

March 26, 2015

CASES

1 No. 36
The People &c.,
 Appellant,
 v.
William Brown,
 Respondent.

Appeal dismissed upon the ground that the reversal by the Appellate Division was not "on the law alone or upon the law and such facts which, but for the determination of law, would not have led to reversal" (CPL 450.90[2][a]), in a memorandum. Chief Judge Lippman and Judges Read, Rivera, Abdus-Salaam, Stein and Fahey concur. Judge Pigott dissents in an opinion.

 No. 98
In the Matter of the Hon. Jeffrey P. Dorrance,
a Town Justice, Green Island Town Court,
Albany County.

On the Court's own motion, it is determined that Honorable Jeffrey P. Dorrance is suspended, with pay, effective immediately, from the office of Justice of the Green Island Town Court, Albany County, pursuant to New York Constitution, article VI, § 22(f) and Judiciary Law § 44(8)(b). Chief Judge Lippman and Judges Read, Pigott, Rivera, Abdus-Salaam, Stein and Fahey concur.

2 No. 47
The People &c.,
 Respondent,
 v.
Dennis Ford,
 Appellant.

Order reversed, without costs, and case remitted to Supreme Court, Kings County, for further proceedings in accordance with the memorandum herein. Chief Judge Lippman and Judges Read, Pigott, Rivera, Abdus-Salaam, Stein and Fahey concur.

1 No. 99 SSM 9
Keith Holmes,
 Respondent,
 v.
Business Relocation Services, Inc.,
 Third-Party
 Plaintiff-Appellant,

United Staffing Systems, Inc.,
 Third-Party
 Defendant-Respondent.

4 No. 45
The People &c.,
 Respondent,
 v.
Clemon Jones,
 Appellant.

1 No. 100 SSM 4
The People &c.,
 Respondent,
 v.
Jeffrey Mercado,
 Appellant.

 No. 97
The Ministers and Missionaries Benefit
Board,
 Interpleader Plaintiff,
 v.
Leon Snow et al.,
 Appellants,
 v.
The Estate of Clark Flesher, et al.,
 Respondents.

On review of submissions pursuant to section 500.11
of the Rules, order affirmed, with costs, and certified
question answered in the affirmative, in a
memorandum.

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

Order affirmed.

Opinion by Judge Read.

Chief Judge Lippman and Judges Pigott, Rivera,
Abdus-Salaam and Stein concur.

Judge Fahey took no part.

On review of submissions pursuant to section 500.11
of the Rules, order affirmed, in a memorandum.

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

Certification of questions by the United States Court
of Appeals for the Second Circuit, pursuant to section
500.27 of this Court's Rules of Practice, accepted and
the issues presented are to be considered after
briefing and argument.

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

1 No. 37
The People &c.,
 Appellant,
 v.
Patrick Thomas,
 Respondent.

Appeal dismissed upon the ground that the reversal by the Appellate Division was not "on the law alone or upon the law and such facts which, but for the determination of law, would not have led to reversal" (CPL 450.90[2][a]), in a memorandum. Chief Judge Lippman and Judges Read, Rivera, Abdus-Salaam, Stein and Fahey concur. Judge Pigott dissents in an opinion.

MOTIONS

1 Mo. No. 2015-352
ACE Securities Corp., &c.,
Appellant,
v.
DB Structured Products, Inc.,
Respondent.

Motion by Association of Mortgage Investors for leave to appear amicus curiae on the appeal herein granted only to the extent that the proposed brief is accepted as filed.
Judge Abdus-Salaam took no part.

1 Mo. No. 2015-354
ACE Securities Corp., &c.,
Appellant,
v.
DB Structured Products, Inc.,
Respondent.

Motion by Association of Financial Guaranty Insurers for leave to file a brief amicus curiae on the appeal herein granted and the proposed brief is accepted as filed.
Judge Abdus-Salaam took no part.

