

March 21, 2013

CASES

2 No. 54
In the Matter of Arisleda Duarte,
 Respondent,
 v.
City of New York,
 Appellant.

Appeal dismissed, without costs, as moot, in a memorandum.
Chief Judge Lippman and Judges Graffeo, Read, Smith, Pigott and Rivera concur.

3 No. 29
In the Matter of David W. Howard,
 Respondent,
 v.
Stature Electric, Inc., et al.,
 Appellants.
Workers' Compensation Board,
 Respondent.

Decision of the Workers' Compensation Board appealed from and order of the Appellate Division brought up for review affirmed, with costs.
Opinion by Judge Pigott.
Chief Judge Lippman and Judges Graffeo, Read and Smith concur.
Judge Rivera took no part.

4 No. 31
Paul Marinaccio, Sr.,
 Respondent,
 v.
Town of Clarence,
 Defendant,
Kieffer Enterprises, Inc.,
 Appellant.

Order reversed, with costs, and that part of the judgment awarding punitive damages vacated.
Opinion by Chief Judge Lippman.
Judges Graffeo, Read, Smith and Pigott concur.
Judge Rivera took no part.

4 No. 30
The People &c.,
 Respondent,
 v.
Demetrius McGee,
 Appellant.

Order affirmed.
Opinion by Judge Graffeo.
Chief Judge Lippman and Judges Read, Smith and Pigott concur.
Judge Rivera took no part.

2 No. 40
The People &c.,
 Respondent,
 v.
Elbert Norris,
 Appellant.

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

2 No. 39
The People &c.,
 Respondent,
 v.
Tyrell Norris,
 Appellant.

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

2 No. 120 SSM 3
The People &c.,
 Respondent,
 v.
Jose Rodriguez,
 Appellant.

On review of submissions pursuant to section 500.11
of the Rules, order affirmed (see People v Tyrell
Norris; People v Elbert Norris [decided today]).
Chief Judge Lippman and Judges Graffeo, Read,
Smith and Pigott concur.
Judge Rivera took no part.

4 No. 43
Paula White, Individually and as Executrix of
the Estate of Leonard White,
 Respondent,
 v.
Dennis Farrell et al.,
 Appellants.

Order modified, without costs, by remitting to
Supreme Court, Onondaga County, for further
proceedings in accordance with the opinion herein,
and, as so modified, affirmed.
Opinion by Judge Read.
Chief Judge Lippman and Judges Graffeo and Rivera
concur.
Judge Pigott concurs in the result in an opinion in
which Judge Smith concurs.

MOTIONS

2 Mo. No. 2013-76
In the Matter of Douglas Allen,
Appellant,
v.
Janet DiFiore, &c., et al.,
Respondents.

Motion for leave to appeal denied.

3 Mo. No. 2013-143
The People &c.,
Respondent,
v.
Anthony Buchanan,
Appellant.

Motion for an extension of the time within which to apply for permission to appeal pursuant to CPL 460.20 granted and motion papers treated as a timely CPL 460.20 application.

2 Mo. No. 2013-77
In the Matter of Roberto Ciaprazi,
Appellant,
v.
Philip Heath, &c.,
Respondent.

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

1 Mo. No. 2013-218
The People &c.,
Appellant,
v.
Angel Cintron,
Respondent.

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 respondent on the appeal herein.

1 Mo. No. 2013-71
Samuel Cosentino,
Appellant,
v.
Sullivan Papain Block McGrath & Cannavo,
P.C.,
Respondent.

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

Mo. No. 2013-231
The People &c.,
Respondent,
v.
Todd Dobmeier,
Appellant.

Motion for an extension of the time within which to apply for permission to appeal pursuant to CPL 460.20 granted and motion papers treated as a timely CPL 460.20 application.

1 Mo. No. 2013-89
Juel A. Frederick, &c.,
Appellant,
v.
550 Realty Heights, LLC, et al.,
Respondents.
(And a Third-Party Action.)

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

3 Mo. No. 2012-718
In the Matter of Dominick Giaquinto, &c.,
Appellant,
v.
Commissioner of New York State Department
of Health,
Respondent,
et al.,
Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2013-272
J.P. Morgan Securities Inc.,
et al.,
Appellants,
v.
Vigilant Insurance Company,
et al.,
Respondents.

Motion by American Insurance Association for leave to file a brief amicus curiae on the appeal herein granted and the proposed brief is accepted as filed. Two copies of the brief must be served and nine copies filed within seven days. Chief Judge Lippman took no part.

1 Mo. No. 2013-261
The People &c.,
 Respondent,
 v.
Sharmelle Johnson,
 Appellant.

Motion for assignment of counsel granted and Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Suite 1601, New York, NY 10007 assigned as counsel to the appellant on the appeal herein.

2 Mo. No. 2013-79
The People &c.,
 Respondent,
 v.
Parrish Jones,
 Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2013-228
The People &c.,
 Respondent,
 v.
Srisdi Kidkarndee,
 Appellant.

