

January 15, 2013

**CASE**

No. 58

Georgitsi Realty, LLC,  
Appellant,

v.

Penn-Star Insurance Company,  
Respondent.

Certification of question by the United States Court of Appeals for the Second Circuit, pursuant to section 500.27 of this Court's Rules of Practice, accepted and the issues presented are to be considered after briefing and argument.  
Chief Judge Lippman and Judges Graffeo, Read, Smith and Pigott concur.

## MOTIONS

SSD 70  
Akwesasne Convenience Store Association, et  
al.,  
Appellants,  
v.  
The State of New York, et al.,  
Respondents.

Appeal transferred without costs, by the Court sua  
sponte, to the Appellate Division, Fourth  
Department, upon the ground that a direct appeal  
does not lie (NY Const, art VI, §§ 3[b][2], 5[b];  
CPLR 5601[b][2]).

3 Mo. No. 2012-1220  
In the Matter of Bais Sarah School for Girls,  
Appellant,  
v.  
New York State Department of Education et  
al.,  
Respondents.

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

2 Mo. No. 2012-1143  
In the Matter of Shade B. (Anonymous).  
Administration for Children's Services,  
Respondent;  
Denzil B. (Anonymous),  
Appellant,  
et al.,  
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. 2012-1222  
The People &c.,  
Respondent,  
v.  
Murad Beyah,  
Appellant.

Motion for leave to appeal denied.

3                    Mo. No. 2012-1191  
Town of Copake,  
    Respondent,  
    v.  
13 Lackawanna Properties, LLC, et al.,  
    Appellants.

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

2                    Mo. No. 2012-1107  
In the Matter of Rita Cusimano,  
    Appellant,  
    v.  
Strianese Family Limited Partnership, et al.,  
    Respondents,  
Bernard Strianese, et al.,  
    Intervenors-Respondents,  
et al.,  
    Respondents.

Motion, insofar as it seeks leave to appeal from that part of the Appellate Division order that affirmed the denial of appellant's motion to renew, dismissed upon the ground that such part of the order does not finally determine the proceeding within the meaning of the Constitution; motion for leave to appeal otherwise denied.

3                    Mo. No. 2012-1230  
In the Matter of Paul Czajka, &c.,  
    Appellant,  
    v.  
Richard Koweeek, &c., et al.,  
    Respondents.

Motion for leave to appeal denied.

4                    Mo. No. 2012-1123  
In the Matter of Thomas Dietz,  
    Appellant,  
    v.  
Board of Education of Rochester City School  
District, et al.,  
    Respondents.

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

4                    Mo. No. 2012-1217  
In the Matter of Gamaliel (Tony) Dominguez,  
                    Appellant,  
                    v.  
Monroe County Sheriff Patrick M. O'Flynn, et  
al.,  
                    Respondents.

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

2                    SSD 69  
In the Matter of G & C Transportation, Inc.,  
et al.,  
                    Appellants,  
                    v.  
Jean-Ann McGrane, et al.,  
                    Respondents.

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

2                    Mo. No. 2012-1242  
Zachary G. (Anonymous), &c.,  
et al.,  
                    Appellants,  
                    v.  
Young Israel of Woodmere,  
                    Respondent.

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

2                    Mo. No. 2012-1219  
The People &c.,  
                    Respondent,  
                    v.  
Claude Gulley, Jr.,  
                    Appellant.

Motion for leave to appeal denied.

1                    Mo. No. 2012-1171  
In the Matter of Isabelita Gonzalez,  
                    Appellant,  
Emadelin Omar,  
                    Petitioner,  
                    v.  
Division of Housing and Community  
Renewal of the State of New York, 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.  
Motion for poor person relief dismissed as academic.  
Motion for a stay dismissed as academic.

1                    Mo. No. 2012-1236  
In the Matter of Isabelita Gonzalez,  
                    Petitioner,  
Emadelin Omar,  
                    Appellant,  
                    v.  
Division of Housing and Community  
Renewal of the State of New York, 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.  
Motion for poor person relief dismissed as academic.  
Motion for a stay dismissed as academic.

3                    SSD 3  
The People &c. ex rel. Said Gssime,  
                    Appellant,  
                    v.  
Daniel F. Martuscello Jr., &c.,  
                    Respondent.

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

2                    Mo. No. 2012-1203  
Jane Hauck, et al.,  
                    Appellants,  
                    v.  
Lillian Lombardo, &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.