1 Mo. No. 2015-359
ACE Securities Corp., &c.,
Appellant,
v.
DB Structured Products, Inc.,
Respondent.

Motion by National Credit Union Administration Board for leave to file a brief amicus curiae on the appeal herein granted and the proposed brief is accepted as filed. Three copies of the brief must be served and an original and nine copies filed within seven days.
Judge Abdus-Salaam took no part.

1 Mo. No. 2015-360
ACE Securities Corp., &c.,
Appellant,
v.
DB Structured Products, Inc.,
Respondent.

Motion by LNR Partners, LLC et al. for leave to appear amici curiae on the appeal herein granted only to the extent that the proposed brief is accepted as filed. Three copies of the brief must be served and an original and nine copies filed within seven days.
Judge Abdus-Salaam took no part.

1 Mo. No. 2015-363
ACE Securities Corp., &c.,
Appellant,
v.
DB Structured Products, Inc.,
Respondent.

Motion by Chamber of Commerce of the United States of America et al. for leave to file a brief amicus curiae on the appeal herein granted and the proposed brief is accepted as filed. Three copies of the brief must be served and an original and nine copies filed within seven days.
Judge Abdus-Salaam took no part.

1 Mo. No. 2015-374
ACE Securities Corp., &c.,
Appellant,
v.
DB Structured Products, Inc.,
Respondent.

Motion by Securities Industry and Financial Markets Association for leave to file a brief amicus curiae on the appeal herein granted and the proposed brief is accepted as filed. Three copies of the brief must be served and an original and nine copies filed within seven days.
Judge Abdus-Salaam took no part.

1 Mo. No. 2015-379
ACE Securities Corp., &c.,
Appellant,
v.
DB Structured Products, Inc.,
Respondent.

Motion by Mortgage Bankers Association for leave to file a brief amicus curiae on the appeal herein granted and the proposed brief is accepted as filed. Three copies of the brief must be served and an original and nine copies filed within seven days.
Judge Abdus-Salaam took no part.

1 Mo. No. 2015-380
ACE Securities Corp., &c.,
Appellant,
v.
DB Structured Products, Inc.,
Respondent.

Motion by Steven L. Schwarcz for leave to file a brief amicus curiae on the appeal herein granted and the proposed brief is accepted as filed. Three copies of the brief must be served and an original and nine copies filed within seven days.
Judge Abdus-Salaam took no part.

1 Mo. No. 2015-381
ACE Securities Corp., &c.,
Appellant,
v.
DB Structured Products, Inc.,
Respondent.

Motion by Ethan J. Leib et al. for leave to appear amici curiae on the appeal herein granted only to the extent that the proposed brief is accepted as filed. Three copies of the brief must be served and an original and nine copies filed within seven days. Judge Abdus-Salaam took no part.

1 Mo. No. 2015-382
ACE Securities Corp., &c.,
Appellant,
v.
DB Structured Products, Inc.,
Respondent.

Motion by Federal Home Loan Bank of Boston et al. for leave to appear amici curiae on the appeal herein granted only to the extent that the proposed brief is accepted as filed. Three copies of the brief must be served and an original and nine copies filed within seven days. Judge Abdus-Salaam took no part.

Mo. No. 2015-248
The People &c.,
Respondent,
v.
Abdelouahad Afilal,
Appellant.

Motion for assignment of counsel granted and Seymour James, Jr., Esq., The Legal Aid Society, 199 Water Street, New York, NY 10038 assigned as counsel to the appellant on the appeal herein.

Mo. No. 2015-350
The People &c.,
Respondent,
v.
Antonio Aragon,
Appellant.

Motion for assignment of counsel granted and Seymour James, Jr., Esq., The Legal Aid Society, 199 Water Street, New York, NY 10038 assigned as counsel to the appellant on the appeal herein.

2 Mo. No. 2015-64
In the Matter of Carolann Baker,
Respondent,
v.
Christopher Baker,
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.
Motion for poor person relief dismissed as academic.

