

January 15, 2019

MOTIONS

1 Mo. No. 2018-1070
A. Anonymous,
Appellant,
v.
Mount Sinai Hospital,
Respondent,
et al.,
Defendant.

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

1 Mo. No. 2018-1036
Marco Battistella,
Appellant,
v.
Marnie Ann Joyce,
Respondent.
(App. Div. Nos. 658-659, M-4566)

Motion for reargument denied.
Motion for poor person relief dismissed as academic.

2 Mo. No. 2018-1091
The People &c.,
Respondent,
v.
Derrick Bethel,
Appellant.

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

2 Mo. No. 2018-967
Bill Birds, Inc. et al.,
Appellants,
v.
Stein Law Firm, P.C. et al.,
Respondents.

Motion for leave to appeal granted.

2 Mo. No. 2018-1099
In the Matter of Richard Blackman, deceased.

Boca Raton Regional Hospital, Inc.,
Respondent;
Tim Williams, &c.,
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.

2 Mo. No. 2018-966
Thomas Brennan,
Appellant,
v.
Wappingers Central School District,
Respondent.

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

2 Mo. No. 2018-1055
In the Matter of BT Holdings, LLC,
Appellant,
v.
Village of Chester et al.,
Respondents.

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

3 Mo. No. 2018-1054
In the Matter of Thomas Campaniello,
Appellant,
v.
New York State Division of Tax Appeals
Tribunal et al.,
Respondents.

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

1 Mo. No. 2018-1082
The People &c.,
Respondent,
v.
Roberto Caraballo,
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2018-1074
Norman R. Colon,
Appellant,
v.
Porsche of Roslyn,
Defendant,
Porsche Leasing, Ltd. et al.,
Respondents.

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

1 Mo. No. 2018-1056
Stephane Cosman Connery, et al.,
Respondents,
v.
Burton S. Sultan,
Appellant.

Motion, insofar as it seeks leave to appeal from that portion of the Appellate Division order denying the motion for the imposition of sanctions, denied; motion for leave to appeal otherwise dismissed upon the ground that the remaining portions of the order sought to be appealed from do not finally determine the action within the meaning of the Constitution. Judge Feinman took no part.

4 Mo. No. 2018-1095
Patricia J. Curto,
Appellant,
v.
Town of Orchard Park, et al.,
Respondents,
et al.,
Defendants.
(App. Div. No. CA 17-00711)

Motion for reargument of motion for leave to appeal denied.

4 Mo. No. 2018-1096
Patricia J. Curto,
Appellant,
v.
Town of Orchard Park, et al.,
Defendants,
County of Erie,
Respondent.
(App. Div. No. CA 17-01487)

Motion for reargument of motion for leave to appeal denied.

1 Mo. No. 2018-1101
Paul Davis,
Appellant,
v.
Scottish Re Group Limited, et al.,
Defendants,
Jonathan Bloomer, et al.,
Respondents.

Motion for leave to appeal denied with one hundred dollars costs and necessary reproduction disbursements.
Judge Garcia took no part.

2 Mo. No. 2018-1110
In the Matter of Theodore Edwards,
Appellant,
v.
Nicholas DeRosa, &c.,
Respondent.

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

1 Mo. No. 2018-991
Yoram Finkelstein,
Respondent,
v.
Bat-El Yishay Finkelstein,
Appellant.

Motion for leave to appeal denied with one hundred dollars costs and necessary reproduction disbursements.
Motion for a stay dismissed as academic.

2 Mo. No. 2018-1046
The People &c.,
Respondent,
v.
Mozard Fleurimond,
Appellant.

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

1 Mo. No. 2018-989
Catherine Ford, &c.,
Appellant,
v.
Howard Riina, M.D., et al.,
Defendants,
Concentric Medical, Inc.,
Respondent.

Motion for leave to appeal denied with one hundred dollars costs and necessary reproduction disbursements.
Chief Judge DiFiore took no part.

2 Mo. No. 2018-1011
Marlene Francis, &c.,
 Appellant,
 v.
Mount Vernon Board of Education,
 Respondent.

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

3 Mo. No. 2018-993
In the Matter of Trevis L. Funches,
 Appellant,
 v.
State of New York Department of Corrections
and Community Supervision,
 Respondent.

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

3 Mo. No. 2018-1094
In the Matter of Shawn Green,
 Appellant,
 v.
Donald G. Uhler, &c.,
 Respondent.

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

4 Mo. No. 2018-1079
In the Matter of Hamilton Equity Group,
LLC, &c.,
 Respondent,
 v.
Southern Wellcare Medical, P.C.,
 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.

1 Mo. No. 2018-1039
Catherine Heywood,
 Appellant,
 v.
New York City Transit Authority et al.,
 Respondents,
et al.,
 Defendant.

Motion for leave to appeal denied.

4 Mo. No. 2018-1050
The People &c. ex rel. Michael J. Hill,
Appellant,
v.
Matthew J. Murphy, &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.

2 Mo. No. 2018-1112
The People &c.,
Respondent,
v.
Craig Hitchcock,
Appellant.

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

1 Mo. No. 2018-997
In the Matter of Cornell S.J.,
Respondent,
v.
Altemease R.J.,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2018-1051
In the Matter of Cliff Jones, also known as
Clifton Morris,
Appellant,
v.
Irene Duffy, &c., et al.,
Respondents.

