

May 14, 2015

**CASES**

2                    No. 58  
The People &c.,  
    Appellant,  
    v.  
Jarrod Brown,  
    Respondent.

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

4                    No. 68  
The People &c.,  
    Respondent,  
    v.  
Jafari Lamont,  
    Appellant.

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

4                    No. 62  
Eileen Malay,  
    Appellant,  
    v.  
City of Syracuse, et al.,  
    Respondents.

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

2                    No. 53  
In the Matter of State of New York,  
    Respondent,  
    v.  
Robert F. (Anonymous),  
    Appellant.

Order affirmed, without costs.  
Opinion by Judge Pigott.  
Chief Judge Lippman and Judges Read, Rivera,  
Abdus-Salaam, Stein and Fahey concur.

## MOTIONS

1                    Mo. No. 2015-389  
Hassan O.G. Alamin,  
Appellant,  
v.  
Shake Uddin, et al.,  
Respondents.

Motion for reargument denied.  
Judges Stein and Fahey took no part.

1                    Mo. No. 2015-342  
In the Matter of Pierino Anastasio,  
Appellant,  
v.  
Raymond Kelly, &c., et al.,  
Respondents.

Motion for leave to appeal denied.

3                    Mo. No. 2015-171  
In the Matter of the Application for  
Admission of Anonymous,  
Appellant.

Motion, insofar as it seeks leave to appeal from the  
November 2014 Appellate Division order, dismissed  
as untimely (see CPLR 5513[b]); motion for leave to  
appeal otherwise denied.

4                    Mo. No. 2015-198  
Mary Beebe et al.,  
Appellants,  
v.  
St. Joseph's Hospital Health Center,  
Defendant,  
Associates for Women's Medicine, PLLC 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.

4 Mo. No. 2015-404  
Inez Bielecki,  
Appellant,  
v.  
Richard Bielecki,  
Respondent.

Motion for leave to appeal dismissed upon the ground that the judgment 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. 2014-1283  
Barry Bressler,  
Respondent,  
v.  
Maria L. Bressler,  
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2015-372  
In the Matter of Paulina C. Victoriano Candia,  
Respondent,  
v.  
Salvatore Mendoza Cruz,  
Appellant.

Motion, insofar as it seeks leave to appeal from that part of the Appellate Division order that dismissed the appeal to that court from the June 2013 Family Court order, dismissed upon the ground that such part of the order does not finally determine a proceeding within the meaning of the Constitution; motion for leave to appeal otherwise denied.

4 Mo. No. 2015-358  
In the Matter of Michael Carroll,  
Appellant,  
v.  
Amy Carroll,  
Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2015-347  
The People &c.,  
Respondent,  
v.  
Juan Ciudadreal,  
Appellant.

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

1                    Mo. No. 2015-370  
In the Matter of Washington Davis,  
Appellant,  
v.  
Hon. Kenneth L. Thompson, et al.,  
Respondents.

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In the Matter of Washington Davis,  
Appellant,  
et al.,  
Petitioner,  
v.  
Hon. Julia L. Rodriguez, et al.,  
Respondents.

3                    Mo. No. 2015-339  
Matthew E. Feuerherm,  
Appellant,  
v.  
Jeff D. Grodinsky,  
Respondent.

1                    Mo. No. 2015-333  
Fidelity National Title Insurance Company,  
Plaintiff,  
v.  
Altshuler Shaham Provident Funds Ltd., &c.,  
Defendant.  
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Altshuler Shaham Provident Funds Ltd., &c.,  
Third-Party Appellant,  
v.  
Jaeckle Fleischmann & Mugal LLP,  
Third-Party Respondent.  
(And Another Action.)

Motion for leave to appeal denied.  
Chief Judge Lippman took no part.

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

Motion, insofar as it seeks leave to appeal from so  
much of the Appellate Division order as granted the  
motion of third-party defendant Jaeckle Fleischman  
& Mugal LLP to dismiss the third-party complaint in  
the New York County action, denied; motion for  
leave to appeal otherwise dismissed upon the ground  
that the remainder of the order sought to be appealed  
from does not finally determine the actions within  
the meaning of the Constitution.

2                    Mo. No. 2015-421  
Fidelity & Guaranty Insurance Company, et  
al.,  
                    Respondents,  
                    v.  
Giacomino DiGiacomo, et al.,  
                    Appellants.

Motion for leave to appeal denied.

1                    Mo. No. 2015-416  
Front, Inc.,  
                    Plaintiff,  
                    v.  
Philip Khalil, et al.,  
                    Defendants.

Motion for reargument denied with one hundred  
dollars costs and necessary reproduction  
disbursements.  
Judges Stein and Fahey took no part.

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Philip Khalil,  
                    Third-Party Appellant,  
                    v.  
Jeffrey A. Kimmel, et al.,  
                    Third-Party Respondents.

3                    Mo. No. 2015-477  
In the Matter of The Fund for Lake George,  
Inc., et al.,  
                    Petitioners,  
Evelyn Jaeger et al.,  
                    Appellants,  
                    v.  
Town of Queensbury Zoning Board of  
Appeals et al.,  
                    Respondents.

Motion for leave to appeal denied with one hundred  
dollars costs and necessary reproduction  
disbursements.  
Motion for a stay dismissed as academic.

4                    Mo. No. 2015-330  
Darryl Gaiter et al.,  
                    Respondents,  
                    v.  
City of Buffalo Board of Education 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.  
Judge Fahey took no part.

