

June 11, 2013

CASES

4 No. 115
Altshuler Shaham Provident Funds, Ltd.,
Appellant,
v.
GML Tower, LLC, et al.,
Defendants,
The Pike Company, Inc., et al.,
Respondents.

Judgment appealed from and order of the Appellate Division brought up for review modified, without costs, in accordance with the opinion herein and, as so modified, affirmed.
Opinion by Judge Read.
Chief Judge Lippman and Judges Smith, Pigott and Rivera concur.
Judge Graffeo dissents in part in an opinion.
Judge Abdus-Salaam took no part.

4 No. 102
The People &c.,
Respondent,
v.
Jay J. Barboni,
Appellant.

Order affirmed.
Opinion by Judge Pigott.
Chief Judge Lippman and Judges Graffeo, Read and Rivera concur.
Judge Smith concurs in result in an opinion.
Judge Abdus-Salaam took no part.

2 No. 117
The People &c.,
Respondent,
v.
Josue Deliser,
Appellant.

Order reversed and case remitted to Supreme Court, Kings County, for further proceedings in accordance with the memorandum herein.
Chief Judge Lippman and Judges Graffeo, Read, Smith, Pigott and Rivera concur.
Judge Abdus-Salaam took no part.

1 No. 113
J.P. Morgan Securities Inc.,
et al.,
Appellants,
v.
Vigilant Insurance Company,
et al.,
Respondents.

Order reversed, with costs, and defendants' motions to dismiss the complaint denied.
Opinion by Judge Graffeo.
Judges Read, Smith, Pigott and Rivera concur.
Chief Judge Lippman and Judge Abdus-Salaam took no part.

1 No. 106
K2 Investment Group, LLC, et al.,
 Respondents-Appellants,
 v.
American Guarantee & Liability Insurance
Company,
 Appellant-Respondent.

Order affirmed, without costs.
Opinion by Judge Smith.
Chief Judge Lippman and Judges Graffeo, Read,
Pigott and Rivera concur.
Judge Abdus-Salaam took no part.

 No. 95
The People &c.,
 Respondent,
 v.
Ray Lam,
 Appellant.

Order affirmed, in a memorandum.
Chief Judge Lippman and Judges Graffeo, Read,
Pigott and Rivera concur.
Judge Smith dissents in an opinion.
Judge Abdus-Salaam took no part.

4 No. 173 SSM 8
The People &c.,
 Respondent,
 v.
Curtis L. Mason,
 Appellant.

On review of submissions pursuant to section 500.11
of the Rules, order reversed and case remitted to the
Appellate Division, Fourth Department, for further
proceedings in accordance with the memorandum
herein.
Chief Judge Lippman and Judges Graffeo, Read,
Smith, Pigott, Rivera and Abdus-Salaam concur.

1 No. 116
The People &c.,
 Respondent,
 v.
Robert Mitchell,
 Appellant.

Order affirmed, in a memorandum.
Chief Judge Lippman and Judges Graffeo, Read,
Smith, Pigott and Rivera concur.
Judge Abdus-Salaam took no part.

4 No. 110
In the Matter of Norman E. Roth, et al.,
 Appellants,
 v.
City of Syracuse, et al.,
 Respondents.
(And Other Proceedings.)

Judgment appealed from and order of the Appellate
Division brought up for review affirmed, with costs.
Opinion by Judge Rivera.
Chief Judge Lippman and Judges Graffeo, Read,
Smith and Pigott concur.
Judge Abdus-Salaam took no part.

MOTIONS

3 Mo. No. 2013-445
In the Matter of Ronald Alston,
 Appellant,
 v.
Brian Fischer, &c.,
 Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2013-494
In the Matter of Heenam Bae, &c., et al.,
 Appellants,
 v.
The Industrial Board of Appeals, et al.,
 Respondents.

Motion for leave to appeal denied.

4 Mo. No. 2013-482
The People &c.,
 Respondent,
 v.
Katisha Beaty,
 Appellant.

Motion for assignment of counsel granted and
Harvey L. Greenberg, Esq., 232 Madison Ave.,
Room 909, New York, NY 10016 assigned as
counsel to the appellant on the appeal herein.

