

November 1, 2016

CASES

No. 133
The People &c.,
Respondent,
v.
Antonio Aragon,
Appellant.

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

4 No. 160
The People &c.,
Respondent,
v.
Herman Bank,
Appellant.

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

4 No. 161
The People &c.,
Respondent,
v.
Herman H. Bank,
Appellant.

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

2 No. 162
In the Matter of Joel R. Brandes, a disbarred
attorney,
Appellant.

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

1 No. 159
The People &c.,
Respondent,
v.
Lyxon Chery,
Appellant.

Order affirmed.
Opinion by Chief Judge DiFiore.
Judges Pigott, Abdus-Salaam, Stein, Fahey and
Garcia concur.
Judge Rivera concurs in result in a separate
concurring opinion.

1 No. 150
The People &c.,
 Appellant,
 v.
Keith Fagan,
 Respondent.

Order reversed, the resentence vacated and the original sentence reinstated.
Opinion by Judge Pigott.
Judges Abdus-Salaam, Stein, Fahey and Garcia concur.
Chief Judge DiFiore concurs in result in a separate concurring opinion.
Judge Rivera dissents and votes to affirm in an opinion.

 No. 134
The People &c.,
 Appellant,
 v.
Alexis Ocasio,
 Respondent.

Order reversed and defendant's motion to dismiss the accusatory instrument denied.
Opinion by Judge Stein.
Judges Abdus-Salaam, Fahey and Garcia concur.
Judge Rivera dissents and votes to affirm in an opinion in which Chief Judge DiFiore and Judge Pigott concur.

4 No. 156
The People &c.,
 Respondent,
 v.
Luis A. Pabon,
 Appellant.

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

1 No. 151
David Pullman,
 Appellant,
 v.
David A. Silverman, M.D., et al.,
 Respondents.

Order reversed, with costs, defendant David A. Silverman, M.D.'s motion for summary judgment denied, and certified question answered in the negative, in a memorandum.
Chief Judge DiFiore and Judges Pigott, Fahey and Garcia concur, Judge Fahey in a separate concurring opinion.
Judge Stein dissents and votes to affirm in an opinion in which Judges Rivera and Abdus-Salaam concur.

1 No. 149
The People &c.,
 Appellant,
 v.
Roni Smith,
 Respondent.

Order reversed, the resentence vacated and the original sentence reinstated.
Opinion by Judge Pigott.
Judges Abdus-Salaam, Stein, Fahey and Garcia concur.
Chief Judge DiFiore concurs in result in a separate concurring opinion.
Judge Rivera dissents and votes to affirm in an opinion.

MOTIONS

1 Mo. No. 2016-848
192nd Street LLC,
Respondent,

v.

569 West 192nd Street, LLC, et al.,
Appellants.

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

4 Mo. No. 2016-907
Aftermath Restoration, Inc.,
Plaintiff,

v.

New York Central Mutual Fire Insurance
Company et al.,
Respondents,
David Dale,
Appellant.

Motion for leave to appeal dismissed upon the ground that the orders sought to be appealed from do not finally determine the action within the meaning of the Constitution.

Motion for poor person relief dismissed as academic. Judges Pigott and Fahey took no part.

1 Mo. No. 2016-855
Lynette Blumenthal et al.,
Appellants,

v.

Bronx Equestrian Center, Inc., doing business
as Pelham Bit Stables, et al.,
Respondents.

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

3 Mo. No. 2016-876
In the Matter of Glenn Bookman,
Appellant,

v.

Anthony J. Annucci, &c.,
Respondent.

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

3 Mo. No. 2016-861
In the Matter of Sharon A. Caetano,
 Appellant,
 v.
Thomas P. DiNapoli, as State Comptroller, et
al.,
 Respondents.

Motion for leave to appeal denied.
Judges Pigott and Fahey took no part.

3 Mo. No. 2016-845
Central National Bank, Canajoharie,
 Respondent,
 v.
Scotty's Auto Sales, Inc.,
 Defendant,
Elaine Amidon,
 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. 2016-877
Naquan Clarke et al.,
 Appellants,
 v.
Verizon New York, Inc., &c.,
 Respondent,
Marymount Manhattan, Co.,
 Defendant.

