo. No. 2015-1251  
250 West 78 LLC,  
    Respondent,  
    v.  
Pildes of 83rd Street, Inc.,  
    Defendant,  
Dan Pildes,  
    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.

2                    Mo. No. 2015-1219  
Susan Aranoff,  
    Respondent,  
    v.  
Gerald Aranoff,  
    Appellant.

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

1                    Mo. No. 2015-1193  
Lissette Arzeno,  
    Appellant,  
    v.  
The City of New York,  
    Respondent,  
Anvernic, LLC et al.,  
    Respondents.

Motion for leave to appeal denied.

2                    Mo. No. 2015-1205  
Leon Behar et al.,  
    Appellants,  
    v.  
Glickenhau Westchester Development, Inc.,  
    Respondent.

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

2                    Mo. No. 2015-1200  
Amy Braunstein,  
    Respondent,  
    v.  
David J. Braunstein,  
    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.

1                    Mo. No. 2015-1211  
Luis Carrion,  
    Appellant,  
    v.  
John Faulkner, &c., et al.,  
    Respondents.

Motion for leave to appeal granted.

3                    Mo. No. 2015-1188  
In the Matter of Ling Chen,  
    Appellant,  
    v.  
Reuters America Holdings, Inc. et al.,  
    Respondents.  
Workers' Compensation Board,  
    Respondent.

Motion for reargument of motion for leave to appeal denied.

4                    Mo. No. 2015-1225  
In the Matter of Concrete Applied  
Technologies Corporation, &c.,  
    Appellant,  
    v.  
County of Erie, et al.,  
    Respondents.

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

1 Mo. No. 2015-1239  
Stephane Cosman Connery, et al.,  
Respondents,  
v.  
Burton S. Sultan,  
Appellant.

Motion, insofar as it seeks leave to appeal from that portion of the Appellate Division order as affirmed so much of the Supreme Court order as pertains to the motion in that court for the imposition of sanctions, denied; motion for leave to appeal otherwise dismissed upon the ground that the remaining portion of the order sought to be appealed from does not finally determine the action within the meaning of the Constitution.

1 Mo. No. 2015-1255  
Stephane Cosman Connery, et al.,  
Respondents,  
v.  
Burton S. Sultan,  
Appellant.

Motion for reargument of motion for leave to appeal denied.

4 Mo. No. 2015-1194  
In the Matter of Cheree N. Creek,  
Respondent,  
v.  
Jacob M. Dietz,  
Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2015-1206  
The People &c. ex rel. Curtis Davis,  
Appellant,  
v.  
New York State Department of Corrections  
and Community Supervision,  
Respondent.

Motion for reargument of motion for leave to appeal denied.

3                    Mo. No. 2015-1217  
In the Matter of East Ramapo Central School  
District,  
                  Appellant,  
          v.  
John B. King, Jr., &c., et al.,  
                  Respondents.

Motion for leave to appeal granted.

2                    Mo. No. 2015-1195  
Mary Jane Hayes,  
                  Respondent,  
          v.  
William Ames Hayes,  
                  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.  
Motion for ancillary relief dismissed as academic.

4                    Mo. No. 2015-1204  
Lyubov Klepanchuk, et al.,  
                  Appellants,  
          v.  
County of Monroe et al.,  
                  Respondents.

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

2                    Mo. No. 2015-1184  
Catherine M. Kyte,  
                  Appellant,  
          v.  
Mid-Hudson Wendico, Inc., &c.,  
                  Respondent.

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

4                    Mo. No. 2015-1221  
In the Matter of William Mellen,  
                  Appellant,  
          v.  
Amy Mellen,  
                  Respondent.

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

4 Mo. No. 2015-1214  
In the Matter of Anna H. Morgan,  
Respondent,  
v.  
James W. Peterson, Jr.,  
Appellant.  
(And Another Proceeding.)

Motion for leave to appeal denied.

1 Mo. No. 2015-1222  
The People &c.,  
Respondent,  
v.  
Ramon Padro,  
Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2015-1192  
In the Matter of Kevin Phillip,  
Appellant,  
v.  
Steven E. Racette, &c.,  
Respondent.

Motion for leave to appeal denied.

4 Mo. No. 2015-1215  
In the Matter of Craig Procopio,  
Respondent,  
v.  
Kelly Procopio,  
Appellant.

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

4 Mo. No. 2015-1187  
In the Matter of Amira S.

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

Onondaga County Department of Social  
Services,  
Respondent;  
Megan R.,  
Appellant;  
et al.,  
Respondent.

2                    Mo. No. 2015-1252  
Kenneth P. Silverman, &c.,  
                  Appellant,  
                  v.  
Daily News, L.P., et al.,  
                  Respondents,  
et al.,  
                  Defendants.

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

2                    Mo. No. 2015-1190  
In the Matter of Jeffrey Slonim,  
                  Appellant,  
                  v.  
Town of East Hampton Zoning Board of  
Appeals, et al.,  
                  Respondents.

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