

December 13, 2018

CASES

1 No. 137
The People &c.,
 Appellant,
 v.
Doran Allen,
 Respondent.

Order reversed and case remitted to the Appellate Division, First Department, for determination of the facts and issues raised but not determined on the appeal to that court (CPL 470.25 [2] [d]; 470.40 [2] [b]).
Opinion by Judge Fahey.
Chief Judge DiFiore and Judges Stein, Garcia, Wilson and Feinman concur.
Judge Rivera concurs in result in an opinion.

2 No. 141
The People &c.,
 Appellant,
 v.
Alex Flores, Lucio Ramirez, Benigno Aguilar
and Emmanuel Flores,
 Respondents.

Order affirmed, in a memorandum.
Chief Judge DiFiore and Judges Rivera, Stein, Fahey, Garcia, Wilson and Feinman concur.

3 No. 139
The People &c.,
 Appellant,
 v.
Brian Hakes,
 Respondent.

Order, insofar as appealed from, reversed and case remitted to the Appellate Division, Third Department, for determination of the facts and issues raised but not determined on the appeal to that court (CPL 470.25 [2] [d]; 470.40 [2] [b]).
Opinion by Judge Feinman.
Chief Judge DiFiore and Judges Stein, Fahey, Garcia and Wilson concur.
Judge Rivera dissents in an opinion.

2 No. 140
In the Matter of T-Mobile Northeast, LLC,
 Appellant,
 v.
Anthony V. DeBellis, &c., et al.,
 Respondents,
et al.,
 Respondents/Defendants.

Order affirmed, with costs.
Opinion by Chief Judge DiFiore.
Judges Rivera, Stein, Fahey, Garcia, Wilson and
Feinman concur.

MOTIONS

3 Mo. No. 2018-911
The People &c. ex rel. Carlos Abreu,
Appellant,
v.
William F. Keyser, &c.,
Respondent.

Motion for leave to appeal denied.

3 Mo. No. 2018-926
In the Matter of the Claim of Malcolm
Aldridge,
Respondent.
Quality Systems & Compliance, 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.

2 Mo. No. 2018-979
James M. Ball,
Appellant,
v.
Paige Miller, et al.,
Defendants,
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. 2018-1005
The People &c.,
Respondent,
v.
Anthony Bennett,
Appellant.

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

2 Mo. No. 2018-1071
Deborah Bush,
Appellant,
v.
Stevenson Commons Associates, LLP, Esqs.,
Defendant;
State of New York,
Nonparty Respondent.

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

2 Mo. No. 2018-987
Joseph Caputo,
Appellant,
v.
Michael Spindler,
Respondent.

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

1 Mo. No. 2018-944
Leo Chiagkouris, &c.,
Appellant,
v.
201 West 16 Owners Corp.,
Respondent.
(And a Third-Party Action.)

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

1 Mo. No. 2018-956
Lynn Chu et al.,
Appellants,
v.
Deborah Klatskin, et al.,
Respondents.

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

2 Mo. No. 2018-984
The People &c.,
Respondent,
v.
Bjorn Daley,
Appellant.

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

1 Mo. No. 2018-945
Richard Davis, &c.,
Appellant,
v.
Cohen & Gresser, LLP,
Respondent.

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

1 Mo. No. 2018-947
Oumar Diakhite,
Plaintiff,
v.
City of New York, et al.,
Defendants.

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

Raymond Schwartzberg & Associates, PLLC,
Nonparty Appellant,
v.
Edelman, Krasin & Jaye PLLC,
Nonparty Respondent.

1 Mo. No. 2018-1020
Esteban Donoso,
Appellant,
v.
New York University,
Respondent.

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

1 Mo. No. 2018-869
Barry Fox et al.,
Appellants,
v.
12 East 88th LLC et al.,
Resondents.

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

3 Mo. No. 2018-1006
In the Matter of the Estate of Antonio
Fraccaro, Deceased.

Alberta Ross,
Appellant;
A.O. Fox Memorial Hospital, et al.,
Respondents.
(And Another Related Proceeding.)

