

October 17, 2019

CASES

3 No. 112 SSM 17
In the Matter of Norman Cajigas,
 Respondent,
 v.
Tina M. Stanford, &c.,
 Appellant.

On review of submissions pursuant to section 500.11 of the Rules, appeal dismissed, without costs, upon the ground that the issues presented have become moot.
Chief Judge DiFiore and Judges Rivera, Stein, Fahey, Garcia, Wilson and Feinman concur.

2 No. 75
The People &c.,
 Respondent,
 v.
Rong He,
 Appellant.

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

1 No. 111 SSM 16
City of New York,
 Appellant,
 v.
Tri-Rail Construction, Inc. et al.,
 Respondents.

On review of submissions pursuant to section 500.11 of the Rules, order reversed, with costs, and defendants' motion to dismiss the complaint denied, in a memorandum.
Chief Judge DiFiore and Judges Rivera, Stein, Fahey, Garcia, Wilson and Feinman concur.

MOTIONS

Mo. No. 2019-877
The People &c.,
Respondent,
v.
Maksat Amanturov,
Appellant.

Motion for an extension of the time within which to apply for permission to appeal pursuant to CPL 460.20 granted.

4 SSD 61
In the Matter of Anonymous,
Appellant.

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.

4 SSD 69
In the Matter of Patricia L. Ansley,
Respondent,
v.
Jamesville-DeWitt Central School District,
Appellant.

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.
Judge Fahey took no part.

4 Mo. No. 2019-886
In the Matter of Patricia L. Ansley,
Respondent,
v.
Jamesville-DeWitt Central School District,
Appellant.

Motion by New York State School Boards Association for leave to file a letter brief amicus curiae on the appeal herein granted and the proposed letter brief is accepted as filed.
Judge Fahey took no part.

4 Mo. No. 2019-898
The People &c.,
Respondent,
v.
Victor Diaz,
Appellant.

Motion for poor person relief granted.

2 Mo. No. 2019-531
Emigrant Funding Corporation,
 Respondent,
 v.
Persio A. Nunez, &c.,
 Appellant,
et al.,
 Defendants.
(And Another Action.)

On the Court's own motion, appeal dismissed, without costs, upon the ground that the order appealed from does not finally determine the actions within the meaning of the Constitution. Motion for leave to appeal dismissed upon the ground that the order sought to be appealed from does not finally determine the actions within the meaning of the Constitution. Motion for a stay dismissed as academic.

3 Mo. No. 2019-514
In the Matter of Craig Raymond Fritsch, a
Suspended Attorney.

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

Attorney Grievance Committee for the Third
Judicial Department,
 Respondent;
Craig Raymond Fritsch,
 Appellant.

 Mo. No. 2019-878
The People &c.,
 Respondent,
 v.
Cesar Garcia,
 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.

2 SSD 64
In the Matter of Nicole Haims,
 Respondent,
 v.
John Lehmann,
 Appellant.

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

4 Mo. No. 2019-626
In the Matter of Abigail H. et al.

Onondaga County Department of Children
and Family Services,
Respondent;
Daniel D.,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2019-913
The People &c.,
Respondent,
v.
Willie Harris,
Appellant.

Motion for assignment of counsel granted and Janet
E. Sabel, Esq., The Legal Aid Society, 199 Water
Street, New York, NY 10038 assigned as counsel to
the appellant on the appeal herein.

4 Mo. No. 2019-551
In the Matter of John Heidrick, III,
Appellant,
v.
Angela Sherman,
Respondent.

Motion for leave to appeal denied.

3 SSD 67
In the Matter of Kimberly S. Hennessy,
Respondent.
The Hearst Corporation, &c.,
Appellant,
Commissioner of Labor,
Respondent.

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.

4 Mo. No. 2019-915
The People &c.,
Respondent,
v.
Justin Hymes,
Appellant.

Motion for assignment of counsel granted and Philip
Rothschild, Esq., Hiscock Legal Aid Society, 351
South Warren Street, Syracuse, NY 13202 assigned
as counsel to the appellant on the appeal herein.

2 Mo. No. 2019-817
The People &c. ex rel. Andrew Krivak,
Appellant,
v.
Robert L. Langley, Jr., &c.,
Respondent.

SSD 62
In the Matter of Nicholas Joseph LeClair,
Appellant,
v.
Lacey Jo Ferguson et al.,
Respondents.

In the Matter of Lacey Jo Ferguson,
Respondent,
v.
Nicholas Joseph LeClair,
Appellant,
et al.,
Respondent.

1 Mo. No. 2019-905
The People &c.,
Respondent,
v.
Michael Lopez,
Appellant.

2 SSD 60
Nella Manko,
Appellant,
v.
Lenox Hill Anesthesiology, PLLC, et al.,
Respondents.

Motion for leave to appeal denied.

Appeal transferred without costs, by the Court sua sponte, to the Appellate Division, Third Department, upon the ground that a direct appeal does not lie when questions other than the constitutional validity of a statutory provision are involved (see NY Const, art VI, §§ 3[b][2], 5[b]; CPLR 5601[b][2]).

Motion for an extension of the time within which to apply for permission to appeal pursuant to CPL 460.20 granted.

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 SSD 65
Nella Manko,
 Appellant,
 v.
David A. Gabay, et al.,
 Respondents.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that it does not lie (see NY Const, art VI, § 3[b]; CPLR 5601).

2 Mo. No. 2019-644
Nella Manko,
 Appellant,
 v.
Bernard H. Broome, et al.,
 Respondents.

Motion for reargument of so much of this Court's June 13, 2019 order as decided a motion for leave to appeal denied.
Motion for poor person relief dismissed as academic.

2 Mo. No. 2019-647
Nella Manko,
 Appellant,
 v.
Lenox Hill Hospital,
 Respondent.

Motion for reargument of motion for leave to appeal 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. 2019-770
Nella Manko,
 Appellant,
 v.
Lenox Hill Hospital,
 Respondent.

Motion for reargument of motion for leave to appeal 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. 2019-768
Nella Manko,
 Appellant,
 v.
Shorefront Apartments, LLC,
et al.,
 Respondents.

Motion for reargument of so much of this Court's June 13, 2019 order as decided a motion for leave to appeal denied.
Motion for poor person relief dismissed as academic.

4 SSD 66
In the Matter of Stephen P. McNerlin,
Appellant,
v.
Victoria M. Argento, &c., et al.,
Respondents.

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

3 Mo. No. 2019-875
The People &c.,
Respondent,
v.
Jonathan J. Pantoja,
Appellant.

Motion for an extension of the time within which to apply for permission to appeal pursuant to CPL 460.20 granted.

1 Mo. No. 2019-681
In the Matter of Vanessa R.,
Respondent,
v.
Christopher A.E.,
Appellant.

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

1 Mo. No. 2019-712
In the Matter of Richie N.V., &c. et al.

Stephanie M.,
Respondent,
Ricardo V.,
Appellant;
The New York Foundling Hospital,
Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2019-914
The People &c.,
Respondent,
v.
Tyrone Wortham,
Appellant.

Motion for assignment of counsel granted and Janet E. Sabel, Esq., The Legal Aid Society, 199 Water Street, New York, NY 10038 assigned as counsel to the appellant on the appeal herein.

4 SSD 63
In the Matter of Jessica Wrobleski,
 Appellant,
 v.
S. Squires, &c.,
 Respondent.

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