

August 29, 2019

**CASES**

No. 94

Tobias Bermudez Chavez, et al.,  
Respondents,  
v.  
Occidental Chemical Corporation, &c.,  
Appellant.

Certification of questions by the United States Court of Appeals for the Second Circuit, pursuant to section 500.27 of this Court's Rules of Practice, accepted and the issues presented are to be considered after briefing and argument.  
Chief Judge DiFiore and Judges Rivera, Stein, Fahey, Garcia, Wilson and Feinman concur.

4 No. 95 SSM 15

The People &c.,  
Respondent,  
v.  
Don P. Sipp,  
Appellant.

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

## MOTIONS

1                    Mo. No. 2019-636  
The People &c.,  
    Respondent,  
    v.  
Ralph Alicea,  
    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                    SSD 51  
In the Matter of Puah B., et al., &c.  
  
Autumn B.,  
    Appellant;  
Administration for Children's Services,  
    Respondent,  
Hemerd B.,  
    Respondent.

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.

1                    Mo. No. 2019-655  
The People &c.,  
    Respondent,  
    v.  
Frederic Badji,  
    Appellant.

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

2                    Mo. No. 2019-595  
Bill Birds, Inc. et al.,  
    Appellants,  
    v.  
Stein Law Firm, P.C. et al.,  
    Respondents.

Motion by Anita Bernstein for leave to appear amicus curiae on the appeal herein granted only to the extent that the proposed brief is accepted as filed. Two copies of the brief must be served, an original and nine copies filed, and the brief submitted in digital format within seven days.

3                    Mo. No. 2019-622  
The People &c.,  
    Respondent,  
    v.  
Brandy J. Breithaupt,  
    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.

4                    Mo. No. 2019-588  
In the Matter of Hayleigh C.

Motion for leave to appeal denied.

Genesee County Department of Social  
Services,  
    Respondent;  
Ronald S.,  
    Appellant.

1                    Mo. No. 2019-739  
Daniel Collazo, et al.,  
    Appellants,  
    v.  
Netherland Property Assets LLC et al.,  
    Respondents.

Motion by New York State Division of Housing and Community Renewal 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. Two copies of the brief must be served, nine copies filed, and the brief submitted in digital format within seven days.

3                    Mo. No. 2019-777  
The People &c.,  
    Respondent,  
    v.  
Michael Cubero,  
    Appellant.

Motion by New York County Lawyers Association Committee on Appellate Courts, et al. for leave to file a brief amici curiae on the appeal herein granted and the proposed brief is accepted as filed. Two copies of the brief must be served, an original and nine copies filed, and the brief submitted in digital format within seven days.  
Chief Judge DiFiore took no part.

2                    SSD 55  
In the Matter of Samuel D.,  
Appellant;  
Mid-Hudson Forensic Psychiatric Center,  
Respondent.

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

3                    Mo. No. 2019-581  
The People &c. ex rel. Echo Westley Dixon,  
Appellant,  
v.  
R. Coveny, &c.,  
Respondent.

Motion for leave to appeal denied.

1                    Mo. No. 2019-555  
In the Matter of Justin E. et al., &c.

Motion for leave to appeal denied.

Jose N.-R.,  
Appellant;  
Administration for Children's Services,  
Respondent,  
et al.,  
Respondent.

2                    Mo. No. 2019-630  
The People &c.,  
Respondent,  
v.  
Robert Ellis,  
Appellant.

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

3                    SSD 49  
In the Matter of Emerald International  
Holdings Ltd.,  
Appellant,  
v.  
Tax Appeals Tribunal of the 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. 2019-756  
The People &c.,  
Respondent,  
v.  
Jhonel Feliciano,  
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. 2019-575  
In the Matter of Nahzzear Y.G. et al., &c.  
  
Tanisha N.,  
Appellant;  
Abbott House,  
Respondent.

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

1 Mo. No. 2019-675  
The People &c.,  
Appellant,  
v.  
Reginald Goldman,  
Respondent.

Motion for assignment of counsel granted and Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, NY 10005 assigned as counsel to the respondent on the appeal herein.

