

November 26, 2019

CASES

4 No. 88
The People &c.,
 Respondent,
 v.
Nicole L. Green, &c.,
 Appellant.

Order reversed and case remitted to the Appellate Division, Fourth Department, for further proceedings in accordance with the opinion herein.
Opinion by Chief Judge DiFiore.
Judges Stein, Fahey and Feinman concur.
Judge Wilson concurs in result in an opinion, in which Judge Rivera concurs in a separate concurring opinion.
Judge Garcia dissents in an opinion.

4 No. 91
In the Matter of Corey Krug,
 Respondent,
 v.
City of Buffalo,
 Appellant.

Order reversed, with costs, and petition dismissed, in a memorandum.
Chief Judge DiFiore and Judges Rivera, Stein, Garcia and Feinman concur.
Judge Wilson dissents in an opinion in which Judge Fahey concurs.

4 No. 89
The People &c.,
 Respondent,
 v.
Storm U. Lang, &c.,
 Appellant.

Order reversed and case remitted to the Appellate Division, Fourth Department, for further proceedings in accordance with the opinion herein.
Opinion by Chief Judge DiFiore.
Judges Stein, Fahey and Feinman concur.
Judge Wilson concurs in result in an opinion, in which Judge Rivera concurs in a separate concurring opinion.
Judge Garcia dissents in an opinion.

1 No. 86
The People &c.,
 Respondent,
 v.
Stan XuHui Li,
 Appellant.

Order insofar as appealed from affirmed.
Opinion by Judge Fahey.
Chief Judge DiFiore and Judges Rivera, Stein, Garcia and Feinman concur.
Judge Wilson dissents in an opinion.

1 No. 87
The People &c.,
 Respondent,
 v.
Victor Thomas,
 Appellant.

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

MOTIONS

1 Mo. No. 2019-741
In the Matter of Gary Bien-Aime,
Appellant,
v.
Vicki Been, &c. et al.,
Respondents.

Motion for leave to appeal denied.

2 Mo. No. 2019-791
The People &c.,
Respondent,
v.
Andrew Brunjes,
Appellant.

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

3 Mo. No. 2019-792
In the Matter of Eldan Homes, Inc.,
Appellant,
et al.,
Petitioners,
v.
New York Public Service Commission et al.,
Respondents.

Motion for leave to appeal denied.

1 Mo. No. 2019-727
The People &c.,
Respondent,
v.
Victor Estrella,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2019-740
Barry Fox et al.,
Appellants,
v.
12 East 88th LLC,
Respondent.

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

1 Mo. No. 2019-880
In the Matter of Amy R. Gurvey,
 Appellant,
 v.
Elizabeth A. Garry, &c. 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 ancillary relief dismissed as academic.
Chief Judge DiFiore took no part.

3 Mo. No. 2019-767
In the Matter of Eddie Hutchinson,
 Appellant,
 v.
Christopher Miller, &c.,
 Respondent.

Motion for reargument of motion for leave to appeal
&c. denied.
Motion for poor person relief dismissed as academic.

2 Mo. No. 2019-757
The People &c.,
 Respondent,
 v.
Richard Johnson,
 Appellant.

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

3 Mo. No. 2019-742
Peter R. Kehoe,
 Respondent,
 v.
Elda Abate et al.,
 Appellants.

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

4 Mo. No. 2019-804
Patricia Karen Killian,
 Appellant,
 v.
Captain Spicer's Gallery, LLC, et al.,
 Respondents.

Motion for leave to appeal denied.

3 Mo. No. 2019-766
Teddy Lewis,
 Appellant,
 v.
State of New York,
 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. 2019-763
The People &c.,
 Respondent,
 v.
David Mangan,
 Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2019-728
The People &c.,
 Respondent,
 v.
Omar Mosqueda,
 Appellant.

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

2 Mo. No. 2019-751
Arun Nair,
 Appellant,
 v.
City of New York,
 Respondent,
et al.,
 Defendants.

Motion for leave to appeal dismissed as untimely (see CPLR 5513[b], 2103[b][2]). The prior motion for leave to appeal made to the Appellate Division was untimely (see Arthur Karger, Powers of the New York Court of Appeals § 12:3 at 436-437 [3d ed rev 2005]).

2 Mo. No. 2019-833
Mildred Narvaez,
 Appellant,
 v.
City of New York,
 Respondent.

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

1 Mo. No. 2019-736
In the Matter of New York City Health and
Hospitals Corporation,
 Appellant,
 v.
Howard A. Zucker, &c., et al.,
 Respondents.

Motion for leave to appeal denied.

2 Mo. No. 2019-871
NM, et al.,
 Appellants,
 v.
Estate of Edmund C. Grainger, Jr.,
 Respondent.

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

1 Mo. No. 2019-746
NYCTL 2012-A Trust, et al.,
 Plaintiffs,
 v.
1698 Lex Corporation,
 Appellant,
Residential Funding Corporation, et al.,
 Defendants,
Tower Lexington Inc., et al.,
 Intervenor Defendants-
 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.

3 Mo. No. 2019-750
The People &c.,
 Respondent,
 v.
Timothy R. Perry,
 Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2019-852
Salans LLP,
 Respondent,
 v.
VBH Properties S.R.L., et al.,
 Defendants,
VBH Luxury, Inc. 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.

1 Mo. No. 2019-959
La Nona Jean Salinas,
 Appellant,
 v.
World Houseware Producing Co., Ltd., et al.,
 Respondents.

Motions for reargument denied with one hundred dollars costs and necessary reproduction disbursements.

2 Mo. No. 2019-857
Lois Sarab, &c. et al.,
 Appellants,
 v.
BJ's Wholesale Club,
 Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2019-901
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.

Motion for reconsideration of this Court's June 6, 2019 order of dismissal &c. denied.
Motion for a stay &c. dismissed as academic.
Judge Feinman took no part.

2 Mo. No. 2019-737
U.S. Bank National Association, &c.,
Respondent,
v.
Allison Jerome, &c.,
Defendant,
Marlene S. Zeidman,
Appellant,
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.

3 Mo. No. 2019-848
Joel Winkler Jr.,
Respondent,
v.
Brian Simmons,
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.