

June 10, 2015

CASES

1 No. 79
Alex Irrizarry Deleon,
 Respondent,
 v.
New York City Sanitation Department, et al.,
 Appellants.

Order, insofar as appealed from, affirmed, with costs,
and certified question answered in the affirmative, in
a memorandum.
Chief Judge Lippman and Judges Read, Pigott,
Rivera, Abdus-Salaam, Stein and Fahey concur.

1 No. 91
The People &c.,
 Respondent,
 v.
Jose Inoa,
 Appellant.

Order affirmed.
Opinion by Chief Judge Lippman.
Judges Read, Pigott, Rivera, Abdus-Salaam, Stein
and Fahey concur.

1 No. 80
In the Matter of Edna Shannon, &c.

Family Service Society of Yonkers,
 Petitioner,
 v.
Westchester County Department of Social
Services,
 Appellant,
Eastchester Rehabilitation & Health Center,
 Respondent.

Order, insofar as appealed from, reversed, with costs,
and order of Supreme Court, Bronx County,
reinstated.
Opinion by Judge Fahey.
Chief Judge Lippman and Judges Read, Pigott,
Rivera, Abdus-Salaam and Stein concur.

2 No. 96
Andre Shipley et al.,
 Respondents,
 v.
City of New York et al.,
 Appellants.

Order, insofar as appealed from, reversed, with costs,
and the complaint dismissed in its entirety.
Opinion by Judge Pigott.
Judges Read, Abdus-Salaam, Stein and Fahey concur.
Judge Rivera dissents in an opinion in which Chief
Judge Lippman concurs.

2 No. 75
Viviane Etienne Medical Care, P.C., as
assignee of Alem Cardenas,
 Respondent,
 v.
Country-Wide Ins. Co.,
 Appellant.

Order, insofar as appealed from, affirmed, with costs,
and certified question answered in the affirmative.
Opinion by Judge Abdus-Salaam.
Chief Judge Lippman and Judges Pigott, Rivera and
Fahey concur.
Judge Stein dissents in an opinion in which Judge
Read concurs.

4 No. 67
Adam L. Walton,
 Appellant,
 v.
Strong Memorial Hospital, et al.,
 Respondents.

Order reversed, with costs, and respondents' motion
to dismiss the complaint as time-barred denied.
Opinion by Judge Read.
Chief Judge Lippman and Judges Pigott, Rivera,
Abdus-Salaam, Stein and Fahey concur.

MOTIONS

1 Mo. No. 2015-465
The People &c.,
 Respondent,
 v.
Alvin Arnold,
 Appellant.

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

2 Mo. No. 2015-452
Leon Behar et al.,
 Appellants,
 v.
Glickenhau Westchester Development, Inc.,
 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.

1 Mo. No. 2015-460
In the Matter of New York State Office of
Mental Health,
 Respondent,
 v.
Joseph C. (Anonymous),
 Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2015-451
The People &c.,
 Respondent,
 v.
Daryll J. Clark,
 Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2015-461
Gerard Corsini,
 Appellant,
 v.
Elizabeth Morgan, &c., et al.,
 Respondents,
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.

3 Mo. No. 2015-441
In the Matter of Robert Coward,
 Appellant,
 v.
New York State Board of Parole,
 Respondent.

On the Court's own motion, appeal dismissed, without costs, upon the ground that no substantial constitutional question is directly involved. Motion for poor person relief dismissed as academic.

2 Mo. No. 2015-458
In the Matter of Ngn Deepti,
 Respondent,
 v.
Parveen Kaushik,
 Appellant.

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

3 Mo. No. 2015-439
In the Matter of Stuart Dizak,
 Appellant,
 v.
Albert Prack, &c.,
 Respondent.

Motion for reargument of motion for leave to appeal denied.
Judges Stein and Fahey took no part.

4 Mo. No. 2015-455
In the Matter of Kyla E. et al.

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

Onondaga County Department of Social Services,
 Respondent;
Stephanie F.,
 Appellant.

2 Mo. No. 2015-449
In the Matter of Executive Life Insurance
Company of New York.

Superintendent of Financial Services, &c.,
Respondent;
Jeanice Dolan, et al.,
Objectors;
Edward S. Stone, et al.,
Nonparty-Appellants.

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

2 Mo. No. 2015-546
In the Matter of Charles T. Rawley,
Respondent,
v.
Jessica Graham,
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.
Motion for poor person relief dismissed as academic.

2 Mo. No. 2015-424
In the Matter of Charles T. Rawley,
Respondent,
v.
Jessica Graham,
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.
Motion for poor person relief dismissed as academic.

4 Mo. No. 2015-466
In the Matter of Dakota H.

Onondaga County Department of Social
Services,
 Respondent;
Danielle F.,
 Appellant,
James H.,
 Respondent.
(And Another Proceeding.)

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

4 Mo. No. 2015-495
In the Matter of Dakota H.

Onondaga County Department of Social
Services,
 Respondent;
Danielle F.,
 Respondent,
James H.,
 Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2015-418
Nora Iacono,
 Appellant,
 v.
Anthony Pilavas, et al.,
 Respondents.

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

1 Mo. No. 2015-478
In the Matter of Kenneth Cole Productions,
Inc., Shareholder Litigation

Erie County Employees Retirement System,
Appellant,
v.
Michael J. Blitzer, et al.,
Respondents.

Motion for leave to appeal granted.

1 Mo. No. 2015-457
The People &c.,
Respondent,
v.
Paul Macchia,
Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2015-468
Gregory Mavente,
Respondent,
v.
Albany Medical Center Hospital
et al.,
Respondents.
Timothy J. Carter et al., &c.,
Proposed Intervenors-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. 2015-469
Gregory Mavente,
Respondent,
v.
Ellis Hospital et al.,
Respondents,
et al.,
Defendants.
Timothy J. Carter et al., &c.,
Proposed Intervenors-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. 2015-462
In the Matter of New York State Correctional
Officers and Police Benevolent Association,
Inc., et al.,
 Appellants,
 v.
New York State Department of Corrections
and Community Supervision et al.,
 Respondents.

Motion for leave to appeal denied.

1 Mo. No. 2015-463
Emmanuel O. Okocha,
 Appellant,
 v.
The City of New York, et al.,
 Respondents.

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

2 Mo. No. 2015-442
Todd Rotwein, D.P.M., P.C.,
 Appellant,
 v.
Nader Enterprises, LLC, et al.,
 Respondents.

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

1 Mo. No. 2015-410
VNB New York Corp.,
 Respondent,
 v.
Chatham Partners, LLC,
 Defendant,
Barry Akrongold, et al.,
 Appellants.

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

4 Mo. No. 2015-448
The People &c. ex rel. Sherman Walker,
 Appellant,
 v.
Ms. Dolce, &c.,
 Respondent.

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

3 Mo. No. 2015-445
The People &c. ex rel. Charles E.
Washington,
 Appellant,
 v.
Patrick Griffin, &c., et al.,
 Respondents.

Motion for leave to appeal denied.

3 Mo. No. 2015-434
In the Matter of Beverly Weston,
 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.
Motion for poor person relief dismissed as academic.