

June 30, 2015

CASES

No. 104

Commonwealth of Pennsylvania Public
School Employees' Retirement System, &c.,
et al.,

Plaintiffs,

Commerzbank AG, &c.,

Appellant,

v.

Morgan Stanley & Co., Incorporated, et al.,

Respondents,

et al.,

Defendants.

Following certification of questions by the United States Court of Appeals for the Second Circuit and acceptance of the questions by this Court pursuant to section 500.27 of this Court's Rules of Practice, and after hearing argument by counsel for the parties and consideration of the briefs and the record submitted, first certified question answered in the negative and second certified question not answered as academic. Opinion by Judge Stein.

Chief Judge Lippman and Judges Read, Pigott, Rivera, Abdus-Salaam and Fahey concur.

No. 114

Eric M. Berman, P.C., et al.,

Respondents,

v.

City of New York, et al.,

Appellants.

Following certification of questions by the United States Court of Appeals for the Second Circuit and acceptance of the questions by this Court pursuant to section 500.27 of this Court's Rules of Practice, and after hearing argument by counsel for the parties and consideration of the briefs and the record submitted, first certified question answered in the negative and the second certified question, as reformulated, answered in accordance with the opinion herein. Opinion by Chief Judge Lippman.

Judges Read, Pigott and Abdus-Salaam concur.

Judge Fahey dissents in an opinion in which Judge Stein concurs.

Judge Rivera took no part.

1 No. 107
In the Matter of Deborah Glick, et al.,
 Appellants,
 v.
Rose Harvey, &c., et al.,
 Respondents,
New York University,
 Third-Party Respondent.

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

1 No. 16
The People &c.,
 Respondent,
 v.
Aron Goldman,
 Appellant.

Order affirmed.
Opinion by Judge Fahey.
Judges Read, Pigott, Rivera and Stein concur.
Chief Judge Lippman dissents in an opinion.
Judge Abdus-Salaam took no part.

3 No. 106
The People &c.,
 Respondent,
 v.
William Henderson,
 Appellant.

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

1 No. 15
The People &c.,
 Respondent,
 v.
Matthew Keschner,
 Appellant.

Order affirmed.
Opinion by Judge Fahey.
Judges Read, Pigott, Rivera and Stein concur.
Chief Judge Lippman dissents in an opinion.
Judge Abdus-Salaam took no part.

1 No. 118
The People &c.,
 Respondent,
 v.
Dean Pacquette,
 Appellant.

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

MOTIONS

4 Mo. No. 2015-507
The People &c.,
Respondent,
v.
Gordy A. Akinpelu,
Appellant.

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

3 Mo. No. 2015-549
The People &c.,
Respondent,
v.
Joshua Barney,
Appellant.

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

Mo. No. 2015-553
Walter R. Beardslee, &c., et al.,
Respondents,
v.
Inflection Energy, LLC, et al.,
Appellants.

Motion for reargument denied.

1 Mo. No. 2015-454
Atul Bhatara,
Respondent,
v.
Hans Futterman,
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.

3 Mo. No. 2015-544
Arthur Blake,
Appellant,
v.
First Transit Transportation Service,
Respondent.

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

4 Mo. No. 2015-510
Carmen Britt et al., &c.,
Appellant,
v.
Buffalo Municipal Housing Authority, 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.
Judge Fahey took no part.

2 Mo. No. 2015-529
In the Matter of Martha M. Cavaliere, et al.,
Appellants,
v.
Suffolk County, et al.,
Respondents.

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

3 Mo. No. 2015-490
In the Matter of Board of Education of the
Central Islip Union Free School District et al.,
Appellants,
v.
David M. Steiner, &c., et al.,
Respondents.

Motion for leave to appeal denied with one hundred dollars costs and necessary reproduction disbursements.
Judge Stein took no part.

3 Mo. No. 2015-566
In the Matter of Paul Chandler,
Appellant,
v.
Anthony J. Annucci, &c.,
Respondent.

Motion for reargument of motion for leave to appeal denied.

2 Mo. No. 2015-574
Jean James Charite, et al.,
 Appellants,
 v.
Duane Reade, Inc., et al.,
 Respondents,
et al.,
 Defendants.

Motion for leave to appeal granted.

2 Mo. No. 2015-559
Humphrey Correll,
 Appellant,
 v.
U.S. Bank National Association, &c.,
 Respondent,
et al.,
 Defendants.

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

 Mo. No. 2015-502
In the Matter of April K. DeJesus,
 Appellant,
 v.
Rodney N. Haymes,
 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. 2015-509
In the Matter of Echo W. Dixon,
 Appellant,
 v.
Eric T. Schneiderman, &c.,
 Respondent.
(Index No. 2022-14)

In the Matter of Echo W. Dixon,
 Appellant,
 v.
Donald G. Uhler, &c., et al.,
 Respondents.
(Index No. 2014-0520)

4 Mo. No. 2015-536
Dog Day's, Inc., &c.,
 Appellant,
 v.
Hartford Fire Insurance Company,
 Respondent.

3 Mo. No. 2015-481
In the Matter of Exxon Mobil Corporation,
 Appellant,
 v.
State of New York Tax Appeals Tribunal et
al.,
 Respondents.

