

September 23, 2014

MOTIONS

3 Mo. No. 2014-846
In the Matter of Anonymous, an Applicant for
Admission to the Bar,
 Appellant.

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

4 Mo. No. 2014-864
Christopher M. Bower,
 Appellant,
 v.
City of Lockport, et al.,
 Respondents.

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

4 Mo. No. 2014-731
In the Matter of Airionna C.,
et al.

Monroe County Department of Human
Services,
 Respondent;
Shernell E.,
 Respondent.
Mary P. Davison, Esq., Attorney for the
Children Airionna C., Jasmine E., Rondell E.
and Jermoni E.,
 Appellant.

Motion for leave to appeal dismissed upon the
ground that appellant, having taken no appeal to the
Appellate Division, may not appeal to this Court
from the Appellate Division order of affirmance.

4 Mo. No. 2014-807
In the Matter of Airionna C.,
et al.

Monroe County Department of Human
Services,
 Respondent;
Shernell E.,
 Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2014-806
Edwin Davis et al.,
 Appellants,
 v.
South Nassau Communities Hospital, et al.,
 Respondents.

Motion for leave to appeal granted.

4 Mo. No. 2014-730
In the Matter of Dashaun G.
et al.

Monroe County Department of Human
Services,
 Respondent;
Diana B.,
 Respondent.
Jonathan G.,
 Intervenor-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. 2014-683
In the Matter of Village of Haverstraw,
 Appellant;
AAA Electricians, Inc.,
 Respondent.

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

2 Mo. No. 2014-729
In the Matter of Village of Haverstraw,
 Appellant;
AAA Electricians, Inc.,
 Respondent.

Motion by New York State Conference of Mayors
and Municipal Officials for leave to appear amicus
curiae on the motion for leave to appeal herein
granted and the brief is accepted as filed.

2 Mo. No. 2014-783
In the Matter of Village of Haverstraw,
 Appellant;
AAA Electricians, Inc.,
 Respondent.

Motion by Rockland Business Association for leave
to appear amicus curiae on the motion for leave to
appeal herein granted and the affidavit is accepted as
filed.

2 Mo. No. 2014-784
In the Matter of Village of Haverstraw,
Appellant;
AAA Electricians, Inc.,
Respondent.

Motion by City of Mount Vernon for leave to appear amicus curiae on the motion for leave to appeal herein granted and the affidavit is accepted as filed.

2 Mo. No. 2014-785
In the Matter of Village of Haverstraw,
Appellant;
AAA Electricians, Inc.,
Respondent.

Motion by Ross J. Pepe, President of Construction Industry Council of Westchester and the Hudson Valley and Building Contractors Association, for leave to appear amicus curiae on the motion for leave to appeal herein granted and the affidavit is accepted as filed.

2 Mo. No. 2014-786
In the Matter of Village of Haverstraw,
Appellant;
AAA Electricians, Inc.,
Respondent.

Motion by Village of West Haverstraw for leave to appear amicus curiae on the motion for leave to appeal herein granted and the affidavit is accepted as filed.

2 Mo. No. 2014-787
In the Matter of Village of Haverstraw,
Appellant;
AAA Electricians, Inc.,
Respondent.

Motion by Westchester County Chamber of Commerce, Inc. d/b/a The Business Council of Westchester for leave to appear amicus curiae on the motion for leave to appeal herein granted and the affidavit is accepted as filed.

2 Mo. No. 2014-788
In the Matter of Village of Haverstraw,
Appellant;
AAA Electricians, Inc.,
Respondent.

Motion by City of New Rochelle for leave to appear amicus curiae on the motion for leave to appeal herein granted and the affidavit is accepted as filed.

2 Mo. No. 2014-789
In the Matter of Village of Haverstraw,
Appellant;
AAA Electricians, Inc.,
Respondent.

Motion by Town of Haverstraw for leave to appear amicus curiae on the motion for leave to appeal herein granted and the affidavit is accepted as filed.

2 Mo. No. 2014-790
In the Matter of Village of Haverstraw,
Appellant;
AAA Electricians, Inc.,
Respondent.

Motion by Hon. Edwin J. Day, Rockland County Executive, for leave to appear amicus curiae on the motion for leave to appeal herein granted and the affidavit is accepted as filed.

