

October 20, 2016

**CASES**

2                    No. 129  
The People &c.,  
    Appellant,  
    v.  
Dru Allard,  
    Respondent.

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

1                    No. 218 SSM 23  
The People &c.,  
    Respondent,  
    v.  
Larry Brown,  
    Appellant.

On review of submissions pursuant to section 500.11  
of the Rules, order affirmed, in a memorandum.  
Chief Judge DiFiore and Judges Pigott, Rivera,  
Abdus-Salaam, Stein, Fahey and Garcia concur.

                    No. 157  
The People &c.,  
    Respondent,  
    v.  
Roy S. Kangas,  
    Appellant.

Order affirmed, in a memorandum.  
Chief Judge DiFiore and Judges Pigott, Rivera,  
Abdus-Salaam, Stein, Fahey and Garcia concur.

1                    No. 132  
Evelyn Rivera, as Administratrix of the Estate  
of Wilbur Rodriguez, Deceased,  
    Appellant,  
    v.  
Montefiore Medical Center,  
    Respondent.

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

3                    No. 217 SSM 19  
The People &c.,  
                        Respondent,  
                        v.  
James M. Roshia, Jr.  
                        Appellant.

                        No. 135  
In the Matter of the Honorable Alan M.  
Simon, a Justice of the Spring Valley Village  
Court and the Ramapo Town Court, Rockland  
County,  
                        Petitioner,  
State Commission on Judicial Conduct,  
                        Respondent.

2                    No. 144  
The People &c.,  
                        Respondent,  
                        v.  
Louis Speaks,  
                        Appellant.

2                    No. 219 SSM 30  
The People &c.,  
                        Appellant,  
                        v.  
Iquan Wiggs,  
                        Respondent.

On review of submissions pursuant to section 500.11  
of the Rules, order affirmed, in a memorandum.  
Chief Judge DiFiore and Judges Pigott, Rivera,  
Abdus-Salaam, Stein, Fahey and Garcia concur.

Determined sanction accepted, without costs, and  
Alan M. Simon removed from the offices of Justice  
of the Spring Valley Village Court, Rockland  
County, and Justice of the Ramapo Town Court,  
Rockland County.  
Opinion Per Curiam.  
Chief Judge DiFiore and Judges Pigott, Rivera,  
Abdus-Salaam, Stein, Fahey and Garcia concur.

Order affirmed, in a memorandum.  
Chief Judge DiFiore and Judges Pigott, Rivera,  
Abdus-Salaam, Stein, Fahey and Garcia concur.

On review of submissions pursuant to section 500.11  
of the Rules, order reversed and case remitted to the  
Appellate Division, Second Department, for  
consideration of the facts and issues raised but not  
determined on the appeal to that court, in a  
memorandum.  
Chief Judge DiFiore and Judges Pigott, Rivera,  
Abdus-Salaam, Stein, Fahey and Garcia concur.

## MOTIONS

1 Mo. No. 2016-745  
In the Matter of Lihanna A., &c.,

Marcella H.,  
Appellant,  
St. Dominic's Home,  
Respondent.

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

2 SSD 50  
The People &c. ex rel. Ronald Ackridge,  
Appellant,  
v.  
Warden Diaz, &c.,  
Respondent.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that no substantial constitutional question is directly involved. Chief Judge DiFiore took no part.

1 SSD 55  
Maninder Bhugra,  
Appellant,  
v.  
Massachusetts Casualty Insurance Company,  
et al.,  
Respondents.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that it does not lie (see NY Const, art VI, § 3[b]; CPLR 5601).

2 Mo. No. 2016-1023  
The People &c.,  
Respondent,  
v.  
Joseph Bridgeforth,  
Appellant.

Motion by Fred T. Korematsu Center for Law and Equality et al. for leave to appear amici curiae on the appeal herein granted only to the extent that the proposed brief is accepted as filed.

1                    Mo. No. 2016-904  
In the Matter of City of New York, et al.,  
                  Appellants,  
          v.  
New York State Nurses Association, et al.,  
                  Respondents.