1 Mo. No. 2013-435
In the Matter of The Council of the City of
New York,
 Respondent,
 v.
The Department of Homeless Services of the
City of New York, et al.,
 Appellants.

Motion for leave to appeal granted.
Judge Abdus-Salaam took no part.

1 Mo. No. 2013-508
In the Matter of The Council of the City of
New York,
 Respondent,
 v.
The Department of Homeless Services of the
City of New York, et al.,
 Appellants.

Motion to intervene denied.
Chief Judge Lippman and Judge Abdus-Salaam took
no part.

1 Mo. No. 2013-492
In the Matter of Wanda Coleman,
 Appellant,
 v.
John B. Rhea, &c.,
 Respondent.

Motion for leave to appeal denied.
Judge Abdus-Salaam took no part.

4 Mo. No. 2013-424
The People &c.,
 Respondent,
 v.
Jamal Cooke,
 Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2013-422
In the Matter of David Dale,
 Appellant,
 v.
Hon. Christopher J. Burns, &c., 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 a stay dismissed as academic.

1 Mo. No. 2013-451
Celia Farber,
 Appellant,
 v.
Richard Jefferys,
 Respondent,
et al.,
 Defendants.

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

1 Mo. No. 2013-421
Georgette Fleischer,
 Appellant,
 v.
NYP Holdings, Inc., &c., et al.,
 Respondents.

Motion for leave to appeal denied with one hundred dollars costs and necessary reproduction disbursements.
Judges Rivera and Abdus-Salaam took no part.

3 Mo. No. 2013-402
In the Matter of Joseph G.,
 Appellant,
 v.
Winifred G.,
 Respondent.
(And Three Other Related Proceedings.)

Motion for leave to appeal denied.

4 Mo. No. 2013-407
The People &c.,
 Respondent,
 v.
Neil Gillotti,
 Appellant.

Motion for leave to appeal granted.

1 Mo. No. 2013-469
In the Matter of Amy R. Gurvey (admitted as
Amy Rebecca Weissbrod), an Attorney and
Counselor-at-Law.

Motion for reconsideration of this Court's March 26, 2013 dismissal order denied.
Judge Abdus-Salaam took no part.

Departmental Disciplinary Committee for the
First Judicial Department,
 Respondent,
Amy R. Gurvey,
 Appellant.

1 Mo. No. 2013-429

Hutchinson Burger, Inc., et al.,
Appellants,

v.

Hutch Restaurant Associates, L.P., et al.,
Respondents,
et al.,
Defendant.

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

2 Mo. No. 2013-453

JSO Associates, Inc. et al.,
Respondents,

v.

Edward Price, et al.,
Appellants.

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

2 Mo. No. 2013-441

In the Matter of Salvatore M. (Anonymous).

Motion for leave to appeal denied.

Suffolk County Department of Social
Services,

Respondent;

Nicole M. (Anonymous),

Appellant;

Thomas M. (Anonymous),

Nonparty-Respondent.

1 Mo. No. 2013-415

Frederick J. Mittermeier, Jr.,
et al.,

Appellants,

v.

The State of New York,
Respondent.

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

2 Mo. No. 2013-455
Ronald Mizrahi, &c.,
Respondent,
v.
Ezra Cohen,
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.

2 Mo. No. 2013-419
Ben Nehmadi,
Appellant,
v.
E. William Davis,
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. 2013-408
The People &c.,
Respondent,
v.
Hector Perez,
Appellant.

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

2 Mo. No. 2013-473
In the Matter of Carl R. (Anonymous),
Respondent;
Gerald G. Wright,
Appellant.

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

1 Mo. No. 2013-475
In the Matter of Thailique Nashean S., &c.

Sean L.,
Appellant,
Graham-Windham Services to Families and
Children,
Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2013-416
Melissa Smith,
Appellant,
v.
The City of New York, et al.,
Respondents.

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

2 Mo. No. 2013-437
In the Matter of Sherwyn Toppin Marketing
Consultants, Inc., &c.,
Appellant,
v.
New York State Liquor Authority,
Respondent.

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

4 Mo. No. 2013-438
Ricardo Wright,
Appellant,
v.
James J. Shapiro, et al.,
Respondents,
et al.,
Defendants.

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

1 Mo. No. 2013-480
The People &c.,
Respondent,
v.
Dorom Yomtov,
Appellant.

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