

September 05, 2019

**CASE**

3                    No. 96 SSM 19  
The People &c.,  
    Respondent,  
    v.  
Jonathan Monforte, &c.,  
    Appellant.

On review of submissions pursuant to section 500.11 of the Rules, order reversed, guilty plea vacated, superior court information dismissed, felony complaint reinstated and case remitted to County Court, Schenectady County, for further proceedings in accordance with the memorandum herein. Chief Judge DiFiore and Judges Rivera, Stein, Fahey, Garcia, Wilson and Feinman concur.

## MOTIONS

4                    Mo. No. 2019-487  
The People &c. ex rel. Wantu Ackerman,  
    Appellant,  
    v.  
S. Kickbush, &c.,  
    Respondent.

Motion for leave to appeal dismissed upon the ground that it does not lie from the order of an individual Justice of the Appellate Division (see NY Const, art VI, § 3[b]; CPLR 5602).

1                    Mo. No. 2019-469  
Oludamilare Aina,  
    Appellant,  
    v.  
American University of Antigua,  
    Respondent.

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

3                    Mo. No. 2019-473  
In the Matter of Albany Police Officers  
Union, Local 2841, Law Enforcement  
Officers Union District Council 82,  
AFSCME, AFL-CIO,  
    Appellant,  
    v.  
New York Public Employment Relations  
Board, et al.,  
    Respondents.

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

3                    Mo. No. 2019-424  
The People &c.,  
    Respondent,  
    v.  
Edward A. Alexander,  
    Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2019-494  
The People &c.,  
Respondent,  
v.  
James Badgley,  
Appellant.

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

2 Mo. No. 2019-490  
The People &c. ex rel. Edward Brown,  
Appellant,  
v.  
Michael Capra, &c.,  
Respondent.

On the Court's own motion, appeal dismissed,  
without costs, 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).  
Motion for poor person relief dismissed as academic.

2 Mo. No. 2019-497  
Citimortgage, Inc.,  
Respondent,  
v.  
Nora C. Ferrari 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.

2 Mo. No. 2019-461  
In the Matter of Katharine Dagaev, et al.,  
Appellants,  
v.  
Village of Highland Falls, New York, et al.,  
Respondents.

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

3 Mo. No. 2019-483  
In the Matter of Vicktoriya DD., et al.  
  
Saratoga County Department of Social  
Services,  
Respondent;  
Sheryl EE.,  
Appellant.

Motion for leave to appeal dismissed upon the  
ground that movant is not a party aggrieved (see  
CPLR 5511).

2 Mo. No. 2019-478  
Carmine Dell Aquila,  
Respondent,  
v.  
Thomas Rubio, &c. et al.,  
Appellants,  
et al.,  
Defendant.

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. 2019-488  
The People &c.,  
Respondent,  
v.  
Victor Diaz,  
Appellant.

Motion for leave to appeal granted.

1 Mo. No. 2019-501  
The People &c.,  
Respondent,  
v.  
Luis Fiavachay,  
Appellant.

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

4 Mo. No. 2019-450  
Kenneth Glazer, &c.,  
Appellant,  
Catlin Insurance Company, Inc.,  
Plaintiff-Intervenor,  
v.  
Socata, S.A.S., et al.,  
Defendants,  
Liebherr-Aerospace Toulouse SAS et al.,  
Respondents.

Motion for leave to appeal denied.

2 Mo. No. 2019-480  
The People &c.,  
Respondent,  
v.  
Donald Griffin,  
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2019-486  
The People &c.,  
Respondent,  
v.  
Evan D. Harrington,  
Appellant.

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

1 Mo. No. 2019-474  
The People &c.,  
Respondent,  
v.  
Jason Hart,  
Appellant.

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

1 Mo. No. 2019-471  
Lynne Harvey,  
Appellant,  
v.  
Henry 85 LLC,  
Respondent,  
4G Data Systems, Inc.,  
Defendant,  
City of New York,  
Respondent.

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

2 Mo. No. 2019-503  
The People &c.,  
Respondent,  
v.  
Timothy L. Hicks,  
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2019-455  
Jay Howell, &c.,  
Appellant,  
et al.,  
Plaintiffs,  
v.  
City of New York et al.,  
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.

2 Mo. No. 2019-439  
The People &c.,  
Respondent,  
v.  
Benjamin Lehmann,  
Appellant.

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

2 Mo. No. 2019-504  
E. Deane Leonard, et al.,  
Appellants,  
v.  
Planning Board of the Town of Union Vale,  
Respondent.