 Mo. No. 2015-557
James W. Gilliam II,
 Appellant,
 v.
Virgin Mobile USA, L.P. et al.,
 Respondents.

Motion, insofar as it seeks leave to appeal from the May 2013 Appellate Division order, dismissed upon the ground that it does not lie, appellant having previously moved in the Court of Appeals for leave to appeal (21 NY3d 1055 [2013]) from the same Appellate Division order from which he currently seeks leave to appeal (see Selinger v Selinger, 90 NY2d 842 [1997]); motion, insofar as it seeks leave to appeal from the March 2015 Appellate Division order, dismissed upon the ground that the order sought to be appealed from does not finally determine the proceedings within the meaning of the Constitution.

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

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

Motion for leave to appeal dismissed upon the ground that this Court does not have jurisdiction to entertain it (see NY Const, art VI, § 3[b]; CPLR 5602[a]).

2 Mo. No. 2015-558
In the Matter of Christine T. Girasek-Brick,
Respondent,
v.
John J. Girasek,
Appellant.

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

1 Mo. No. 2015-556
In the Matter of Travis D. Griffin,
Appellant,
v.
City of New York, et al.,
Respondents.

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.
Motion for poor person relief dismissed as academic.

Mo. No. 2015-531
The People &c.,
Appellant,
v.
Rebecca Guthrie,
Respondent.

Motion for reargument denied.

4 Mo. No. 2015-547
Judy L. Guyette et al.,
Appellants,
v.
Oneida Financial Corp.,
Respondent.

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

2 Mo. No. 2015-525
The People &c.,
Respondent,
v.
Fedor Leshchenko,
Appellant.

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

2 Mo. No. 2015-555

The People &c.,
Respondent,

v.

Samuel Maldonado,
Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2015-501

Manufacturers and Traders Trust Company,
Respondent,

v.

Niagara Falls Mall, Inc.,
Appellant.

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

Judge Fahey took no part.

2 Mo. No. 2015-540

Charles McKie,
Appellant,

v.

Flagstar Bank, FSB,
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. 2015-561

In the Matter of Stephauan P., &c.,
Appellant.

Motion for leave to appeal denied.

Motion for poor person relief dismissed as academic.

1 Mo. No. 2015-551

Robert Parkman,
Appellant,

v.

149-151 Essex Street Associates, LLC, et al.,
Respondents.

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

3 Mo. No. 2015-545
In the Matter of Edwin C. Pearson,
 Appellant,
 v.
Thomas P. DiNapoli, &c.,
 Respondent.

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

1 Mo. No. 2015-528
John Pickering-George, &c.,
 Appellant,
 v.
Mathew M. Wambua, et al.,
 Respondents.

Motion for reargument denied.

1 Mo. No. 2015-500
Benigno Pol, et al.,
 Appellants,
 v.
City of New York,
 Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2015-503
The People &c.,
 Respondent,
 v.
Daniel Rodriguez,
 Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2015-548
Juan Rodriguez,
 Appellant,
 v.
Jacoby & Meyers, LLP, et al.,
 Respondents.

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

4 Mo. No. 2015-533
In the Matter of Aijianna L.

Onondaga County Department of Social
Services,
 Respondent;
Annette S.,
 Appellant.

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

2 Mo. No. 2015-497
The People &c.,
 Respondent,
 v.
Byron Shelton,
 Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2015-522
Yosif Tsimbler,
 Appellant,
 v.
Millie R. Fell, &c., et al.,
 Respondents,
et al.,
 Defendant.

Motion, insofar as it seeks leave to appeal from the
Appellate Division order affirming the Supreme
Court order denying renewal, dismissed upon the
ground that such order does not finally determine the
action within the meaning of the Constitution;
motion for leave to appeal otherwise denied.

3 Mo. No. 2015-515
In the Matter of Kurt J. Wallenhorst,
 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.

3 Mo. No. 2015-564
In the Matter of Carlos Ward,
 Appellant,
 v.
William M. Gonzalez, &c.,
 Respondent.

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

4 Mo. No. 2015-494
Sade Watson,
 Appellant,
 v.
Kibler Enterprises, et al.,
 Respondents,
et al.,
 Defendants.

Motion for leave to appeal denied with one hundred dollars costs and necessary reproduction disbursements.
Judge Fahey took no part.

2 Mo. No. 2015-480
The People &c.,
 Respondent,
 v.
Walter Welch,
 Appellant.

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

3 Mo. No. 2015-567
In the Matter of Daria A. Wengenroth,
 Appellant,
 v.
Thomas F. McGuire III,
 Respondent.

Motion for leave to appeal denied.

3 Mo. No. 2015-560
In the Matter of Daniel Youngman,
 Respondent.
RB Humphreys, Inc.,
 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.