2 Mo. No. 2014-791
In the Matter of Village of Haverstraw,
Appellant;
AAA Electricians, Inc.,
Respondent.

Motion by Village of Ossining for leave to appear amicus curiae on the motion for leave to appeal herein granted and the affidavit is accepted as filed.

2 Mo. No. 2014-792
In the Matter of Village of Haverstraw,
Appellant;
AAA Electricians, Inc.,
Respondent.

Motion by Builders Institute of Westchester and the Mid-Hudson Region, Inc. for leave to appear amicus curiae on the motion for leave to appeal herein granted and the affidavit is accepted as filed.

2 Mo. No. 2014-793
In the Matter of Village of Haverstraw,
Appellant;
AAA Electricians, Inc.,
Respondent.

Motion by City of Yonkers for leave to appear amicus curiae on the motion for leave to appeal herein granted and the affidavit is accepted as filed.

2 Mo. No. 2014-809
In the Matter of Village of Haverstraw,
Appellant;
AAA Electricians, Inc.,
Respondent.

Motion by Community Initiatives Development Corporation for leave to appear amicus curiae on the motion for leave to appeal herein granted and the affidavit is accepted as filed.

2 Mo. No. 2014-834
In the Matter of Village of Haverstraw,
Appellant;
AAA Electricians, Inc.,
Respondent.

Motion by Village of Tarrytown for leave to appear amicus curiae on the motion for leave to appeal herein granted and the affidavit is accepted as filed.

2 Mo. No. 2014-835
In the Matter of Village of Haverstraw,
Appellant;
AAA Electricians, Inc.,
Respondent.

Motion by New York State Economic Development Council for leave to appear amicus curiae on the motion for leave to appeal herein granted and the affidavit is accepted as filed.

2 Mo. No. 2014-836
In the Matter of Village of Haverstraw,
Appellant;
AAA Electricians, Inc.,
Respondent.

Motion by City of Hornell for leave to appear amicus curiae on the motion for leave to appeal herein granted and the affidavit is accepted as filed.

2 Mo. No. 2014-853
In the Matter of Village of Haverstraw,
Appellant;
AAA Electricians, Inc.,
Respondent.

Motion by City of Syracuse for leave to appear amicus curiae on the motion for leave to appeal herein granted and the affidavit is accepted as filed.

2 Mo. No. 2014-833
Keyspan Generation, LLC, et al.,
Respondents,
v.
Nassau County, et al.,
Appellants.
(And Another Action.)

Motion for leave to appeal dismissed upon the ground that the order sought to be appealed from does not finally determine the actions within the meaning of the Constitution and is not an order of the type provided for in CPLR 5602(a)(2).
Judge Rivera took no part.

3 Mo. No. 2014-825
In the Matter of Henri Lamont,
 Appellant,
 v.
Brian Fischer, &c., et al.,
 Respondents.

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

1 Mo. No. 2014-775
In the Matter of Malachi I.L., et al.

Shaquana M-L.,
 Appellant,
Leake & Watts Services, Inc.,
 Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2014-855
The People &c. ex rel. Demetrio Lifrieri,
 Appellant,
 v.
William A. Lee,
 Respondent.

Motion, insofar as it seeks leave to appeal from the April 2014 Appellate Division order, dismissed as untimely (see CPLR 5513[b]); motion, insofar as it seeks leave to appeal from the June 2014 Appellate Division order, dismissed upon the ground that such order does not finally determine the proceeding within the meaning of the Constitution.
Motion for poor person relief dismissed as academic.

2 Mo. No. 2014-774
In the Matter of Gianni D.M. (Anonymous).

SCO Family of Services, et al.,
 Respondents;
Herbert M. (Anonymous),
 Appellant,
et al.,
 Respondent.
(And Another Proceeding.)

Motion for leave to appeal denied.

2 Mo. No. 2014-658
New York Telephone Company,
Respondent,
v.
Supervisor of Town of Hempstead, et al.,
Defendants.

Supervisor of Town of Hempstead, et al.,
Third-Party Appellants,
v.
County of Nassau, et al.,
Third-Party Respondents.
(And Four Other Actions.)

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

2 Mo. No. 2014-827
New York Telephone Company,
Respondent,
v.
Supervisor of Town of Hempstead, et al.,
Defendants.

Supervisor of Town of Hempstead, et al.,
Third-Party Respondents,
v.
County of Nassau, et al.,
Third-Party Appellants.
(And Four Other Actions/Third-Party
Actions).

