

June 27, 2012

CASES

1 No. 124
In the Matter of Chinese Staff and Workers'
Association, et al.,
 Appellants,
 v.
Amanda M. Burden, as Director of the New
York City Department of City Planning, et al.,
 Respondents.

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

4 No. 128
The People &c.,
 Respondent,
 v.
Kevin O. Cooper,
 Appellant.

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

3 No. 127
The People &c.,
 Appellant,
 v.
Carol Elmer,
 Respondent.

Order reversed and case remitted to the Appellate
Division, Third Department, for consideration of the
merits of the appeal taken to that court.
Opinion by Judge Jones.
Chief Judge Lippman and Judges Ciparick, Graffeo,
Read, Smith and Pigott concur.

4 No. 122

The People &c.,
Respondent,

v.

Amber Maracle,
Appellant.

(Appeal No. 1.)

The People &c.,
Respondent,

v.

Amber Maracle,
Appellant.

(Appeal No. 2.)

2 No. 131

In the Matter of Ronald Marchand, Jr., et al.,
Appellants,

v.

New York State Department of
Environmental Conservation,

Defendant,

Incorporated Village of Bayville,
Respondent.

1 No. 121

N.J.R. Associates, &c.,
Appellant,

v.

Nicole Tausend, &c.,
Respondent.

Orders reversed and matter remitted to the Appellate Division, Fourth Department, for further proceedings consistent with the memorandum herein.

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

Judge Graffeo dissents and votes to affirm in an opinion in which Judge Read concurs.

Order reversed, with costs, and judgment granted to appellants declaring in accordance with the opinion herein.

Opinion by Judge Smith.

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

Order affirmed, with costs.

Opinion by Judge Graffeo.

Chief Judge Lippman and Judges Ciparick, Read, Smith, Pigott and Jones concur, Judge Smith in a separate opinion.

1 No. 126
Oddo Asset Management,
 Appellant,
 v.
Barclays Bank PLC, et al.,
 Respondents,
Solent Capital Partners, LLP,
et al.,
 Defendants.

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

1 No. 125
The People &c.,
 Respondent,
 v.
Lina Sinha,
 Appellant.

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

MOTIONS

1 Mo. No. 2012-500
In the Matter of Justin A.,
et al.

Motion for leave to appeal denied.

Jesus A.,
Appellant,
Administration for Children's Services,
Respondent.

2 Mo. No. 2012-490
Kelly Ashmore,
Respondent,
v.
Benjamin Ashmore,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2012-488
In the Matter of Cleophus B.

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

Oneida County Department of Social
Services,
Respondent;
Erika B.,
Respondent;
Torrence B.,
Appellant.

4 Mo. No. 2012-507
The People &c. ex rel. Andrique Baron,
Appellant,
v.
New York State Department of Corrections et
al.,
Respondents.

Motion for leave to appeal denied.

4 Mo. No. 2012-503
In the Matter of David Burr,
 Appellant,
 v.
Timothy B. Howard, &c.,
 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.

2 Mo. No. 2012-458
Centennial Elevator Industries, Inc.,
 Respondent,
 v.
Ninety-Five Madison Corp.,
 Defendant,
Rita Sklar, &c.,
 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.

1 Mo. No. 2012-464
Citibank, N.A.,
 Respondent,
 v.
Sheldon H. Solow,
 Appellant.

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

2 Mo. No. 2012-474
William Corsello, et al.,
 Respondents-Appellants,
 v.
Verizon New York, Inc., Formerly Known as
New York Telephone Company, et al.,
 Appellants-Respondents.

Motion for reargument denied.

2 Mo. No. 2012-481
In the Matter of Joseph DeSimone,
 Respondent,
 v.
Mary Ann Delano,
 Appellant.

Motion for leave to appeal denied.

2 SSD 35
In the Matter of Rory Dolan,
 Appellant,
 v.
Martin I. Efman, Acting Judge of Suffolk
County Court,
 Respondent.