1 SSD 8
Jennifer Cangro,
Appellant,
v.
Park South Towers Associates, et al.,
Respondents.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that the order appealed from does not finally determine the action within the meaning of the Constitution.

2 Mo. No. 2015-272
The People &c.,
Respondent,
v.
Jamell S. Caraway,
Appellant.

Motion for an extension of the time within which to apply for permission to appeal pursuant to CPL 460.20 granted and motion papers treated as a timely CPL 460.20 application.

3 Mo. No. 2015-59
In the Matter of Paul Chandler,
Appellant,
v.
Anthony J. Annucci, &c.,
Respondent.

Motion for leave to appeal denied.

3 Mo. No. 2015-265
The People &c.,
Appellant,
v.
Earl Coleman,
Respondent.

Motion for assignment of counsel granted and Jane M. Bloom, Esq., PO Box 209, Monticello, NY 12701 assigned as counsel to the respondent on the appeal herein.
Judge Stein took no part.

4 Mo. No. 2015-209
The People &c.,
Respondent,
v.
Jonathan J. Connolly,
Appellant.

Motion for assignment of counsel granted and David C. Schopp, Esq., The Legal Aid Bureau of Buffalo, Inc., 237 Main Street, Suite 1602, Buffalo, NY 14203 assigned as counsel to the appellant on the appeal herein.
Judge Fahey took no part.

4 Mo. No. 2015-114
In the Matter of Johnathan Craig,
Respondent,
v.
Amber M. Yakymovitch,
Appellant.

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

4 SSD 11
In the Matter of Marvin Dennard,
Appellant,
v.
City of Buffalo Examining Board of
Plumbers,
Respondent.

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

4 Mo. No. 2015-210
The People &c.,
Respondent,
v.
Perry C. Griggs,
Appellant.

Motion for assignment of counsel granted and David C. Schopp, Esq., The Legal Aid Bureau of Buffalo, Inc., 237 Main Street, Suite 1602, Buffalo, NY 14203 assigned as counsel to the appellant on the appeal herein.
Judge Fahey took no part.

4 Mo. No. 2015-286
The People, &c.,
Respondent,
v.
Todd R. Heatley,
Appellant.

On the Court's own motion, appeal dismissed upon the ground that the criminal prosecution abated by reason of defendant's death (see People v Ortiz, 77 NY2d 821 [1990]).
Judge Fahey took no part.

3 Mo. No. 2015-271
In the Matter of Jevon Henry,
Appellant,
v.
Brian Fischer, &c.,
Respondent.

Motion by Prisoners' Legal Services of New York for leave to file a brief amicus curiae on the appeal herein granted and the proposed brief is accepted as filed. A copy of the brief must be served and an original and two copies filed within seven days.

4 Mo. No. 2015-322
The People &c.,
Respondent,
v.
Marcus D. Hogan,
Appellant.

Motion for assignment of counsel granted and Shirley A. Gorman, Esq., PO Box 629, 19 Market St., Brockport, NY 14420 assigned as counsel to the appellant on the appeal herein.

1 Mo. No. 2015-275
The People &c.,
Appellant,
v.
Keith Johnson,
Respondent.

Motion for assignment of counsel granted and Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, NY 10005 assigned as counsel to the respondent on the appeal herein.

2 Mo. No. 2015-259
The People &c.,
Respondent,
v.
Raymond Leach,
Appellant.

Motion for assignment of counsel granted and Steven A. Feldman, Esq., c/o Feldman and Feldman, 626 Reckson Plaza, West Tower, 6th Floor, Uniondale, NY 11556 assigned as counsel to the appellant on the appeal herein.

3 Mo. No. 2014-1268
In the Matter of Michael Lee,
 Appellant,
 v.
Department of Correctional Services et al.,
 Respondents.

