

May 2, 2019

CASES

1 No. 23
The People &c.,
 Respondent,
 v.
Boris Brown,
 Appellant.

Order modified in accordance with the memorandum herein and, as so modified, affirmed. Chief Judge DiFiore and Judges Rivera, Fahey, Garcia, Wilson and Feinman concur. Judge Stein dissents in part and votes to affirm in an opinion.

3 No. 61 SSM 7
In the Matter of Shelly A. Grover,
 Appellant,
 v.
State Insurance Fund,
 Respondent.
Workers' Compensation Board,
 Respondent.

On review of submissions pursuant to section 500.11 of the Rules, order affirmed, with costs. On this record, substantial evidence supports the Workers' Compensation Board's determination that claimant's injury is not compensable. Chief Judge DiFiore and Judges Rivera, Stein, Fahey, Garcia, Wilson and Feinman concur.

1 No. 27
The People &c.,
 Respondent,
 v.
Nicholas Hill,
 Appellant.

Order reversed, defendant's motion to suppress granted and indictment dismissed, in a memorandum. Chief Judge DiFiore and Judges Rivera, Stein, Fahey, Garcia and Wilson concur. Judge Feinman took no part.

 No. 62
Steven Plavin,
 Appellant,
 v.
Group Health Incorporated,
 Respondent.

Certification of questions by the United States Court of Appeals for the Third 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.

MOTIONS

4 Mo. No. 2019-141
In the Matter of State of New York,
 Respondent,
 v.
Jamaal A.,
 Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2019-146
In the Matter of Arthur Adinolfi,
 Appellant,
 v.
Colleen Callanan,
 Respondent.

Motion for leave to appeal denied.

2 SSD 19
In the Matter of Hassan M.G. Alamin, a
Licensed Legal Consultant.

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

Grievance Committee for the Second,
Eleventh, and Thirteenth Judicial Districts,
 Respondent;
Hassan M.G. Alamin,
 Appellant.

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

3 SSD 17
Edstan S. Balgobin,
 Appellant,
 v.
State of New York,
 Respondent.

2 Mo. No. 2019-163
In the Matter of Denise Ann Brady,
Respondent,
v.
Raymond A. White,
Appellant.
(App. Div. No. 2018-00120)

Motion for leave to appeal denied.

2 Mo. No. 2019-164
In the Matter of Denise Ann Brady,
Respondent,
v.
Raymond A. White,
Appellant.
(App. Div. No. 2018-03177)

Motion for leave to appeal denied.

2 Mo. No. 2019-192
In the Matter of Sir D.C.

Administration for Children's Services,
Respondent;
Tamarah C.,
Appellant,
et al.,
Respondent.
(And Two Other 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.
Motion for poor person relief dismissed as academic.

4 Mo. No. 2019-370
Cayuga Nation, &c.,
Respondent,
v.
Samuel Campbell, et al.,
Appellants,
County of Seneca,
Intervenor.

Motion by Tonawanda Seneca Nation, 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, eight copies filed, and the brief submitted in digital format within seven days.

3 SSD 23
Center for Judicial Accountability, Inc. et al.,
Appellants,
v.
Andrew M. Cuomo &c., et al.,
Respondents.

Appeal dismissed without costs, by the Court sua sponte, insofar as taken on behalf of Center for Judicial Accountability, Inc. by Elena Ruth Sassower, upon the ground that Sassower is not Center for Judicial Accountability, Inc.'s authorized legal representative (see CPLR 321[a]); and, insofar as taken by Elena Ruth Sassower on her own behalf from the December 27, 2018 Appellate Division order affirming the final judgment, upon the ground that no substantial constitutional question is directly involved and, from the remaining Appellate Division orders, upon the ground that such orders do not finally determine the action within the meaning of the Constitution.
Chief Judge DiFiore took no part.

3 Mo. No. 2019-320
The People &c.,
Respondent,
v.
Kevin Chapman,
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 25
In the Matter of Joan Sheen Cunningham,
Respondent,
v.
Trustees of St. Patrick's Cathedral et al.,
Appellants.

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

2 Mo. No. 2019-86
In the Matter of Michael A. DeStefano,
Appellant,
v.
Incorporated Village of Mineola, et al.,
Respondents.

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

4 SSD 20
Echo Westley Dixon,
 Appellant,
 v.
Governor Andrew M. Cuomo, 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. 2019-208
In the Matter of Dawn H.F.,
 Appellant,
 v.
Marco J.,
 Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2019-363
Xiang Fu He,
 Appellant,
 v.
Troon Management, Inc., et al.,
 Respondents.

Motion by Defense Association 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. The brief must be submitted in digital format within seven days.

4 Mo. No. 2019-321
The People &c.,
 Respondent,
 v.
David M. Holz,
 Appellant.

Motion for assignment of counsel granted and Timothy P. Donaher, Esq., Monroe County Public Defender, 10 N. Fitzhugh Street, Rochester, NY 14614 assigned as counsel to the appellant on the appeal herein.

1 Mo. No. 2019-288
In the Matter of L&M Bus Corp., et al.,
 Respondents,
 v.
New York City Dept. of Education, et al.,
 Appellants.

Motion by Reliant Transportation, Inc. for leave to appear amicus curiae on the motion for leave to appeal herein dismissed as untimely (see Rules of Ct of Appeals [22 NYCRR] § 500.23[a][3]).

2 Mo. No. 2019-189
In the Matter of Joseph L.

Suffolk County Department of Social
Services,
Respondent;
Cyanne W.,
Appellant.

