

June 07, 2016

CASES

4                    No. 76  
The People &c.,  
    Respondent,  
    v.  
Leroy Carver,  
    Appellant.

Order affirmed.  
Opinion by Judge Garcia.  
Chief Judge DiFiore and Judges Pigott, Rivera,  
Abdus-Salaam and Stein concur.  
Judge Fahey took no part.

3                    No. 82  
In the Matter of Columbia County Support  
Collection Unit, &c.,  
    Respondent,  
    v.  
Joshua A. Risley,  
    Appellant.  
(And Two Other Related Proceedings.)

Order, insofar as appealed from, affirmed, without  
costs.  
Opinion by Judge Garcia.  
Chief Judge DiFiore and Judges Pigott, Rivera,  
Abdus-Salaam and Fahey concur.  
Judge Stein took no part.

                    No. 86  
The People &c.,  
    Respondent,  
    v.  
Martesha Davidson,  
    Appellant.

Order affirmed, in a memorandum.  
Judges Pigott, Stein, Fahey and Garcia concur.  
Judge Rivera dissents in an opinion in which Judge  
Abdus-Salaam concurs.  
Chief Judge DiFiore took no part.

4                    No. 79  
Dryden Mutual Insurance Company,  
    Appellant,  
    v.  
Stanley Goessl, et al.,  
    Defendants,  
AP Daino & Plumbing, Inc. et al.,  
    Respondents.

Order affirmed, with costs, in a memorandum.  
Chief Judge DiFiore and Judges Pigott, Rivera,  
Abdus-Salaam, Stein and Garcia concur.  
Judge Fahey took no part.

4                    No. 74  
The People &c.,  
    Appellant,  
    v.  
Terrance L. Mack,  
    Respondent.

Order reversed and case remitted to the Appellate Division, Fourth Department, for consideration of the facts and issues raised but not determined on the appeal to that court.  
Opinion by Judge Fahey.  
Chief Judge DiFiore and Judges Pigott, Abdus-Salaam, Stein and Garcia concur.  
Judge Rivera dissents and votes to affirm in an opinion.

2                    No. 126 SSM 20  
The People &c.,  
    Appellant,  
    v.  
Shane Morris,  
    Respondent.

On review of submissions pursuant to section 500.11 of the Rules, order reversed and case remitted to the Appellate Division, Second Department, for consideration of the facts and issues raised but not determined on the appeal to that court, in a memorandum.  
Chief Judge DiFiore and Judges Pigott, Rivera, Abdus-Salaam, Stein, Fahey and Garcia concur.

1                    No. 78  
The People &c.,  
    Respondent,  
    v.  
Baasil Reynolds,  
    Appellant.

Order affirmed, in a memorandum.  
Chief Judge DiFiore and Judges Pigott, Abdus-Salaam, Stein, Fahey and Garcia concur.  
Judge Rivera dissents in an opinion.

## MOTIONS

3                    Mo. No. 2016-333  
In the Matter of Maureen Abramoski et al.,  
                  Appellants,  
                  v.  
New York State Department of Education et  
al.,  
                  Respondents,  
et al.,  
                  Respondents.

Motion, insofar as it seeks leave to appeal from that portion of the Appellate Division order as affirmed the Supreme Court order denying the motion to vacate the judgment, dismissed upon the ground that such portion of the order does not finally determine the proceeding within the meaning of the Constitution; motion for leave to appeal otherwise denied.

2                    Mo. No. 2016-363  
Agencies for Children's Therapy Services,  
Inc.,  
                  Appellant,  
                  v.  
New York State Department of Health, et al.,  
                  Respondents.

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

2                    Mo. No. 2016-221  
The People &c.,  
                  Respondent,  
                  v.  
Valdez Augustine,  
                  Appellant.

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

4                    Mo. No. 2016-368  
Santokh S. Badesha, et al.,  
                  Respondents,  
                  v.  
Parminder S. Soch, et al.,  
                  Appellants.

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.

1 Mo. No. 2016-323  
In the Matter of Diamond B., &c.,  
Appellant.

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

2 Mo. No. 2016-373  
In the Matter of Hilary Best,  
Appellant,  
v.  
Barry A. Schwartz,  
Respondent.

Motion for reconsideration of this Court's February  
23, 2016 dismissal order &c. denied.

2 Mo. No. 2016-375  
Amy Braunstein,  
Respondent,  
v.  
David J. Braunstein,  
Appellant.

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.

1 Mo. No. 2016-322  
In the Matter of Christy C., &c.,  
Appellant.

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

2 Mo. No. 2016-473  
Concerned Home Care Providers, Inc.,  
Appellant,  
v.  
New York State Department of Health, et al.,  
Respondents.

Motion for leave to appeal denied.

3                    Mo. No. 2016-350  
In the Matter of Michael Garry,  
                          Appellant,  
                          v.  
American Standard Trane, Inc., et al.,  
                          Respondents.  
Workers' Compensation Board,  
                          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.

2                    Mo. No. 2016-369  
Marcelle Graham, &c., et al.,  
                          Appellants,  
                          v.  
City of New York, et al.,  
                          Respondents.

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

1                    Mo. No. 2016-337  
Theodore Grunewald, et al.,  
                          Appellants,  
                          v.  
The Metropolitan Museum of Art, et al.,  
                          Respondents.

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

1                    Mo. No. 2016-359  
Sergey Ishin,  
                          Appellant,  
                          v.  
QRT Management, LLC, et al.,  
                          Defendants,  
Michael Aksman, et al.,  
                          Respondents.

Motion for leave to appeal denied.