Motion for leave to appeal dismissed as untimely
(see CPLR 5513[b]; Eaton v State of New York, 76
NY2d 824 [1990])
Motion for poor person relief dismissed as academic.
Judge Stein took no part.

2 Mo. No. 2015-119
In the Matter of Dayyana M. (Anonymous),
&c.

Motion for leave to appeal denied.

Orange County Department of Social
Services,
 Respondent;
Autumn M. (Anonymous),
 Appellant.

2 Mo. No. 2015-262
In the Matter of Natural Resources Defense
Council, Inc., et al.,
 Appellants,
 v.
New York State Department of
Environmental Conservation,
 Respondent.

Motion by Nadia B. Ahmad et al. for leave to file a
brief amici curiae on the appeal herein granted and
the proposed brief is accepted as filed. Three copies
of the brief must be served and an original and nine
copies filed within seven days.

2 Mo. No. 2015-263
In the Matter of Natural Resources Defense
Council, Inc., et al.,
 Appellants,
 v.
New York State Department of
Environmental Conservation,
 Respondent.

Motion by City of New York et al. for leave to
appear amici curiae on the appeal herein granted only
to the extent that the proposed brief is accepted as
filed. Three copies of the brief must be served and
an original and nine copies filed within seven days.

2 Mo. No. 2015-276
In the Matter of Natural Resources Defense
Council, Inc., et al.,
Appellants,
v.
New York State Department of
Environmental Conservation,
Respondent.

Motion by Citizens Campaign for the Environment
for leave to file a brief amicus curiae on the appeal
herein granted and the proposed brief is accepted as
filed. Three copies of the brief must be served and
an original and nine copies filed within seven days.

2 Mo. No. 2015-295
In the Matter of Natural Resources Defense
Council, Inc., et al.,
Appellants,
v.
New York State Department of
Environmental Conservation,
Respondent.

Motion by East of Hudson Coalition for leave to
appear amicus curiae on the appeal herein granted
only to the extent that the proposed brief is accepted
as filed. Three copies of the brief must be served
and an original and nine copies filed within seven
days.

1 Mo. No. 2015-334
In the Matter of New York City Asbestos
Litigation.

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.

Doris Kay Dummitt, Individually and as
Executrix of the Estate of Ronald Dummitt,
Deceased,
Respondent,
v.
A.W. Chesterton, et al.,
Defendants,
Crane Co.,
Appellant.

4 Mo. No. 2015-300
The People &c.,
Respondent,
v.
Dennis J. Sincerbeaux,
Appellant.

Motion for poor person relief granted.
Judge Fahey took no part.

1 Mo. No. 2015-193
The People &c.,
Respondent,
v.
Charles Smith,
Appellant.

Motion for assignment of counsel granted and Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, NY 10005 assigned as counsel to the appellant on the appeal herein.

3 Mo. No. 2015-273
The People &c.,
Respondent,
v.
Christopher Stover,
Appellant.

Motion for an extension of the time within which to apply for permission to appeal pursuant to CPL 460.20 granted and motion papers treated as a timely CPL 460.20 application.
Judge Stein took no part.

2 Mo. No. 2015-365
Viviane Etienne Medical Care, P.C., as
assignee of Alem Cardenas,
Respondent,
v.
Country-Wide Ins. Co.,
Appellant.

Motion by American Transit et al. for leave to file a brief amici curiae on the appeal herein granted and the proposed brief is accepted as filed. Three copies of the brief must be served and an original and nine copies filed within seven days.

1 Mo. No. 2015-249
The People &c.,
Appellant,
v.
Lawrence Watson,
Respondent.

Motion for assignment of counsel granted and Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Suite 1601, New York, NY 10007 assigned as counsel to the respondent on the appeal herein.

1 Mo. No. 2015-221
The People &c.,
Appellant,
v.
Christian Williams,
Respondent.

Motion for assignment of counsel granted and Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Suite 1601, New York, NY 10007 assigned as counsel to the respondent on the appeal herein.