Motion by New York State Public Employment Relations Board for leave to file a brief amicus curiae on the appeal herein granted and the proposed brief is accepted as filed. Two copies of the brief must be served and an original and nine copies filed within seven days.

2                    Mo. No. 2016-977  
Contact Chiropractic, P.C., as Assignee of  
Girtha Butler,  
                  Respondent,  
          v.  
New York City Transit Authority,  
                  Appellant.

Motion by City of New York for leave to file a letter brief amicus curiae on the appeal herein granted and the proposed letter brief is accepted as filed. One copy of the letter brief must be served and an original and two copies filed within seven days.

                          Mo. No. 2016-964  
The People &c.,  
                  Respondent,  
          v.  
Albert Edward,  
                  Appellant.

Motion for assignment of counsel granted and Seymour W. James, Jr., Esq., The Legal Aid Society, 199 Water Street, New York, NY 10038 assigned as counsel to the appellant on the appeal herein.

                          Mo. No. 2016-945  
The People &c.,  
                  Respondent,  
          v.  
Mary Anne Grady Flores,  
                  Appellant.

Motion, pursuant to CPL 460.60(3), to extend the time for argument or submission of the appeal and to continue the stay granted and stay continued until determination of the appeal.

2                    Mo. No. 2016-751  
In the Matter of State of New York,  
                  Respondent,  
          v.  
Dean G. (Anonymous),  
                  Appellant.

Motion for leave to appeal denied.

1                    Mo. No. 2016-587  
In the Matter of Amy R. Gurvey (admitted as  
Amy Rebecca Weissbrod), an Attorney and  
Counselor-at-Law.

Departmental Disciplinary Committee for the  
First Judicial Department,  
                  Respondent,  
Amy R. Gurvey,  
                  Appellant.

Motion, insofar as it seeks leave to appeal from so  
much of the April 21, 2016 Appellate Division order  
as denied appellant's motion to compel the  
Departmental Disciplinary Committee for the First  
Judicial Department to make certain files available to  
her, denied; motion for leave to appeal otherwise  
dismissed upon the ground that the remainder of  
such order does not finally determine an action or  
proceeding within the meaning of the Constitution.  
Judge Abdus-Salaam took no part.

1                    Mo. No. 2016-742  
In the Matter of Amy R. Gurvey (admitted as  
Amy Rebecca Weissbrod), an Attorney and  
Counselor-at-Law.

Departmental Disciplinary Committee for the  
First Judicial Department,  
                  Respondent,  
Amy R. Gurvey,  
                  Appellant.

Motion, insofar as it seeks reargument of this Court's  
June 9, 2016 order on appellant's motion for leave to  
appeal, denied; motion, insofar as it seeks  
reconsideration &c. of this Court's March 26, 2013  
dismissal order, dismissed upon the ground that it  
does not lie, appellant having previously moved for  
reconsideration of such order (see 21 NY3d 968;  
Rules of the Ct of Appeals [22 NYCRR] 500.24[e]).  
Judge Abdus-Salaam took no part.

4                    Mo. No. 2016-974  
The People &c.,  
                  Appellant,  
                  v.  
Marlo S. Helms,  
                  Respondent.

Motion for assignment of counsel granted and  
Timothy P. Donaher, Esq., Monroe County Public  
Defender, 10 N. Fitzhugh Street, Rochester, NY  
14614 assigned as counsel to the respondent on the  
appeal herein.

2 Mo. No. 2016-976  
The People &c.,  
Respondent,  
v.  
Michael Johnson,  
Appellant.

Motion for assignment of counsel granted and Lynn W. L. Fahey, Esq., Appellate Advocates, 111 John Street, 9th Floor, New York, NY 10038 assigned as counsel to the appellant on the appeal herein.

1 Mo. No. 2016-989  
The People &c.,  
Respondent,  
v.  
Bernell Jones,  
Appellant.

Motion for an extension of the time within which to apply for permission to appeal pursuant to CPL 460.20 granted and motion papers treated as a timely CPL 460.20 application.

3 Mo. No. 2016-818  
The People &c. ex rel. Douglas Latta,  
Appellant,  
v.  
Daniel F. Martuscello Jr., &c.,  
Respondent.