1                    Mo. No. 2016-360  
J. Zupnick & Co., LLC,  
    Respondent,  
    v.  
S. Rafael Corp., et al.,  
    Defendants,  
Sol Rafael,  
    Appellant.

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

3                    SSD 34  
In the Matter of John Z.  
  
Commissioner of Mental Health,  
    Respondent,  
John Z.,  
    Appellant.

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

2                    Mo. No. 2016-330  
Iryna Krysa,  
    Appellant,  
    v.  
Estate of Elmaz N. Qyra,  
    Respondent.

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

1                    Mo. No. 2016-433  
In the Matter of Lawanna M., &c.  
  
William W.,  
    Appellant,  
The New York Foundling Hospital,  
    Respondent.

Motion for leave to appeal denied.

1                    Mo. No. 2016-332  
Vincent Joseph Melapioni, Jr.,  
    Appellant,  
    v.  
Lisa Melapioni, &c.,  
    Respondent.

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

1                    Mo. No. 2016-367  
Dieudonne Muboyayi,  
    Appellant,  
    v.  
Monica Quintero, et al.,  
    Respondents.

Motion, insofar as it seeks leave to appeal from the portion of the Appellate Division order that affirmed the August 2014 Supreme Court order conditionally precluding plaintiff's testimony at trial, dismissed upon the ground that such portion of the order sought to be appealed from does not finally determine the action within the meaning of the Constitution; motion for leave to appeal otherwise denied.

2                    Mo. No. 2016-364  
Pascazi Law Offices, PLLC,  
    Appellant,  
    v.  
Pioneer Natural Pools, Inc., et al.,  
    Respondents.

Motion, insofar as it seeks leave to appeal as against Taconic Holdings, LLC, dismissed upon the ground that as to it the order sought to be appealed from does not finally determine the action within the meaning of the Constitution; motion for leave to appeal otherwise denied.

2                    Mo. No. 2016-362  
Juvondi Pender,  
    Appellant,  
    v.  
Morris Duffy Alonso Faley, LLP,  
    Respondent.

Motion for reargument of motion for leave to appeal denied.

1                    Mo. No. 2016-355  
The People &c.,  
    Respondent,  
    v.  
Andrew Postelli,  
    Appellant.

Motion for leave to appeal denied.

1                    Mo. No. 2016-334  
Edwin Ramos,  
    Appellant,  
    v.  
Washington 2302 Plaza Associates, L.P., et  
al.,  
    Respondents,  
et al.,  
    Defendant.  
(And a Third-Party Action.)

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

2                    Mo. No. 2016-377  
In the Matter of Angel R. (Anonymous).  
  
Administration for Children's Services,  
    Respondent;  
Syheid R. (Anonymous),  
    Appellant.  
(And 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.

2                    Mo. No. 2016-366  
The People &c.,  
    Respondent,  
    v.  
Juan Sanchez,  
    Appellant.

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

2                    Mo. No. 2016-389  
The People &c.,  
    Respondent,  
    v.  
Efrain Santiago,  
    Appellant.

Motion for leave to appeal denied.

3                    Mo. No. 2016-296  
In the Matter of City of Schenectady,  
Appellant,  
v.  
New York State Public Employment  
Relations Board et al.,  
Respondents.

Motion for leave to appeal granted.

3                    Mo. No. 2016-370  
Robert L. Schulz,  
Appellant,  
et al.,  
Plaintiffs,  
v.  
State of New York Executive, et al.,  
Respondents.

Motion for reconsideration of this Court's February  
23, 2016 dismissal order denied.  
Chief Judge DiFiore and Judge Stein took no part.

3                    Mo. No. 2016-387  
Robert L. Schulz,  
Appellant,  
et al.,  
Plaintiffs,  
v.  
Andrew M. Cuomo et al.,  
Respondents,  
et al.,  
Defendants.

Motion for reconsideration of this Court's February  
23, 2016 dismissal order denied.  
Chief Judge DiFiore took no part.

3                    Mo. No. 2016-403  
Robert L. Schulz,  
Appellant,  
et al.,  
Plaintiffs,  
v.  
Andrew M. Cuomo et al.,  
Respondents,  
et al.,  
Defendants.

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

3                    Mo. No. 2016-404  
Robert L. Schulz,  
                          Appellant,  
et al.,  
                          Plaintiffs,  
                          v.  
State of New York Executive, et al.,  
                          Respondents.

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

3                    Mo. No. 2016-379  
In the Matter of Michael Spirles,  
                          Appellant,  
                          v.  
Lieutenant J. Laramay, &c.,  
                          Respondent.

Motion for leave to appeal denied.

3                    Mo. No. 2016-349  
In the Matter of Mary Ann Tango,  
                          Appellant,  
                          v.  
Commissioner of Labor,  
                          Respondent.

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

4                    Mo. No. 2016-376  
In the Matter of USAA Insurance Company,  
                          Respondent,  
                          v.  
Daniel B. Armstrong et al.,  
                          Appellants.

Motion for leave to appeal dismissed upon the ground that this Court has jurisdiction to entertain a motion for leave to appeal pursuant to CPLR 5602(a)(1)(ii) from a final paper where a prior nonfinal Appellate Division order necessarily affects that paper, and such is not the case here.

3                    Mo. No. 2016-336  
In the Matter of Daniel Williams,  
                          Appellant,  
                          v.  
Anthony J. Annucci, &c.,  
                          Respondent.

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

2                    Mo. No. 2016-454  
In the Matter of William Z. (Anonymous).

Motion for leave to appeal denied.

Rockland County Department of Social  
Services,

Respondent;

Millie A. S. (Anonymous),

Respondent,

Patrick Z.,

Appellant.