

November 25, 2014

CASES

2 No. 206
The People &c.,
 Respondent,
 v.
Terrell Allen,
 Appellant.

Order affirmed.
Opinion by Chief Judge Lippman.
Judges Graffeo, Read, Smith, Pigott, Rivera and
Abdus-Salaam concur.

2 No. 198
The People &c.,
 Respondent,
 v.
Costandino Argyris,
 Appellant.

Order affirmed, in a memorandum.
Judges Graffeo, Smith, Pigott and Abdus-Salaam
concur, Judge Smith in a separate concurring opinion
in which Judge Pigott concurs and Judge Abdus-
Salaam in a separate concurring opinion in which
Judge Graffeo concurs.
Judge Read dissents in an opinion.
Judge Rivera dissents in a separate opinion in which
Chief Judge Lippman concurs.

2 No. 199
The People &c.,
 Respondent,
 v.
John A. DiSalvo,
 Appellant.

Order affirmed, in a memorandum.
Judges Graffeo, Smith, Pigott and Abdus-Salaam
concur, Judge Smith in a separate concurring opinion
in which Judge Pigott concurs and Judge Abdus-
Salaam in a separate concurring opinion in which
Judge Graffeo concurs.
Judge Read dissents in an opinion.
Judge Rivera dissents in a separate opinion in which
Chief Judge Lippman concurs.

No. 210

The People &c.,
Respondent,
v.
Eric R. Johnson,
Appellant.

Order reversed, defendant's motion to suppress granted and accusatory instrument dismissed, in a memorandum.

Judges Graffeo, Smith, Pigott and Abdus-Salaam concur, Judge Smith in a separate concurring opinion in which Judge Pigott concurs and Judge Abdus-Salaam in a separate concurring opinion in which Judge Graffeo concurs.

Judge Read concurs in result in an opinion.

Judge Rivera concurs in result in a separate opinion in which Chief Judge Lippman concurs.

2 No. 197
Kimso Apartments, LLC, &c.,
et al.,
Respondents,
v.
Mahesh Gandhi,
Appellant,
Arlington Filler, et al.,
Respondents.

Order, insofar as appealed from, reversed, with costs, and case remitted to the Appellate Division, Second Department, for consideration of issues raised but not determined on the appeal to that court.

Opinion by Judge Rivera.

Chief Judge Lippman and Judges Graffeo, Read, Smith, Pigott and Abdus-Salaam concur.

4 No. 187
Jannie Nesmith, &c., et al.,
Appellants,
v.
Allstate Insurance Company,
Respondent.

Order affirmed, with costs.

Opinion by Judge Smith.

Judges Graffeo, Read and Abdus-Salaam concur.

Judge Pigott dissents in an opinion in which Chief Judge Lippman concurs.

Judge Rivera took no part.

4 No. 204
The People &c.,
 Respondent,
 v.
Kelvin Spears,
 Appellant.

Order affirmed, in a memorandum.
Chief Judge Lippman and Judges Graffeo, Read,
Smith, Rivera and Abdus-Salaam concur.
Judge Pigott dissents in an opinion.

4 No. 196
Sue/Perior Concrete & Paving, Inc.,
 Respondent,
 v.
Lewiston Golf Course Corporation,
 Appellant,
et al.,
 Defendants.

Order affirmed, with costs, and certified question
answered in the affirmative.
Opinion by Judge Pigott.
Judges Graffeo, Smith and Abdus-Salaam concur.
Judge Rivera dissents in an opinion in which Chief
Judge Lippman and Judge Read concur.

3 No. 207
D. T., Also Known as D. T.-R., Individually
and by Roberto Rodriguez, as Commissioner
of Social Services of Ulster County,
 Appellant,
 v.
Irwin Rich,
 Defendant,
Saint Cabrini Home, Inc.,
 Respondent.

