

September 11, 2012

CASE

4 No. 215 SSM 29
In the Matter of Asset Protection & Security
Services, LP,
 Respondent,
 v.
Service Employees International Union, Local
200 United,
 Appellant.

On review of submissions pursuant to section 500.11
of the Rules, order, insofar as appealed from,
reversed, with costs, petition to vacate the arbitration
award dismissed, and cross petition to confirm the
arbitration award granted in the entirety, in a
memorandum.
Chief Judge Lippman and Judges Ciparick, Graffeo,
Read, Smith, Pigott and Jones concur.

MOTIONS

4 Mo. No. 2012-702
In the Matter of Jessie J. Barnes,
 Appellant,
 v.
Ronald Harling, &c.,
 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.

2 Mo. No. 2012-645
In the Matter of James Borkowski,
 Respondent,
 v.
Robert Bennett, et al.,
 Respondents,
Andrew DeStefano,
 Appellant;
Pat Bonnano,
 Nonparty-Respondent.

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

3 Mo. No. 2012-663
In the Matter of David A. Burr,
 Appellant,
 v.
Brian Fischer, &c.,
 Respondent.

Motion for leave to appeal denied.

3 Mo. No. 2012-748
In the Matter of Starla D.,
 Respondent,
 v.
Jeremy E.,
 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 Mo. No. 2012-751
Elsie Dentes, &c.,
 Appellant,
 v.
Jonathan Mauser et al.,
 Respondents.

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

1 Mo. No. 2012-632
In the Matter of Albert N. Eisenberg,
Deceased.

Law Offices of Seema Verma PLLC,
 Appellant,
 v.
Citigroup, Inc., 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 proceeding within the meaning of the Constitution.

4 Mo. No. 2012-658
In the Matter of Kevin Fager,
et al.,
 Appellants,
 v.
Board of Education, Rochester City School
District,
 Respondent.

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

3 Mo. No. 2012-641
In the Matter of Finger Lakes Zero Waste
Coalition, Inc.,
 Appellant,
 v.
Joe Martens, &c., et al.,
 Respondents.

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

2 Mo. No. 2012-668
Lee Adam Fredette,
 Appellant,
 v.
Town of Southampton, et al.,
 Respondents,
et al.,
 Defendants.

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

2 Mo. No. 2012-659
In the Matter of Rachel Fulmer,
 Appellant,
 v.
Michael Buxenbaum, Jr.,
 Respondent.

Motion, insofar as it seeks leave to appeal from the Appellate Division order denying appellant's motion to strike respondent's brief in that 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 for poor person relief dismissed as academic.

1 Mo. No. 2012-615
Fundamental Long Term Care Holdings,
LLC, et al.,
 Appellants,
 v.
Cammeby's Funding LLC, et al.,
 Respondents.

Motion for leave to appeal granted.
Motion for a stay granted.

4 Mo. No. 2012-725
The People &c. ex rel. David Garcia,
 Appellant,
 v.
Mark Bradt, &c.,
 Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2012-607
Kowanna Groom,
 Respondent,
 v.
Sagamore Realty, LLC, 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.

1 Mo. No. 2012-782
In the Matter of Allen Gutterman, et al.,
 Appellants,
 v.
Edward Caliguiri, et al.,
 Respondents.

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

2 Mo. No. 2012-577
Hanover Insurance Company, &c.,
 Appellant,
 v.
Town of Pawling,
 Respondent.

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

3 Mo. No. 2012-682
In the Matter of Home Depot U.S.A., Inc.,
 Appellant,
et al.,
 Petitioner,
 v.
State of New York Public Service
Commission et al.,
 Respondents.

Motion for leave to appeal denied.

1 Mo. No. 2012-609
David P. Kaplan, et al.,
 Respondents,
 v.
Madison Park Group Owners, LLC, et al.,
 Defendants,
David Lipman,
 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 SSD 41
In the Matter of Michael H. Koegler,
 Respondent,
 v.
Pamela D. Woodard,
 Appellant.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that the two-justice dissent at the Appellate Division is not on a question of law (see CPLR 5601[a]).

2 Mo. No. 2012-686
The People &c. ex rel. Demetrio Lifrieri,
 Appellant,
 v.
William A. Lee,
 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.

4 Mo. No. 2012-762
Bernice Malcolm,
 Appellant,
 v.
Honeoye Falls-Lima School District,
 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.

2 Mo. No. 2012-770

Nella Manko,
Appellant,
v.
Lenox Hill Hospital,
Respondent.

Motion, insofar as it seeks leave to appeal from the March 2012 Appellate Division order, dismissed as untimely (see CPLR 5513[b]); 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 action within the meaning of the Constitution.

