

August 30, 2012

CASE

No. 214

Lori Schlessinger and Brenda Pianko,
Appellants,

v.

Valspar Corporation,
Respondent.

Certification of questions by the United States Court of Appeals for the Second Circuit, pursuant to section 500.27 of this Court's Rules of Practice, accepted and the issues presented are to be considered after briefing and argument.

Chief Judge Lippman and Judges Ciparick, Graffeo, Read, Smith, Pigott and Jones concur.

MOTIONS

1 Mo. No. 2012-616
1840 Concourse Associates, LP,
Appellant,
v.
Praetorian Insurance Company, &c.,
Respondent.

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

3 Mo. No. 2012-580
In the Matter of Ralph Alicea,
Appellant,
v.
Brian Fischer, &c.,
Respondent.

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

1 Mo. No. 2012-610
Aurora Associates, LLC,
Respondent,
v.
Laura Marquez, &c.,
Appellant,
John Doe et al.,
Respondents.

Motion for leave to appeal dismissed upon the ground that this Court does not have jurisdiction to entertain the motion for leave to appeal from the order of the Appellate Division entered in this proceeding commenced in Civil Court (see NY Const, art VI, § 3[b][7]; CPLR 5602[a]).
Motion for a stay dismissed as academic.

2 Mo. No. 2012-582
Bankers Trust Company of California, NA.,
&c.,
Respondent,
v.
Mary Lee Ward,
Appellant,
et al.,
Defendants.

Motion for reargument of motion for leave to appeal denied.

2 Mo. No. 2012-562
In the Matter of Marquis B. (Anonymous),
Appellant,
v.
Rason B. (Anonymous), et al.,
Respondents.

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.

2 Mo. No. 2012-590
Fariha Basalel,
Appellant,
v.
Youni Gems Corporation, et al.,
Defendants,
David Aharoni, et al.,
Respondents.

Motion for leave to appeal dismissed upon the ground that the Appellate Division order sought to be appealed from does not finally determine the action within the meaning of the Constitution and the stipulation does not qualify as a final judgment within the meaning of CPLR 5602(a)(1)(ii) to bring up for review the prior nonfinal Appellate Division order because it was entered into "without prejudice."

2 Mo. No. 2012-588
Hamidu Bawa, &c., et al.,
Appellants,
v.
City of New York, et al.,
Respondents.

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

2 Mo. No. 2012-608
Toniann Beaudry,
Respondent,
v.
Michael Beaudry,
Appellant.

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

3 Mo. No. 2012-630
John B. Bell,
 Appellant,
 v.
New York State Higher Education Services
Corporation,
 Respondent.

Motion for reargument denied.

3 Mo. No. 2012-628
The People &c. ex rel.
Julio C. Borrell,
 Appellant,
 v.
New York State Board of Parole,
 Respondent.

Motion, insofar as it seeks leave to appeal from the June 2011 Appellate Division order, dismissed upon the ground that it does not lie, appellant having previously moved in this Court for leave to appeal (17 NY3d 718 [2011]) from the same Appellate Division order from which leave to appeal is currently sought (see 166 Archer Ave. Co., LLC v New York City Health and Hospitals Corporation, 15 NY3d 839 [2010]); motion, insofar as it seeks reargument of appellant's motion for leave to appeal from the June 2011 Appellate Division order, dismissed upon the ground that it does not lie, appellant having previously moved for reargument (18 NY3d 904 [2012]) of the same motion as to which reargument is currently sought (see Rule 500.24[e]).

4 Mo. No. 2012-561
The People &c.,
 Respondent,
 v.
William Brockington,
 Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2012-638
Jennifer Cangro,
 Appellant,
 v.
Phyllis C. Solomon,
 Respondent.

On the Court's own motion, appeal dismissed, without costs, upon the ground that the order appealed from does not finally determine the action 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 action within the meaning of the Constitution.

1 Mo. No. 2012-758
In the Matter of Gina Marie Reitano.

Jennifer Cangro, an Alleged Incapacitated Person,
 Appellant,
 v.
Mary V. Rosado,
 Respondent.

Motion for reconsideration of this Court's April 26, 2012 dismissal order denied.
Motion for leave to appeal denied.

3 Mo. No. 2012-606
In the Matter of Charles A. Catapano,
 Respondent,
 v.
Jow, Inc., et al.,
 Appellants,
Special Disability Fund,
 Respondent.
Workers' Compensation Board,
 Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2012-601
Frank Cervera,
 Appellant,
 v.
Rossanna Bressler,
 Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2012-579
Commissioners of State Insurance Fund,
Respondent,
v.
Joseph C. Kernell II,
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2012-633
Farm Family Casualty Insurance Company,
Appellant,
v.
Habitat Revival, LLC, et al.,
Respondents.

Motion for leave to appeal dismissed upon the ground that the orders sought to be appealed from do not finally determine the action within the meaning of the Constitution.

2 Mo. No. 2012-593
Thomas Fernandez, &c.,
Plaintiff,
Mark Fernandez,
Appellant,
v.
Abalene Oil Co., Inc., et al.,
Respondents.
(And Third-Party Actions.)