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

1 Mo. No. 2012-499
Eighth Avenue Garage Corp.,
et al.,
 Appellants,
 v.
Kaye Scholer LLP, et al.,
 Respondents.

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

1 Mo. No. 2012-486
In the Matter of Fairfax Financial Holdings
Limited, et al.,
 Appellants,
 v.
New York City Police Department,
 Respondent.

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

4 Mo. No. 2012-469
In the Matter of Maria F. et al.

Oneida County Department of Social
Services,
 Respondent;
James F.,
 Appellant.

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

4 Mo. No. 2012-467
In the Matter of Jovan Fludd,
 Appellant,
 v.
Robert A. Kirkpatrick, &c.,
et al.,
 Respondents.

Motion for leave to appeal denied.

2 Mo. No. 2012-483
Sam Futersak, &c.,
 Appellant,
 v.
Sheldon Perl, &c., et al.,
 Respondents.

Motion for reargument of motion for leave to appeal denied.

3 Mo. No. 2012-465
In the Matter of Gracie Point Community
Council, &c., et al.,
 Appellants,
 v.
New York State Department of
Environmental Conservation,
et al.,
 Respondents.

Motion for leave to appeal denied.

3 Mo. No. 2012-482
In the Matter of Gracie Point Community
Council, &c., et al.,
 Appellants,
 v.
New York State Department of
Environmental Conservation,
et al.,
 Respondents.

Motion by Residents for Sane Trash Solutions for leave to appear amicus curiae on the motion for leave to appeal herein granted and the proposed brief is accepted as filed.

3 Mo. No. 2012-502
Peter Graziano, &c.,
Appellant,
v.
Andrea W. Evans, &c., et al.,
Respondents.

Motion for reargument of motion for leave to appeal
denied.

2 Mo. No. 2012-487
The People &c. ex rel. Ramon Gutierrez,
Appellant,
v.
Superintendent Ada Perez, &c.,
Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2012-485
Elizabeth Hinkle,
Appellant,
v.
Jonathan R. Trejo, et al.,
Respondents.

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

3 Mo. No. 2012-478
Island Park, LLC,
Appellant,
v.
State of New York,
Respondent.

Motion for leave to appeal granted.

2 Mo. No. 2012-456
In the Matter of Quincy K. (Anonymous).

Suffolk County Department of Social
Services,
Respondent;
Herbie W. (Anonymous),
Appellant.
(And Another Proceeding.)

Motion for leave to appeal denied.

4 Mo. No. 2012-493
Kaufmann's Carousel, Inc.,
 Appellant,
 v.
Carousel Center Company LP
et al.,
 Respondents.
(And Other Actions.)

Motion for reargument of motion for leave to appeal
denied.

2 Mo. No. 2012-480
The People &c.,
 Respondent,
 v.
Padraic Keating,
 Appellant.

Motion for reargument denied.

4 Mo. No. 2012-496
In the Matter of John Leonardo,
 Appellant,
 v.
Elaina Leonardo,
 Respondent.

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

4 Mo. No. 2012-484
The People &c.,
 Respondent,
 v.
Jeffrey Lowery,
 Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2012-495
In the Matter of Ryan Malone,
 Appellant,
 v.
Board of Education of East Meadow Union
Free School District,
 Respondent.

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

3 Mo. No. 2012-497
In the Matter of Dakiem M., &c.

Motion for leave to appeal denied.

Demetrius O.,
 Respondent;
Dakiem N.,
 Appellant.

3 Mo. No. 2012-498
In the Matter of Jennifer L. Miller,
 Appellant,
 v.
Leonard J. Miller, Jr.,
 Respondent.

Motion for leave to appeal denied.

3 Mo. No. 2012-511
In the Matter of Suzanne R. Monaco,
 Respondent,
 v.
Leonard M. Armer,
 Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2012-459
Tony Perpignan,
 Appellant,
 v.
First Franklin Financial Corp.,
 Respondent.

Motion for reargument of motion for leave to appeal
denied.

4 Mo. No. 2012-492
In the Matter of City of Rochester, &c.

Jill Cermak et al.,
 Appellants,
 v.
City of Rochester,
 Respondent.

