

March 31, 2011

CASES

1 No. 122 SSM 10

61 West 62 Owners Corp.,
 Respondent,

v.

CGM EMP LLC, et al.,
 Appellants,
West 63 Empire Associates LLC,
 Respondent,
The Chetrit Group LLC,
 Defendant.

On review of submissions pursuant to section 500.11 of the Rules, order modified, without costs, by remitting to the Appellate Division, First Department, for further proceedings in accordance with the memorandum herein and, as so modified, affirmed. Certified question answered in the negative. Chief Judge Lippman and Judges Ciparick, Graffeo, Read, Smith, Pigott and Jones concur.

1 No. 43

Captain Lori Alburnio, et al.,
 Respondents,

v.

The City of New York, et al.,
 Appellants.

Robert Sorrenti,
 Plaintiff,

v.

The City of New York, et al.,
 Appellants.

Order, insofar as appealed from, affirmed, with costs, and certified question not answered upon the ground that it is unnecessary. Opinion by Judge Smith. Chief Judge Lippman and Judges Ciparick, Graffeo, Read, Pigott and Jones concur.

1 No. 52

The People &c.,
 Respondent,

v.

Michael Brunner,
 Appellant.

Order affirmed, in a memorandum. Chief Judge Lippman and Judges Ciparick, Graffeo, Read, Smith, Pigott and Jones concur.

2 No. 51
The People &c.,
 Respondent,
 v.
Shareef Evans,
 Appellant.

Order affirmed.
Opinion by Judge Pigott.
Chief Judge Lippman and Judges
Ciparick, Graffeo, Read and Smith
concur.
Judge Jones dissents and votes to
reverse in an opinion.

4 No. 60
The People &c.,
 Respondent,
 v.
Michael Spicola,
 Appellant.

Order affirmed.
Opinion by Judge Read.
Judges Graffeo, Smith and Pigott
concur.
Chief Judge Lippman dissents and votes
to reverse in an opinion in which
Judges Ciparick and Jones concur.

3 No. 45
Ryan P. St. Louis,
 Respondent,
 v.
Town of North Elba, et al.,
 Appellants.

Order affirmed, with costs, and
certified question answered in the
negative.
Opinion by Chief Judge Lippman.
Judges Ciparick, Pigott and Jones
concur.
Judge Smith dissents and votes to
reverse in an opinion in which Judges
Graffeo and Read concur.

4 No. 35
Douglas Warney,
 Appellant,
 v.
State of New York,
 Respondent.

Order reversed, with costs, and
defendant's motion to dismiss the claim
denied.
Opinion by Judge Ciparick.
Chief Judge Lippman and Judges Pigott
and Jones concur.
Judge Smith concurs in result in an
opinion in which Judges Graffeo and
Read concur.

2 No. 39
The People &c.,
 Respondent,
 v.
Jair Williams,
 Appellant.

Order affirmed.
Opinion by Judge Jones.
Chief Judge Lippman and Judges
Ciparick, Graffeo, Read, Smith and
Pigott concur.

MOTIONS

3 Mo. No. 2011-111
In the Matter of Shannen AA.
et al., &c.

Ulster County Department of
Social Services,
 Respondent;
Melissa BB.,
 Appellant.
(And Another Related Proceeding.)

Motion for leave to appeal denied.

3 SSD 10
In the Matter of Maria M.
Almonte,
 Appellant,
Commissioner of Labor,
 Respondent.

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

2 Mo. No. 2011-138
Victor Batshever, et al.,
 Appellants,
 v.
Jafar Jafar, &c., et al.,
 Respondents.

Motion for reargument of motion for
leave to appeal denied.

4 Mo. No. 2010-1367
In the Matter of Anastasia C.

Cattaraugus County Department of
Social Services,
 Respondent;
Ronnie C.,
 Appellant.

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

4 Mo. No. 2011-18
In the Matter of Annastasia C.

Cattaraugus County Department of
Social Services,
 Respondent;
Carol C.,
 Appellant.

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

1 Mo. No. 2011-118
Barbara J. Cirone et al.,
 Appellants,
 v.
Tower Insurance Company of New
York,
 Respondent.

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

1 Mo. No. 2011-109
In the Matter of Erica D., &c.

Maria D.,
 Appellant,
New Alternatives for Children,
Inc.,
 Respondent.

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

3 Mo. No. 2011-126
Richard Doin et al.,
 Respondents,
 v.
Champlain Bluffs Development
Corporation and J. David Dame,
&c.,
 Appellants,
et al.,
 Defendants.

Motion for leave to appeal denied.

1 Mo. No. 2011-102
Eastside Exhibition Corp.,
 Appellant,
 v.
210 East 86th Street Corp.,
 Respondent.

Motion for leave to appeal granted.

2 Mo. No. 2011-108
In the Matter of Eveready
Insurance Company,
 Appellant,
 v.
Nicole Smith, et al.,
 Respondents.

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

3 Mo. No. 2011-72
In the Matter of Fulton-
Montgomery Community College,
 Respondent,
 v.
County of Saratoga, et al.,
 Appellants,
Department of Education of the
State of New York et al.,
 Respondents.

