

November 29, 2012

CASES

No. 239

In the Matter of Hon. Robert P. Apple, a
Justice of the Pawling Village Court,
Dutchess County.

On consideration of the continuation of this Court's
October 23, 2012 suspension, with pay, of Honorable
Robert P. Apple from his office of Justice of the
Pawling Village Court, Dutchess County, it is
determined that the suspension continue, with pay,
effective immediately.
Chief Judge Lippman and Judges Ciparick, Graffeo,
Read, Smith and Pigott concur.

1 No. 230 SSM 28

Kendra Cividanes,
Respondent,
v.

City of New York,
Defendant,
Manhattan and Bronx Surface Transit
Operating Authority, et al.,
Appellants.

On review of submissions pursuant to section 500.11
of the Rules, order affirmed, with costs, and the
certified question answered in the affirmative, in a
memorandum.
Chief Judge Lippman and Judges Ciparick, Graffeo
and Read concur.
Judge Pigott dissents in an opinion in which Judge
Smith concurs.

2 No. 204

Kristin Kahkonen Dupree,
Respondent-Appellant,
v.

James E. Giugliano,
Appellant-Respondent.

Order modified, without costs, by vacating the award
for punitive damages and, as so modified, affirmed
and the certified question not answered as
unnecessary, in a memorandum.
Chief Judge Lippman and Judges Ciparick, Graffeo,
Read, Smith and Pigott concur.

1 No. 237 SSM 45
Kayla James, &c., et al.,
 Appellants,
 v.
Loran Realty V Corp.,
 Defendant,
Frank Palazzolo, et al.,
 Respondents.

On review of submissions pursuant to section 500.11 of the Rules, order affirmed, with costs, and the certified question answered in the affirmative, in a memorandum.
Chief Judge Lippman and Judges Ciparick, Graffeo, Read, Smith and Pigott concur.

3 No. 208
Richard M. Metz, as Personal Representative
of the Estate of Mary Helen Metz, Deceased,
et al.,
 Respondents,
 v.
State of New York,
 Appellant.
(And Six Other Related Claims.)

Order reversed, with costs, the claims dismissed and the certified question answered in the affirmative.
Opinion by Chief Judge Lippman.
Judges Ciparick, Graffeo, Read, Smith and Pigott concur.

 No. 202
The People &c.,
 Appellant,
 v.
Jeanne M. Vandover,
 Respondent.

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

2 No. 199
The People &c.,
 Respondent,
 v.
Tyrone Watson,
 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.

1 No. 234 SSM 38
In the Matter of Weeks Woodlands
Association, Inc., et al.,
 Appellants,
 v.
Dormitory Authority of the State of New
York, et al.,
 Respondents.

On review of submissions pursuant to section 500.11 of the Rules, order affirmed, with costs. Under the particular circumstances of this case, we agree with the Appellate Division majority that the challenged project is substantially complete and that the proper course of action was to dismiss the appeals taken to that court as moot.
Chief Judge Lippman and Judges Ciparick, Graffeo, Read, Smith and Pigott concur.

MOTIONS

3 Mo. No. 2012-1006
In the Matter of Stephanie R. Ames,
 Appellant,
 v.
Dane G. Ames,
 Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2012-1036
William Anderson,
 Appellant,
 v.
New York City Department of Education,
 Respondent.

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

2 Mo. No. 2012-1004
Susan Aranoff,
 Respondent,
 v.
Gerald Aranoff,
 Appellant.

Motion for reargument of motion for leave to appeal denied.

1 Mo. No. 2012-1008
Victor Barocas,
 Respondent,
 v.
Deborah Barocas,
 Appellant.

Motion to vacate this Court's August 14, 2012 dismissal order denied.

3 Mo. No. 2012-1005
In the Matter of Wilma D. Clark,
 Appellant,
 v.
Commissioner of Labor,
 Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2012-1019
Mahmoud Diarassouba,
Respondent,
v.
Spencer Lubin, &c., et al.,
Appellants.

Motion for reargument of motion for leave to appeal denied.

2 Mo. No. 2012-1050
Christopher C. Evans, &c.,
Appellant,
v.
City of Mount Vernon, et al.,
Respondents,
et al.,
Defendant.

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

2 Mo. No. 2012-1095
In the Matter of Gregory John Fischer, et al.,
Appellants,
v.
NYS Board of Elections, et al.,
Respondents.

Motion for reconsideration of this Court's October 18, 2012 dismissal order denied.

2 Mo. No. 2012-1039
In the Matter of Robert P. Jonas, Jr.,
Appellant,
v.
Walter Stackler, &c., et al.,
Respondents.

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

SSD 64

Patricia Kane, as the Limited Administratrix
of the Estate of Jeanne Kane and Patricia
Kane, Individually,
Respondent,
v.
John Galtieri,
Appellant,
Marilyn Galtieri,
Intervenor.

Appeal transferred without costs, by the Court sua
sponte, to the Appellate Division, Second
Department, upon the ground that a direct appeal
does not lie when questions other than the
constitutional validity of a statutory provision are
involved (NY Const, art VI, §§ 3[b][2], 5[b]; CPLR
5601[b][2]).

1 Mo. No. 2012-1044
The People &c.,
Respondent,
v.
Mohd Majid,
Appellant.

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

4 Mo. No. 2012-1034
The People &c. ex rel. Manuel Martinez,
Appellant,
v.
Harold D. Graham, &c.,
Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2012-1015
In the Matter of Charles McCarry,
Appellant,
v.
Purchase College, State University of New
York, et al.,
Respondents.

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

3 Mo. No. 2012-1042
In the Matter of William B. Miner et al.,
 Appellants,
 v.
Town of Duanesburg Planning Board et al.,
 Respondents.

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

4 Mo. No. 2012-1062
The People &c.,
 Respondent,
 v.
Gerard J. Ryan,
 Appellant.

Motion for leave to appeal dismissed as untimely.

3 Mo. No. 2012-999
Linda Vanderlyn,
 Appellant,
 v.
Gina Daly et al., &c.,
 Respondents.
(And a Third-Party Action.)

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

2 Mo. No. 2012-1003
In the Matter of Elisha M.W. (Anonymous).

Administration for Children's Services,
 Respondent;
Ronald W. (Anonymous),
 Appellant.
(And Another Proceeding.)

Motion for leave to appeal denied.

1 Mo. No. 2012-1000
Wells Fargo Bank Northwest, N.A., &c.,
Appellant,
v.
US Airways, Inc.,
Respondent.

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

3 Mo. No. 2012-1040
In the Matter of WL, LLC,
Appellant,
v.
Department of Economic Development, Also
Known as Empire State Development,
et al.,
Respondents.

Motion for leave to appeal granted.

1 Mo. No. 2012-998
Wei Xu,
Appellant,
v.
Fangruo Chen,
Respondent.

Motion, insofar as it seeks leave to appeal from the October 2011 Appellate Division order, dismissed upon the ground that such order does not finally determine the action within the meaning of the Constitution; motion, insofar as it seeks leave to appeal from the August 2012 Appellate Division order, denied.

3 Mo. No. 2012-1010
In the Matter of Dakota Y., &c.

St. Lawrence County Department of Social
Services,
Respondent;
Robert Y.,
Appellant.

Motion for leave to appeal denied.