Motion, insofar as it seeks leave to appeal as against Darcel D. Clark, &c., dismissed for failure to demonstrate timeliness as required by Rules of the Court of Appeals (see 22 NYCRR 500.22[b][2]); motion for leave to appeal otherwise dismissed as untimely (see CPLR 5513[b]).

4 Mo. No. 2018-1073
John M. Lacey,
Appellant,
v.
City of Syracuse, et al.,
Respondent.

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

2 Mo. No. 2018-950
Long Island Minimally Invasive Surgery,
P.C.,
Appellant,
v.
St. John's Episcopal Hospital et al.,
Respondents,
et al.,
Defendant.

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

3 Mo. No. 2018-1048
The People &c. ex rel. Cerious-Delmar
McCray,
Appellant,
v.
Darwin LaClair, &c.,
Respondent.

Motion, insofar as it seeks leave to appeal from that portion of the Appellate Division order that dismissed the appeals from the Supreme Court orders denying reargument, dismissed upon the ground that such portion of the order does not finally determine the proceeding within the meaning of the Constitution; motion for leave to appeal otherwise denied.
Motion for poor person relief dismissed as academic.

1 Mo. No. 2018-1107
Carmine Montemarano, Jr., &c., et al.,
Appellants,
v.
Atlantic Express Transportation Group, Inc.,
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. 2018-1057
Murlar Equities Partnership,
Appellant,
v.
Franklin Jiminez,
Respondent,
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.
Cross motion for the imposition of sanctions denied.

1 Mo. No. 2018-1044
Prince Oparaji et al.,
Appellants,
v.
Lawrence T. Yablon et al.,
Respondents.

Motion, insofar as it seeks leave to appeal from the September 2018 Appellate Division order and so much of the March 2018 Appellate Division order as affirmed Supreme Court's denial of plaintiffs' motion to renew, dismissed upon the ground that the September 2018 order and the above-stated portion of the March 2018 order do not finally determine the action within the meaning of the Constitution; motion for leave to appeal otherwise denied.

2 Mo. No. 2018-1061
Option One Mortgage,
Plaintiff,
v.
Jose Luis Rodriguez-Cardona,
Appellant,
et al.,
Defendants;
21st Mortgage Corporation,
Intervenor-Respondent.

Motion for reargument of motion for leave to appeal denied.

2 Mo. No. 2018-1066
The People &c.,
Respondent,
v.
William Perry,
Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2018-1083
In the Matter of Pilot Travel Centers, LLC,
Appellant,
v.
Town Board of Town of Bath, et al.,
Respondents,
et al.,
Respondents.

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

4 Mo. No. 2018-1084
In the Matter of Pilot Travel Centers, LLC,
 Appellant,
 v.
Town Board of Town of Bath et al.,
 Respondents.

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

3 Mo. No. 2018-1047
In the Matter of Prima Asphalt Concrete, Inc.,
 Appellant,
 v.
New York State Tax Appeals Tribunal et al.,
 Respondents.

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

2 Mo. No. 2018-1040
In the Matter of Jordan R.

Orange County Department of Social
Services,
 Respondent;
Yon R.-W.,
 Appellant,
et al.,
 Respondent.

Motion for leave to appeal dismissed for failure to demonstrate timeliness as required by Rules of the Court of Appeals (see 22 NYCRR 500.22[b][2]).

In the Matter of Grant R.

Orange County Department of Social
Services,
 Respondent;
Yon R.-W.,
 Appellant,
et al.,
 Respondent.

4 Mo. No. 2018-1077
Carriann Ray,
Appellant,
v.
Victoria J.G. Stockton,
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.

1 Mo. No. 2018-1117
The People &c.,
Respondent,
v.
Monserrate Rodriguez,
Appellant.

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

Mo. No. 2018-1106
Royal Park Investments SA/NV,
Appellant,
v.
Morgan Stanley et al.,
Respondents.
(And Three Other Actions.)

Motion for leave to appeal denied.
Judges Rivera, Stein, Fahey, Feinman and Garry concur.
Chief Judge DiFiore and Judges Garcia and Wilson took no part.

3 Mo. No. 2018-1072
In the Matter of Lawrence Santangelo,
Appellant,
v.
Seaford U.F.S.D. et al.,
Respondents.
Workers' Compensation Board,
Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2018-1080
The People &c.,
Respondent,
v.
Tulsie Singh,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2018-952
In the Matter of Andrew Sinzheimer et al.,
Appellants,
v.
Bank of America, N.A.,
Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2018-1064
The People &c.,
Respondent,
v.
Matthew Smalls,
Appellant.

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

1 Mo. No. 2018-1119
In the Matter of Noah I.T., &c.

Argenis C.,
Appellant;
Catholic Guardian Services,
Respondent.

Motion for leave to appeal denied.

3 Mo. No. 2018-1052
The People &c. ex rel. Garnell Thompson,
Appellant,
v.
Earl Bell, &c.,
Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2018-1092
The People &c.,
Respondent,
v.
David Tirado,
Appellant.

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

4 Mo. No. 2018-1076
In the Matter of Thomas C. Turner et al.,
 Appellants,
 v.
Municipal Code Violations Bureau of City of
Rochester et al.,
 Respondents.

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

2 Mo. No. 2018-1068
Main Uddin,
 Respondent,
 v.
A.T.A. Construction Corp., et al.,
 Defendants;
Flan Realty, LLC,
 Nonparty-Appellant.
(And Third-Party Actions.)

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. 2018-1045
Edith Wiener, et al.,
 Appellants,
 v.
Richard Weissman 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.
Judge Feinman took no part.