

June 6, 2019

**CASES**

2                    No. 63 SSM 8  
In the Matter of Jamael Bursch,  
                  Appellant,  
                  v.  
Purchase College of the State University of  
New York, et al.,  
                  Respondents.

On review of submissions pursuant to section 500.11 of the Rules, order insofar as appealed from reversed, with costs, and petition insofar as it sought to annul respondents' disciplinary determination granted and matter remitted to the Appellate Division, Second Department, with directions to remand to respondents for a new disciplinary hearing, in a memorandum. Judges Rivera, Stein, Fahey, Garcia, Wilson and Feinman concur.  
Chief Judge DiFiore took no part.

                          No. 65 SSM 11  
The People &c.,  
                  Appellant,  
                  v.  
Monique Esposito,  
                  Respondent.

On review of submissions pursuant to section 500.11 of the Rules, order reversed and case remitted to the Appellate Term, Second, Eleventh & Thirteenth Judicial Districts, for consideration of the facts and issues raised, but not determined, on the appeal to that Court. The factual allegations in the accusatory instrument were sufficient to support the inference that defendant was the operator of the vehicle involved in the accident and, thus, Appellate Term erroneously dismissed the accusatory instrument on that ground.  
Chief Judge DiFiore and Judges Rivera, Stein, Fahey, Garcia, Wilson and Feinman concur.

2                    No. 64 SSM 9  
The People &c.,  
                  Respondent,  
                  v.  
Kendel R. Gregory,  
                  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.

4                    No. 44  
The People &c.,  
    Respondent,  
    v.  
Samuel J. Smith,  
    Appellant.

Order reversed and a new trial ordered.  
Opinion by Judge Feinman.  
Chief Judge DiFiore and Judges Rivera, Stein, Fahey,  
Garcia and Wilson concur.

## MOTIONS

1                    Mo. No. 2019-100  
In the Matter of Anonymous, &c., an attorney  
and counselor-at-law.

Anonymous,  
    Appellant;  
Attorney Grievance Committee for the First  
Judicial Department,  
    Respondent.

Motion for leave to appeal denied.

1                    Mo. No. 2019-404  
The People &c.,  
    Appellant,  
    v.  
Marcelino Allende,  
    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.

1                    Mo. No. 2019-475  
The People &c.,  
    Respondent,  
    v.  
Rickey Alston,  
    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.

3                    Mo. No. 2019-143  
Claudine Beauchemin, et al.,  
    Appellants,  
    v.  
Autobus Fleur de Lys, Inc., et al.,  
    Respondents,  
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.

2 Mo. No. 2019-520  
Bill Birds, Inc. et al.,  
Appellants,  
v.  
Stein Law Firm, P.C. et al.,  
Respondents.

Motion by Andrew Lavcott Bluestone, Esq., 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, nine copies filed, and the brief submitted in digital format within seven days.

2 Mo. No. 2019-521  
Bill Birds, Inc. et al.,  
Appellants,  
v.  
Stein Law Firm, P.C. et al.,  
Respondents.

Motion by Jeffrey A. Jannuzzo, Esq., for leave to file a brief amicus 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.

1 Mo. No. 2019-500  
Benedicta Brito,  
Respondent,  
v.  
Rafael Gomez et al.,  
Appellants.

Motion for a stay denied.

3 Mo. No. 2019-231  
In the Matter of Robert Brown,  
Appellant,  
v.  
Donald Venettozzi, &c.,  
Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2019-281  
In the Matter of State of New York,  
Respondent,  
v.  
Gary C.,  
Appellant.

Motion for leave to appeal denied.

1                    Mo. No. 2019-458  
The People &c.,  
    Respondent,  
    v.  
Miguel Caro,  
    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                    SSD 31  
In the Matter of Shem Carter,  
    Appellant,  
    v.  
Anthony J. Annucci, &c.,  
    Respondent.

