

February 21, 2012

CASES

4 No. 23

Michael Dahar,
Appellant,

v.

Holland Ladder & Manufacturing Company,
Green Bull, Inc., Hanes Supply, Inc., Bechtel
Corporation,

Defendants,

Bechtel National, Inc., Warner G. Martin and
Shirley J. Martin,

Respondents.

Order affirmed, with costs.

Opinion by Judge Smith.

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

Bechtel Corporation and Bechtel National,
Inc.,

Third-Party Plaintiffs,

v.

West Metal Works, Inc.,

Third-Party Defendant.

1 No. 21

Eastside Exhibition Corp.,
Appellant,

v.

210 East 86th Street Corp.,
Respondent.

Order affirmed, with costs.

Opinion by Judge Ciparick.

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

Judge Read dissents in an opinion.

2 No. 20

Federal Insurance Company,
Respondent,

v.

International Business Machines Corporation,
et al.,

Appellants.

Order affirmed, with costs.

Opinion by Chief Judge Lippman.

Judges Ciparick, Graffeo, Read, Smith, Pigott and
Jones concur.

2 No. 15
Thomas H. (Anonymous),
 Appellant,
 v.
Paul B. (Anonymous), et al.,
 Respondents.

Order reversed, with costs, and order of Supreme Court, Dutchess County, reinstated.
Opinion by Judge Graffeo.
Chief Judge Lippman and Judges Ciparick, Read, Smith, Pigott and Jones concur.

1 No. 85 SSM 5
James L. Melcher,
 Appellant,
 v.
Apollo Medical Fund Management L.L.C., et al.,
 Respondents.

On review of submissions pursuant to section 500.11 of the Rules, order, insofar as appealed from, reversed, with costs, plaintiff's appeals that were dismissed in the October 2010 Appellate Division order reinstated, 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.

2 No. 9
In the Matter of the Foreclosure of Tax Liens &c. by Orange County Commissioner of Finance,
 Appellant;
Jeanette Helseth, et al.,
 Respondents.

Order reversed, with costs, and that branch of the respondents' motion which was to allow them to pay back taxes and interest due for a release with respect to the property denied.
Opinion by Judge Jones.
Chief Judge Lippman and Judges Ciparick, Graffeo, Read, Smith and Pigott concur.

1 No. 7
Ronald Bruce Posner,
 Respondent,
 v.
Russell T. Lewis, et al.,
 Appellants.

Order affirmed, with costs, and certified question answered in the affirmative.
Opinion by Judge Graffeo.
Chief Judge Lippman and Judges Ciparick and Jones concur.
Judge Smith concurs in result in an opinion in which Judge Pigott concurs.
Judge Read concurs in result for the reasons stated in Part III of Judge Smith's concurring opinion.

2 No. 16
In the Matter of Dolores Sedacca, et al.,
 Appellants,
Dermot Kelly, et al.,
 Petitioners,
 v.
Edward P. Mangano, &c., et al.,
 Respondents.

Order modified, without costs, by granting petitioners judgment declaring in accordance with the opinion and remitting to Supreme Court, Nassau County, for further proceedings in accordance with the opinion, and as so modified, affirmed.
Opinion Per Curiam.
Chief Judge Lippman and Judges Ciparick, Graffeo, Read, Smith, Pigott and Jones concur.

MOTIONS

1 Mo. No. 2012-35
2470 Cadillac Resources, Inc., et al.,
 Appellants,
 v.
DHL Express (USA), Inc.,
 Respondent,
Deutsche Post AG,
 Defendant.

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. 2012-77
In the Matter of Christopher James A., &c.

Anne Elizabeth Pierre L., &c.,
 Appellant,
New Alternatives for Children,
 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.

1 Mo. No. 2012-4
In the Matter of Alexander
John B. et al., &c.

Cynthia A.,
 Appellant,
Cardinal McCloskey Services,
et al.,
 Respondents.

Motion, insofar as it seeks leave to appeal from that portion of the Appellate Division order that affirmed Family Court's denial of the motion to vacate, dismissed upon the ground that such portion of the order does not finally determine the proceeding within the meaning of the Constitution; motion for leave to appeal otherwise denied.

