

JUNE 24, 2004

CASES

3 No. 138 SSM 21
In the Matter of Richard E.
Cantwell, as District Attorney
of Clinton County,
 Respondent,
 v.
Kevin K. Ryan, as Acting Judge,
County Court of Clinton County,
 Appellant.

On review of submissions pursuant to section 500.4 of the Rules, judgment affirmed, without costs, in a memorandum. Chief Judge Kaye and Judges Smith, Ciparick, Rosenblatt, Graffeo, Read and Smith concur.

SupC No. 71
The People &c.,
 Respondent,
 v.
Stephen LaValle,
 Appellant.

Judgment modified by vacating the sentence and remitting to Supreme Court, Suffolk County, for resentencing in accordance with CPL 470.30(5)(c) and Penal Law §§ 60.06 and 70.00 and, as so modified, affirmed. Opinion by Judge G.B. Smith. Chief Judge Kaye and Judges Ciparick and Rosenblatt concur, Judge Rosenblatt in a separate concurring opinion. Judge R.S. Smith dissents in an opinion in which Judges Graffeo and Read concur.

2 No. 140 SSM 23
Ivo Stejskal, et al.,
 Appellants,
 v.
Albert Simons III, et al.,
 Respondents.
(and a third-party action).

On review of submissions pursuant to section 500.4 of the Rules, order affirmed, with costs, in a memorandum. Chief Judge Kaye and Judges Smith, Ciparick, Rosenblatt, Graffeo, Read and Smith concur.

3 No. 139 SSM 22
The People &c.,

On review of submissions pursuant to section 500.4 of the Rules, order

v.
Rashan Yates,

Respondent,
Appellant.

affirmed, in a memorandum.
Judges Smith, Ciparick, Rosenblatt,
Graffeo, Read and Smith concur.
Chief Judge Kaye took no part.

MOTIONS

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Mo. No. 398
In the Matter of Solomon
Abrahams, a suspended attorney.
Grievance Committee for the Ninth
Judicial District,
Respondent,
Solomon Abrahams,
Appellant.

Motion for leave to appeal denied.

Mo. No. 596
The People &c.,
Respondent,
v.
Derek Andrades,
Appellant.

Motion for assignment of counsel granted and Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor, New York, NY 10006 assigned as counsel to the appellant on the appeal herein.

2-10 Mo. No. 435
Ardmar Realty Company,
Appellant,
v.
Building Inspector of the
Village of Tuckahoe, et al.,
Respondents.

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

1-10 Mo. No. 395
In the Matter of Toshubin B.
a/k/a Shubin B., A Person Alleged
to be a Juvenile Delinquent,
Appellant.

Motion for leave to appeal denied.

1-13 Mo. No. 436
In the Matter of Edward Bianchi,
et al.,
Appellants,
v.
New York State Division of
Housing and Community Renewal,
Respondent,
Mayfair York, LLC, et al.,
Intervenors-Respondents.

Motion for leave to appeal denied.

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4-10 Mo. No. 456
In the Matter of Anthony Bonacci,
Appellant,
v.
Glenn S. Goord, Commissioner,
&c. et al.,
Respondents.

Motion for leave to appeal dismissed as untimely (see, CPLR 5513[b]).
Motion for poor person relief dismissed as academic.

4-10 Mo. No. 457
In the Matter of Anthony Bonacci,
Appellant,
v.
Brion D. Travis, &c. et al.,

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

Respondents.

2-14 Mo. No. 386
Culinary Connection Holdings,
Inc., &c.,
et al.,
Appellant,
Plaintiff,
v.
Culinary Connection of Great
Neck, Inc., &c., et al.,
Respondents,
et al.,
Defendant.

Motion for leave to appeal denied.

2-14 Mo. No. 530
Culinary Connection Holdings,
Inc., &c.,
et al.,
Respondent,
Plaintiff,
v.
Culinary Connection of Great
Neck, Inc., &c., et al.,
Appellants,
et al.,
Defendant.

Motion for leave to appeal denied.

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Mo. No. 524
In the Matter of Norman D.
(Anonymous),
Appellant,
Commissioner of the New York
State Office of Mental Health,
Respondent.

Motion by Donald A. Williams, District
Attorney, Ulster County, for leave to
file a brief amicus curiae on the
appeal herein granted and the proposed
brief is accepted as filed.

4-10 Mo. No. 285
Jason J. Dunn,
Plaintiff,
v.
Paul C. Hurtt, et al.,
Defendants,
Marita Car Rental, Inc., &c.,
et al.,
Respondents,
Moore & Munger, Inc.,
Appellant.

Motion for leave to appeal denied.

(Action No. 1)

(And another action.)

1-14 Mo. No. 364
Ramon Fresco, et al.,
Respondents,
v.
157 East 72nd Street Condominium,
Defendants;
DNA Construction Corp., &c.,
Third-Party Appellant-
Respondent,
v.
Lumar Restoration Corp.,
Third-Party Respondent-
Appellant.
(And Another Third-Party Action).

Motions 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 (see, Whitfield v City of New York, 90 NY2d 777).

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2-10 Mo. No. 378
In the Matter of Sinclair
Haberman,
Appellant,
v.
City of Long Beach, et al.,
Respondents.

