

December 19, 2019

CASES

1 No. 108
The People &c.,
 Respondent,
 v.
Clinton Britt,
 Appellant.

Order affirmed.
Opinion by Judge Fahey.
Chief Judge DiFiore and Judges Stein, Garcia and
Feinman concur.
Judge Wilson dissents in an opinion in which Judge
Rivera concurs.

3 No. 105
Mark Centi,
 Respondent,
 v.
Michael McGillin,
 Appellant.

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

1 No. 107
The People &c.,
 Respondent,
 v.
Tyrell Cook,
 Appellant.

Order affirmed.
Opinion by Judge Garcia.
Chief Judge DiFiore and Judges Fahey, Wilson and
Feinman concur.
Judge Stein dissents in an opinion in which Judge
Rivera concurs.

2 No. 119 SSM 25
The People &c.,
 Respondent,
 v.
Robert Ellis,
 Appellant.

On review of submissions pursuant to section 500.11
of the Rules, order affirmed, in a memorandum.
Chief Judge DiFiore and Judges Stein, Fahey, Garcia,
Wilson and Feinman concur.
Judge Rivera dissents for reasons stated in the
dissenting opinion at the Appellate Division
concerning preserved issues (see People v Ellis, 166
AD3d 993, 997-1006 [2nd Dept 2018] [Barros, J.,
dissenting]).

No. 104

The People &c.,
Respondent,
v.
Sixtus Udeke,
Appellant.

Order affirmed, in a memorandum.
Chief Judge DiFiore and Judges Stein, Fahey, Garcia
and Feinman concur.
Judge Rivera dissents in an opinion in which Judge
Wilson concurs.

MOTIONS

2 Mo. No. 2019-837

The People &c.,
Respondent,

v.

Bruce Adams,
Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2019-1036

In the Matter of Patricia L. Ansley,
Respondent,

v.

Jamesville-DeWitt Central School District,
Appellant.

Motion for reconsideration of this Court's October
17, 2019 dismissal order denied.
Judge Fahey took no part.

2 Mo. No. 2019-758

City of New York,
Respondent,

v.

George Anton, et al.,
Appellants.

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

3 Mo. No. 2019-831

In the Matter of Associated General
Contractors of New York State, LLC,
Appellant,

v.

Dormitory Authority of the State of New
York, et al.,
Respondents.

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

1 Mo. No. 2019-828
In the Matter of Emmanuel B., &c.

Administration for Children's Services,
Appellant;
Lynette J.,
Respondent.
Andrell R.,
Nonparty-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. 2019-835

The People &c.,
Respondent,
v.
Rick Bowen,
Appellant.

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

1 Mo. No. 2019-738
In the Matter of New York City Asbestos
Litigation.

Phyllis Brown, &c.,
Respondent,
v.
Bell & Gossett Company, et al.,
Defendants,
Consolidated Edison of New York, Inc.,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2019-863
In the Matter of New York City Asbestos
Litigation.

Phyllis Brown, &c.,
Respondent,
v.
Bell & Gossett Company, et al.,
Defendants,
Consolidated Edison of New York, Inc.,
Appellant.

Motion by Central Hudson Gas & Electric Corporation, et al. for leave to appear amici curiae on the motion for leave to appeal herein granted and the brief is accepted as filed.

2 Mo. No. 2019-734
In the Matter of Trevor Burton et al.,
Appellants,
v.
Port Washington Water District,
Respondent.

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

3 Mo. No. 2019-853
In the Matter of Latasio A. Cendales,
Appellant,
v.
Anthony J. Annucci, &c.,
Respondent.

Motion for leave to appeal denied.

3 Mo. No. 2019-720
Corning Federal Credit Union,
Respondent,
v.
American Made Tires, Inc., et al.,
Defendants,
Steven Georgilis,
Appellant.

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

2 Mo. No. 2019-906
The People &c.,
Respondent,
v.
Patrik Craine,
Appellant.

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

2 Mo. No. 2019-964
In the Matter of Sheila Davaloo, &c.,
Appellant,
v.
Joseph Joseph, &c.,
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.
Chief Judge DiFiore took no part.

3 Mo. No. 2019-814
The People &c. ex rel. Miguel De Los Santos,
Appellant,
v.
Jaifa Collado, &c.,
Respondent.

Motion for leave to appeal denied.

4 Mo. No. 2019-816
Echo Westley Dixon,
Appellant,
v.
Governor Andrew M. Cuomo, et al.,
Respondents.
(SSD No. 20/19)

Motion for reconsideration of this Court's May 2,
2019 and June 25, 2019 dismissal orders denied.

The People &c. ex rel. Echo Westley Dixon,
Appellant,
v.
R. Coveny, &c.,
Respondent.
(SSD No. 37/19)

2 Mo. No. 2019-874
Marion Dudley, &c.,
Plaintiff,
v.
City of New York, et al.,
Respondents,
et al.,
Defendants;
George Heath,
Nonparty-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.

2 Mo. No. 2019-808
In the Matter of Exclusive Ambulette Service,
Inc.,
Appellant,
v.
New York State Department of Health, et al.,
Respondents.

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

2 Mo. No. 2019-726
Amy Finney, &c.,
Appellant,
v.
Christopher A. Morton, Jr.,
Respondent.

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.