4 Mo. No. 2011-1367
In the Matter of Karri Beck-Nichols,
 Respondent,
 v.
Cynthia A. Bianco, &c., et al.,
 Appellants.

Motion for leave to appeal granted.

1 Mo. No. 2012-26
Cynthia A. Bell,
 Appellant,
 v.
24-26 East 82nd Street Corporation, et al.,
 Respondents.

Motion to dismiss appeal granted and appeal, insofar as taken against defendants Carter Ledyard & Milburn LLP, Ronald Spencer, Davis Polk & Wardwell LLP, Ogden Lewis and Larry Jacobs, dismissed as untimely (see CPLR 5513[a]); appeal otherwise dismissed upon the ground that the order appealed from does not finally determine the action within the meaning of the Constitution.

1 Mo. No. 2011-1317
In the Matter of Karen Bitchatchi,
 Respondent,
 v.
Board of Trustees of the New York City
Police Department Pension Fund, Article II,
 Appellant.

Motion for leave to appeal granted.

3 Mo. No. 2012-85
Lee Bordeleau et al.,
 Respondents,
 v.
State of New York et al.,
 Appellants.

Motion for reargument denied with one hundred dollars costs and necessary reproduction disbursements.

4 Mo. No. 2012-81
The People &c.,
 Respondent,
 v.
Tobias Boyland,
 Appellant.

Motion to vacate this Court's December 29, 2011 dismissal order granted.

3 Mo. No. 2012-13
In the Matter of Kathleen Clark,
Respondent,
v.
Michael Clark,
Appellant.
Appellate Division Case
Nos. 509987, 501599, 510777

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

2 Mo. No. 2012-43
Astrel Dorce, et al.,
Appellants,
v.
United Rentals North America, Inc.,
Defendant,
Cowan Denochy,
Respondent.

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

3 Mo. No. 2011-1336
David Dumas, &c.,
Appellant,
v.
Adirondack Medical Center,
et al.,
Respondents.

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

1 Mo. No. 2012-40
In the Matter of Sharon
Crystal F., &c.

Nicole Valerie, D., &c.,
Appellant,
et al.,
Respondent,
Catholic Guardian Society & Home Bureau,
et al.,
Respondents.

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

2 Mo. No. 2011-1302
Gennady Gorelik,
Appellant,
v.
Elena Gorelik,
Respondent.

On the Court's own motion, appeal, insofar as taken from that part of the June 14, 2011 Appellate Division order that affirmed the February 22, 2010 Supreme Court judgment, dismissed without costs, upon the ground that no substantial constitutional question is directly involved; appeal otherwise dismissed upon the ground that the remaining part of the June 14, 2011 Appellate Division order, and the other orders appealed from, do not finally determine the action within the meaning of the Constitution. Motion for a stay dismissed as academic. Motion for poor person relief dismissed as academic.

1 Mo. No. 2012-41
The People &c.,
Respondent,
v.
Anthony Hemphill,
Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2012-70
In the Matter of Tommy Herrin,
Appellant,
v.
Brian Fischer, &c., et al.,
Respondents.

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

4 Mo. No. 2012-90
Yvette Huff,
Respondent,
v.
Anita L. Rodriguez, &c., et al.,
Appellants.

Motion for leave to appeal denied with one hundred dollars costs and necessary reproduction disbursements.
Motion for a stay dismissed as academic.

1 Mo. No. 2011-1329

In the Matter of Mable James,
Respondent,

v.

New York City Department of Housing
Preservation and Development,
Appellant,

et al.,
Respondent.

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

2 Mo. No. 2012-91
In the Matter of Zechariah J. (Anonymous).

Orange County Department of Social
Services,

Respondent;

Valrick J. (Anonymous),
Appellant.

Motion for reargument of motion for leave to appeal denied.

1 Mo. No. 2012-100

John Hollings, Inc.,
Appellant,

v.

Nick & Duke, LLC, et al.,
Respondents,

et al.,
Defendants.

Motion, insofar as it seeks leave to appeal from that portion of the November 2011 Appellate Division order denying appellant's motion for reargument/renewal or, in the alternative, leave to appeal to this Court, dismissed upon the ground that such portion of the order does not finally determine the action within the meaning of the Constitution; motion for leave to appeal otherwise denied.