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

2 Mo. No. 2019-185
In the Matter of Deborah M. Lashlee,
Respondent,
v.
Samuel M. Lashlee,
Appellant.

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

4 Mo. No. 2019-273
In the Matter of Dominic T.M.

Niagara County Department of Social
Services,
Respondent;
Cassie M.,
Appellant.
(And Three Other Proceedings.)

Motion for leave to appeal denied.

2 Mo. No. 2019-245
In the Matter of Victor M.,
Appellant.

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

2 SSD 15
Nella Manko,
Appellant,
v.
Lenox Hill Hospital,
Respondent.

Appeal dismissed without costs, by the Court sua
sponte, upon the ground that the orders appealed
from do not finally determine the action within the
meaning of the Constitution.

2 Mo. No. 2019-140
Nella Manko,
Appellant,
v.
Lenox Hill Hospital,
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.
Motion for poor person relief dismissed as academic.

2 Mo. No. 2019-239
Nella Manko,
Appellant,
v.
Lenox Hill Hospital,
Respondent.

Motion for reargument of so much of this Court's February 20, 2018 order as decided the motion for leave to appeal from an August 25, 2017 Appellate Division order dismissed as untimely (see Rules of Ct of Appeals [22 NYCRR] § 500.24[b]).
Motion for poor person relief dismissed as academic.

2 Mo. No. 2019-355
The People &c.,
Respondent,
v.
Ramee McCullum,
Appellant.

Motion by The Community Development Project of the Urban Justice Center, 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.

4 Mo. No. 2019-123
In the Matter of Avianna M.-G.

Motion for leave to appeal denied.

Onondaga County Department of Children
and Family Services,
Respondent;
Stephen G., III,
Appellant.
Yorimar K.-M.,
Intervenor-Respondent.

2 Mo. No. 2019-213
In the Matter of Donna Mullings,
Respondent,
v.
Pierre Mullings,
Appellant.

Motion for leave to appeal denied.

1 SSD 21
Michelle Nappi,
Appellant,
v.
Community Access, Inc. et al.,
Respondents.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that no appeal lies as of right from the unanimous order of the Appellate Division absent the direct involvement of a substantial constitutional question (see CPLR 5601).

2 Mo. No. 2019-159
In the Matter of State of New York,
Respondent,
v.
Walter J.R.,
Appellant.

Motion for reargument of motion for leave to appeal denied.

4 Mo. No. 2019-201
In the Matter of Darcy W. Noble,
Respondent,
v.
Mabelene E. Gigon,
Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2019-153
In the Matter of Jayce P.

Oneida County Department of Social
Services,
Respondent;
Ashley P.,
Appellant.

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

4 Mo. No. 2019-148
In the Matter of Nicholas Paliani,
Respondent,
v.
Stephanie Selapack,
Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2019-196
In the Matter of Tymothy M. Parmenter,
Respondent,
v.
Julie E. Nash,
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.

3 Mo. No. 2019-294
In the Matter of Matthew Pinney,
Appellant,
v.
Matthew Van Houten, &c., et al.,
Respondents,
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.
Motion for a stay dismissed as academic.

3 SSD 18
In the Matter of Mark S. Purcell et al.,
Appellants,
v.
New York State Tax Appeals Tribunal et al.,
Respondents.

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

2 SSD 16
In the Matter of Jordan R.

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

In the Matter of Grant R.

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

4 Mo. No. 2019-354
The People &c.,
 Respondent,
v.
Don P. Sipp,
 Appellant.

2 Mo. No. 2019-176
In the Matter of Melissa Straight,
 Appellant,
v.
Donovan Schrouter,
 Respondent.

1 Mo. No. 2019-168
Sutton 58 Associates LLC,
 Appellant,
v.
Philip Pilevsky, et al.,
 Respondents.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that appellant has failed to demonstrate timeliness as required by Rules of the Court of Appeals (see Rules of Ct of Appeals [22 NYCRR] §§ 500.9, 500.10).

Motion for assignment of counsel granted and J. Scott Porter, Esq., 78 Cayuga Street, Seneca Falls, NY 13148-1229 assigned as counsel to the appellant on the appeal herein.

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

Motion for leave to appeal denied as unnecessary.

2 Mo. No. 2019-161
Hesham Taha,
Appellant,
v.
Abier Elzemity,
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.

4 Mo. No. 2019-88
The People &c. ex rel. Vincent Torres,
Appellant,
v.
Harold T. Graham, &c.,
Respondent.

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

2 Mo. No. 2019-410
The People &c.,
Respondent,
v.
Derrick Ulett,
Appellant.

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.

2 Mo. No. 2019-244
E. V.,
Respondent-Appellant,
v.
R. V.,
Respondent;
G. V.,
Nonparty-Appellant-Respondent.

Motions for leave to appeal denied.

2 Mo. No. 2019-311
E. V.,
Respondent-Appellant,
v.
R. V.,
Respondent;
G. V.,
Nonparty-Appellant-Respondent.

Motion by Domestic Violence Legal Empowerment and Appeals Project et al. for leave to appear amici curiae on E.V.'s motion for leave to appeal herein granted and the brief is accepted as filed.

2 Mo. No. 2019-274
The People &c.,
 Respondent,
 v.
Jose Velez,
 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 22
John L. Weslowski,
 Appellant,
 v.
Patricia Zugibe &c. et al.,
 Respondents,
et al.,
 Defendant.

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

3 SSD 24
Larry Williams,
 Appellant,
 v.
State of New York,
 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.

3 Mo. No. 2019-82
In the Matter of Jahvani Z., &c.

Thomas V.,
 Respondent;
Mariah Z.,
 Appellant.
(And Another Related Proceeding.)

Motion for leave to appeal denied.