Motion for leave to appeal denied.

4 Mo. No. 2012-622
Albert G. Fraccola, Jr. and Playtime
Boutique, Inc.,
Appellants,
v.
Phyllis Fraccola, Individually and as Sole
Shareholder of Hydrania, Inc., et al.,
Respondents.

Motion for leave to appeal denied.

2 Mo. No. 2012-573
The People &c.,
Respondent,
v.
Robert Gilligan,
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2012-569
Israel Grossman, et al.,
Appellants,
v.
New York Life Insurance Company,
Respondent.
(And a Third-Party Action.)

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. 2012-578
In the Matter of H.H. Warner, LLC,
Appellant,
v.
Rochester Genesee Regional Transportation
Authority,
Respondent.

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

1 Mo. No. 2012-584
In the Matter of Jarvis H., &c.,
Appellant.

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

4 Mo. No. 2012-586
In the Matter of the State of New York,
Respondent,
v.
Derrick H.,
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2012-636
In the Matter of Keymani R.J. (Anonymous),
&c.

MercyFirst, et al.,
Respondents;
Shakima J. (Anonymous),
Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2012-581
In the Matter of Harry Josifidis,
Appellant,
v.
Richard F. Daines, &c., et al.,
Respondents.

Motion for reargument of motion for leave to appeal denied.

2 Mo. No. 2012-640
Kevin Kowalski,
Appellant,
v.
St. Francis Hospital and Health Centers, et al.,
Respondents,
et al.,
Defendants.

Motion for leave to appeal granted.

4 Mo. No. 2012-575
The People &c.,
Respondent,
v.
Robert J. Law,
Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2012-618
In the Matter of John Leonardo,
Appellant,
v.
Elaina M. Leonardo,
Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2012-602
Peggy Adrienne Magidson,
Appellant,
v.
Larry I. Badash, &c., et al.,
Respondents.

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

4 Mo. No. 2012-585
In the Matter of Romeo M.

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

Genesee County Department of Social
Services,
Respondent;
Nicole R.,
Appellant.
(And Another Proceeding.)

4 Mo. No. 2012-613
In the Matter of Donald G. McGrath et al.,
Respondents,
v.
Town of Amherst Zoning Board of Appeals,
Appellant.

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

1 Mo. No. 2012-591
State of New York, ex rel.
Tony Seiden, et al.,
Appellants,
v.
Utica First Insurance Company,
Respondent,
Kessler Management Inc., et al.,
Defendants.

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

1 Mo. No. 2012-642
In the Matter of New York Skyline, Inc., et
al.,
 Respondents,
 v.
City of New York, et al.,
 Appellants.

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

4 Mo. No. 2012-597
In the Matter of City of Oswego,
 Appellant,
 v.
Oswego City Firefighters Association, Local
2707,
 Respondent.

Motion for leave to appeal granted.

4 Mo. No. 2012-629
The People &c. ex rel. James Pearce,
 Appellant,
 v.
Robert A. Kirkpatrick, &c.,
 Respondent.
(And Another Proceeding.)

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

2 Mo. No. 2012-627
Rite Capital Group, LLC, et al.,
 Respondents,
 v.
LMAG, LLC, et al.,
 Defendants,
Zeg Enterprises, Inc.,
 Appellant.

Motion for leave to appeal dismissed upon the
ground that the judgment sought to be appealed from
does not finally determine the action within the
meaning of the Constitution.

4 Mo. No. 2012-639
Kimberly B. Rooney,
 Respondent,
 v.
John E. Rooney,
 Appellant.

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

2 Mo. No. 2012-571
Henry Samuel,
Appellant,
v.
Brooklyn Hospital Center,
Defendant,
Anders J. Cohen, D.O.,
Respondent.

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

1 Mo. No. 2012-560
Bruce S. Simon,
Respondent,
v.
Amy E. Simon,
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.
Chief Judge Lippman took no part.

2 Mo. No. 2012-611
In the Matter of Patricia Simpson,
Appellant,
v.
New York State Office of Children and
Family Services,
Respondent.

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

3 Mo. No. 2012-614
In the Matter of Dioniso Somerville,
Appellant,
v.
Brian Fischer, &c.,
Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2012-621
Everett Stenbridge,
Appellant,
v.
New York City Department of Education,
Respondent.

Motion for reargument of motion for leave to appeal denied.

1 Mo. No. 2012-619
Jay Susman,
 Appellant,
 v.
Commerzbank Capital Markets Corporation,
et al.,
 Respondents.

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

1 Mo. No. 2012-568
Pamela B. Tishman,
 Respondent,
 v.
Marc Bogatin,
 Appellant.

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

3 Mo. No. 2012-592
In the Matter of State of New York,
 Respondent,
 v.
Walter W.,
 Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2012-600
In the Matter of Beverly YY., &c.

Patricia ZZ.,
 Appellant;
Robert Irving Miller, Jr., &c.,
et al.,
 Respondents.

Motion for reargument of motion for leave to appeal denied.