

October 22, 2015

CASES

1 No. 123

The People &c.,  
Respondent,

v.

Anthony Barksdale,  
Appellant.

Order, insofar as appealed from, affirmed.

Opinion by Judge Fahey.

Judges Pigott, Abdus-Salaam and Stein concur.

Judge Rivera dissents in an opinion in which Chief  
Judge Lippman concurs.

4 No. 135

In the Matter of Anthony Bottom,  
Appellant,

v.

Anthony Annucci, &c.,  
Respondent.

Judgment affirmed, without costs, in a memorandum.

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

2 No. 136

The People of the State of New York ex rel.  
Lesley M. DeLia, &c., on Behalf of SS.,  
Appellant,

v.

Douglas Munsey,  
Respondent.

Order reversed, without costs, the habeas corpus  
proceeding converted into a declaratory judgment  
action, and judgment granted in accordance with the  
opinion herein.

Opinion by Judge Stein.

Chief Judge Lippman and Judges Pigott, Rivera and  
Fahey concur.

Judge Abdus-Salaam dissents and votes to affirm in  
an opinion.

2 No. 179

The People &c.,  
Respondent,

v.

Jennifer Jorgensen,  
Appellant.

Order reversed and the remaining count in the  
indictment dismissed.

Opinion by Judge Pigott.

Chief Judge Lippman and Judges Rivera, Abdus-  
Salaam and Stein concur.

Judge Fahey dissents and votes to affirm in an  
opinion.

3                    No. 124  
In the Matter of Jorge L. Linares,  
Appellant,  
v.  
Andrea W. Evans, &c.,  
Respondent.

Order affirmed, without costs, in a memorandum.  
Chief Judge Lippman and Judges Pigott, Rivera,  
Abdus-Salaam and Fahey concur.  
Judge Stein took no part.

1                    No. 122  
Nomura Asset Capital Corporation, et al.,  
Respondents-Appellants  
v.  
Cadwalader, Wickersham & Taft LLP,  
Appellant-Respondent.

Order modified, with costs to defendant, by granting  
defendant's motion for summary judgment dismissing  
the first cause of action in its entirety and, as so  
modified, affirmed and certified question answered in  
the negative.  
Opinion by Judge Rivera.  
Chief Judge Lippman and Judges Pigott, Abdus-  
Salaam, Stein and Fahey concur.

3                    No. 205 SSM 18  
In the Matter of Noel Olmosperez,  
Appellant,  
v.  
Andrea W. Evans, &c.,  
Respondent.

On review of submissions pursuant to section 500.11  
of the Rules, order affirmed, without costs, in a  
memorandum.  
Chief Judge Lippman and Judges Pigott, Rivera,  
Abdus-Salaam and Fahey concur.  
Judge Stein took no part.

1                    No. 143  
John Tiplado,  
Respondent,  
v.  
Christopher Lynn, &c., et al.,  
Appellants.

Judgment appealed from and orders of the Appellate  
Division sought to be reviewed affirmed, with costs.  
Opinion by Judge Abdus-Salaam.  
Judges Pigott, Rivera, Stein and Fahey concur.  
Chief Judge Lippman took no part.

## MOTIONS

1 Mo. No. 2015-1000  
Rasheed Al Rushaid, et al.,  
Appellants,  
v.  
Pictet & Cie, et al.,  
Respondents.

Motion for leave to appeal granted.

1 Mo. No. 2015-995  
Christopher Bent,  
Respondent,  
v.  
Sears, Roebuck, & Co., 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.

4 Mo. No. 2015-988  
In the Matter of Benjamin Justin Brownlee,  
Appellant,  
v.  
Anthony Annucci, &c., et al.,  
Respondents.  
(Appellate Division No. 2015-00212).

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.

3 Mo. No. 2015-983  
In the Matter of Michael V. Cardillo,  
Appellant.  
Commissioner of Labor,  
Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2015-1001  
Stephane Cosman Connery, et al.,  
Respondents,  
v.  
Burton S. Sultan,  
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.

4 Mo. No. 2015-954  
In the Matter of Mary E. Countryman, &c.,  
Respondent,  
v.  
Willis C. Countryman, Jr.,  
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2015-1051  
Nancy Cruz,  
Respondent,  
v.  
Bronx Lebanon Hospital Center,  
Appellant.

Motion to dismiss appeal denied.  
Judge Abdus-Salaam took no part.

1 Mo. No. 2015-993  
The People &c.,  
Respondent,  
v.  
Rene Delgado,  
Appellant.

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

4 Mo. No. 2015-958  
In the Matter of Javonte G.  
  
Jefferson County Department of Social  
Services,  
Respondent;  
Shawn E.,  
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2015-955  
In the Matter of Allan Goldfarb,  
Respondent,  
v.  
Katalin Szabo,  
Appellant.

Motion for leave to appeal denied.

2                    Mo. No. 2015-945  
In the Matter of Tayleese M.C. (Anonymous).

Administration for Children's Services,  
Respondent;  
Tunisha H. (Anonymous),  
Appellant.  
(And Another Proceeding.)

Motion for leave to appeal denied.

2                    Mo. No. 2015-962  
In the Matter of Linda Hicks,  
Respondent,  
v.  
John Hicks,  
Appellant.

Motion for leave to appeal denied.

3                    Mo. No. 2015-969  
In the Matter of Rashad Hudyih,  
Appellant,  
v.  
Joseph T. Smith, &c.,  
Respondent.

