

October 22, 2019

CASES

3 No. 69
In the Matter of Adirondack Wild: Friends of
the Forest Preserve et al.,
 Appellants,
 v.
New York State Adirondack Park Agency, et
al.,
 Respondents.

Order insofar as appealed from affirmed, with costs.
Opinion by Chief Judge DiFiore.
Judges Stein, Garcia and Feinman concur.
Judge Fahey dissents in an opinion.
Judge Wilson dissents in a separate dissenting
opinion in which Judge Rivera concurs.

1 No. 77
The People &c.,
 Respondent,
 v.
Omar Deleon,
 Appellant.

Order modified in accordance with the memorandum
herein and, as so modified, affirmed.
Chief Judge DiFiore and Judges Rivera, Stein, Fahey,
Garcia, Wilson and Feinman concur.

1 No. 67
Theresa Maddicks, et al.,
 Respondents,
 v.
Big City Properties, LLC et al.,
 Defendants,
Big City Realty Management, LLC, et al.,
 Appellants.

Order insofar as appealed from affirmed, with costs,
and certified question answered in the affirmative.
Opinion by Judge Fahey.
Judges Rivera, Stein and Wilson concur.
Judge Garcia dissents in an opinion in which Chief
Judge DiFiore and Judge Feinman concur.

4 No. 71
The People &c.,
 Appellant,
 v.
M. Robert Neulander,
 Respondent.

Order affirmed.
Opinion by Judge Wilson.
Chief Judge DiFiore and Judges Rivera, Stein, Fahey,
Garcia and Feinman concur.

MOTIONS

1 SSD 44
The People &c.,
 Appellant,
 v.
Marcelino Allende,
 Respondent.

Appeal dismissed, by the Court sua sponte, upon the ground that the modification by the Appellate Division was not “on the law alone or upon the law and such facts which, but for the determination of law, would not have led to . . . modification” (CPL 450.90[2][a]), in a memorandum. Chief Judge DiFiore and Judges Stein, Garcia and Feinman concur. Judge Rivera dissents in an opinion in which Judge Wilson concurs. Judge Fahey dissents and votes to retain the appeal.

1 Mo. No. 2019-632
In the Matter of Unsealing of Attorney
Grievance Committee Records, &c.

Motion for leave to appeal denied.

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

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

3 Mo. No. 2019-518
In the Matter of Amin Booker,
 Appellant,
 v.
New York State DOCCS Office of Sentence
Review,
 Respondent.

2 Mo. No. 2019-567
The People &c.,
Respondent,
v.
David Boutin,
Appellant.

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

4 Mo. No. 2019-616
In the Matter of Jaime D. et al.

Motion for leave to appeal denied.

Oswego County Department of Social
Services,
Respondent;
James N.,
Appellant,
et al.,
Respondent.

Motion for leave to appeal denied.

4 Mo. No. 2019-672
In the Matter of Jillian E. et al.

Oneida County Department of Social
Services,
Respondent;
Jolene E.,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2019-527
G & Y Maintenance Corp.,
Appellant,
v.
GLSC 48 Special, LLC,
Respondent,
et al.,
Defendant.

4 Mo. No. 2019-554
In the Matter of Hakeem S. Hameed,
 Respondent,
 v.
Asia A. Breland,
 Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2019-507
John Holloway, et al.,
 Respondents,
 v.
City of Albany et al.,
 Appellants.

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

1 Mo. No. 2019-717
In the Matter of Belinda J.,
 Respondent,
 v.
Tyrone J.,
 Appellant.
Bethany J., et al.,
 Nonparty Respondents.

Motion for leave to appeal denied.

3 Mo. No. 2019-623
In the Matter of Ellysha JJ., &c.

Broome County Department of Social
Services,
 Respondent;
Jorge JJ.,
 Appellant.

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

3 Mo. No. 2019-783
The People &c. ex rel. Johnathan Johnson,
 Appellant,
 v.
Donald Uhler, &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.
Motion for poor person relief dismissed as academic.