4 Mo. No. 2019-553  
In the Matter of Carmela H.  
  
Onondaga County Department of Children  
and Family Services,  
Respondent;  
Danielle F.,  
Appellant.

Motion for leave to appeal denied.

Mo. No. 2019-761  
Dr. Robert D. Haar, M.D.,  
Appellant,  
v.  
Nationwide Mutual Fire Insurance Company,  
Respondent,  
et al.,  
Defendants.

Motion by New York Insurance Association, Inc., et al. for leave to appear amici curiae on the certified question herein granted only to the extent that the proposed brief is accepted as filed. Two copies of the brief must be served, nine copies filed, and the brief submitted in digital format within seven days. Judge Garcia took no part.

4 Mo. No. 2019-418  
In the Matter of Liam M.J.

Genesee County Department of Social  
Services,  
Respondent;  
Cyril M.J.,  
Appellant.

Motion for leave to appeal denied.

Mo. No. 2019-652  
The People &c.,  
Respondent,  
v.  
Andre Jean,  
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. 2019-464  
In the Matter of Melissa KK.,  
Appellant,  
v.  
Michael LL. et al.,  
Respondents,  
Clinton County Department of Social  
Services,  
Respondent.  
(And Another Related Proceeding.)

Motion for leave to appeal denied.

1 Mo. No. 2019-776  
Howard Leader et al.,  
Respondents,  
v.  
Parkside Group 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.  
Motion for a stay dismissed as academic.

3 SSD 50  
In the Matter of Nicholas LeClair,  
Appellant,  
v.  
Jeffrey Wait, &c.,  
Respondent.

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

Mo. No. 2019-477  
Peter Lindner,  
Appellant,  
v.  
City of New York, et al.,  
Respondents.

Motion for leave to appeal dismissed upon the ground that this Court does not have jurisdiction to entertain it (see NY Const, art VI, § 3[b]; CPLR 5602[a]).  
Motion for poor person relief dismissed as academic.  
Motion for a stay dismissed as academic.

4 Mo. No. 2019-546  
In the Matter of State of New York,  
Respondent,  
v.  
Mark M.,  
Appellant.

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

1 Mo. No. 2019-593  
In the Matter of Phillip M.,  
Respondent,  
v.  
Precious B.,  
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2019-781  
Theresa Maddicks, et al.,  
Respondents,  
v.  
Big City Properties, LLC et al.,  
Defendants,  
Big City Realty Management, LLC, et al.,  
Appellants.

Motion by Lower Seaman Tenants Association et al. for leave to file a brief amici curiae on the appeal herein granted and the proposed brief is accepted as filed. Two copies of the brief must be served, an original and nine copies filed, and the brief submitted in digital format within seven days.

1 Mo. No. 2019-580  
The People &c.,  
Respondent,  
v.  
Zhakariyya Muhammad,  
Appellant.

Motion for assignment of counsel granted and Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, NY 10005 assigned as counsel to the appellant on the appeal herein.

1 Mo. No. 2019-492  
In the Matter of Ariel P., &c.,  
Appellant.

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

1 Mo. No. 2019-775  
In the Matter of Randy Peyton, &c.,  
Respondent,  
Hillel Hoffman, et al.,  
Intervenors-Respondents,  
v.  
New York City Board of Standards and  
Appeals, et al.,  
Appellants.

Motion by The Real Estate Board of New York, Inc.  
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, an  
original and nine copies filed, and the brief submitted  
in digital format within seven days.

SSD 52  
Keith Pooler,  
Appellant,  
v.  
State of New York,  
Respondent.

Appeal transferred without costs, by the Court sua  
sponte, to the Appellate Division, Third Department,  
upon the ground that a direct appeal does not lie  
when questions other than the constitutional validity  
of a statutory provision are involved (see NY Const,  
art VI, §§ 3[b][2], 5[b]; CPLR 5601[b][2]).