On the Court's own motion, appeal dismissed,
without costs, upon the ground that no substantial
constitutional question is directly involved.
Motion for leave to appeal denied.

4 Mo. No. 2012-494
In the Matter of the City of Rochester, &c.

Florine Nelson et al.,
Appellants,
v.
City of Rochester,
Respondent.

On the Court's own motion, appeal dismissed,
without costs, upon the ground that no substantial
constitutional question is directly involved.
Motion for leave to appeal denied.

 Mo. No. 2012-468
In the Matter of Linda Salvati, &c.

Julie Stoil Fernandez,
Appellant,
v.
George J. McCormack,
Nonparty-Respondent.

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.

3 Mo. No. 2012-509
In the Matter of Remus Smith,
Appellant,

v.
Brian Fischer, &c.,
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. 2012-375
George Bundy Smith, Sr., &c.,
Appellant,

v.
The United Church of Christ,
et al.,
Respondents.

Motion for leave to appeal &c. dismissed upon the
ground that the Court of Appeals does not have
jurisdiction to entertain it (see NY Const, art VI, § 3;
CPLR 5602).

1 Mo. No. 2012-589
George Bundy Smith, Sr., &c.,
 Appellant,
 v.
The United Church of Christ,
et al.,
 Respondents.

Motion, insofar as it seeks leave to appeal from that part of the May 2012 Appellate Division order that affirmed so much of the February 2011 Supreme Court order as dismissed all causes of action against defendants The United Church of Christ, Revs. Geoffrey Black, Rita Root, Freeman Palmer, Dr. Michael Ward Caine, Noel Vanek, Dr. Donald Wells, and Gladys A. Philibert as personal representative of the estate of Rev. David Tucker, denied; motion for leave to appeal &c. otherwise dismissed upon the ground that the Court of Appeals does not have jurisdiction to entertain it (see NY Const, art VI, § 3; CPLR 5602).

3 Mo. No. 2012-455
In the Matter of Chorus SS.
et al., &c.

Tompkins County Department of Social
Services,
 Respondent;
Elatisha SS.,
 Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2012-463
Swedbank, AB, New York Branch,
 Respondent,
 v.
Hale Avenue Borrower, LLC,
et al.,
 Appellants,
et al.,
 Defendants.

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.

3 Mo. No. 2012-505
In the Matter of Injah Tafari,
 Appellant,
 v.
Brian S. Fischer, &c.,
 Respondent.

Motion for leave to appeal denied.

3 SSD 36
In the Matter of Michael Thompson,
 Appellant,
 v.
Brian Fischer, as Commissioner of
Corrections and Community Supervision, et
al.,
 Respondents.

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

3 Mo. No. 2012-470
In the Matter of Paulette Y. Ucci,
 Respondent,
 v.
David G. Ucci,
 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.

3 SSD 32
In the Matter of Christopher M. Uhl, a
Disbarred Attorney.

Committee on Professional Standards,
 Respondent,
 v.
Christopher M. Uhl,
 Appellant.

Appeal, insofar as taken from the Appellate Division
order denying the motion to vacate the order of
disbarment, dismissed without costs, by the Court
sua sponte, upon the ground that such order does not
finally determine the proceeding within the meaning
of the Constitution; appeal, insofar as taken from the
Appellate Division order of disbarment, dismissed
without costs, by the Court sua sponte, upon the
ground that no substantial constitutional question is
directly involved.

3 Mo. No. 2012-462
In the Matter of Imena V.,
et al., &c.

Chemung County Department of Social
Services,
 Respondent;
Dia V.,
 Appellant,
et al.,
 Respondent.

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

2 Mo. No. 2012-457
In the Matter of Kimber L. Wilkes,
 Appellant,
 v.
Carol Van Hooke, et al.,
 Respondents.

Motion for leave to appeal denied.

2 Mo. No. 2012-472
In the Matter of Raymond L. Young,
 Respondent,
 v.
Deborah Young,
 Appellant,
et al.,
 Respondent.

Motion, insofar as it seeks leave to appeal from the
Appellate Division order denying reargument or
leave to appeal, 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.