1 Mo. No. 2019-590
In the Matter of Carmela M.K.,
 Appellant,
 v.
Michael E.M.,
 Respondent.

Motion for leave to appeal denied.

3 Mo. No. 2019-496
In the Matter of Corey Liggins,
 Appellant,
 v.
New York State Department of Corrections
and Community Supervision,
 Respondent.

Motion for leave to appeal denied.

4 Mo. No. 2019-715
The People &c. ex rel. Jerry Lineberger,
 Appellant,
 v.
New York State Department of Corrections
and Community Supervision,
 Respondent.

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

4 Mo. No. 2019-548
In the Matter of John Lipsitz,
 Appellant,
 v.
UBF Faculty-Student Housing Corp.,
 Respondent.

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

4 Mo. No. 2019-596
In the Matter of John Lipsitz,
 Appellant,
 v.
UBF Faculty-Student Housing Corp.,
 Respondent.

Motion by Common Cause New York, et al. for
leave to appear amici curiae on the motion for leave
to appeal herein granted and the submission is
accepted as filed.
Judge Fahey took no part.

2 Mo. No. 2019-639
In the Matter of Ida M.

Gino M., et al.,
Appellants;
Cara Buonincontri, &c.,
Respondent;
et al.,
Nonparty Respondents.

Motion for leave to appeal denied.

1 Mo. No. 2019-700
In the Matter of Natalya M.,
Respondent,
v.
Chanan M.,
Appellant.
(And Another Proceeding.)

Motion, insofar as it seeks leave to appeal from that portion of the Appellate Division order as affirmed so much of the Family Court order as denied the objection to the Support Magistrate's denial of a motion to vacate, dismissed upon the ground that such portion of the order does not finally determine a proceeding within the meaning of the Constitution; motion for leave to appeal otherwise denied.
Motion for poor person relief dismissed as academic.

3 Mo. No. 2019-686
In the Matter of Christopher Miller, &c.,
Respondent,
v.
Shane Hyatt,
Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2019-559
In the Matter of Allen H. Morin,
Respondent,
v.
Jennifer M. Morin,
Appellant.
(And Another Proceeding.)

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

3 Mo. No. 2019-657
In the Matter of Pierre N.,
Appellant,
v.
Tasheca O.,
Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2019-510
New 110 Cipriani Units, LLC,
Appellant,
v.
Board of Managers of 110 E 42nd Street
Condominium, et al.,
Respondents.

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

4 Mo. No. 2019-689
In the Matter of Shreesta R.

Administration for Children's Services,
Respondent;
Biblop R.,
Appellant.
(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.

3 Mo. No. 2019-430
In the Matter of Lori Jo Sklar, &c.

Lori Jo Sklar,
Appellant;
Attorney Grievance Committee for the Third
Judicial Department,
Respondent.

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.

1 Mo. No. 2019-532
Sotheby's, Inc.,
Appellant,
v.
Christophe Mao, et al.,
Respondents.

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

2 Mo. No. 2019-855
US Bank National Association, &c.,
 Respondent,
 v.
Kenyatta Nelson, et al.,
 Appellants.
et al.,
 Defendants.

Motion to dismiss appeal denied.

3 Mo. No. 2019-599
The People &c. ex rel. Michael Velez,
 Appellant,
 v.
Anthony J. Annucci, &c.,
 Respondent.

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

1 Mo. No. 2019-509
Janina Wilk, &c., et al.,
 Plaintiffs,
 v.
Columbia University, et al.,
 Defendants.
(And Third-Party Actions.)

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

A.C.T. Abatement Corporation,
 Fourth Third-Party Appellant,
 v.
Breeze National, Inc.,
 Fourth Third-Party Respondent.

2 Mo. No. 2019-572
Wilmington Savings Fund Society, FSB, &c.,
 Respondent,
 v.
Patricia Finn et al.,
 Appellants,
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.