

November 15, 2011

**CASES**

3                    No. 203  
In the Matter of Gregory W. Collins,  
    Respondent,  
    v.  
Dukes Plumbing and Sewer Service, Inc.,  
    Appellant,  
et al.,  
    Respondent.  
Workers' Compensation Board,  
    Respondent.

Order affirmed, with costs (see Matter of Raynor v Landmark Chrysler, \_\_\_ NY3d \_\_\_ [decided today]).  
Judges Ciparick, Graffeo, Read, Smith, Pigott and Jones concur.  
Chief Judge Lippman took no part.

1                    No. 199  
CPS Operating Company LLC,  
    Appellant,  
    v.  
Pathmark Stores, Inc.,  
    Respondent.

Order affirmed, with costs, and certified question answered in the affirmative.  
Opinion by Judge Smith.  
Chief Judge Lippman and Judges Ciparick, Graffeo, Read, Pigott and Jones concur.

3                    No. 147  
The People &c.,  
    Respondent,  
    v.  
Dean A. Guay,  
    Appellant.

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

3                    No. 242 SSM 37  
In the Matter of Harvey Hardy,  
    Claimant,  
    v.  
Trico et al.,  
    Appellants,  
et al.,  
    Respondent.  
Workers' Compensation Board,  
    Respondent.

On review of submissions pursuant to section 500.11 of the Rules, order affirmed, with costs (see Matter of Raynor v Landmark Chrysler, \_\_\_ NY3d \_\_\_ [decided today]).  
Judges Ciparick, Graffeo, Read, Smith, Pigott and Jones concur.  
Chief Judge Lippman took no part.

3                    No. 201  
In the Matter of Bob Parkhurst,  
    Claimant,  
    v.  
United Rentals Aerial Equipment, Inc., et al.,  
    Appellants.  
Workers' Compensation Board,  
    Respondent.

-----  
In the Matter of James Arthur Robinson,  
    Claimant,  
    v.  
Gould Pumps ITT et al.,  
    Appellants.  
Workers' Compensation Board,  
    Respondent.

1                    No. 194  
The People &c.,  
    Respondent,  
    v.  
Ermal Qoshja,  
    Appellant.

3                    No. 202  
In the Matter of Randy Raynor,  
    Claimant,  
    v.  
Landmark Chrysler et al.,  
    Appellants,  
et al.,  
    Respondent.  
Workers' Compensation Board,  
    Respondent.

Order affirmed, with costs (see Matter of Raynor v  
Landmark Chrysler, \_\_\_ NY3d \_\_\_ [decided today]).  
Judges Ciparick, Graffeo, Read, Smith, Pigott and  
Jones concur.  
Chief Judge Lippman took no part.

Order reversed and case remitted to the Appellate  
Division, First Department, for further proceedings in  
accordance with the memorandum herein.  
Chief Judge Lippman and Judges Ciparick, Graffeo,  
Read, Smith, Pigott and Jones concur.

Order affirmed, with costs.  
Opinion by Judge Ciparick.  
Judges Graffeo, Read, Smith, Pigott and Jones  
concur.  
Chief Judge Lippman took no part.

3                    No. 243 SSM 38  
In the Matter of Larry J. Salgy,  
                         Claimant,  
                         v.  
Halsted Communications et al.,  
                         Appellants,  
et al.,  
                         Respondent.  
Workers' Compensation Board,  
                         Respondent.

1                    No. 185  
U.S. Electronics, Inc.,  
                         Appellant,  
                         v.  
Sirius Satellite Radio, Inc.,  
                         Respondent.

On review of submissions pursuant to section 500.11  
of the Rules, order affirmed, with costs (see Matter of  
Raynor v Landmark Chrysler, \_\_\_ NY3d \_\_\_  
[decided today]).  
Judges Ciparick, Graffeo, Read, Smith, Pigott and  
Jones concur.  
Chief Judge Lippman took no part.

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

## MOTIONS

2 Mo. No. 2011-974

A. Danza & Sons, LLC,  
Appellant,

v.

Crossroads Equestrian Center, Ltd.,  
Respondent,

et al.,  
Defendant.

Motion for leave to appeal denied.

2 Mo. No. 2011-871

In the Matter of Aalba Auto Salvage, Inc.,  
Appellant,

v.

John J. Doherty,  
Respondent.

(And Another Proceeding.)

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

3 SSD 48

In the Matter of Carlos Abreu,  
Appellant,

v.

Norman R. Bezio, &c.,  
Respondent.