4 Mo. No. 2019-796
Thomas Gilewicz,
Appellant,
v.
Brylin Hospital, &c., et al.,
Respondents.

Motion, insofar as it seeks leave to appeal as against defendant Brylin Hospital, &c., dismissed as untimely (see CPLR 5513[b]; 2103[b][2]); motion, insofar as it seeks leave to appeal as against defendants Dr. Kang Balvinder, Buffalo General Psychiatric Unit, and Buffalo General Hospital, 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. 2019-868
The People &c. ex rel. Anthony Hill,
Appellant,
v.
Christopher Miller, &c.,
Respondent.

Motion for leave to appeal denied.
Judge Feinman took no part.

2 Mo. No. 2019-862
In the Matter of Leonard W. Houston,
Appellant,
v.
Board of Managers Deer Run Condominium
Association, &c.,
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.

3 Mo. No. 2019-754
In the Matter of the Claim of Laverne Jones,
 Appellant,
 v.
Human Resources Administration, et al.,
 Respondents.
Workers' Compensation Board,
 Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2019-824
In the Matter of James Kelly,
 Appellant,
 v.
John J. Leo, &c.,
 Respondent.

Motion for leave to appeal denied.

4 Mo. No. 2019-841
In the Matter of Sunanda Kern,
 Appellant,
 v.
New York State Central Register of Child
Abuse and Maltreatment et al.,
 Respondents.

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

1 Mo. No. 2019-748
In the Matter of Natalie Krodell,
 Respondent,
 v.
Amalgamated Dwellings Inc.,
 Appellant,
et al.,
 Respondents.

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

1 Mo. No. 2019-789
Wanda Marti, &c., et al.,
 Appellants,
 v.
Thakor C. Rana, &c. et al.,
 Defendants,
Maria Pia DeBlasio, &c.,
 Respondent.

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

2 Mo. No. 2019-755
The People &c.,
 Respondent,
 v.
Wallace McKinney,
 Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2019-839
Kristy Montanaro,
 Respondent,
 v.
Robert M. Weichert et al.,
 Appellants.

Motion for reargument of motion for leave to appeal dismissed as untimely (see Rules of Ct of Appeals [22 NYCRR] § 500.24[b]).

4 Mo. No. 2019-795
In the Matter of Melvin Moore,
 Appellant,
 v.
Anthony Annucci, &c. et al.,
 Respondents.

Motion for leave to appeal denied.

1 Mo. No. 2019-670
In the Matter of G.P.,
 Appellant,
 v.
N.Y. State Division of Human Rights, et al.,
 Respondents.

Motion for leave to appeal denied.

2 Mo. No. 2019-787
The People &c.,
Respondent,
v.
Juan Santos,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2019-844
Saxon Mortgage Services, Inc.,
Respondent,
v.
Abigail Ajala,
Appellant,
et al.,
Defendants.

Motion, insofar as it seeks leave to appeal from the April 2019 Appellate Division order, dismissed as untimely (see CPLR 5513[b]; Eaton v State of New York, 76 NY2d 824 [1990]); motion, insofar as it seeks leave to appeal from the July 2019 Appellate Division order, dismissed upon the ground that such order does not finally determine the action within the meaning of the Constitution.
Chief Judge DiFiore took no part.

3 Mo. No. 2019-812
James Shea et al.,
Respondents,
v.
Signal Hill Road LLC et al.,
Appellants.

Motion for leave to appeal dismissed as untimely (see CPLR 5513[b]; 2103[b][2]).

2 Mo. No. 2019-940
Elena Strujan,
Appellant,
v.
Glencord Building Corp., et al.,
Respondents.

On the Court's own motion, appeal dismissed, without costs, upon the ground that the order appealed from does not finally determine the action within the meaning of the Constitution.
Motion for poor person relief dismissed as academic.

1 Mo. No. 2019-806
TransAsia Commodities Investment Limited,
Respondent,
v.
NewLead JMEG, LLC, et al.,
Appellants,
et al.,
Defendant.

Motion, insofar as it seeks leave to appeal from that portion of the Appellate Division order that affirmed the May 2018 Supreme Court order, dismissed upon the ground that such portion of the order does not finally determine the action within the meaning of the Constitution; motion for leave to appeal otherwise denied.

3 Mo. No. 2019-773
Unity Bank,
Appellant,
v.
St. John's Dryden Realty Corp. et al.,
Defendants,
Dimitrios K. Michelis et al.,
Respondents.

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

2 Mo. No. 2019-820
U.S. Bank National Association, &c.,
Respondent,
v.
Michelle F. Mezrahi, &c. et al.,
Appellants,
et al.,
Defendants.

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

1 Mo. No. 2019-815
Warner Wolf,
Appellant,
v.
Don Imus, et al.,
Respondents.

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

4 Mo. No. 2019-710
Willis Wood,
Appellant,
v.
Artifact Properties, LLC et al.,
Respondents.

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

3 Mo. No. 2019-722
William Wright,
 Appellant,
 v.
Ellsworth Partners, LLC et al.,
 Respondents.
(And a Third-Party Action.)

Motion for leave to appeal denied.

2 Mo. No. 2019-923
In the Matter of Yonkers Firefighters, &c., et
al.,
 Appellants,
 v.
City of Yonkers,
 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. 2019-926
In the Matter of City of Yonkers,
 Respondent,
 v.
Yonkers Firefighters, &c., 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 proceeding within the
meaning of the Constitution.