Order reversed, with costs, and defendant Saint
Cabrini Home, Inc.'s motion for summary judgment
denied, in a memorandum.
Chief Judge Lippman and Judges Graffeo, Read,
Smith, Pigott, Rivera and Abdus-Salaam concur.

MOTIONS

3 Mo. No. 2014-1065
In the Matter of the Claim of Ruben Abreu,
 Appellant.
E. Armata, Inc.,
 Respondent.
Commissioner of Labor,
 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.

4 Mo. No. 2014-1052
Cheryl Dobinski,
 Appellant,
 v.
George O. Lockhart, et al.,
 Respondents.

Motion for leave to appeal granted.

4 Mo. No. 2014-1051
In the Matter of Steven J. Eastman,
 Respondent,
 v.
Lisa M. Eastman,
 Appellant.
(And Another Proceeding.)

Motion for leave to appeal denied.

2 Mo. No. 2014-1054
In the Matter of Philip J. Elenidis, deceased.

Yolande Elenidis,
 Petitioner;
Joseph H. Gruner, et al.,
 Nonparty-Respondents;
Gerard Esposito & Company, Inc. et al.,
 Nonparty-Appellants.

Motion for leave to appeal denied.

2 Mo. No. 2014-1003
Rebecca Geffner, &c.,
 Appellant,
 v.
Mercy Medical Center, et al.,
 Respondents.

Motion, insofar as it seeks leave to appeal from the August 2014 Appellate Division order, dismissed upon the ground that such order does not finally determine the action within the meaning of the Constitution; motion, insofar as it seeks leave to appeal from the April 2014 Appellate Division order, as against respondents Mercy Medical Center, Roy A. Rubenstein, Eric A. Shoenfeld, and Harte Placements, Inc. d/b/a Nassau-Johrens Registry Agency, dismissed upon the ground that as to said parties such order does not finally determine the action within the meaning of the Constitution; motion, insofar as it seeks leave to appeal from the April 2014 Appellate Division order, as against the remaining respondents, denied.

2 Mo. No. 2014-1010
In the Matter of Yachskel Michael Goldman,
 Appellant,
 v.
Gregory L. Lasak, &c., et al.,
 Respondents.

Motion for leave to appeal denied.

3 Mo. No. 2014-1056
In the Matter of Kevin Griffin,
 Appellant,
 v.
Thomas P. DiNapoli, &c., et al.,
 Respondents.

Motion for reargument of motion for leave to appeal denied.

2 Mo. No. 2014-1001
Henry Hasson, et al.,
 Respondents,
 v.
S.B.J. Associates, LLC, et al.,
 Defendants,
Greens at Half Hollow LLC,
 Appellant,
Town of Huntington,
 Respondent.

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

4 Mo. No. 2014-1050
In the Matter of Terrence Lamont Pease,
 Respondent,
 v.
Amber Marie Gray,
 Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2014-1046
In the Matter of James Pine,
 Appellant,
 v.
Brian Fischer, &c.,
 Respondent.

Motion for reargument of motion for leave to appeal denied.

4 Mo. No. 2014-1063
The People &c.,
 Respondent,
 v.
Richard D. Sackel,
 Appellant.

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

1 Mo. No. 2014-1016
Scarola Ellis LLP,
 Appellant,
 v.
Elan Padeh,
 Respondent.

Motion, insofar as it seeks leave to appeal from the Appellate Division order denying reargument or leave to appeal, dismissed upon the ground that such order does not finally determine the action within the meaning of the Constitution; motion for leave to appeal otherwise denied.

1 Mo. No. 2014-1077
Carlayne Sims,
 Appellant,
 v.
The United States of America Governing
Body 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 poor person relief dismissed as academic.

3 Mo. No. 2014-1006
In the Matter of Thompson Corners, LLC, et
al.,
 Respondents,
 v.
New York State Department of
Environmental Conservation,
et al.,
 Appellants.

Motion for leave to appeal denied.

2 Mo. No. 2014-995
US Bank, N.A.,
 Respondent,
 v.
Clement Morrison, &c., 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.