Appeal dismissed without costs, by the Court sua sponte, as untimely (see CPLR 5513[a]).

2 Mo. No. 2011-981

The People &c.,  
Respondent,

v.

Jermaine Alston,  
Appellant.

Motion for leave to appeal denied.

1                    Mo. No. 2011-1120  
The People &c.,  
    Respondent,  
    v.  
Latisha Bowden,  
    Appellant.

Motion for assignment of counsel granted and Steven Banks, Esq., The Legal Aid Society, 199 Water Street, New York, NY 10038 assigned as counsel to the appellant on the appeal herein.

2                    Mo. No. 2011-1009  
In the Matter of Christiana C. (Anonymous).  
  
Suffolk County Department of Social Services,  
    Respondent;  
Carleton C. (Anonymous),  
    Appellant.

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

4                    Mo. No. 2011-997  
In the Matter of Alan W. Dale,  
    Appellant,  
    v.  
John M. York, Sheriff,  
    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. 2011-996  
Loriann Deuel et al.,  
    Appellants,  
    v.  
Frank T. Dalton et al.,  
    Respondents.

Motion for leave to appeal denied.

2                    Mo. No. 2011-978  
The People &c.,  
    Respondent,  
    v.  
Douglas Duarte,  
    Appellant.

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

4                    Mo. No. 2011-963  
In the Matter of Erie Insurance Company,  
    Respondent,  
    v.  
Joshua Boss,  
    Appellant.

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

2                    Mo. No. 2011-1107  
Michael Grucci,  
    Appellant,  
    v.  
Christine Grucci,  
    Respondent.

Motion to vacate this Court's September 21, 2011 dismissal order granted.

2                    Mo. No. 2011-897  
In the Matter of Beyonce H. (Anonymous).  
  
Little Flower Children and Family Services,  
et al.,  
    Respondents;  
Baranaca H. (Anonymous),  
    Appellant.

Motion for leave to appeal denied.

2                    Mo. No. 2011-991  
In the Matter of Jessika Lamparillo,  
    Respondent,  
    v.  
Michael P. Lamparillo,  
    Appellant.

Motion for leave to appeal denied.

4                    Mo. No. 2011-1121  
The People &c.,  
    Respondent,  
    v.  
Calvin Mays,  
    Appellant.

Motion for assignment of counsel granted and Timothy P. Donaher, Esq., Monroe County Public Defender, 10 N. Fitzhugh Street, Rochester, NY 14614 assigned as counsel to the appellant on the appeal herein.

2 Mo. No. 2011-960  
In the Matter of Macye Mc.(Anonymous),  
Appellant.

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

1 Mo. No. 2011-979  
MCC Development Corporation,  
Appellant,  
v.  
Daniel Perla, et al.,  
Respondents.

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

2 Mo. No. 2011-998  
Muse Collections, Inc.,  
Plaintiff,  
v.  
Carissima Bijoux, Inc.,  
Defendant.

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

-----  
Carissima Bijoux, Inc.,  
Third-Party Appellant,  
v.  
MGM Mirage, Inc., et al.,  
Third-Party Respondents,  
et al.,  
Third-Party Defendants.

4 Mo. No. 2011-1148  
In the Matter of North Syracuse Central  
School District,  
Appellant,  
v.  
New York State Division of Human Rights,  
Respondent.

Motion by Advocates for Children of New York, Inc.  
et al. for leave to appear amici curiae on the appeal  
herein granted only to the extent that the proposed  
brief is accepted as filed. Two copies of the brief  
must be served and 19 copies filed within seven  
days.

2 Mo. No. 2011-805  
Omni Contracting Company, Inc.,  
Appellant,  
v.  
City of New York, et al.,  
Respondents.

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

4 Mo. No. 2011-977  
The People &c.,  
Respondent,  
v.  
Michael Perna,  
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2011-1003  
The People &c.,  
Respondent,  
v.  
Hakim Ray,  
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2011-987  
In the Matter of Phajja Jada S., &c.,  
  
Toenor Ann S., &c.,  
Appellant,  
et al.,  
Respondent.  
Episcopal Social Services,  
Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2011-756  
Robert Snyder,  
Appellant,  
et al.,  
Plaintiff,  
v.  
Allstate Insurance Company,  
Respondent.

Motion for reargument of motion for leave to appeal denied.



3                    Mo. No. 2011-995  
In the Matter of Jesus R. Valdez,  
                  Appellant,  
                  v.  
Brian Fischer, &c.,  
                  Respondent.

Motion for leave to appeal denied.