



3                    No.    117  
State of New York,  
                    Respondent-Appellant,  
                    v.  
Speonk Fuel Inc.,  
                    Appellant-Respondent,  
et al.,  
   Defendants.

Order affirmed, without costs, in a memorandum.  
Chief Judge Kaye and Judges G.B. Smith, Ciparick, Rosenblatt, Graffeo and Read concur.  
Judge R.S. Smith dissents in an opinion.

2                    No.    120  
The People &c.,  
   Respondent,  
                    v.  
Kenneth H. Payne,  
   Appellant.

Order reversed and indictment dismissed.  
Opinion by Judge Rosenblatt.  
Chief Judge Kaye and Judges G.B. Smith, Ciparick and R.S. Smith concur, Judge R.S. Smith in a separate concurring opinion.  
Judge Read dissents in an opinion in which Judge Graffeo concurs.

MOTIONS

- 3-

2-10 Mo. No. 649  
In the Matter of Jason A.  
(Anonymous),  
Appellant.

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

3-10 Mo. No. 793  
In the Matter of the Acquisition  
of Real Property by the City of  
Albany.

Motion for leave to appeal denied.

City of Albany,  
Respondent;  
  
Elda C. Abate,  
Appellant,  
et al.,  
Respondents.

4-10 Mo. No. 774  
James F. Allen, et al. &c.,  
Respondents,  
v.  
Town of Amherst,  
Appellant,  
et al.,  
Defendant.

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

4-10 Mo. No. 772  
Michelle Anderson,  
Appellant,  
v.  
House of Good Samaritan Hospital,  
et al.,  
Defendants,  
David T. Gavan, M.D.,  
Respondent.

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

4-10 Mo. No. 911  
In the Matter of City of Buffalo,  
Appellant,  
v.  
Buffalo Police Benevolent  
Association, Inc.,  
Respondent.

Motion for leave to appeal denied.

1-10 Mo. No. 849  
In the Matter of Ralph Cerciello,  
Appellant,  
v.  
Raymond Kelly, as Police  
Commissioner of the City of  
New York, &c.,  
Respondent.

Motion for leave to appeal denied.

3-10 Mo. No. 839  
In the Matter of Harry A.  
Conners,  
Appellant.  
Commissioner of Labor,  
Respondent.

Motion for leave to appeal denied.

1-10 Mo. No. 842  
In the Matter of Daily News,  
L.P., et al.,  
Respondents,  
v.  
City of New York Office of  
Payroll Administration,  
Appellant.

Motion for leave to appeal denied.

Mo. No. 970 SSD 63  
In the Matter of Derek A. Deal,  
Appellant,  
v.  
Glenn S. Goord, as Commissioner  
of Correctional Services, et al.,  
Respondents.

Appeal dismissed without costs, by the  
Court sua sponte, upon the ground that  
no substantial constitutional question  
is directly involved.

3-10 Mo. No. 813  
In the Matter of Victor  
DeVillar,  
Appellant,  
v.  
Glenn S. Goord, &c.,  
Respondent.

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

4-10 Mo. No. 759  
In the Matter of Frederick Diaz,  
Appellant,  
v.  
Glenn S. Goord, Commissioner,  
New York State Department of  
Correctional Services,  
Respondent.

Motion for leave to appeal denied.

2-13 Mo. No. 819  
James Eckel,  
Appellant,  
v.  
James D. Francis II, et al.,  
Respondents,  
et al.,  
Defendants.

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

2-10 Mo. No. 838  
Paulette Ferdinand,  
Appellant,  
v.  
Crecca & Blair et al.,  
Respondents.

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

Mo. No. 941  
In the Matter of Daniel T.  
Fronczak,  
Appellant,  
v.  
Commissioner of Labor,  
Respondent.

Motion to vacate this Court's August 9,  
2004 dismissal order denied.

2-14 Mo. No. 804  
Nelsa Garner, &c., et al.,  
Appellants,  
v.  
City of New York, et al.,  
Respondents,  
et al.,  
Defendants.

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

Mo. No. 966 SSD 59  
Dale Grant,  
Appellant,  
v.  
Robert A. Bedell, City of Utica,  
et al.,  
Respondents.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that no substantial constitutional question is directly involved.

2-10 Mo. No. 705  
In the Matter of Shondel Jackson,  
Respondent,  
v.  
Mark DeSouza,  
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.

Mo. No. 968 SSD 61  
Deborah A. Kaczmariski et al.,  
Appellants,  
v.  
Loubert S. Suddaby, M.D., et al.,  
Defendants,  
Independent Health Association,  
Intervenor-Respondent.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that the order appealed from does not finally determine the action within the meaning of the Constitution.

1-10 Mo. No. 817  
Liberty Group Holdings, Inc.,  
et al.,  
Appellants,  
v.  
The City of New York, et al.,  
Respondents.

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

3-10 Mo. No. 833  
In the Matter of Patrick Mathieu,  
Appellant,  
v.  
Michael T. Giambruno, &c.,  
et al.,  
Respondents.

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

3-10 Mo. No. 821  
In the Matter of Michael McCloud,  
Appellant,  
v.  
Gary Amell, &c.,  
Respondent.

Motion for leave to appeal denied.

2-13 Mo. No. 894  
In the Matter of Peter Morris,  
Appellant,  
v.  
John J. Signorelli et al.,  
Respondents.

Motion for leave to appeal denied.

3-13 Mo. No. 766  
In the Matter of Briding Newell,  
Appellant.  
County of Nassau,  
Respondent.  
Commissioner of Labor,  
Respondent.

Motion for leave to appeal denied.

1-10 Mo. No. 752  
Mary Christine O'Connor,  
Appellant,  
v.  
Church of St. Ignatius Loyola,  
et al.,  
Respondents.

Motion for leave to appeal denied.

4-10 Mo. No. 738  
In the Matter of Robert K.  
O'Connor,

Deceased.

Motions for leave to appeal denied.

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Harry W. O'Connor,  
Appellant-Respondent,  
v.  
Catherine McClain O'Connor,  
Respondent-Appellant,  
The Estate of L. Maxwell Banks,  
Jr.,  
Respondent,  
Paul J. Sellin,  
Trustee.

Mo. No. 967 SSD 60  
Ronald Omiatek et al.,  
Plaintiffs,  
v.  
Marine Midland Bank, N.A.  
Appellant,  
and HealthNow NY, Inc.,  
Intervenor-Respondent.

Appeal dismissed without costs, by the  
Court sua sponte, upon the ground that  
the order appealed from does not finally  
determine the action within the meaning  
of the Constitution.

4-12 Mo. No. 820  
Deborah Pignataro,  
Respondent,  
v.  
Anthony S. Pignataro,  
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.  
Motion for poor person relief dismissed  
as academic.

1-14 Mo. No. 802  
In the Matter of Nicolette R.,  
A Person Alleged to be  
A Juvenile Delinquent,  
Appellant.

Motion for leave to appeal denied.