Motion for poor person relief dismissed as academic.

2 Mo. No. 2012-707
In the Matter of Luis Felipe Martinez,
Appellant,

v.
Lesley Torres,
Respondent.

Motion for leave to appeal denied.

Motion for a stay dismissed as academic.

3 Mo. No. 2012-678

Francis McGill et al.,
Respondents,
v.
Fariha T. Qudsi,
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.

3 Mo. No. 2012-708
In the Matter of Gerald J. Murphy, Jr.,
Appellant,

v.
Kevin M. Wells, &c., et al.,
Respondents.

Motion for leave to appeal denied.

3 Mo. No. 2012-764
In the Matter of Eugene Murray,
 Appellant,
 v.
Brian Fischer, &c.,
 Respondent.

Motion for leave to appeal denied.

4 Mo. No. 2012-595
The People &c.,
 Respondent,
 v.
Kevin Nater-Vazquez,
 Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2012-760
Ralph Oyague,
 Appellant,
 v.
Steven O. Schwartz, M.D., P.C.,
 Respondent,
et al.,
 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.
Motion for poor person relief dismissed as academic.

3 SSD 40
The People &c.,
 Respondent,
 v.
Edward Van Steenburg,
 Appellant.

Appeal dismissed without costs, by the Court sua
sponte, upon the ground that no civil appeal lies from
the order of the Appellate Division entered in this
criminal proceeding (see NY Const, art VI, § 3[b];
CPLR 5601; CPL 450.90).
Judge Graffeo took no part.

2 Mo. No. 2012-681
In the Matter of Karen N. Parker,
 Appellant,
 v.
State of New York, Department of Motor
Vehicles,
 Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2012-753
Salvatore Piro et al.,
 Respondents,
 v.
Jerzy Macura, &c.,
 Appellant,
et al.,
 Defendant.

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.

2 Mo. No. 2012-901
Salvatore Piro et al.,
 Respondents,
 v.
Jerzy Macura, &c.,
 Appellant,
et al.,
 Defendant.

Motion by Physicians' Reciprocal Insurer, et al., insofar as it seeks leave to file a brief amici curiae on the motion for leave to appeal herein, granted and the brief is accepted as filed; motion, insofar as it seeks leave to file a brief amici curiae on the appeal herein, dismissed as academic.

3 SSD 42
In the Matter of Jose M. Poulouse,
 Appellant,
 v.
Nirav R. Shah, as Commissioner of Health, et al.,
 Respondents.

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

1 Mo. No. 2012-732
In the Matter of Peter Principe,
 Respondent,
 v.
New York City Department of Education,
 Appellant.

Motion to dismiss appeal denied.

4 Mo. No. 2012-780
In the Matter of Putnam Companies, &c.,
Appellant,
v.
Nirav R. Shah, M.D., M.P.H., Commissioner,
New York State Department of Public Health,
Respondent.

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

3 Mo. No. 2012-626
In the Matter of Vanessa Richman,
Respondent,
v.
NYS Unified Court System et al.,
Appellants.
Workers' Compensation Board,
Respondent.

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

1 Mo. No. 2012-648
In the Matter of Rodman & Renshaw, LLC, et
al.,
Respondents,
v.
Matthew N. Murray,
Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2012-726
In the Matter of the Acquisition of Real
Property by the Village of Saranac Lake.

Village of Saranac Lake,
Respondent,
Wayne Bujold et al.,
Appellants,
et al.,
Respondents.
(And 10 Other Related Proceedings.)

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

1 Mo. No. 2012-688
Rubin Schron, et al.,
 Plaintiffs,
 v.
Troutman Saunders LLP, et al.,
 Defendants.

Mich II Holdings LLC, et al.,
 Plaintiffs,
SVCare Holdings, LLC,
 Appellant,
 v.
Rubin Schron, et al.,
 Defendants,
Cammeby's Equity Holdings LLC,
 Respondent.

3 Mo. No. 2012-667
Signature Health Center, LLC,
 Appellant,
 v.
State of New York,
 Respondent.

2 Mo. No. 2012-796
Joseph Simon,
 Appellant,
 v.
Nortrax N.E., LLC, et al.,
 Respondents,
et al.,
 Defendants.

3 Mo. No. 2012-669
In the Matter of Subdivisions, Inc., et al.,
 Respondents,
 v.
Town of Sullivan et al.,
 Appellants.

Motion for leave to appeal granted.

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.

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

2 Mo. No. 2012-696
The People &c.,
 Respondent,
 v.
William Thompson,
 Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2012-651
Ann Winder, et al.,
 Appellants,
 v.
Executive Cleaning Services, LLC,
 Respondent,
et al.,
 Defendants.

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