

September 12, 2019

CASE

1 No. 98 SSM 20
La Nona Jean Salinas,
 Appellant,
 v.
World Houseware Producing Co., Ltd., et al.,
 Respondents.

On review of submissions pursuant to section 500.11 of the Rules, order reversed, with costs, and case remitted to Supreme Court, New York County, for further proceedings in accordance with the memorandum herein.

Judges Rivera, Stein, Fahey and Wilson concur. Chief Judge DiFiore and Judges Garcia and Feinman dissent and vote to affirm for reasons stated in the Appellate Division memorandum decision (Salinas v World Houseware Producing Co., Ltd., 166 AD3d 493 [1st Dept 2018]).

MOTIONS

2 Mo. No. 2019-560
159 MP Corp., et al.,
Appellants,
v.
Redbridge Bedford, LLC,
Respondent.

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

3 Mo. No. 2019-749
In the Matter of Ally Financial, Inc.,
Respondent,
v.
All County Towing and Recovery,
Appellant,
et al.,
Respondent.

Motion for reargument of motion for leave to appeal denied.

 Mo. No. 2019-649
Susan Aranoff,
Respondent,
v.
Gerald Aranoff,
Appellant.

Motion for reargument of motion for leave to appeal dismissed as untimely (see Rules of Ct of Appeals [22 NYCRR] § 500.24[b]).

1 Mo. No. 2019-759
The People &c.,
Appellant,
v.
Darryl Brown,
Respondent.

Motion for reargument denied.

1 Mo. No. 2019-617
Jose Cabrera,
Respondent,
v.
New York City Transit Authority et al.,
Appellants,
et al.,
Defendants.

Motion for leave to appeal denied.

1 Mo. No. 2019-574
Cypress Group Holdings, Inc.,
Appellant,
v.
Onex Corporation, et al.,
Respondents.

Motion for leave to appeal dismissed upon the ground that simultaneous appeals do not lie to both the Appellate Division and the Court of Appeals (see Parker v Rogerson, 35 NY2d 751, 753 [1974]).

1 Mo. No. 2019-678
Eurotech Construction Corp.,
Appellant,
v.
Fischetti & Pesce, LLP,
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.

2 Mo. No. 2019-547
In the Matter of Elizabeth Grace,
Respondent,
v.
Flash Russo,
Appellant.

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

4 Mo. No. 2019-858
The People &c.,
Respondent,
v.
Nicole L. Green, &c.,
Appellant.

Motion by New York County Lawyers Association Committee on Appellate Courts for leave to file a brief amicus curiae on the appeal herein granted and the proposed brief is accepted as filed. Two copies of the brief must be served, an original and nine copies filed, and the brief submitted in digital format within seven days.

Mo. No. 2019-847
Dr. Robert D. Haar, M.D.,
Appellant,
v.
Nationwide Mutual Fire Insurance Company,
Respondent,
et al.,
Defendants.

Motion by Coalition Against Insurance Fraud et al. for leave to file a brief amici curiae on consideration of the certified question herein granted and the proposed brief is accepted as filed. The brief must be submitted in digital format within seven days. Judge Garcia took no part.

2 Mo. No. 2019-624
The People &c.,
Respondent,
v.
Krystal Harris,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2019-682
Rosemarie A. Herman, &c., et al.,
Appellants,
v.
36 Gramercy Park Realty Associates, LLC, et al.,
Respondents,
et al.,
Defendants.

Motion for reargument of motion for leave to appeal denied.
Judge Feinman took no part.

36 Gramercy Park Realty Associates, LLC, et al.,
Respondents,
v.
Rosemarie A. Herman, &c.,
Appellant.

3 Mo. No. 2019-850
Marsha Hewitt,
Appellant,
v.
Palmer Veterinary Clinic, PC,
Respondent,
et al.,
Defendant.

Motion by New York State Trial Lawyers Association for leave to file a brief amicus curiae on the appeal herein granted and the proposed brief is accepted as filed. Two copies of the brief must be served, an original and nine copies filed, and the brief submitted in digital format within seven days.

1 Mo. No. 2019-685
In the Matter of Kyle Jiggetts,
Appellant,
v.
New York City Human Resources
Administration et al.,
Respondents.

Motion for reargument of motion for leave to appeal
denied.

