

November 20, 2012

CASES

No. 194
The People &c.,
Respondent,
v.
Emil Best,
Appellant.

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

4 No. 201
The People &c.,
Respondent,
v.
Dale Bradley,
Appellant.

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

2 No. 196
Michael Grucci,
Appellant,
v.
Christine Grucci,
Respondent.

Order affirmed, with costs, in a memorandum.
Chief Judge Lippman and Judges Ciparick, Graffeo
and Read concur.
Judge Pigott dissents and votes to reverse in an
opinion in which Judge Smith concurs.

4 No. 200
Tina M. Holstein,
Respondent,
v.
Community General Hospital of Greater
Syracuse,
Appellant.

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

No. 183

Yaakov Licci, a minor, by his father and
natural guardian, Elihav Licci and by his
mother and natural guardian, Yehudit Licci, et
al.,

Appellants,

v.

Lebanese Canadian Bank, SAL; American
Express Bank Ltd.,

Respondents.

Following certification of questions by the United
States Court of Appeals for the Second Circuit and
acceptance of the questions by this Court pursuant to
section 500.27 of the Rules of Practice of the New
York State Court of Appeals, and after hearing
argument by counsel for the parties and consideration
of the briefs and the record submitted, certified
questions answered in the affirmative.

Opinion by Judge Read.

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

3

No. 206

In the Matter of the State of New York,

Respondent,

v.

Myron P.,

Appellant.

Order affirmed, without costs.

Opinion by Judge Pigott.

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

4

No. 235 SSM 39

The People &c.,

Appellant,

v.

Vincent Torres,

Respondent.

(Appeal No. 1)

On review of submissions pursuant to section 500.11
of the Rules, orders affirmed, in a memorandum.

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

The People &c.,

Appellant,

v.

Vincent Torres,

Respondent.

(Appeal No. 2)

MOTIONS

3 Mo. No. 2012-923
Arthur Blake,
 Appellant,
 v.
First Transit Transportation Service,
 Respondent.

Motion for leave to appeal denied.

4 Mo. No. 2012-961
Geoffrey Bond et al.,
 Respondents,
 v.
Thomas A. Turner et al.,
 Appellants,
Village of Lakewood,
 Respondent.

Motion for leave to appeal dismissed upon the ground that simultaneous appeals do not lie to both the Appellate Division and the Court of Appeals (see Parker v Rogerson, 35 NY2d 751, 753 [1974]).

3 Mo. No. 2012-941
The People &c.,
 Respondent,
 v.
John M. Clavette,
 Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2012-962
Anthony R. Daniele,
 Respondent,
 v.
Kimi C. Puntillo,
 Appellant.

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

1 Mo. No. 2012-685
Expedia, Inc., et al.,
 Respondents,
Priceline.com Incorporated,
et al.,
 Plaintiffs,
 v.
The City of New York Department of
Finance, et al.,
 Appellants.

Motion for leave to appeal denied upon the ground
that an appeal lies as of right (see CPLR 5601[b][1]).

2 Mo. No. 2012-900
In the Matter of Robert Jordan G.
(Anonymous).

Westchester County Department of Social
Services,
 Respondent;
Robert D. (Anonymous),
 Appellant.

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

3 Mo. No. 2012-932
Kelly A. Herr,
 Appellant,
 v.
James E. Herr,
 Respondent.

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. 2012-1016
Marguerite James,
 Appellant,
 v.
David Wormuth, M.D., and CNY Thoracic
Surgery, P.C.,
 Respondents.

Motion to dismiss appeal denied.

3 Mo. No. 2012-924
In the Matter of Anthony H. Linnen,
 Appellant,
 v.
Albert Prack, &c.,
 Respondent.

Motion, insofar as it seeks leave to appeal from the February 2012 Appellate Division judgment, dismissed as untimely (see CPLR 5513[b]). The prior motion for leave to appeal made at the Appellate Division was untimely. Motion, insofar as it seeks leave to appeal from the June 2012 Appellate Division order, dismissed upon the ground that such order does not finally determine the proceeding within the meaning of the Constitution.

4 Mo. No. 2012-902
The People &c. ex rel. James Robert Moore,
 Appellant,
 v.
New York State Division of Parole,
 Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2012-954
Mary Jane Pauling-Jones,
 Respondent,
 v.
Head Start of Rockland, Inc.,
et al.,
 Appellants.

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

2 Mo. No. 2012-921
The People &c. ex rel. Conrado Pons,
Appellant,
v.
William A. Lee, &c.,
Respondent.

On the Court's own motion, appeal dismissed,
without costs, upon the ground that the order
appealed from does not finally determine the
proceeding 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 proceeding within the
meaning of the Constitution.
Motion for poor person relief dismissed as academic.

2 Mo. No. 2012-938
In the Matter of Pilar Salazar,
Respondent,
v.
Candido Melendez,
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2012-927
In the Matter of Amerriah S.

Administration for Children's Services,
Respondent;
Chris S.,
Appellant;
et al.,
Respondent.
(And Two Other Proceedings.)

Motion for leave to appeal denied.

2 Mo. No. 2012-926
In the Matter of Scher Law Firm, LLP, &c.,
Appellant,
v.
DB Partners I, LLC, et al.,
Respondents.

Motion for leave to appeal denied with one hundred
dollars costs and necessary reproduction
disbursements.
Judge Read took no part.

2 Mo. No. 2012-960

John Schiavone et al.,
Appellants,

v.

Bayside Fuel Oil Depot Corporation, et al.,
Respondents.

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

3 Mo. No. 2012-939

In the Matter of Christopher Stein,
Appellant,

v.

Ithaca Police Department et al.,
Respondents.

Motion for leave to appeal denied.

Motion for poor person relief dismissed as academic.

2 Mo. No. 2012-953

In the Matter of Village of Port Chester, &c.,
Appellant,

v.

Dominick D. Bologna, et al.,
Respondents.

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

2 Mo. No. 2012-972

In the Matter of Village of Port Chester, &c.,
Appellant,

v.

Dominick D. Bologna, et al.,
Respondents.

Motion by G&S Port Chester, LLC for leave to file a memorandum of law amicus curiae on the motion for leave to appeal herein granted and the memorandum of law is accepted as filed.

2 Mo. No. 2012-907

In the Matter of De Andre Williams,
Appellant,

v.

Barbara Zambelli, et al.,
Respondents.

Motion for leave to appeal denied.

2 Mo. No. 2012-947
Joseph O. Yebo,
 Appellant,
 v.
Helene M. Cuadra,
 Respondent.

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.
Motion for poor person relief dismissed as academic.