

March 27, 2012

CASES

4 No. 41
In the Matter of Peter E. Bissell,
 Appellant,
 v.
Town of Amherst, et al.,
 Respondents.

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

4 No. 35
The People &c.,
 Respondent,
 v.
James Extale,
 Appellant.

Order reversed and a new trial ordered.
Opinion by Judge Smith.
Chief Judge Lippman and Judges Ciparick, Graffeo,
Read, Pigott and Jones concur.

1 No. 53
Global Reinsurance Corporation - U.S.
Branch, &c.,
 Respondent,
 v.
Equitas Ltd., et al.,
 Appellants.

Order reversed, with costs, judgment of Supreme
Court, New York County, reinstated and certified
question answered in the negative.
Opinion by Chief Judge Lippman.
Judges Ciparick, Graffeo, Read and Jones concur.
Judge Smith concurs in the opinion of Chief Judge
Lippman, except insofar as it discusses whether the
allegations of the complaint would state a claim
under the federal antitrust laws, in an opinion in
which Judge Pigott concurs.

 No. 58
The People &c.,
 Respondent,
 v.
Samuel Jackson,
 Appellant.

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

1 No. 117 SSM 13
William I. Koch,
 Appellant,
 v.
Acker, Merrall & Condit Company,
 Respondent.

On review of submissions pursuant to section 500.11 of the Rules, judgment appealed from and order of the Appellate Division brought up for review reversed, with costs, and defendant's motion to dismiss plaintiff's causes of action under General Business Law §§ 349 and 350 denied, in a memorandum.
Chief Judge Lippman and Judges Ciparick, Graffeo, Read, Pigott and Jones concur.
Judge Smith took no part.

2 No. 75
In the Matter of Paul Kosowski, et al.,
 Appellants,
 v.
Daniel F. Donovan, Jr., et al.,
 Respondents.

Order affirmed, without costs.
Opinion Per Curiam.
Chief Judge Lippman and Judges Ciparick, Graffeo, Read, Smith, Pigott and Jones concur.

1 No. 38
Bruce Ovitz, &c.,
 Appellant,
 v.
Bloomberg L.P., et al.,
 Respondents.

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

1 No. 37
Daniel Ryan,
 Respondent,
 v.
Kellogg Partners Institutional Services,
 Appellant.

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

MOTIONS

2 Mo. No. 2011-1254
Bella B. Aloyts et al.,
 Respondents,
 v.
601 Tenant's Corp.,
 Respondent,
Jeff Berger,
 Appellant.

Motion for leave to appeal dismissed for failure to demonstrate timeliness as required by Rules of the Court of Appeals (22 NYCRR § 500.22[b][2]).

4 Mo. No. 2012-51
In the Matter of David Burr,
 Appellant,
 v.
Timothy B. Howard, &c.,
 Respondent.

Motion for leave to appeal dismissed upon the ground that the December 2011 Appellate Division order sought to be appealed from does not finally determine the proceeding within the meaning of the Constitution.

4 Mo. No. 2012-223
In the Matter of David Burr,
 Appellant,
 v.
Timothy B. Howard, &c.,
 Respondent.

Motion for leave to appeal dismissed upon the ground that the January 2012 Appellate Division order sought to be appealed from does not finally determine the proceeding within the meaning of the Constitution.

2 Mo. No. 2012-86
In the Matter of Gabriel C. (Anonymous),
 Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2012-98
In the Matter of Melissa Crowder,
 Appellant,
 v.
Dwayne Austin,
 Respondent.

Motion for leave to appeal denied.

3 Mo. No. 2011-1301
Marilyn C. DeCrescente,
 Respondent,
 v.
Catholic Charities of the Diocese of Albany et
al.,
 Defendants.

Catholic Charities of the Diocese of Albany et
al.,
 Third-Party Appellants,
 v.
County of Washington et al.,
 Third-Party Respondents,
et al.,
 Third-Party Defendant.

1 Mo. No. 2012-74
In the Matter of Manny E. Duell, Deceased.

Andrew J. Duell,
 Appellant,
 v.
Thea Duell, et al.,
 Respondents.

3 Mo. No. 2012-101
In the Matter of Carmine Fusco,
 Appellant,
 v.
New York State Racing and Wagering Board,
 Respondent.

Motion, insofar as it seeks leave to appeal from that portion of the Appellate Division order affirming so much of the Supreme Court order as dismissed the third-party complaint as against Fort Edward Victorian, Inc. and County of Washington, denied; motion for leave to appeal otherwise dismissed upon the ground that the remaining portions of the Appellate Division order sought to be appealed from do not finally determine the action within the meaning of the Constitution.