1 Mo. No. 2011-1359
Nizam Peter Kettaneh, et al.,
 Appellants,
 v.
Board of Standards and Appeals of the City of
New York, et al.,
 Respondents.

Landmark West!, Inc., et al.,
 Appellants,
 v.
Board of Standards and Appeals of the City of
New York, et al.,
 Respondents.

2 Mo. No. 2012-12
Phillip Kuslansky, &c.,
 Respondent,
 v.
Kuslansky, Robbins, Stechel and
Cunningham, LLP, et al.,
 Appellants.

2 SSD 4
Deborah Rae Lamb, et al.,
 Appellants,
 v.
Governor for New York State, et al.,
 Respondents.

Motion by Nizam Peter Kettaneh, et al., insofar as it seeks leave to appeal from the Appellate Division order denying reargument or, in the alternative, leave to appeal to this Court, dismissed upon the ground that such order does not finally determine the proceeding within the meaning of the Constitution; motion for leave to appeal otherwise denied.
Motion by Landmark West!, Inc., et al. for leave to appeal denied.

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

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

2 Mo. No. 2012-21
LZG Realty, LLC, et al.,
 Respondents,
 v.
H.D.W. 2005 Forest, LLC,
 Appellant,
Eli Weinstein, et al.,
 Respondents,
et al.,
 Defendants.
(And Other Actions.)

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

1 Mo. No. 2012-42
In the Matter of Eddie Maldonado,
 Appellant,
 v.
Raymond Kelly, &c., et al.,
 Respondents.

Motion for leave to appeal granted.

4 Mo. No. 2012-44
In the Matter of Kennedie M.
et al.

Erie County Department of Social Services,
 Respondent;
Kimberly M.,
 Respondent;
Douglas M.,
 Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2012-14
In the Matter of Hattie G. Martin, deceased.

Miladin Dobric,
 Appellant;
David J. Baron,
 Respondent.

Motion for leave to appeal denied.

3 Mo. No. 2012-29
In the Matter of Mombaccus Excavating, Inc.,
 Appellant,
 v.
Town of Rochester, New York,
et al.,
 Respondents.

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

4 Mo. No. 2012-64
The People &c.,
 Respondent,
 v.
Alan Murray,
 Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2011-1364
In the Matter of Ivana Paul,
 Respondent,
 v.
New York City Housing Authority,
 Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2012-11
Scott Petersen, &c.,
 Appellant,
 v.
Metropolitan Life Insurance Co.,
 Respondent.

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

2 Mo. No. 2011-1332
In the Matter of Glen L.S. (Anonymous),
 Appellant,
 v.
Deborah A.S. (Anonymous),
 Respondent.
(And Another Proceeding.)

Motion for leave to appeal denied.

4 Mo. No. 2012-36
Seneca Nation of Indians,
Appellant,
v.
State of New York, et al.,
Respondents.

Motion for leave to appeal denied.

2 Mo. No. 2012-23
Helen Skouras,
Appellant,
v.
Victoria Hall Condominium,
et al.,
Respondents.

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

3 Mo. No. 2012-49
In the Matter of Injah Tafari,
Appellant,
v.
Albert Prack, &c.,
Respondent.

Motion for leave to appeal denied.

3 Mo. No. 2012-15
In the Matter of Troy Sand & Gravel
Company, Inc., et al.,
Appellants,
v.
Town of Nassau, 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 action/proceeding within the meaning of the Constitution and is not an order of the type provided for in CPLR 5602(a)(2).

3 Mo. No. 2012-59
Vincent David Urban,
Respondent,
v.
City of Albany,
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.

2 Mo. No. 2011-1372
In the Matter of Brian Ward,
Respondent,
v.
City of Long Beach,
Appellant.

Motion for leave to appeal granted.

1 Mo. No. 2011-1306
In the Matter of Regina Wise, &c.,
Respondent,
v.
Ricardo Elias Morales, &c.,
Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2011-1334
The People &c. ex rel. Victor Woodard,
Appellant,
v.
Harold D. Graham, &c.,
Respondent.

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

2 Mo. No. 2012-55
In the Matter of Soo Ching Wu,
Appellant,
v.
New York City Commission on Human
Rights,
Respondent.

Motion for leave to appeal denied.