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

3                    Mo. No. 2019-220  
Donna Clark,  
    Appellant,  
    v.  
State of New York,  
    Respondent.

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

3                    Mo. No. 2019-142  
Jacinthe Claude, et al.,  
    Appellants,  
    v.  
Autobus Fleur de Lys, Inc., et al.,  
    Respondents,  
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.

4                    Mo. No. 2019-371  
In the Matter of Eugene David Colello, &c.  
  
Michelle A. Colello,  
    Respondent,  
    v.  
Eugene G. Colello,  
    Appellant.  
Lisa J. Allen, Esq. et al.,  
    Respondents.

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.

1                    Mo. No. 2019-468  
In the Matter of Joan Sheen Cunningham,  
                         Respondent,  
                         v.  
Trustees of St. Patrick's Cathedral et al.,  
                         Appellants.

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

3                    SSD 26  
In the Matter of Michael A. Deem,  
                         Appellant,  
                         v.  
John P. Colangelo, &c., et al.,  
                         Respondents.

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.

3                    Mo. No. 2019-302  
In the Matter of Ramon Dunlop,  
                         Appellant,  
                         v.  
Amanda Bowen,  
                         Respondent.  
(And Another Proceeding.)

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

1                    Mo. No. 2019-207  
In the Matter of Samantha F., et al., &c.  
  
Edwin F.,  
                         Appellant;  
Administration for Children's Services,  
                         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. Judge Feinman took no part.

2                    Mo. No. 2019-303  
Freedom Mortgage Corporation,  
                         Appellant,  
                         v.  
Herschel Engel,  
                         Respondent,  
et al.,  
                         Defendants.

Motion, insofar as it seeks leave to appeal as against defendant Herschel Engel, granted; motion for leave to appeal otherwise dismissed upon the ground that as to the remaining defendants the order sought to be appealed from does not finally determine the action within the meaning of the Constitution.

1 Mo. No. 2019-263  
In the Matter of Ronald Kendell G., III, et al.,  
&c.

Janet G.,  
Appellant;  
Saint Dominic's Family Services,  
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.

4 Mo. No. 2019-286  
The People &c. ex rel. Ariel Garcia,  
Appellant,  
v.  
Anthony Annucci, &c. et al.,  
Respondents.

Motion for reargument of motion for leave to appeal denied.

2 Mo. No. 2019-260  
In the Matter of Susan Gavin,  
Appellant,  
v.  
Lawrence J. Worner,  
Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2019-313  
Lawrence Gugliara,  
Respondent,  
v.  
Stefanie Veras,  
Appellant.

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

Mo. No. 2019-437  
The People &c.,  
Respondent,  
v.  
Edward Hardy,  
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.

2                    SSD 28  
In the Matter of Jacqueline Harounian, an  
attorney and counselor-at-law.

Jacqueline Harounian,  
Appellant;  
Grievance Committee for the Tenth Judicial  
District,  
Respondent.

1                    Mo. No. 2019-499  
Xiang Fu He,  
Appellant,  
v.  
Troon Management, Inc., et al.,  
Respondents.

3                    Mo. No. 2019-347  
In the Matter of Liana HH. et al., &c.

Sullivan County Department of Family  
Services,  
Appellant;  
Christopher HH.,  
Respondent.

1                    SSD 30  
HSBC Bank USA,  
Appellant,  
v.  
Betty Lugo,  
Respondent,  
et al.,  
Defendants.

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.

Motion by New York State Trial Lawyers Association 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, one copy filed, and the brief submitted in digital format within seven days.

Motion for leave to appeal denied.

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.



2 Mo. No. 2019-215  
In the Matter of Justice L.

Suffolk County Department of Social  
Services,  
Respondent;  
Jessica L.,  
Appellant,  
et al.,  
Respondent.  
(And Other Related Proceedings.)

Motion for leave to appeal dismissed upon the  
ground that the order sought to be appealed from  
does not finally determine the proceedings within the  
meaning of the Constitution.