Motion for leave to appeal denied.

3 Mo. No. 2016-1009  
The People &c.,  
Respondent,  
v.  
Robert Lunan,  
Appellant.

Motion for an extension of the time within which to apply for permission to appeal pursuant to CPL 460.20 granted and motion papers treated as a timely CPL 460.20 application.

1 Mo. No. 2016-666  
Magen David of Union Square, et al.,  
Plaintiffs,  
The Sixteenth Street Synagogue,  
Appellant,  
v.  
3 West 16th Street, LLC,  
Respondent.  
(And A Third-Party Action.)

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.

2                    Mo. No. 2016-757  
Lizbeth Martin,  
    Respondent,  
    v.  
Stephen H. Martin,  
    Appellant.

Motion for leave to appeal denied.

4                    Mo. No. 2016-862  
In the Matter of Joshua T.N., et al.

Motion for leave to appeal denied.

Wayne County Department of Social  
Services,  
    Respondent;  
Tommie M., Jr.,  
    Appellant.

2                    Mo. No. 2016-1000  
In the Matter of Raymond Newcomb et al.,  
    Appellants,  
    v.  
Middle Country Central School District,  
    Respondent.

Motion by New York State Trial Lawyers  
Association for leave to appear amicus curiae on the  
appeal herein granted only to the extent that the  
proposed brief is accepted as filed.

3                    SSD 56  
New York State United Teachers, by its  
President, Karen E. Magee, et al.,  
    Appellants,  
    v.  
State of New York, et al.,  
    Respondents.

Appeal dismissed without costs, by the Court sua  
sponte, upon the ground that no substantial  
constitutional question is directly involved.

1 Mo. No. 2016-738  
In the Matter of Roberta P.,  
Respondent,  
v.  
Vanessa J.P.,  
Respondent,  
Akeem C-R.,  
Appellant.

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

1 SSD 52  
Patrolmen's Benevolent Association of the  
City of New York, Inc., et al.,  
Appellants,  
v.  
City of New York, et al.,  
Respondents.

Appeal dismissed without costs, by the Court sua  
sponte, upon the ground that no substantial  
constitutional question is directly involved.

1 Mo. No. 2016-808  
In the Matter of Malik S., &c.,  
  
Latangya B.,  
Appellant,  
Administration for Children's Services,  
Respondent.

Motion for leave to appeal denied.

4 Mo. No. 2016-975  
The People &c.,  
Respondent,  
v.  
Leroy Savage Smith,  
Appellant.

Motion for assignment of counsel granted and Philip  
Rothschild, Esq., Hiscock Legal Aid Society, 351  
South Warren Street, Syracuse, NY 13202 assigned  
as counsel to the appellant on the appeal herein.

4 SSD 53  
The People &c. ex rel. Terrell Taylor,  
Appellant,  
v.  
S. Dolce, &c.,  
Respondent.

Appeal dismissed without costs, by the Court sua  
sponte, upon the ground that no substantial  
constitutional question is directly involved.

4                    Mo. No. 2016-920  
The People &c.,  
    Respondent,  
    v.  
Daszell Taylor,  
    Appellant.

Motion for an extension of the time within which to apply for permission to appeal pursuant to CPL 460.20 granted and motion papers treated as a timely CPL 460.20 application.

2                    Mo. No. 2016-1003  
Anthony Turturro, &c., et al.,  
    Respondents,  
    v.  
City of New York,  
    Appellant,  
Louis Pascarella, et al.,  
    Respondents.

Motion by International Municipal Lawyers Association 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.

1                    SSD 54  
Fred Simcha Wang,  
    Appellant,  
    v.  
LSUC, et al.,  
    Respondents,  
et al.,  
    Defendants.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that no substantial constitutional question is directly involved.

1                    Mo. No. 2016-944  
In the Matter of Foster Williams,  
    Appellant,  
    v.  
Department of Corrections and Community  
Supervision,  
    Respondent.

Motion to strike denied.

2                    Mo. No. 2016-788  
The People &c. ex rel. Masao Yonamine,  
    Appellant,  
    v.  
William J. Connolly, &c.,  
    Respondent.

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.