

September 22, 2011

CASE

1 No. 217
In the Matter of World Trade Center Bombing
Litigation.

Steering Committee, et al.,
Respondents,

v.

The Port Authority of New York and New
Jersey,
Appellant.

Judgment appealed from and order of the Appellate
Division brought up for review reversed, with costs,
and complaint of plaintiff Antonio Ruiz dismissed.

Opinion by Judge Jones.

Judges Read, Pigott and Mercure concur.

Judge Ciparick dissents and votes to affirm in an
opinion in which Judges Graffeo and Prudenti
concur.

Chief Judge Lippman and Judge Smith took no part.

MOTIONS

1 Mo. No. 2011-747
In the Matter of 80 Lafayette Associates,
 Respondent,
 v.
Kumiki Gibson, as Commissioner of the New
York State Division of Human Rights, &c.,
 Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2011-689
In the Matter of Gordon B., &c.

Motion for leave to appeal denied.

William Favreau, &c.,
 Respondent;
Gordon B.,
 Appellant.
(And Another Related Proceeding.)

4 Mo. No. 2011-760
In the Matter of Buffalo Professional
Firefighters Association, Inc., IAFF Local
282,
 Respondent,
 v.
City of Buffalo,
 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.

1 Mo. No. 2011-720
In the Matter of John Buric,
 Appellant,
 v.
Raymond Kelly, &c., et al.,
 Respondents.

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

3 Mo. No. 2011-940
Thomas N. Carpenter et al.,
 Appellants,
 v.
J. Giardino, LLC,
 Respondent.

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

3 Mo. No. 2011-729
In the Matter of Meng Xia Chen et al.,
 Appellants,
 v.
Commissioner of Taxation and Finance et al.,
 Respondents.

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

2 Mo. No. 2011-711
In the Matter of Joachim Chiantella,
 Appellant,
 v.
Bernard Vishnick, &c.,
 Respondent.

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

3 Mo. No. 2011-647
In the Matter of Christopher Culver,
 Respondent,
 v.
Kristi VanPatten Culver,
 Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2011-779
In the Matter of Destiny F., &c.

St. Lawrence County Department of Social
Services,
 Respondent;
Angela F.,
 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.

2 Mo. No. 2011-745
Rocco Giannattasio,
 Appellant,
 v.
Han Suk Kang, et al.,
 Defendants,
New York City Off-Track Betting Corp.,
 Respondent.

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

3 Mo. No. 2011-826
The People &c.,
 Respondent,
 v.
Daniel E. Gleason,
 Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2011-635
Monica Hazell,
 Appellant,
 v.
State of New York, et al.,
 Respondents.

Motion for leave to appeal &c. dismissed upon the ground that the order sought to be appealed from does not finally determine the action within the meaning of the Constitution.

3 Mo. No. 2011-740
In the Matter of Michelle Hissam,
 Appellant,
 v.
James Hissam,
 Respondent.
(And Another Related Proceeding.)

Motion, insofar as it seeks leave to appeal from that part of the Appellate Division order that affirmed Supreme Court's order holding appellant in violation of a prior order, 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.

4 Mo. No. 2011-686
Howlett Farms, Inc.,
 Respondent,
 v.
Wayne Fessner, &c.,
 Appellant.

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

1 Mo. No. 2011-749
Hudson Insurance Company, et al.,
 Appellants,
 v.
M.J. Oppenheim, &c.,
 Respondent.

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

3 Mo. No. 2011-714
Cecil R. Jayne,
 Appellant,
 v.
Talisman Energy USA, Inc., &c.,
 Respondent,
et al.,
 Defendant.

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

4 Mo. No. 2011-710
Terry Johnson, et al.,
 Respondents,
 v.
Optometrix, Inc.,
 Appellant.

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

In the Matter of Terry Johnson, et al.,
 Respondents,
 v.
Monroe County Treasurer and Monroe
County Clerk,
 Respondents.

3 SSD 33
Frank D. Maki,
 Appellant,
 v.
Bassett Hospital et al.,
 Respondents.

Appeal, taken from the May 6, 2011 Appellate Division order, dismissed without costs, by the Court sua sponte, upon the ground that such order does not finally determine the action within the meaning of the Constitution.

3 SSD 34
Frank D. Maki,
 Appellant,
 v.
Bassett Hospital et al.,
 Respondents.

Appeal, insofar as taken from that part of the June 9, 2011 Appellate Division order that affirmed the portion of the Supreme Court order granting defendants' motion for summary judgment and dismissing the complaint, dismissed without costs, by the Court sua sponte, upon the ground that no substantial constitutional question is directly involved; appeal otherwise dismissed upon the ground that the remaining part of the June 9, 2011 Appellate Division order, and the other orders appealed from, do not finally determine the action within the meaning of the Constitution.

1 Mo. No. 2011-938
Janulyn McKanic,
 Appellant,
 v.
Amigos del Museo del Barrio,
 Respondent.

Motion for reargument of motion for leave to appeal denied.

3 Mo. No. 2011-695
In the Matter of Jorge Mena,
 Appellant,
 v.
Brian Fischer, &c., et al.,
 Respondents.

Motion for leave to appeal denied.

2 Mo. No. 2011-730
In the Matter of New York City Transit
Authority,
 Appellant,
 v.
New York State Public Employment
Relations Board et al.,
 Respondents.

Motion for leave to appeal granted.
Judge Jones took no part.

2 Mo. No. 2011-706
The People &c.,
 Respondent,
 v.
David Padro,
 Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2011-755
PETRA CRE CDO 2007-1, Ltd.,
 Appellant,
 v.
Morgans Group LLC,
 Respondent.

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

3 Mo. No. 2011-772
In the Matter of Louis J. Ruggiero,
 Appellant,
 v.
Thomas P. DiNapoli, &c.,
 Respondent.

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

3 Mo. No. 2011-780
In the Matter of Benjamin Seegars,
 Appellant,
 v.
Brian S. Fischer, &c., et al.,
 Respondents.

Motion for leave to appeal denied.

2 Mo. No. 2011-587
In the Matter of Oakleigh Thorne, &c., et al.,
Appellants,
v.
Village of Millbrook Planning Board, et al.,
Respondents;
Bruce S. Brickman and Associates, Inc.,
Nonparty-Respondent.

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

2 Mo. No. 2011-679
In the Matter of Janet Turansky,
Appellant,
v.
Alan D. Scheinkman et al.,
Respondents.

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

2 Mo. No. 2011-774
Dina Vardoulis,
Appellant,
v.
County of Nassau,
Respondent,
et al.,
Defendant.

Motion for leave to appeal denied.

3 Mo. No. 2011-791
In the Matter of Demetrius Williams,
Appellant,
v.
Brian Fischer, &c.,
Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2011-875
In the Matter of World Trade Center Bombing
Litigation.

Steering Committee, et al.,
Respondents,

v.

The Port Authority of New York and New
Jersey,
Appellant.

Motion for a declaration that an automatic stay as to plaintiff Linda Nash is in effect or, alternatively, for a discretionary stay, dismissed upon the ground that the Court of Appeals does not have jurisdiction to entertain the motion because no appeal or motion for leave to appeal in the Nash action is pending before this Court (see CPLR 5519).

Judges Ciparick, Graffeo, Read, Pigott, Jones, Prudenti and Mercure concur.

Chief Judge Lippman and Judge Smith took no part.