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

2 Mo. No. 2014-657
New York Telephone Company,
 Respondent,
 v.
Supervisor of Town of Hempstead, et al.,
 Appellants,
et al.,
 Defendants.
(And Four Other Actions.)

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

2 Mo. No. 2014-765
New York Telephone Company,
 Respondent,
 v.
Supervisor of Town of Hempstead, et al.,
 Appellants.
(And Other Actions.)

Motion by the Town of North Hempstead for leave to file a brief amicus curiae on the motions for leave to appeal herein granted and the brief is accepted as filed.
Judge Rivera took no part.

4 Mo. No. 2014-829
The People &c.,
 Appellant,
 v.
Jesse Roberites,
 Respondent.

Motion for assignment of counsel granted and William J. Comiskey, Esq., c/o Hodgson Russ, LLP, 677 Broadway, Suite 301, Albany, NY 12207 assigned as counsel to the respondent on the appeal herein.

4 Mo. No. 2014-866
The People &c.,
 Appellant,
 v.
Jesse Roberites,
 Respondent.

Motion to dismiss appeal and for further relief denied.

1 Mo. No. 2014-874
In the Matter of Patrolmen's Benevolent
Association of the City of New York, Inc.,
&c., et al.,
 Appellants,
 v.
City of New York, et al.,
 Respondents.

Motion for a stay granted.

4 Mo. No. 2014-840
The People &c.,
 Respondent,
 v.
James R. Poleun,
 Appellant.

Motion for leave to appeal granted.

3 Mo. No. 2014-863
In the Matter of Norman Samuels,
 Appellant,
 v.
New York City Transit Authority,
 Respondent.
Commissioner of Labor,
 Respondent.

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

2 Mo. No. 2014-837
In the Matter of Elizabeth Schell,
 Respondent,
 v.
John A. McSpedon,
 Appellant.

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

2 Mo. No. 2014-148
Washington Mutual Bank,
Respondent,
v.
Carolyn Schenk,
Appellant,
et al.,
Defendants.

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.

2 Mo. No. 2013-1199
Carolyn Mary Schenk,
Appellant,
v.
Staten Island University Hospital, et al.,
Respondents,
et al.,
Defendant.

Motion for reargument denied.

2 Mo. No. 2014-838
The People &c.,
Respondent,
v.
Robin Sooknanan,
Appellant.

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

3 Mo. No. 2014-856
In the Matter of Volodymyr I. Tkachyshyn,
Appellant.
Commissioner of Labor,
Respondent.
(App. Div. No. 516398)

Motion for reargument of motion for leave to appeal denied.

3 Mo. No. 2014-857
In the Matter of Volodymyr I. Tkachyshyn,
 Appellant.
Commissioner of Labor,
 Respondent.
(App. Div. No. 516210)

Motion for reargument of motion for leave to appeal
denied.

2 Mo. No. 2014-684
Verizon New York, Inc., &c.,
 Respondent,
 v.
Supervisor of Town of Oyster Bay, et al.,
 Appellants,
et al.,
 Defendants.

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

Supervisor of Town of Oyster Bay, et al.,
 Third-Party Appellants,
 v.
County of Nassau,
 Third-Party Respondents.

2 Mo. No. 2014-720
Verizon New York, Inc., &c.,
 Respondent,
 v.
Supervisor of Town of Oyster Bay, et al.,
 Defendants,
et al.,
 Defendants.

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

Supervisor of Town of Oyster Bay, et al.,
 Third-Party Respondents,
 v.
County of Nassau,
 Third-Party Appellants.

2 Mo. No. 2014-826
Verizon New York, Inc., &c.,
 Plaintiff,
 v.
Supervisor of Town of Oyster Bay,
et al.,
 Defendants.

Supervisor of Town of Oyster Bay,
et al.,
 Third-Party Respondents,
 v.
County of Nassau, et al.,
 Third-Party Appellants.

2 Mo. No. 2014-801
In the Matter of Victor Zarvela,
 Appellant,
 v.
Tamira Banks, &c., et al.,
 Respondents.

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 and is not an order of the type provided for in CPLR 5602(a)(2).
Judge Rivera took no part.

Motion for leave to appeal denied.