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

2 Mo. No. 2018-933
Helen Hussey,
Appellant,
v.
Hilton Worldwide, Inc. et al.,
Respondents.

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

2 Mo. No. 2018-1018
In the Matter of State of New York,
Respondent,
v.
Anthony J.,
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2018-954
Robert James,
Appellant,
v.
Crystal Springs Water, &c.,
Respondent.

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

2 Mo. No. 2018-977
The People &c.,
Respondent,
v.
Richard Johnson,
Appellant.

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.
Motion for poor person relief dismissed as academic.

1 Mo. No. 2018-1015
Ashley Kozel,
Respondent,
v.
Todd Kozel,
Defendant.
Inga Kozel,
Nonparty Appellant.
(App. Div. Nos. 6729N & M-258)

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. 2018-1016
Ashley Kozel,
Respondent,
v.
Todd Kozel,
Defendant.
Inga Kozel,
Nonparty Appellant.
(App. Div. Nos. 6730-6731N)

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. 2018-1033
Stuart Keisler, et al.,
Respondents,
v.
B-U Realty Corp., 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.

1 Mo. No. 2018-1012
Jose Marin, et al.,
Plaintiffs,
v.
Constitution Realty, LLC, et al.,
Defendants.
Sheryl Menkes, Esq.,
Nonparty Appellant,
v.
David B. Golomb, Esq.,
Nonparty,
Barbara Manheimer, &c.,
Nonparty Respondent.

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

4 Mo. No. 2018-1021
Steven McGregor,
Respondent,
v.
Permclip Products Corp.,
Appellant.

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

1 Mo. No. 2018-1004
In the Matter of Kevin McK.,
Appellant,
v.
Elizabeth A.E.,
Respondent.

Motion for reargument of motion for leave to appeal denied.

1 Mo. No. 2018-934
Diana T. Mohyi,
Appellant,
v.
Karen G. Brand P.C., et al.,
Respondents.

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

1 Mo. No. 2018-1038
MPEG LA, LLC,
Appellant,
v.
Samsung Electronics Co., Ltd.,
Respondent.

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

2 Mo. No. 2018-959
In the Matter of Heather O'Neill,
Appellant,
v.
GEICO Insurance Company,
Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2018-939
Otsego Mutual Fire Insurance Company,
 Respondent,
 v.
Sally Dinerman et al.,
 Appellants,
et al.,
 Defendants.

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

2 Mo. No. 2018-985
Manjula Patel,
 Respondent,
 v.
Vinod Patel,
 Appellant.

Motion, insofar as deemed to be seeking leave to appeal (see CPLR 5512) from so much of the May 2018 Appellate Division order as dismissed the appeal from the final July 2015 Supreme Court judgment, denied; motion for leave to appeal otherwise dismissed upon the ground that the August 2018 order does not finally determine the action within the meaning of the Constitution.
Motion for poor person relief dismissed as academic.

2 Mo. No. 2018-1007
In the Matter of Philip J. Patouhas, et al.,
 Appellants,
 v.
Brian A. Murphy, et al.,
 Respondents,
et al.,
 Respondent.

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

1 Mo. No. 2018-982
Angelo Slabakis,
Appellant,
v.
Walter Schik, et al.,
Respondents,
et al.,
Defendants.

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

1 Mo. No. 2018-973
In the Matter of Stahl York Avenue Co., LLC,
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.

Mo. No. 2018-958
Kiss Trebbles,
Appellant,
v.
Shelter Family Service, Inc.,
Respondent.

Motion to vacate this Court's July 6, 2018 dismissal order denied.

4 Mo. No. 2018-969
Richard G. Vogt, &c.,
Appellant,
v.
William B. Eberhardt, Jr. 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.

2 Mo. No. 2018-974
In the Matter of Tasheema N. Washington,
Respondent,
v.
Dante D. Washington,
Appellant.

Motion for leave to appeal denied.