

September 13, 2012

**MOTIONS**

1                    Mo. No. 2012-917  
The People &c.,  
    Respondent,  
    v.  
Carlos Abreu,  
    Appellant.

Motion for assignment of counsel granted and Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor, New York, NY 10006 assigned as counsel to the appellant on the appeal herein.

4                    Mo. No. 2012-713  
The People &c.,  
    Respondent,  
    v.  
Jesse Alston,  
    Appellant.

Motion for leave to appeal denied.

3                    Mo. No. 2012-722  
In the Matter of Jamal B.  
et al., &c.

Motion for leave to appeal denied.

Broome County Department of Social  
Services,  
    Respondent;  
Johnny B.,  
    Appellant.

3                    Mo. No. 2012-761  
Timothy Best,  
    Appellant,  
    v.  
State of New York,  
    Respondent.

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

2                    Mo. No. 2012-951  
The People &c.,  
    Respondent,  
    v.  
Lawrence Blankymsee,  
    Appellant.

Motion to vacate this Court's August 10, 2012  
preclusion order granted.

2                    Mo. No. 2012-950  
The People &c.,  
    Respondent,  
    v.  
Christopher Brinson,  
    Appellant.

Motion to vacate this Court's August 10, 2012  
preclusion order granted.

4                    Mo. No. 2012-815  
Patricia J. Curto,  
    Appellant,  
    v.  
New York State Thruway Authority et al.,  
    Respondents.

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

3                    Mo. No. 2012-759  
In the Matter of Lavar Davis,  
    Appellant,  
    v.  
Albert Prack, &c.,  
    Respondent.

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

2                    Mo. No. 2012-670  
Mahmoud Diarassouba,  
    Respondent,  
    v.  
Spencer Lubin, &c., et al.,  
    Appellants.

Motion for leave to appeal dismissed as untimely  
(see CPLR 5513[b]).

1                    Mo. No. 2012-683  
David S. Dinhofer, M.D.,  
Appellant,  
v.  
Medical Liability Mutual Insurance  
Company, et al.,  
Respondents.

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

1                    Mo. No. 2012-599  
DirecTV Latin America, LLC,  
et al.,  
Appellants,  
v.  
Carlos Pratola, et al.,  
Respondents.

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

1                    Mo. No. 2012-978  
East Midtown Plaza Housing Company, Inc.,  
Appellant,  
v.  
Andrew M. Cuomo, &c., et al.,  
Respondents.  
East Midtown Plaza Tenant-Cooperator  
Association,  
Intervenor-Appellant,  
East Midtown Plaza Mitchell-Lama  
Organization,  
Intervenor-Respondent.

Motion by Cooperators United for Mitchell-Lama et al. for leave to appear amici 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. 2012-966  
The People &c.,  
Respondent,  
v.  
Daniel Floyd,  
Appellant.

Motion for assignment of counsel granted and Lynn W. L. Fahey, Esq., Appellate Advocates, 2 Rector Street, 10th Floor, New York, NY 10006 assigned as counsel to the appellant on the appeal herein.

1                    Mo. No. 2012-840  
Donna Gianvito,  
    Appellant,  
    v.  
Premo Pharmaceutical Laboratories, Inc., &c.,  
    Respondent.  
(And Other Actions.)

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

4                    Mo. No. 2012-944  
The People &c.,  
    Respondent,  
    v.  
John G. Glynn,  
    Appellant.

Motion for assignment of counsel granted and Paul V. Mullin, Esq., c/o Sugarman Law Firm, LLP, 211 West Jefferson St., Syracuse NY 13202 assigned as counsel to the appellant on the appeal herein.

3                    Mo. No. 2012-567  
In the Matter of Santo Gonzalez,  
    Appellant,  
    v.  
Dominick Venettozzi, &c.,  
    Respondent.

Motion for leave to appeal denied.

3                    Mo. No. 2012-827  
Walter Grant,  
    Appellant,  
    v.  
State of New York,  
    Respondent.

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

4                    Mo. No. 2012-691  
The People &c.,  
    Respondent,  
    v.  
Robert E. Greene,  
    Appellant.

Motion for leave to appeal denied.

1                    Mo. No. 2012-676  
The People &c.,  
    Respondent,  
    v.  
Jose Guasp,  
    Appellant.

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

4                    Mo. No. 2012-711  
The People &c.,  
    Respondent,  
    v.  
Evan P. Guzman,  
    Appellant.

Motion for leave to appeal denied.

3                    SSD 44  
In the Matter of Hague Corporation,  
    Respondent-Appellant,  
    v.  
Empire Zone Designation Board, et al.,  
    Appellants-Respondents.

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

1                    Mo. No. 2012-684  
The People &c.,  
    Respondent,  
    v.  
Nathaniel Harrison,  
    Appellant.

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

2                    Mo. No. 2012-958  
The People &c.,  
    Respondent,  
    v.  
Franklin Hughes,  
    Appellant.

Motion for assignment of counsel granted and Michael A. Fiechter, Esq., PO Box 1107, Bellmore, NY 11710 assigned as counsel to the appellant on the appeal herein.

1                    Mo. No. 2012-674  
JP Morgan Chase Bank National Association,  
Respondent,  
v.  
Hela Miodownik,  
Appellant,  
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.