2 Mo. No. 2019-293  
In the Matter of Destiney D.M.L.

Sheltering Arms Children and Family  
Services,  
Respondent;  
Jose L.,  
Appellant.  
(And Two Other Proceedings.)

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

3 Mo. No. 2019-106  
In the Matter of Lacey J. Lorimer,  
Appellant,  
v.  
Brett J. Lorimer,  
Respondent.

On the Court's own motion, appeal dismissed,  
without costs, upon the ground that the two-Justice  
dissent at the Appellate Division is not on a question  
of law (see CPLR 5601[a]).  
Motion for leave to appeal denied.

1 Mo. No. 2019-202  
Barbara A. Lowenstern,  
Appellant,  
v.  
Sherman Square Realty Corp., et al.,  
Respondents.

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

4                    Mo. No. 2019-258  
In the Matter of Edward M., et al.

Motion for leave to appeal denied.

Onondaga County Department of Children  
and Family Services,  
    Respondent;  
Ajja M.,  
    Appellant.  
(And Two Other Proceedings.)

2                    Mo. No. 2019-326  
In the Matter of Mark A.M.,

Motion for leave to appeal denied.

    Appellant,  
    v.  
Lesley R.S.,  
    Respondent;  
Elisha M.,  
    Nonparty-Respondent.

2                    Mo. No. 2019-324  
In the Matter of Kieara N.

Motion for leave to appeal denied.

Administration for Children's Services,  
    Respondent;  
Shasha F.,  
    Appellant.  
(And Two Other Proceedings.)

4                    Mo. No. 2019-315  
In the Matter of Christopher P., et al.

Motion for leave to appeal denied.

Jefferson County Department of Social  
Services,  
    Respondent;  
Jessica P.,  
    Respondent,  
Anthony P.,  
    Appellant.

2 Mo. No. 2019-414  
In the Matter of Daniel Peura,  
Appellant,  
v.  
Sharon Peura,  
Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2019-452  
The People &c.,  
Respondent,  
v.  
Howard Powell,  
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.

2 Mo. No. 2019-254  
In the Matter of Laura C. Prego,  
Respondent,  
v.  
Stanley M. Tecza,  
Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2019-318  
The People &c. ex rel. Theodore Price,  
Appellant,  
v.  
Harold Graham, &c.,  
Respondent.

Motion for leave to appeal denied.

3 Mo. No. 2019-352  
In the Matter of Cammie L. Simmes,  
Respondent,  
v.  
William Hotaling,  
Appellant.  
(And Two Other Proceedings.)

Motion, insofar as it seeks leave to appeal from that portion of the Appellate Division order as affirmed Family Court's dismissal of appellant's petitions to enforce a prior Family Court order, dismissed upon the ground that such portion of the order does not finally determine the proceedings within the meaning of the Constitution; motion for leave to appeal otherwise denied.

1                   SSD 27  
In the Matter of Jonathan R. Steinberg, an  
attorney and counselor-at-law.

Attorney Grievance Committee for the First  
Judicial Department,  
Respondent;  
Jonathan R. Steinberg,  
Appellant.

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

1                   Mo. No. 2019-325  
In the Matter of Jayden T. et al., &c.

Abbigale T. (Deceased),  
Respondent;  
Administration for Children's Services,  
Respondent.  
Lesleen T.,  
Nonparty-Appellant.

Motion for leave to appeal denied.

4                   Mo. No. 2019-395  
In the Matter of Jacob W., et al.

Onondaga County Department of Children  
and Family Services,  
Respondent;  
Sharmel W.,  
Respondent,  
Jermaine W.,  
Appellant.

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

1                   SSD 29  
Cameron Winklevoss, &c., et al.,  
Appellants,  
v.  
Todd Steinberg, &c.,  
Respondent.

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.

2                    Mo. No. 2019-217  
In the Matter of Olivier Wright,  
                          Respondent,  
                          v.  
Kashauna Perry,  
                          Appellant.

Motion for leave to appeal denied.