

June 09, 2015

CASES

3 No. 93
Sharen Branch, &c.,
 Appellant,
 v.
County of Sullivan,
 Respondent.

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

1 No. 54
Cooperatieve Centrale Raiffeisen-
Boerenleenbank, B.A., &c.,
 Respondent,
 v.
Francisco Javier Herrera Navarro,
 Appellant,
The Estate of Eduardo Guzman Solis,
 Defendant.

Order affirmed, with costs.
Opinion by Judge Rivera.
Chief Judge Lippman and Judges Read, Pigott,
Abdus-Salaam, Stein and Fahey concur.

4 No. 66
Cheryl Dobinski,
 Appellant,
 v.
George O. Lockhart, et al.,
 Respondents.

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

1 No. 17
Wolfgang Doerr,
 Respondent,
 v.
Daniel Goldsmith,
 Defendant,
Julie Smith,
 Appellant.

Order reversed, with costs, defendant Smith's motion for summary judgment dismissing the complaint granted and certified question answered in the negative, in a memorandum. Judges Read, Rivera, Abdus-Salaam and Stein concur, Judge Abdus-Salaam in a concurring opinion in which Judges Read and Stein concur. Chief Judge Lippman dissents in an opinion. Judge Fahey dissents in a separate dissenting opinion, in which Judge Pigott concurs.

2 No. 77
The People &c.,
 Respondent,
 v.
Ricky A. Lynch,
 Appellant.

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

1 No. 148 SSM 10
The People &c.,
 Respondent,
 v.
Michael Rutledge,
 Appellant.

On review of submissions pursuant to section 500.11 of the Rules, order reversed, defendant's motion to suppress granted, and case remitted to Supreme Court, New York County, for further proceedings on the indictment (see People v Dunbar, 24 NY3d 304 [2014]). Chief Judge Lippman and Judges Read, Pigott, Rivera, Abdus-Salaam, Stein and Fahey concur.

2 No. 78
The People &c.,
 Respondent,
 v.
Rasaun Sanders, &c.,
 Appellant.

Order affirmed.
Opinion by Judge Stein.
Chief Judge Lippman and Judges Read, Pigott, Abdus-Salaam and Fahey concur.
Judge Rivera dissents in an opinion.

MOTIONS

4 Mo. No. 2015-415
In the Matter of Robert A. Anderson, Jr., et
al.,
 Respondents,
 v.
Niagara Falls City School District, et al.,
 Appellants.

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

1 SSD 24
In the Matter of Anonymous,

For Admission as an Attorney and Counselor-
at-Law,
 Appellant.

Appeal dismissed without costs, by the Court sua
sponte, upon the ground that the two-Justice dissent
is not on a question of law (see CPLR 5601[a]).
Chief Judge Lippman and Judges Read, Pigott,
Abdus-Salaam, Stein and Fahey concur.
Judge Rivera dissents and votes to retain jurisdiction
on the ground that the two-Justice dissent is on a
question of law and supports an appeal as of right
pursuant to CPLR 5601(a).

1 Mo. No. 2015-356
Blackstone Advisory Partners L.P.,
 Respondent,
 v.
Vinod Gupta,
 Appellant.

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

3 Mo. No. 2015-403
Broome County,
 Appellant,
 v.
The Travelers Indemnity Company et al.,
 Respondents.

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

4 Mo. No. 2015-413
The People &c.,
Respondent,
v.
Eluid Calderon,
Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2015-383
Robert Carey,
Respondent,
v.
Burton P. Schwab,
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. Judge Stein took no part.

3 Mo. No. 2015-430
Frank A. Cicci,
Appellant,
v.
County of Chemung et al.,
Respondents,
Village of Elmira Heights,
et al.,
Appellants.

Motion by plaintiff, insofar as it seeks leave to appeal as against defendants David J. Noonan and Steven Pickering, dismissed upon the ground that as to those defendants 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. Cross motion for leave to appeal, insofar as made by defendants Village of Elmira Heights and A. Rick Churches, Village of Elmira Heights Chief of Police, dismissed upon the ground that they are not parties aggrieved (see CPLR 5511); cross motion for leave to appeal, insofar as made by defendants David J. Noonan and Steven Pickering, dismissed upon the ground that as to these defendants, the order sought to be appealed from does not finally determine the action within the meaning of the Constitution.