1                    Mo. No. 2012-1188  
In the Matter of Katie Kickertz,  
                    Respondent,  
                    v.  
New York University,  
                    Appellant.

Motion for a stay dismissed as academic.

1                    Mo. No. 2012-1235  
In the Matter of Katie Kickertz,  
                    Respondent,  
                    v.  
New York University,  
                    Appellant.

Motion to dismiss appeal granted and appeal dismissed upon the ground that the Appellate Division order does not finally determine the proceeding within the meaning of the Constitution.

1                    Mo. No. 2012-1241  
Dale Kleinser,  
                    Appellant,  
                    v.  
Mark Astarita, et al.,  
                    Respondents.

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

1                    Mo. No. 2012-1165  
Mark Komlosi,  
                    Appellant,  
                    v.  
Andrew M. Cuomo, &c., et al.,  
                    Respondents.

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

2                    Mo. No. 2012-1168  
Eric Landon, &c.,  
                    Respondent,  
                    v.  
Kroll Laboratory Specialists, Inc.,  
                    Appellant.

Motion by Robert N. Isseks and Bloom & Bloom, P.C. to withdraw as counsel for respondent on the appeal herein granted.

2                    Mo. No. 2012-1198  
In the Matter of Jonathan H. Merritt, Sr.,  
                    Appellant,  
                    v.  
Bethann Allen,  
                    Respondent.  
(And Another Proceeding.)

Motion for leave to appeal denied.

3                    Mo. No. 2012-1197  
In the Matter of State of New York,  
                    Respondent,  
                    v.  
Cerrick FF.,  
                    Appellant.

Motion for leave to appeal denied.

1                    SSD 2  
Nineteen Eighty-Nine, LLC,  
                    Plaintiff,  
                    v.  
Icahn Enterprises L.P., et al.,  
                    Defendants.  
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Carl C. Icahn, et al.,  
                    Appellants,  
                    v.  
Geoffrey Raynor, et al.,  
                    Respondents.

Appeal, insofar as taken from that portion of the Appellate Division order which affirmed Supreme Court's denial of appellants' motion to amend the complaint, dismissed without costs, by the Court sua sponte, upon the ground that such portion of the order does not finally determine the action within the meaning of the Constitution; appeal otherwise dismissed, without costs, upon the ground that no substantial constitutional question is directly involved.

2                    Mo. No. 2012-1206  
In the Matter of Marvin P.  
                  Appellant,  
                  v.  
Kathleen M. Rice, &c., et al.,  
                  Respondents.

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.

1                    Mo. No. 2012-1147  
In the Matter of Diamond Lee P., &c.  
  
Paula C., &c.,  
                  Appellant,  
Cardinal McCloskey Services,  
                  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.  
Motion for poor person relief dismissed as academic.

3                    Mo. No. 2012-1212  
In the Matter of Fedie R. Redd,  
                  Appellant.  
Commissioner of Labor,  
                  Respondent.

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

1                    Mo. No. 2012-1232  
Philip Seldon,  
                  Appellant,  
                  v.  
Andrew Spinnell,  
                  Respondent.

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



1                    SSD 1  
In the Matter of an Investigation of the  
Departmental Disciplinary Committee for the  
First Judicial Department into the  
Professional Conduct of an Attorney and  
Counselor-at-Law:  
                  Respondent,  
Susan Anonymous,  
                  Appellant.

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

1                    Mo. No. 2012-1189  
Susan Scott Stanley, et al.,  
                  Appellants,  
                  v.  
Amalithone Realty, Inc., et al.,  
                  Respondents.

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

1                    Mo. No. 2012-1209  
In the Matter of The State of New York,  
                  Respondent,  
                  v.  
Enrique D., &c.,  
                  Appellant.

Motion for leave to appeal granted.

3                    Mo. No. 2012-1112  
In the Matter of Beth V.,  
                  Appellant,  
                  v.  
New York State Office of Children & Family  
Services et al.,  
                  Respondents.  
Workers' Compensation Board,  
                  Respondent.

Motion for leave to appeal granted.

1                    Mo. No. 2012-1248  
Wei Xu,  
                    Appellant,  
                    v.  
Fangruo Chen,  
                    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.

1                    Mo. No. 2013-19  
In the Matter of Yary.

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

Carol W.,  
                    Petitioner,  
Leake & Watts Services, Inc.,  
et al.,  
                    Respondents.

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In the Matter of Yary.

Leake & Watts Services, Inc.,  
                    Respondent,  
Carmen A.,  
                    Appellant,  
Administration for Children's Services,  
                    Respondent.