Motion for leave to appeal denied.

2                    Mo. No. 2015-978  
The People &c.,  
Respondent,  
v.  
Ramel Jones,  
Appellant.

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

3                    Mo. No. 2014-850  
In the Matter of Jorge L. Linares,  
Appellant,  
v.  
Andrea W. Evans, &c.,  
Respondent.

Motion to dismiss appeal &c. denied.  
Judge Stein took no part.

1                   SSD 51  
Joan C. Lipin,  
    Appellant,  
    v.  
Danske Bank, et al.,  
    Respondents.  
(Index No. 155308/2013.)

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Joan C. Lipin,  
    Appellant,  
    v.  
Danske Bank, et al.,  
    Respondents,  
David E. Hunt,  
    Defendant.  
(Index No. 100807/2013.)

4                   Mo. No. 2015-943  
In the Matter of Meghan M. Mambretti,  
    Respondent,  
    v.  
New York State Division of Human Rights,  
    Respondent,  
Williamsville Central School District,  
    Appellant.

1                   Mo. No. 2015-1110  
In the Matter of Monarch Consulting, Inc., et  
al.,  
    Respondents,  
    v.  
National Union Fire Insurance Company of  
Pittsburgh, PA,  
    Appellant.  
(And Other Proceedings.)

Appeal dismissed with costs, by the Court sua  
sponte, upon the ground that it does not lie.

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

Motion by United Policyholders for leave to file a  
brief amicus curiae on the appeal herein granted and  
the proposed brief is accepted as filed. Three copies  
of the brief must be served and an original and nine  
copies filed within seven days.  
Chief Judge Lippman took no part.

3                    Mo. No. 2015-994  
Joseph Mullen,  
                  Appellant,  
          v.  
Neil Lockwood,  
                  Respondent.

Motion for leave to appeal dismissed upon the ground that this Court does not have jurisdiction to entertain this motion for leave to appeal from the order of the Appellate Division entered in this action commenced in Town Court (see NY Const, art VI, § 3[b][7]; CPLR 5602[a]).

2                    Mo. No. 2015-982  
In the Matter of New York Central Mutual  
Fire Insurance Company,  
                  Respondent,  
          v.  
Keanne Byfield, et al.,  
                  Respondents,  
GEICO Insurance Company,  
                  Appellant,  
et al.,  
                  Respondent.

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

1                    Mo. No. 2014-1027  
Nomura Asset Capital Corporation, et al.,  
                  Respondents-Appellants  
          v.  
Cadwalader, Wickersham & Taft LLP,  
                  Appellant-Respondent.

Motion to strike portions of defendant's brief denied.

2                    Mo. No. 2015-974  
Stephanie Raab,  
                  Respondent,  
          v.  
Kevin Raab,  
                  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. 2015-957  
The People &c.,  
    Respondent,  
    v.  
Hipolito Ramos,  
    Appellant.

Motion for leave to appeal denied.

2                    Mo. No. 2015-805  
In the Matter of Elizabeth Renner,  
    Appellant,  
    v.  
Daniel Costigan,  
    Respondent.  
(And Other Proceedings.)

Motion for leave to appeal denied.  
Motion for a stay dismissed as academic.

4                    Mo. No. 2015-1007  
In the Matter of Jennifer Rice,  
    Respondent,  
    v.  
Lori Cole,  
    Respondent,  
Michael Wightman,  
    Appellant.

Motion for leave to appeal denied.

1                    Mo. No. 2015-965  
In the Matter of Cashmere S., &c.  
  
Administration for Children's Services,  
    Respondent,  
Rinell S.,  
    Respondent,  
Wendy W.,  
    Appellant.

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

1                    Mo. No. 2015-984  
Stonehill Capital Management, LLC, et al.,  
    Appellants,  
    v.  
Bank of the West,  
    Respondent,  
et al.,  
    Defendant.

Motion for leave to appeal granted.

1                    Mo. No. 2015-1003  
Stonehill Capital Management, LLC, et al.,  
    Appellants,  
    v.  
Bank of the West,  
    Respondent,  
et al.,  
    Defendant.

Motion by Loan Syndications and Trading  
Association for leave to appear amicus curiae on the  
motion for leave to appeal herein granted and the  
brief is accepted as filed.

4                    Mo. No. 2015-963  
In the Matter of Delsenior Strachan,  
    Appellant,  
    v.  
Linda Gilliam,  
    Respondent.  
(And Another Proceeding.)

Motions for leave to appeal dismissed upon the  
ground that the proceedings and the motions have  
abated because of the death of the appellant.

3                    SSD 52  
In the Matter of State of New York,  
    Respondent,  
    v.  
Richard TT.,  
    Appellant.

Appeal dismissed without costs, by the Court sua  
sponte, upon the ground that the order appealed from  
does not finally determine the proceeding within the  
meaning of the Constitution.

2                    Mo. No. 2015-1150  
The People &c.,  
    Appellant,  
    v.  
Natanael Sagastumeal Varenga,  
    Respondent.

Motion by Randy Hertz et al. for leave to file a brief amici curiae on the appeal herein granted and the proposed brief is accepted as filed. Three copies of the brief must be served and an original and nine copies filed within seven days.

1                    Mo. No. 2015-981  
In the Matter of Jahmeke W., &c.,  
    Appellant.

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

1                    Mo. No. 2015-979  
Lisa Wolman,  
    Respondent,  
    v.  
Eli Shouela,  
    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.