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

Mo. No. 499
The People &c.,
Respondent,
v.
Thomas Hanley,
Appellant.

Motion for assignment of counsel denied without prejudice to renewal of the motion upon submissions by the appellant showing assets or income available to him.

1-14 Mo. No. 439
In the Matter of Richard H.,
Appellant,
v.
Eileen Consilvio, &c., et al.,
Respondents.

Motion for leave to appeal denied.

Mo. No. 587

Motion for assignment of counsel granted

The People &c.,
Respondent,
v.
T.J. Charles Hardy,
Appellant.

and Robert C. Mitchell, Esq., Legal Aid
Society of Suffolk County, Inc., Arthur
M. Cromarty Court Complex, 300 Center
Drive, P.O. Box 1697, Riverhead, NY
11901-0960 assigned as counsel to the
appellant on the appeal herein.

2-10 Mo. No. 415
Adrienne Hart,
Appellant,
v.
City of New York,
Defendant,
Big Apple Testing, Inc., et al.,
Respondents.

Motion for leave to appeal denied.

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4-10 Mo. No. 440
Ira Davenport Memorial Hospital,
Appellant,
v.
Joseph Ha, M.D.,
Respondent.

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

2-13 Mo. No. 468
Ping Lee,
Appellant,
et al.,
Plaintiffs,
v.
Eagle Street Associates, Inc.,
et al.,
Respondents.

Motion for leave to appeal denied.

4-13 Mo. No. 414
Robert Jay Ludwig,
Respondent,
v.
Chautauqua Shores Improvement
Association, Inc., et al.,
Appellants.

Motion for leave to appeal denied.

4-10 Mo. No. 455
In the Matter of the Arbitration
Between Manlius Police Benevolent
Association on Behalf of Gary

Motion for leave to appeal denied.

2-10 Mo. No. 460
The People &c.,
Respondent,
v.
Wayne Peterkin,
Appellant.

Motion for leave to appeal denied.

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1-13 Mo. No. 444
George R. Polgano,
Appellant,
v.
The New York City Educational
Construction Fund,
Defendant,
Highbridge House, Inc., et al.,
Respondents.

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

3-13 Mo. No. 437
Christopher M. Preston, as
Administrator of the Estate
of Judith M. Wellin, Deceased,
Appellant,
v.
State of New York,
Respondent.

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

4-10 Mo. No. 427
PricewaterhouseCoopers, Inc.,
&c.,
Appellant,
v.
Sonwil Distribution Center, Inc.,
Respondent.

Motion for leave to appeal denied.

3-10 Mo. No. 441
In the Matter of Joseph Ramaglia
et al.,
Appellants,
v.
New York State Department of
Transportation et al.,
Respondents.

Motion for leave to appeal denied.

2-10 Mo. No. 353
Rondout Electric, Inc.,
Appellant,
v.
Monroe-Woodbury Central School

Motion for leave to appeal denied.

District,
Respondent.

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1-10 Mo. No. 320
Edward J. Ryan, Respondent,
v.
Alex R. Sobolevsky, Respondent,
Towhee Cab Corp., et al., Defendants,
Key Bank USA, 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.

Mo. No. 548
The People &c., Respondent,
v.
Emanuel Santana, 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.

Mo. No. 574
The People &c., Respondent,
v.
Robert Shulman, Appellant.

Motion by Association of the Bar of the City of New York for leave to appear amicus curiae on the appeal herein granted to the extent that the proposed brief is accepted as filed.

Mo. No. 321
Ray Smith, Jr., et al., Respondents,
v.
John Girolamo, Appellant,
Susan S. Ford, et al., Defendants.

Motion to dismiss appeal granted and appeal dismissed, with four hundred dollars costs and one hundred dollars costs of motion, upon the ground that no substantial constitutional question is directly involved.

3-13 Mo. No. 463
Judith L. Starr, Individually
and as Parent and Guardian of
Tiffany R. Starr, &c. et al., Appellants,
v.
County of Cortland, Respondent.

Motion for leave to appeal denied.

2-10 Mo. No. 443
The People &c.,
Respondent,
v.
Tyrone Stokes,
Appellant.

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

2-10 Mo. No. 430
In the Matter of Helena W.
(Anonymous).
Administration for Children's
Services,
Respondent;
Avis W. (Anonymous),
Appellant.
(Proceeding No. 1)

Motion for leave to appeal dismissed upon
the ground that the order sought to be
appealed from does not finally determine
the proceedings within the meaning of the
Constitution.
Motion for poor person relief dismissed as
academic.

In the Matter of Prince W.
(Anonymous).
Administration for Children's
Services,
Respondent;
Avis W. (Anonymous),
Appellant.
(Proceeding No. 2)

In the Matter of Regene W.
(Anonymous).
Administration for Children's
Services,
Respondent;
Avis W. (Anonymous),
Appellant.
(Proceeding No. 3)

Mo. No. 613
In the Matter of City Council of
the City of Watervliet et al.,
Appellants,
v.
Town Board of the Town of
Colonie,
Respondent.

Motion by New York State Department of
Environmental Conservation for leave to
file a brief amicus curiae on the appeal
herein granted. Twenty copies of the
brief may be filed and three copies served
within 20 days.