2                    Mo. No. 2015-384  
Government Employees Insurance Co., et al.,  
    Respondents,  
    v.  
Avanguard Medical Group, PLLC,  
    Appellant.

Motion for leave to appeal granted.

3                    Mo. No. 2015-459  
In the Matter of Michael Greco et al.,  
    Respondents,  
    v.  
Gordon C. Jenkins, &c.,  
    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.  
Motion for a stay dismissed as academic.  
Judge Stein took no part.

3                    Mo. No. 2015-406  
In the Matter of Kevin Griffin,  
    Appellant,  
    v.  
Thomas P. DiNapoli, &c., 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 proceeding within the  
meaning of the Constitution and is not an order of  
the type provided for in CPLR 5602(a)(2).

1                    Mo. No. 2015-247  
The People &c.,  
    Respondent,  
    v.  
Alexander Irizarry, &c.,  
    Appellant.

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

2                    Mo. No. 2015-392  
Nella Manko,  
    Appellant,  
    v.  
Lenox Hill Hospital,  
    Respondent.

Motion for reargument of motion for leave to appeal  
denied.  
Motion for poor person relief dismissed as academic.  
Judges Stein and Fahey took no part.

2 Mo. No. 2015-391  
Nella Manko,  
Appellant,  
v.  
David A. Gabay, &c., et al.,  
Respondents.  
(And Other Actions.)

Motion for reconsideration of this Court's  
February 17, 2015 dismissal order denied.  
Motion for reargument of motion for leave to appeal  
denied.  
Motion for poor person relief dismissed as academic.  
Judges Stein and Fahey took no part.

1 Mo. No. 2015-204  
The People &c.,  
Respondent,  
v.  
Woodrow McNeely,  
Appellant.

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

1 Mo. No. 2015-190  
The People &c.,  
Plaintiff,  
v.  
J. Ezra Merkin, et al.,  
Defendants.  
Ariel Fund Limited, et al.,  
Relief Defendants.

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

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Joshua M. Berman,  
Appellant,  
v.  
David B. Pitofsky,  
Respondent,  
Ralph C. Dawson,  
Relief Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2015-428  
Metropolitan Suburban Bus Authority,  
Appellant,  
v.  
County of Nassau,  
Respondent.

3                    Mo. No. 2015-229  
In the Matter of Gregory Mingo,  
                  Appellant,  
                  v.  
P. Chappius, &c., 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 proceeding within the meaning of the Constitution.

1                    Mo. No. 2015-341  
In the Matter of Joseph Modlin,  
                  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. 2015-387  
The People &c.,  
                  Respondent,  
                  v.  
Robert Moore,  
                  Appellant.

Motion for leave to appeal denied.

2                    Mo. No. 2015-394  
Peggy Morris,  
                  Appellant,  
                  v.  
M.P. Santini, Inc., &c., et al.,  
                  Respondents.

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

4                    Mo. No. 2015-316  
In the Matter of State of New York,  
                  Respondent,  
                  v.  
Roy C.,  
                  Appellant.

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

4 Mo. No. 2015-361  
In the Matter of Bentleigh O., &c.

Herkimer County Department of Social  
Services,  
Respondent;  
Jacqueline O.,  
Appellant;  
et al.,  
Respondent.

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

1 Mo. No. 2015-228  
The People &c.,  
Respondent,  
v.  
James Ogata,  
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2015-373  
Prince Oparaji,  
Appellant,  
v.  
Lawrence T. Yablon, et al.,  
Respondents.

Motion for leave to appeal denied.

1 Mo. No. 2015-306  
Maritz Osorio,  
Appellant,  
v.  
State of New York,  
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. 2015-281  
Brenda Pomerance, &c.,  
Appellant,  
v.  
Brian Scott McGrath, 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.

3                    Mo. No. 2015-426  
In the Matter of David Ramos,  
                  Appellant,  
          v.  
Albert Prack, &c.,  
                  Respondent.

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

4                    Mo. No. 2015-325  
The People &c.,  
                  Respondent,  
          v.  
Timothy D. Scheifla,  
                  Appellant.

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

1                    Mo. No. 2015-396  
In the Matter of Annemarie Sheldon,  
                  Respondent,  
          v.  
Raymond Kelly, &c., et al.,  
                  Appellants.

Motion for leave to appeal denied.

2                    Mo. No. 2015-405  
The People &c.,  
                  Respondent,  
          v.  
Jason Stapleton,  
                  Appellant.

Motion for leave to appeal denied.

3                    Mo. No. 2015-279  
In the Matter of Eric Tolliver,  
                  Appellant,  
          v.  
Brian Fischer, &c.,  
                  Respondent.

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

2                    Mo. No. 2015-207  
Dominick Valenti,  
    Respondent,  
    v.  
Clocktower Plaza Properties, Ltd.,  
    Appellant,  
et al.,  
    Defendant.

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. 2015-400  
The People &c. ex rel. Anthony Vickery,  
    Appellant,  
    v.  
Patrick Griffin, &c., et al.,  
    Respondents.

Motion for leave to appeal denied.

4                    Mo. No. 2015-386  
In the Matter of Rickey L. Wilson,  
    Respondent,  
    v.  
Linda McCray,  
    Respondent,  
Jasmine Jael Gonzalez, &c.,  
    Appellant.

Motion for leave to appeal denied.

2                    Mo. No. 2015-409  
In the Matter of Keith X.,  
    Appellant,  
    v.  
Kristin Y.,  
    Respondent.  
(And Another Proceeding.)

Motion for leave to appeal denied.