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

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

2 Mo. No. 2012-60
Sam Futersak, &c.,
Appellant,
v.
Sheldon Perl, &c., et al.,
Respondents.

Motion, 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 action within the meaning of the Constitution; motion for leave to appeal otherwise denied.

2 Mo. No. 2012-102
Michael Grucci,
Appellant,
v.
Christine Grucci,
Respondent.

Motion to strike appellant's appendix denied.

2 Mo. No. 2012-153
Michael Grucci,
Appellant,
v.
Christine Grucci,
Respondent.

Motion to vacate this Court's January 24, 2012 preclusion order granted.

4 Mo. No. 2012-79
In the Matter of Jay D.H.,
Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2012-37
In the Matter of David W. Howard,
Respondent,
v.
Stature Electric, Inc., et al.,
Appellants.
Workers' Compensation Board,
Respondent.

Motion for leave to appeal granted.

3 Mo. No. 2012-109
In the Matter of Charles K.,
 Appellant,
 v.
Jessica J. et al.,
 Respondents.

Motion for leave to appeal denied.

3 Mo. No. 2012-112
James Knapp et al.,
 Respondents-Appellants,
 v.
James R. Hughes, et al.,
 Appellants-Respondents.

Motion for reargument of motion for leave to appeal denied.

2 Mo. No. 2012-106
L&L Associates Holding Corp.,
 Respondent,
 v.
Joseph A.F. Sadowski,
 Appellant,
et al.,
 Defendants.

Motion for reargument &c. denied.
Motion for poor person relief dismissed as academic.

3 Mo. No. 2012-75
The People &c.,
 Respondent,
 v.
Steven Lashway,
 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.

2 Mo. No. 2012-66
In the Matter of Feng Lucy Luo,
 Respondent,
 v.
Tom T. Yang,
 Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2012-71
In the Matter of Raymond C. Miller Sr.,
 Appellant,
 v.
Patricia A. Miller,
 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. 2012-105
The People &c. ex rel. Okechukwu
Okoronkwo,
 Appellant,
 v.
The Commissioner of the New York City
Department of Corrections, et al.,
 Respondents.

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.

2 Mo. No. 2012-76
Keith Orsi, &c., et al.,
 Appellants,
 v.
Susan Haralabatos, &c., et al.,
 Respondents,
et al.,
 Defendants.

Motion for leave to appeal granted.

2 Mo. No. 2012-110
Javondi Pender,
 Appellant,
 v.
Lasalle Bus Service, Inc.,
 Respondent.

Motion for reargument of motion for leave to appeal denied.

3 Mo. No. 2012-65
In the Matter of Ryan Q., &c.

Motion for leave to appeal denied.

Schenectady County Department of Social
Services,
 Respondent;
Eric Q.,
 Appellant.

1 Mo. No. 2012-94
Siegel Consultants, Ltd.,
 Appellant,
 v.
Nokia, Inc., et al.,
 Respondents.
(And a Third-Party Action.)

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

SSD 5
Christopher Earl Strunk,
 Plaintiff,
H. William Van Allen,
 Non-Party Appellant,
 v.
David Paterson, et al.,
 Respondent.

Appeal dismissed without costs, by the Court sua
sponte, upon the ground that it does not lie (see
CPLR 5601).

3 Mo. No. 2012-97
In the Matter of Raphael Thompson,
 Appellant,
 v.
Brian Fischer, &c.,
 Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2012-63
The People &c.,
 Respondent,
 v.
Auero Torres,
 Appellant.

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

2 Mo. No. 2012-57
Union Street Tower, LLC,
Respondent,
v.
Eric Richmond, 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.

2 Mo. No. 2012-280
In the Matter of Town of Wallkill,
Respondent,
v.
Civil Service Employees Association, Inc.
(Local 1000, AFSCME, AFL-CIO, Town of
Wallkill Police Department Unit, Orange
County Local 836), et al.,
Appellants.

Motion by New York State Law Enforcement Officers Union, Council 82, AFSCME, AFL-CIO for leave to appear amicus 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. 2012-203
The People &c.,
Respondent,
v.
Tyrone Watson,
Appellant.

Motion to vacate this Court's February 8, 2012 dismissal order granted.

2 Mo. No. 2012-83
The People &c.,
Respondent,
v.
Ronnie Williams,
Appellant.

Motion for leave to appeal denied.