

3 No. 114
In the Matter of Catherine G.,
Individually and as Parent and
Guardian of Brittany G. et al.,
Infants,
 Appellants-Respondents,
 v.
County of Essex et al.,
 Respondents-Appellants,
Lake Placid Central School
District, et al.,
 Respondents-Appellants,
Crisis Center of Clinton, Essex
and Franklin Counties, Inc.
et al.,
 Respondents.

Order modified, with costs to respondents-
appellants, by denying the application to
file a late notice of claim on behalf of
Brittany G. and, as so modified, affirmed.
Opinion by Judge Rosenblatt.
Chief Judge Kaye and Judges Smith,
Ciparick, Graffeo, Read and Smith concur.

3 No. 164
In the Matter of Richard A.
Gross, et al.,
 Respondents,
 v.
Albany County Board of Elections,
 Respondent,
and William M. Hoblock et al.,
 Appellants.
(And Another Related Proceeding.)

Order affirmed, without costs.
Opinion Per Curiam.
Chief Judge Kaye and Judges G.B. Smith,
Ciparick, Graffeo and Read concur.
Judge Rosenblatt dissents in an opinion
in which Judge R.S. Smith concurs.

1 No. 124
The People &c.,
 Respondent,
 v.
Rene Valencia,
 Appellant.

Order affirmed, in a memorandum.
Chief Judge Kaye and Judges Smith,
Ciparick, Rosenblatt, Graffeo, Read
and Smith concur.

MOTIONS

- 3-

3-10 Mo. No. 598
Kenneth M. Ahigian, as
Administrator of the Estate of
Desmond Y. Ahigian, Deceased,
Appellant,

v.

Kaitlin Davis et al.,
Respondents.

(Action No. 1)

Sean M. Kelleher, an Infant, by
Julie Kelleher et al., &c.,
et al.,

Appellants,

v.

Kaitlin Davis et al.,
Respondents.

(Action No. 2)

Wendy Larmon, as Administrator of
the Estate of Patricia M. Myers,
Deceased,

Appellant,

v.

Kaitlin Davis et al.,
Respondents.

(Action No. 3)

Mo. No. 926
The People &c.,
Respondent,

v.

Richard Aiken,
Appellant.

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

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.

2-12 Mo. No. 765
In the Matter of Juan Manuel
Ortiz Alvear,
Appellant,
v.
William Phillips, &c.,
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 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.

Mo. No. 913
In the Matter of Annette B.
(Anonymous).
Orange County Department of
Social Services,
Respondent,
Joseph B. (Anonymous),
Appellant.

Motion for appointment of Susan M. Damplo, Esq., 23 Old Sprain Road, Ardsley, NY 10502-2017, as law guardian for Annette B. on the appeal herein granted.

4-10 Mo. No. 754
The People &c. ex rel. Trevor
Brown,
Appellant,
v.
Kenneth S. Perlman, Superinten-
dent, Mohawk Correctional
Facility,
Respondent.

Motion for leave to appeal denied.

1-14 Mo. No. 867
Freddie Bush,
Respondent,
v.
The Goodyear Tire & Rubber
Company, et al.,
Defendants,
Blockbuster Inc.,
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.

3-11 Mo. No. 822
In the Matter of Antwane
Carlisle,
Appellant,
v.
Glenn S. Goord, &c.,
Respondent.

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

2-10 Mo. No. 773
Joseph Cerabono,
Appellant,
v.
Deanna Price,
Respondent.

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.

4-11 Mo. No. 801
In the Matter of Jason A. Chabot,
Appellant,
v.
Lisa A. Chabot,
Respondent.

Motion for leave to appeal dismissed upon
the ground that appellant is not a party
aggrieved (see, CPLR 5511).

Mo. No. 946
The City of New York,
Respondent,
v.
Verizon New York, Inc., et al.,
Appellants.

Motion by Time Warner Cable of New York
City for leave to file a brief amicus
curiae on the appeal herein granted and
the proposed brief is accepted as filed.

3-13 Mo. No. 796
In the Matter of Lamont D.
Commissioner of Mental Health,
Respondent;
Lamont D.,
Appellant.

Motion for leave to appeal denied.

2-10 Mo. No. 783
The People &c.,
Respondent,
v.
Dong V. Dao,
Appellant.

Motion for leave to appeal denied.

1-10 Mo. No. 760
Pamela S. Ferraioli, by Adele B.
Suslak, &c.,
Appellant,
v.
Jose E. Ferraioli,
Defendant.

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

Morrison Cohen Singer
& Weinstein, LLP,
Respondent.

Mo. No. 925
Robert Fleming, et al.,
Appellants,
v.
Rudolph W. Giuliani, &c., et al.,
Respondents.

Motion by Lieutenants Benevolent
Association of the City of New York
for leave to file a brief amicus
curiae on the appeal herein granted
and the proposed brief is accepted
as filed.

Mo. No. 938
The People &c.,
Respondent,
v.
Paul Garcia,
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.

4-10 Mo. No. 749
H. David Goff,
Appellant,
v.
Stephen E. Paul, M.D.,
Respondent,
et al.,
Defendant.

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

(Appeal No. 1)

H. David Goff,
Appellant,
v.
Stephen E. Paul, M.D.,
Defendant,
Guthrie Clinic, Ltd.,
Respondent.
(Appeal No. 2)

Mo. No. 903
The People &c.,
Respondent,
v.
Jethro Gosdin,
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.

3-13 Mo. No. 776
Jody A. Hallett,
Appellant,
v.
The City of Ithaca,
Respondent.