3 Mo. No. 2019-533
In the Matter of Wenceslao Juarez, et al.,
Respondents,
v.
New York State Office of Victim Services, et
al.,
Appellants.

Motion for leave to appeal granted.

1 Mo. No. 2019-506
Syed Aftab Karim, &c.,
Appellant,
v.
Ramanathan Raju, &c., et al.,
Respondents.

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

3 Mo. No. 2019-771
In the Matter of Bethany Kosmider,
Respondent,
v.
Mark Whitney, as Commissioner of the Essex
County Board of Elections,
Respondent,
Allison McGahay, as Commissioner of the
Essex County Board of Elections, et al.,
Appellants.

Motion for reargument denied.

1 Mo. No. 2019-743
John Kuzmich, et al.,
Appellants,
v.
50 Murray Street Acquisition LLC,
Respondent.

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

1 Mo. No. 2019-591
The People &c.,
 Respondent,
 v.
Alfred M.,
 Appellant.

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

2 Mo. No. 2019-556
Nella Manko,
 Appellant,
 v.
Lenox Hill Hospital,
 Respondent.

Motion for reconsideration of this Court's May 2,
2019 dismissal order denied.

2 Mo. No. 2019-769
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.

1 Mo. No. 2019-579
Esther Melendez, et al.,
 Appellants,
 v.
City of New York,
 Respondent.

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

3 Mo. No. 2019-612
Scott Myers,
 Appellant,
 v.
State Farm Insurance,
 Respondent.

Motion for reargument denied.

1 Mo. No. 2019-460
New York Yacht Club,
 Appellant,
 v.
John Lehodey, et al.,
 Respondents.

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

1 Mo. No. 2019-664
In the Matter of New York Yacht Club,
 Appellant,
 v.
New York City Department of Buildings, et
al.,
 Respondents,
Sofitel New York Hotel, et al.,
 Intervenors.

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

1 Mo. No. 2019-642
The People &c.,
 Respondent,
 v.
Jose Pineiro,
 Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2019-859
The People &c. ex rel. Evans D. Prieston, on
behalf of Kenel Beaubrun,
 Respondent,
 v.
Nassau County Sheriff's Department,
 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. Two copies of the brief must be served, an original and nine copies filed, and the brief submitted in digital format within seven days.

1 Mo. No. 2019-585
In the Matter of Suncica Reljic et al.,
Appellants,

v.

Tullett Prebon Financial Services, LLC,
Respondent.

In the Matter of Tullett Prebon Americas
Corp., et al.,
Counterclaim Respondents,

v.

Suncica Reljic et al.,
Counterclaim Appellants.

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

1 Mo. No. 2019-582
Philip R. Shawe,
Appellant,

v.

Kramer Levin Naftalis & Frankel LLP et al.,
Respondents.

Motion for reargument dismissed as untimely (see Rules of Ct of Appeals [22 NYCRR] § 500.24[b]).

1 Mo. No. 2019-569
Warsaw Burstein Cohen Schlesinger & Kuh,
LLP,
Respondent,

v.

Eric A. Longmire,
Appellant.

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

2 Mo. No. 2019-669
Dale Westreich,
Appellant,

v.

Anthony Westreich,
Respondent.

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

3 Mo. No. 2019-472
In the Matter of Paul White,
Appellant,
v.
Anthony J. Annucci, &c.,
Respondent.
(App. Div. No. 527619)

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 poor person relief dismissed as academic.

3 Mo. No. 2019-519
In the Matter of Paul White,
Appellant,
v.
Anthony J. Annucci, &c.,
Respondents.
(App. Div. No. 526955)

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.

3 Mo. No. 2019-523
In the Matter of Paul White,
Appellant,
v.
Anthony J. Annucci, &c.,
Respondents.
(App. Div. No. 526955)

On the Court's own motion, appeal dismissed,
without costs, upon the ground that the order
appealed from does not finally determine the
proceeding 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 proceeding within the
meaning of the Constitution.

3 Mo. No. 2019-611
In the Matter of Paul White,
Appellant,
v.
Anthony J. Annucci, &c.,
Respondent.
(App. Div. No. 527619)

On the Court's own motion, appeal dismissed,
without costs, upon the ground that the order
appealed from does not finally determine the
proceeding 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 proceeding within the
meaning of the Constitution.