Motion for leave to appeal denied.  
Chief Judge DiFiore took no part.

1 Mo. No. 2019-481  
Robert Malta, et al.,  
Appellants,  
v.  
Salvatore Gaudio, et al.,  
Respondents.

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

1 Mo. No. 2019-459  
The People &c.,  
Respondent,  
v.  
Michael McNeil,  
Appellant.

Motion for leave to appeal dismissed upon the ground that the Court of Appeals does not have jurisdiction to entertain this motion for leave to appeal from the order of the Appellate Division entered in this proceeding commenced in Criminal Court of the City of New York, Bronx County (see NY Const, art VI, § 3[b][7]; CPLR 5602).  
Motion for poor person relief dismissed as academic.

3 Mo. No. 2019-433  
In the Matter of Board of Education of the  
Minisink Valley Central School District et al.,  
Appellants,  
v.  
MaryEllen Elia, &c. et al.,  
Respondents,  
et al.,  
Respondents.

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

1                    Mo. No. 2019-124  
Murlar Equities Partnership,  
    Appellant,  
    v.  
Franklin Jiminez,  
    Respondent,  
et al.,  
    Defendants.

Motion, insofar as it seeks leave to appeal from the May 2018 Appellate Division order, dismissed upon the ground that it does not lie, appellant having previously moved for leave to appeal to this Court (see 32 NY3d 1142 [2019]) from the same Appellate Division order from which leave to appeal is currently sought (see Selinger v Selinger, 90 NY2d 842 [1997]); motion, insofar as treated as seeking leave to appeal from the July 2018 Supreme Court "judgment/order," denied.  
Cross motion for the imposition of sanctions denied.

2                    Mo. No. 2019-407  
The People &c.,  
    Respondent,  
    v.  
Manuel Palomeque,  
    Appellant.

Motion for leave to appeal denied.

1                    Mo. No. 2019-470  
Eugenia Pinkard,  
    Appellant,  
    v.  
New York City Department of Education, et  
al.,  
    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.  
Motion for ancillary relief dismissed upon the ground that this Court does not have jurisdiction to entertain it (see NY Const, art VI, § 3).

2                    Mo. No. 2019-411  
In the Matter of Lisa Meredith Preston,  
    Respondent,  
    v.  
Yonathan Hormadaly,  
    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.

3 Mo. No. 2019-443  
Curtis Rabideau et al.,  
Appellants,  
v.  
Zeev Wolf Weitz et al.,  
Respondents.

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

1 Mo. No. 2019-465  
The People &c.,  
Respondent,  
v.  
Jose Ramos,  
Appellant.

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

1 Mo. No. 2019-449  
Republic Realty Services, Inc.,  
Appellant,  
v.  
Kuafu Properties LLC, et al.,  
Respondents.  
(And a Third-Party Action.)

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

2 Mo. No. 2019-440  
In the Matter of Roman Santiago,  
Appellant,  
v.  
Michael Capra, &c.,  
Respondent.

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

1 Mo. No. 2019-491  
In the Matter of Harinder Jeet Singh,  
Appellant,  
v.  
City of New York et al.,  
Respondents.

Motion for leave to appeal dismissed upon the ground that the April 2019 order sought to be appealed from does not finally determine the proceeding within the meaning of the Constitution.



2 Mo. No. 2019-451  
In the Matter of Roy A. Stengel, et al.,  
Appellants,  
v.  
Town of Poughkeepsie Planning Board, et al.,  
Respondents.

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

4 Mo. No. 2019-485  
The People &c.,  
Respondent,  
v.  
Joshua A. Uerkvitz,  
Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2019-489  
In the Matter of Uncle Sam Garages, LLC,  
Appellant,  
v.  
Capital District Transportation Authority et  
al.,  
Respondents.

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

3 Mo. No. 2019-467  
In the Matter of Neelam Taneja Uppal,  
Appellant,  
v.  
New York State Department of Health,  
Respondent.

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

2 Mo. No. 2019-466  
The People &c.,  
Respondent,  
v.  
Kevin Varvaro,  
Appellant.

Motion for leave to appeal denied.

1                    Mo. No. 2019-495  
Mary Ellen Von Ancken et al.,  
    Appellants,  
    v.  
7 East 14 L.L.C., et al.,  
    Respondents.

Motion for leave to appeal denied.

2                    Mo. No. 2019-401  
Rogelio Williams,  
    Appellant,  
    v.  
Johanna Castronovo,  
    Respondent.

Motion for leave to appeal denied.