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

4-11 Mo. No. 744
In the Matter of Daniel Jones,
Appellant,
v.
New York State Division of
Parole, &c.,
Respondent.

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

Mo. No. 930
David Lang,
Appellant,
v.
Hanover Insurance Company
et al.,
Respondents.

Motion by CCC Insurance Company, Ltd. et al. for leave to file a brief amici curiae on the appeal herein granted and the proposed brief is accepted as filed.

1-10 Mo. No. 758
A. Lichter,
Respondent,
v.
349 Amsterdam Avenue Corporation,
et al.,
Appellants.

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.

2-13 Mo. No. 816
Amy Link,
Appellant,
v.
William Link,
Respondent.

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

2-13 Mo. No. 852
Louise Maiello et al.,
Appellants,
v.
Eastchester Union Free School
District,
Respondent.

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

Mo. No. 948
Donna McGrath, et al.,
Respondents,
v.
Toys "R" Us, Inc.,
Appellant.

Motion by New York County Lawyers' Association for leave to file a brief amicus curiae on consideration of the certified question herein granted and the proposed brief is accepted as filed.

Mo. No. 923
Donna McGrath, et al.,
Respondents,
v.
Toys "R" Us, Inc.,
Appellant.

Motion by City of New York for leave to file a brief amicus curiae on consideration of the certified question herein granted and the proposed brief is accepted as filed.

Mo. No. 922
Donna McGrath, et al.,
Respondents,
v.
Toys "R" Us, Inc.,
Appellant.

Motion by Anti-Discrimination Center of Metro New York, Inc., et al. for leave to file a brief amici curiae on consideration of the certified question herein granted and the proposed brief is accepted as filed.

2-10 Mo. No. 827
New York Hospital Medical Center
of Queens, &c., et al.,
Plaintiffs,
St. Luke's Roosevelt Hospital,
&c., et al.,
Respondents,
v.
New York Central Mutual Fire
Insurance Company,
Appellant.

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

4-10 Mo. No. 767
Penn Traffic Company, Inc.,
Appellant,
v.
Camillus Commons, LLC,
Respondent.

Motion for leave to appeal denied.

2-10 Mo. No. 790
In the Matter of Debra Phillips,
Respondent,
v.
Kenneth Laland,
Appellant.

Motion for leave to appeal denied.

3-10 Mo. No. 815
In the Matter of Ariel PP.,
Alleged to be a Permanently
Neglected Child.
Otsego County Department of
Social Services,
Respondent;
Theresa QQ.,
Appellant.

Motion for leave to appeal denied.

Mo. No. 936
Quantum Corporate Funding, Ltd.,
Respondent,
v.
Westway Industries, Inc.,
Defendant,
United States Fidelity and
Guaranty Company,
Appellant.

Motion by Subcontractors Trade Association, Inc. for leave to file a brief amicus curiae on the appeal herein granted and the proposed brief is accepted as filed. Twenty copies of the brief may be filed and three copies served within 10 days.

Mo. No. 942
The People &c.,
Respondent,
v.
Stephen G. Schulz,
Appellant.

Motion for assignment of counsel granted and William E. Hellerstein, Esq., Second Look Program Clinic, Brooklyn Law School, 250 Joralemon Street, Brooklyn, NY 11201 assigned as counsel to the appellant on the appeal herein.

4-10 Mo. No. 770
C. William Sexstone,
Respondent,
v.
Angela Barbara Amato,
Appellant.

Motion for leave to appeal denied.

Mo. No. 929
In the Matter of Paul Smith and
Janet Smith,
Appellants,
v.
Town of Mendon, Planning Board of
Town of Mendon, and Richard
Burgwardt, in his official
capacity as Chairman of Town of
Mendon Planning Board,
Respondents.

Motion by Eliot Spitzer, Attorney General, State of New York, for leave to file a brief amicus curiae on the appeal herein granted and the proposed brief is accepted as filed.

Mo. No. 947

In the Matter of Paul Smith and
Janet Smith,

Appellants,

v.

Town of Mendon, Planning Board of
Town of Mendon, and Richard
Burgwardt, in his official
capacity as Chairman of Town of
Mendon Planning Board,

Respondents.

Motion by Association of Towns of the
State of New York, et al. for leave to
file a brief amici curiae on the appeal
herein granted and the proposed brief
is accepted as filed.

Mo. No. 798

The People &c. ex rel. John
Trisvan,

Appellant,

v.

Roy A. Girdich, as Superintendent
of Upstate Correctional Facility,
Respondent.

On the Court's own motion, appeal
dismissed, without costs, upon the ground
that no appeal lies as of right from the
unanimous order of the Appellate Division
absent the direct involvement of a
substantial constitutional question
(CPLR 5601).

Motion for poor person relief dismissed
as academic.

Mo. No. 924

U.S. Underwriters Insurance
Company,

Respondent-Appellant,

v.

City Club Hotel, LLC, Shelby
Realty, LLC, Forthright Develop-
ment, LLC, Metropolitan Hotels,
LLC, Stephen Brighenti and
Jonathan P. Zambetti,

Appellants-Respondents,
and Marek Szpakowski and Agnes
Szpakowski,

Respondents.

Motion by Complex Insurance Claims
Litigation Association for leave to
file a brief amicus curiae on
consideration of the certified question
herein granted and the proposed brief
is accepted as filed. Twenty copies
of the brief may be filed and three
copies served within 10 days.

Mo. No. 927

The People &c.,

Respondent,

v.

William Williams,

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.