

June 28, 2018

## CASES

3 No. 77  
In the Matter of Anonymous, an Intermediate  
Care Facility,  
Respondent,  
v.  
David Molik, et al.,  
Appellants.

Order reversed, with costs, and matter remitted to the Appellate Division, Third Department, for consideration of issues raised but not determined on appeal to that court.

Opinion by Judge Garcia.

Chief Judge DiFiore and Judges Stein, Fahey, Wilson and Feinman concur.

Judge Rivera dissents in an opinion.

1 No. 64  
Magdalena Garcia, &c., et al.,  
Respondents,  
v.  
New York City Department of Health and  
Mental Hygiene, et al.,  
Appellants.

Order reversed, with costs, petition insofar as it sought to enjoin enforcement of the amendments to the New York City Code denied, and judgment granted declaring in respondents' favor in accordance with the opinion herein.

Opinion by Judge Stein.

Chief Judge DiFiore and Judges Rivera, Fahey, Garcia, Wilson and Feinman concur.

4 No. 37  
The People &c.,  
Appellant,  
v.  
William Morrison,  
Respondent.

1                   No. 36

The People &c.,  
                  Respondent,  
v.  
Mark Nonni,  
                  Appellant.

Order reversed and a new trial ordered.  
Opinion by Judge Rivera.  
Judges Stein, Fahey and Wilson concur.  
Chief Judge DiFiore dissents in an opinion, in which  
Judges Garcia and Feinman concur in a separate  
dissenting opinion by Judge Garcia.

1                   No. 35

The People &c.,  
                  Respondent,  
v.  
Lawrence Parker,  
                  Appellant.

Order reversed and a new trial ordered.  
Opinion by Judge Rivera.  
Judges Stein, Fahey and Wilson concur.  
Chief Judge DiFiore dissents in an opinion, in which  
Judges Garcia and Feinman concur in a separate  
dissenting opinion by Judge Garcia.

4                   No. 114 SSM 14  
In the Matter of Michelle Widrick,  
                  Appellant;  
Michael Carpinelli, &c., et al.,  
                  Respondents.

On review of submissions pursuant to section 500.11  
of the Rules, order affirmed, with costs. "Our  
reading of the collective bargaining agreement as a  
whole establishes the parties' plain and unambiguous  
intent to limit the right to demand ... arbitration to  
[petitioner's union]" (County of Westchester v  
Mahoney, 56 NY2d 756, 758 [1982]).  
Chief Judge DiFiore and Judges Stein, Garcia and  
Feinman concur.  
Judge Wilson dissents in an opinion in which Judges  
Rivera and Fahey concur.

## MOTIONS

- 1 Mo. No. 2018-505 ✓  
Oliver Douce Al-Dey,  
Appellant,  
v.  
City of New York,  
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. 2018-608  
Richard Altman,  
Respondent,  
v.  
285 West Fourth LLC,  
Appellant.  
Motion for reargument denied with one hundred  
dollars costs and necessary reproduction  
disbursements.
- 2 Mo. No. 2018-535  
In the Matter of Alex Anderson, Jr.,  
Appellant,  
v.  
Mariah Angel Carey,  
Respondent.  
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 orders sought to be appealed from do  
not finally determine the proceeding within the  
meaning of the Constitution.  
Motion for ancillary relief dismissed as academic.
- 2 Mo. No. 2018-495  
In the Matter of Milton J.B.,  
Appellant,  
v.  
Denise A. P.-P.,  
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.



*State of New York  
Court of Appeals*

*John P. Asiello  
Chief Clerk and  
Legal Counsel to the Court*

*Clerk's Office  
20 Eagle Street  
Albany, New York 12207-1095*

Decided October 16, 2018 ✓

Mo. No. 2018-766

Motion for reargument of motion for leave to appeal denied.

Oliver Douce Al-Dey,  
Appellant,

v.  
City of New York,  
Respondent.

# *State of New York*

## *Court of Appeals*

*Decided and Entered on the  
sixteenth day of October, 2018*

**Present**, Hon. Janet DiFiore, *Chief Judge, presiding.*

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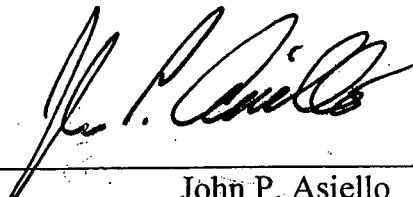
Mo. No. 2018-766  
Oliver Douce Al-Dey,  
Appellant,  
v.  
City of New York,  
Respondent.

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Appellant having moved for reargument of a motion for leave to appeal to the Court of Appeals in the above cause;

Upon the papers filed and due deliberation, it is

ORDERED, that the motion is denied.



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John P. Asiello  
Clerk of the Court

**Additional material  
from this filing is  
available in the  
Clerk's Office.**