4                    Mo. No. 2012-767  
Patricia Karam, &c.,  
Appellant,  
v.  
Adirondack Neurosurgical Specialists, P.C.,  
et al.,  
Defendants,  
St. Elizabeth Medical Center  
et al.,  
Respondents.

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

2                    Mo. No. 2012-804  
Nancy Lago,  
Appellant-Respondent,  
v.  
Harold Lewis Adrion,  
Respondent-Appellant.

Motions for leave to appeal denied.

3                    Mo. No. 2012-665  
In the Matter of Gladys Johnson Moak,  
Deceased.  
  
Diane Johnson Ward, &c.,  
Respondent;  
James R. Moak et al.,  
Respondents;  
Ralph H. Drake et al.,  
Appellants.

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

3                    Mo. No. 2012-715  
In the Matter of Morris Builders, LP, et al.,  
                    Appellants,  
                    v.  
Empire Zone Designation Board  
et al.,  
                    Respondents.

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

1                    Mo. No. 2012-819  
Morrison Cohen, LLP,  
                    Respondent,  
                    v.  
David Fink,  
                    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. 2012-794  
Paul Mueller et al.,  
                    Appellants,  
                    v.  
PSEG Power New York, Inc.,  
                    Respondent.

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

1                    Mo. No. 2012-733  
In the Matter of Paul Murphy,  
                    Respondent,  
                    v.  
New York State Division of Housing and  
Community Renewal,  
                    Appellant,  
SouthBridge Towers, Inc.,  
                    Respondent.

Motion for leave to appeal granted.

1                    Mo. No. 2012-792  
In the Matter of Paul Murphy,  
                    Respondent,  
                    v.  
New York State Division of Housing and  
Community Renewal,  
                    Appellant,  
SouthBridge Towers, Inc.,  
                    Respondent.

                    SSD 48  
Ralph Oyague,  
                    Appellant,  
                    v.  
The Incorporated Village of Malverne, et al.,  
                    Respondents.

3                    SSD 47  
In the Matter of Frank J. Povoski, Jr.,  
                    Appellant,  
                    v.  
Brian Fischer, as Commissioner of  
Corrections and Community Supervision, et  
al.,  
                    Respondents.

Motion by the City of New York 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.

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 where 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]).

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



3                    SSD 46  
Alice Putney et al.,  
    Appellants,  
    v.  
The People of the State of New York, Acting  
By and Through the Power Authority of the  
State of New York, et al.,  
    Respondents.

Appeal, insofar as taken from that part of the Appellate Division order that affirmed so much of Supreme Court's order as dismissed the complaint, dismissed without costs, by the Court sua sponte, upon the ground that no substantial constitutional question is directly involved; appeal otherwise dismissed without costs, by the Court sua sponte, upon the ground that the remainder of the Appellate Division order does not finally determine the action within the meaning of the Constitution.

3                    Mo. No. 2012-704  
In the Matter of Carlos Rodriguez,  
    Appellant,  
    v.  
Brian Fischer, &c.,  
    Respondent.

Motion for leave to appeal denied.

2                    Mo. No. 2012-765  
The People &c.,  
    Respondent,  
    v.  
Jorge Samayoa,  
    Appellant.

Motion for leave to appeal denied.

4                    Mo. No. 2012-677  
In the Matter of Samed S. et al.  
  
Erie County Department of Social Services,  
    Respondent;  
Saleh A.,  
    Appellant,  
et al.,  
    Respondent.

Motion for leave to appeal denied.

1                    Mo. No. 2012-955  
The People &c.,  
    Respondent,  
    v.  
Hector Santiago,  
    Appellant.

Motion for assignment of counsel granted and Steven Banks, Esq., The Legal Aid Society, 199 Water Street, New York, NY 10038 assigned as counsel to the appellant on the appeal herein.

2                    Mo. No. 2012-773  
Randy Schwind,  
    Appellant,  
    v.  
Mel Lany Construction Management Corp. et  
al.,  
    Defendants,  
Charlene Khaghan,  
    Respondent.

Motion for leave to appeal dismissed as untimely (see CPLR 5513[b]).

1                    Mo. No. 2012-940  
The People &c.,  
    Respondent,  
    v.  
Omar Shabazz,  
    Appellant.

Motion for assignment of counsel granted and Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor, New York, NY 10006 assigned as counsel to the appellant on the appeal herein.

1                    Mo. No. 2012-731  
Skilled Investors, Inc.,  
    Plaintiff,  
    v.  
Bank Julius Baer & Co., Ltd.,  
et al.,  
    Defendants.

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Bank Julius Baer & Co., Ltd.,  
    Respondent,  
Bernard Spilko,  
    Plaintiff,  
    v.  
Menachem Ivcher, et al.,  
    Defendants,  
Baruch Ivcher et al.,  
    Appellants.

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

1                    Mo. No. 2012-781  
James Toth,  
    Appellant,  
    v.  
Lisa Spellman,  
    Respondent.

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

2                    Mo. No. 2012-746  
Weaver Street Properties, LLC,  
    Appellant,  
    v.  
Cold Stone Creamery, Inc.,  
    Respondent.

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

3                   SSD 45  
In the Matter of WL, LLC,  
                  Respondent-Appellant,  
          v.  
Department of Economic Development, Also  
Known as Empire State Development, et al.,  
          Appellants-Respondents.

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