1 SSD 53  
R.F. Schiffmann Associates, Inc., et al.,  
Appellants,  
v.  
Baker & Daniels LLP,  
Respondent,  
et al.,  
Defendant.

Appeal dismissed without costs, by the Court sua  
sponte, upon the ground that the order appealed from  
does not finally determine the action within the  
meaning of the Constitution.  
Judge Feinman took no part.



2                    Mo. No. 2019-456  
In the Matter of Logan R.

Administration for Children's Services,  
    Respondent;  
Manuel R.,  
    Appellant.  
(And Another Proceeding.)

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

2                    Mo. No. 2019-484  
In the Matter of Sebastian R.

Administration for Children's Services,  
    Respondent;  
Debra S.,  
    Appellant,  
et al.,  
    Respondent.

Motion, insofar as it seeks leave to appeal from so much of the Appellate Division order as dismissed the appeal from the portion of the Family Court order as was entered on consent, dismissed upon the ground that movant is not a party aggrieved (see CPLR 5511); motion for leave to appeal otherwise denied.

4                    Mo. No. 2019-606  
In the Matter of Luis S., &c.,  
    Appellant,

v.  
State of New York, et al.,  
    Respondents.

Motion for poor person relief granted.

4                    Mo. No. 2019-557  
In the Matter of Carlos M. Sanchez,  
    Appellant,

v.  
Alba M. Mercedes,  
    Respondent.

Motion for leave to appeal denied.

1                    Mo. No. 2019-513  
In the Matter of Richard P. Savitt, &c.

Attorney Grievance Committee for the First  
Judicial Department,  
Respondent;  
Richard P. Savitt,  
Appellant.

3                    SSD 56  
In the Matter of Liang-Houh Shieh, a  
Disbarred Attorney.

Committee on Professional Standards, now  
known as Attorney Grievance Committee for  
the Third Judicial Department,  
Respondent,  
Liang-Houh Shieh,  
Appellant.

2                    SSD 48  
Deborah Sugamele, &c.,  
Respondent,  
v.  
Town of Hempstead,  
Appellant.  
(And Two Other Actions.)

On the Court's own motion, appeal dismissed,  
without costs, upon the ground that no substantial  
constitutional question is directly involved.  
Motion for poor person relief dismissed as academic.  
Motion for a stay dismissed as academic.

Appeal dismissed without costs, by the Court sua  
sponte, upon the ground that, as to the appeal from  
the June 2018 Appellate Division order, no appeal  
lies from this order from which an appeal has already  
been taken and dismissed (see Matter of Liang-Houh  
Shieh, 32 NY3d 1083 [2018]), and that, as to the  
appeal from the January 2019 letter, this letter is not  
a judgment or order from which an appeal to this  
Court may be taken (see CPLR 5512[a]; CPLR  
5601).

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

1                    SSD 54  
In the Matter of Micah T.

Josette D.,  
Appellant;  
Administration for Children's Services,  
Respondent.

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In the Matter of Jahknai K.-C.D., et al., &c.

Josette D.,  
Appellant;  
Children's Aid Society,  
Respondent.

Mo. No. 2019-745  
The People &c.,  
Appellant,  
v.  
Mouhamed Thiam,  
Respondent.

2                    Mo. No. 2019-530  
In the Matter of Stefano E.W.

Seamen's Society for Children and Families,  
Respondent;  
Stephan J.W.,  
Appellant,  
et al.,  
Respondent.

2                    Mo. No. 2019-515  
Wells Fargo Bank, N.A., &c.,  
Respondent,  
v.  
Domenick Drago, &c.,  
Appellant,  
et al.,  
Defendants.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that it does not lie (see CPLR 5601).

Motion by The Bronx Defenders, et al. for leave to file a brief amici curiae on the appeal herein granted and the proposed brief is accepted as filed. The brief must be submitted in digital format within seven days.

Motion for leave to appeal denied.

Motion for leave to appeal denied.

3                    Mo. No. 2019-508  
In the Matter of State of New York,  
                        Respondent,  
                        v.  
Karl X.,  
                        Appellant.

Motion for leave to appeal denied.