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

In the Matter of Hudson Valley
Community College,
 Respondent,
 v.
County of Saratoga,
 Appellant,
State University of New York,
 Respondent.

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.

3 Mo. No. 2011-113
In the Matter of Marie L.
Gentile, &c.,
 Appellant,
 v.
Sovereign Motor Cars et al.,
 Respondents.
Workers' Compensation Board,
 Respondent.

3 Mo. No. 2011-101
In the Matter of Deandre GG., &c.

Motion for leave to appeal denied.

Otsego County Department of
Social Services,
 Respondent;
Charlice HH.,
 Appellant.

4 Mo. No. 2011-107
In the Matter of Summer Gillette,
 Respondent,
 v.
Jeremy Gedney,
 Appellant.

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

In the Matter of Trishia Osborn,
 Respondent,
 v.
Jeremy Gedney,
 Appellant.

1 Mo. No. 2011-130
Armando Gonzalez, &c., et al.,
 Appellants,
 v.
Societe Generale,
 Respondent.

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

3 Mo. No. 2011-81
In the Matter of Robert Haight,
 Appellant,
 v.
Con Edison et al.,
 Respondents.
Workers' Compensation Board,
 Respondent.

Motion for leave to appeal denied.
Chief Judge Lippman took no part.

3 Mo. No. 2011-124
Huntington National Bank, &c.,
 Respondent,
 v.
Victor Cornelius,
 Respondent,
et al.,
 Defendants.
A. Michael Krieger,
 Appellant.

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

1 SSD 12
Jackson & Nash LLP,
 Appellant,
 v.
E. Timothy McAuliffe PLLC, et
al.,
 Respondents.
(And a Third-Party Action.)

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

2 Mo. No. 2011-121
The People &c.,
 Respondent,
 v.
Roy A. Martin,
 Appellant.

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

4 Mo. No. 2011-119
Alix Martinsen,
 Respondent,
 v.
W. James Camperlino,
 Appellant.

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

2 Mo. No. 2011-105
In the Matter of New Creek
Bluebelt, Phase 4.

City of New York,
 Respondent;
Gaetano Demetrio,
 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. 2011-25
In the Matter of New York City
Health and Hospitals Corporation,
 Respondent,
 v.
New York State Commission of
Correction,
 Appellant.

Motion for leave to appeal granted.

1 Mo. No. 2011-85
In the Matter of New York City
Health and Hospitals Corporation,
 Respondent,
 v.
New York State Commission of
Correction,
 Appellant.

Motion by the Legal Aid Society of the
City of New York and Prisoners' Legal
Services of New York for leave to file
a joint brief amici curiae on the
motion for leave to appeal herein
granted and the brief is accepted as
filed, and for leave to file a joint
brief amici curiae on the appeal
herein granted, three copies of the
brief to be served and an original and
19 copies filed within 30 days.

3 Mo. No. 2011-106
In the Matter of Vincent J.
O'Connor,
 Appellant,
 v.
New York State Civil Service
Commission et al.,
 Respondents.

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

3 Mo. No. 2011-104
In the Matter of Mary T. Probst
Family Trust, Alice Altieri, as
Trustee,
 Appellant,
 v.
Zoning Board of Appeals of Town
of Horicon,
 Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2011-112
Regional Economic Community
Action Program, Inc.,
 Appellant,
 v.
Enlarged City School District of
Middletown,
 Respondent.

Motion for leave to appeal granted.

3 SSD 13
In the Matter of David A. Ragle,
&c.,
 Appellant,
 v.
Richard F. Daines, &c., et al.,
 Respondents.

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

2 Mo. No. 2011-136
Rock City Sound, Inc.,
 Respondent,
 v.
Bashian & Farber, LLP, 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.

4 Mo. No. 2011-19
In the Matter of Rosemarie B.,
 Petitioner,
 v.
Carol C.,
 Appellant,
Ronnie C. and Cattaraugus County
Department of Social Services,
 Respondents.

Motion for leave to appeal dismissed
upon the ground that appellant is not
a party aggrieved (see CPLR 5511).
Judge Pigott took no part.

1 Mo. No. 2011-122
In the Matter of Elijah Jose S.
et al., &c.

Jose Angel S.,
 Appellant,
Leake & Watts Services, Inc.,
 Respondent.

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

1 Mo. No. 2011-116
In the Matter of Matthew
Silberzweig,
 Appellant,
 v.
John J. Doherty, &c., et al.,
 Respondents.

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

1 Mo. No. 2011-123
William Simmons, &c., et al.,
 Appellants,
 v.
New York City Health and
Hospitals Corporation, &c.,
 Respondent.

Motion for leave to appeal denied.

3 Mo. No. 2011-149
In the Matter of Injah Tafari,
 Appellant,
 v.
Lucien LeClaire, &c.,
 Respondent.
Appellate Division No. 507708

Motion for leave to appeal denied.

3 Mo. No. 2011-150
In the Matter of Injah Tafari,
 Appellant,
 v.
Lucien J. LeClaire, &c.,
 Respondent.
Appellate Division No. 503384

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. 2011-115
In the Matter of Ed Watt, &c.,
et al.,
 Respondents,
 v.
Howard H. Roberts, Jr., &c.,
et al.,
 Appellants.

Motion for leave to appeal denied.