Motion for an extension of the time within which to apply for permission to appeal pursuant to CPL 460.20 granted and motion papers treated as a timely CPL 460.20 application.

2 Mo. No. 2013-155
In the Matter of Vilma Lancaster, et al.,
 Appellants,
 v.
Incorporated Village of Freeport, et al.,
 Respondents.

Motion to dismiss appeal denied.

In the Matter of William F. Glacken, et al.,
 Appellants,
 v.
Incorporated Village of Freeport, et al.,
 Respondents.

4 Mo. No. 2013-10
The People &c.,
 Respondent,
 v.
Steven L., &c.,
 Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2013-20
In the Matter of Neil Marcus,
et al.,
 Appellants,
 v.
Board of Trustees of Village of Wesley Hills,
et al.,
 Respondents.

Motion for leave to appeal denied.

1 Mo. No. 2013-257
The People &c.,
 Respondent,
 v.
Selbin Martinez,
 Appellant.

Motion for assignment of counsel granted and
Richard M. Greenberg, Esq., Office of the Appellate
Defender, 11 Park Place, Suite 1601, New York, NY
10007 assigned as counsel to the appellant on the
appeal herein.

Mo. No. 2013-235
Metropolitan Taxicab Board of Trade, et al.,
Respondents,
The Livery Roundtable, Inc.,
et al.,
Intervenors-Respondents,
v.
Michael R. Bloomberg, &c.,
et al.,
Appellants,
Livery Base Owners Inc., et al.,
Intervenors-Appellants.

Taxicab Service Association,
et al.,
Respondents,
v.
The State of New York, et al.,
Appellants,
Livery Base Owners, Inc., et al.,
Intervenors-Appellants.

Greater New York Taxi Association, et al.,
Respondents,
v.
The State of New York, et al.,
Appellants,
Livery Base Owners Inc., et al.,
Intervenors-Appellants.

1 Mo. No. 2013-282
The People &c.,
Respondent,
v.
Hafeez Odofin,
Appellant.

Motion by Office of the Manhattan Borough
President for leave to appear amicus curiae on the
appeals herein granted only to the extent that the
proposed brief is accepted as filed. Two copies of
the brief must be served and nine copies filed within
seven days.

Motion for an extension of the time within which to
apply for permission to appeal pursuant to CPL
460.20 granted and motion papers treated as a timely
CPL 460.20 application.

2 Mo. No. 2013-39
In the Matter of Onel Ojeda,
 Appellant,
 v.
D. Venettozzi, &c.,
 Respondent.

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

1 Mo. No. 2012-1200
Segundo Once, et al.,
 Respondents,
 v.
Service Center of New York,
et al.,
 Defendants,
218 W 72nd St. Realty Corp.,
et al.,
 Appellants.

Motion for leave to appeal dismissed upon the
ground that appellants have failed to show that the
order sought to be appealed from is final as required
by Rules of the Court of Appeals (22 NYCRR) §
500.22(b)(3).

4 Mo. No. 2013-176
Eugene Palladino,
 Appellant,
 v.
CNY Centro, Inc., et al.,
 Respondents.

Motion for leave to appeal granted.

1 Mo. No. 2013-37
Steve Pappas, et al.,
 Respondents,
 v.
Steve Tzolis,
 Appellant,
Vrahos LLC,
 Defendant.

Motion for reargument denied with one hundred
dollars costs and necessary reproduction
disbursements.
Judge Rivera took no part.

2 Mo. No. 2013-2
The People &c. ex rel. Conrado Pons,
Appellant,
v.
William A. Lee, &c.,
Respondent.

Motion for reargument denied.
Judge Rivera took no part.

2 Mo. No. 2013-273
The People &c.,
Respondent,
v.
Enrique Rivera,
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. 2013-164
The People &c.,
Respondent,
v.
Julio Rodriguez,
Appellant.

Motion for poor person relief granted.

4 Mo. No. 2013-293
In the Matter of Norman E. Roth, et al.,
Appellants,
v.
City of Syracuse, et al.,
Respondents.
(And Other Proceedings.)

Motion by New York State Conference of Mayors
and Municipal Officials 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.

1 Mo. No. 2013-75
Susan Silvis,
Appellant,
v.
City of New York et al.,
Respondents.

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

3 Mo. No. 2013-67
In the Matter of Francis Smythe,
Appellant,
v.
Brian Fischer, &c.,
Respondent.

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

1 Mo. No. 2013-258
The People &c.,
Respondent,
v.
Alias Stone,
Appellant.

Motion for assignment of counsel granted and
Richard M. Greenberg, Esq., Office of the Appellate
Defender, 11 Park Place, Suite 1601, New York, NY
10007 assigned as counsel to the appellant on the
appeal herein.

2 Mo. No. 2013-249
The People &c.,
Respondent,
v.
Taliyah Taylor,
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.

4 Mo. No. 2013-50
In the Matter of the State of New York,
Respondent,
v.
Edward T.,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2013-90
UBS Securities LLC,
Appellant,
v.
RAE Systems Inc.,
Respondent.

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