2 Mo. No. 2015-423
In the Matter of Sonia M. Cole,
Appellant,
v.
Junior H. Muirhead,
Respondent.

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

3 Mo. No. 2015-444
In the Matter of Brett DD., et al., &c.

Motion for leave to appeal denied.

Washington County Department of Social
Services,
Appellant;
Kevin DD.,
Respondent.

2 Mo. No. 2015-433
John J. Desthers, et al.,
Appellants,
v.
Juana Espinal,
Respondent.

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

3 Mo. No. 2015-422
In the Matter of Amil Dinsio,
Appellant,
v.
Supreme Court, Appellate Division, Third
Judicial Department,
Respondent.
(And Two Other Proceedings.)

Motion for leave to appeal denied.
Motion for poor person relief dismissed as academic.
Judges Stein and Fahey took no part.

3 Mo. No. 2015-355
In the Matter of Makaya H. et al., &c.

Washington County Department of Social
Services,
Appellant;
Jorge J.,
Respondent.

Motion for leave to appeal denied.

3 Mo. No. 2015-385
In the Matter of Sarah Manka,
Respondent,

v.
Goodyear Tire and Rubber Company et al.,
Appellants.
Workers' Compensation Board,
Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2015-412
The People &c.,
Respondent,

v.
Miguel Munoz,
Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2015-230
Michael Nalepa,
Appellant,
v.
South Hill Business Campus, LLC,
Respondent.

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

4 Mo. No. 2015-375
Nothnagle Home Securities Corp.,
Appellant,
v.
Bruckner, Tillet, Rossi, Cahill & Associates et
al.,
Respondents.

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

3 Mo. No. 2015-431
In the Matter of Frank O'Brien,
Respondent,
v.
Albany County Sheriff's Department et al.,
Appellants.
Workers' Compensation Board,
Respondent.

Motion for leave to appeal denied.

3 Mo. No. 2015-570
Rural Community Coalition, Inc., et al.,
Appellants,
v.
Village of Bloomingburg et al.,
Defendants,
Town of Mamakating et al.,
Appellants,
Shalom Lamm et al.,
Respondents.

Motion by the Town of Mamakating et al. for leave to appeal &c. denied.
Motion by Rural Community Coalition, Inc. et al. for leave to appeal denied.

1 Mo. No. 2015-425
In the Matter of Vivienne Bobbi-Hadiya S.,
&c.

Makena Asanta Malika McK.,
 Respondent,
Charles Bernard S.,
 Appellant,
Administration for Children's Services,
 Respondent.
(And Another Proceeding.)

Motion for leave to appeal denied.

1 Mo. No. 2015-470
In the Matter of Vivienne Bobbi-Hadiya S.,
&c.

Makena Asanta Malika McK.,
 Appellant,
Charles Bernard S.,
 Respondent,
Administration for Children's Services,
 Respondent.
(And Another Proceeding.)

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

2 Mo. No. 2015-436
In the Matter of Chellise D. Scranton,
 Appellant,
 v.
John S. Boschi,
 Respondent.

Motion for leave to appeal denied.

4 Mo. No. 2015-208
In the Matter of Jeffrey A. Shearer,
 Appellant,
 v.
Barbara J. Fiala, &c.,
 Respondent.

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

1 Mo. No. 2015-395
In the Matter of Luz Solla,
 Respondent,
 v.
Elizabeth Berlin &c.,
 Appellant,
et al.,
 Respondents.

Motion for reargument denied.
Motion for poor person relief dismissed as academic.
Judges Stein and Fahey took no part.

4 Mo. No. 2015-620
In the Matter of Ricardo Suarez, et al.,
 Appellants,
 v.
Melissa Williams, et al.,
 Respondents.

Motion for leave to appeal granted.
Motion for a stay granted.

3 Mo. No. 2015-393
In the Matter of United Health Services
Hospitals, Inc.,
 Respondent,
 v.
Assessor of the Town of Vestal et al.,
 Appellants.

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

2 Mo. No. 2015-427
In the Matter of Waterways Development
Corp.,
 Respondent,
 v.
Town of Brookhaven Zoning Board of
Appeals, et al.,
 Appellants.

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