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

2 Mo. No. 2016-858
Deirdre A. Clifford,
 Appellant,
 v.
County of Rockland,
 Respondent.

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

4 Mo. No. 2016-840

Anthony DeJesus et al.,
Appellants,

v.

CEC Entertainment, Inc., doing business as
Chuck E. Cheese's,
Respondent.

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

2 Mo. No. 2016-886

Yehuda Deutsch, as Administrator of the
Estate of Jesie Deutsch, Deceased,
Appellant,

v.

Cheskel Grunwald 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.

1 Mo. No. 2016-888

Excelsior Capital LLC,
Appellant,

v.

K&L Gates LLP,
Respondent.

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

4 Mo. No. 2016-852

The People &c.,
Respondent,

v.

Kenneth F. Figueroa,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2016-885

In the Matter of Raymond Finn, et al.,
Appellants,

v.

City of New York, &c., et al.,
Respondents.

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

4 Mo. No. 2016-853
The People &c.,
Respondent,
v.
Rickey Gamble,
Appellant.

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 Appellate Division order entered in this proceeding commenced in City Court (see NY Const, art VI, § 3[b][7]; CPLR 5602[a]).

1 Mo. No. 2016-842
Bakari Kinsey,
Appellant,
v.
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. 2016-859
In the Matter of Blake T.L.

Suffolk County Department of Social
Services,
Respondent;
Robert L.,
Appellant.
(And Another Proceeding.)

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

2 Mo. No. 2016-857
In the Matter of Frankie L.

Suffolk County Department of Social
Services,
Respondent;
Dustin L.,
Appellant;
et al.,
Respondent.
(And Two Other Proceedings.)

Motion for leave to appeal denied.

2 Mo. No. 2016-878
In the Matter of Frankie L.

Suffolk County Department of Social
Services,
Respondent;
Talía G.,
Appellant;
et al.,
Respondent.
(And Two Other Proceedings.)

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

3 Mo. No. 2016-884
The People &c.,
Respondent,
v.
Frederick M. Lightaul Jr.,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2016-864
Seth Mitchell, CFA,
Appellant,
v.
New York University, 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.
Motion for poor person relief &c. dismissed as
academic.

1 Mo. No. 2016-839
Bonfilia Morales,
Appellant,
v.
Avalon Bay Communities, Inc., now known
as Avalonbay Communities Inc.,
Respondent.

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

4 Mo. No. 2016-851
The People &c.,
Respondent,
v.
Jason M. Moshman,
Appellant.

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

3 Mo. No. 2016-836
New York State Electric & Gas Corporation,
Appellant,
v.
County of Chemung 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. 2016-860
The People &c. ex rel. James Pearce,
Appellant,
v.
Stewart Eckert, &c.,
Respondent.

Motion for leave to appeal dismissed upon the
ground that it does not lie from the order of an
individual Justice of the Appellate Division (see NY
Const, art VI, § 3[b]; CPLR 5602).
Motion for poor person relief dismissed as academic.
Judges Pigott and Fahey took no part.

2 Mo. No. 2016-833
The People &c.,
Respondent,
v.
Kyle R. Reuter,
Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2016-832
Richard Ronkese,
Respondent,
v.
Tilcon New York, Inc.,
Appellant,
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. 2016-705
In the Matter of Terry Sanders,
Appellant,
v.
Anthony J. Annucci, &c.,
Respondent.

Motion for reargument &c. denied.

3 Mo. No. 2016-815
In the Matter of Terry Sanders,
Appellant,
v.
Anthony J. Annucci, &c.,
Respondent.

Motion for reargument &c. denied.

2 Mo. No. 2016-946
TDD Irrevocable Trust,
Appellant,
v.
J & A Saporta Realty Corp.,
Respondent.

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

3 Mo. No. 2016-748
Sherilyn F. Van Orden,
Appellant,
v.
Richard E. Van Orden,
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. Judge Stein took no part.

1 Mo. No. 2016-868
In the Matter of VSA Architectural
Consultants, P.C.,
 Appellant,

v.

State of New York Division of Human
Rights,
 Respondent,
Isabel Payano,
 Respondent.

Motion for leave to appeal denied.