

September 3, 2013

MOTIONS

4 Mo. No. 2013-762
Altshuler Shaham Provident Funds, Ltd.,
Appellant,
v.
GML Tower, LLC, et al.,
Defendants,
The Pike Company, Inc., et al.,
Respondents.

Motion for clarification or reargument denied with
one hundred dollars costs and necessary reproduction
disbursements.
Judge Abdus-Salaam took no part.

1 Mo. No. 2013-683
In the Matter of Sanayi Beckles,
Appellant,
v.
Rafael E. Cestero, &c.,
Respondent.

Motion for leave to appeal denied.
Motion for poor person relief dismissed as academic.
Motion for a stay dismissed as academic.
Judge Abdus-Salaam took no part.

3 SSD 42
In the Matter of Donald Mack Bennett,
Appellant,
v.
Superintendent Jeff McKoy et al.,
Respondents.

Appeal dismissed without costs, by the Court sua
sponte, upon the ground that the order appealed from
does not finally determine the proceeding within the
meaning of the Constitution.

4 Mo. No. 2013-660
In the Matter of Thor C.

Cattaraugus County Department of Social
Services,
Respondent;
Carol C.,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2013-694
In the Matter of Anna Ciano,
 Appellant,
 v.
Hon. Maxwell J. Wiley, &c. et al.,
 Respondents.

Motion for leave to appeal dismissed upon the ground that the issues presented have become moot. Judge Abdus-Salaam took no part.

2 Mo. No. 2013-758
In the Matter of Colin Realty Co., LLC,
 Appellant,
 v.
Town of North Hempstead, et al.,
 Respondents.

Motion for leave to appeal granted.

4 Mo. No. 2013-690
In the Matter of Jennifer S. Davis,
 Respondent,
 v.
Robert P. Driggs, III,
 Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2013-696
In the Matter of Easylink Services
International, Inc.,
 Appellant,
 v.
New York State Tax Appeals Tribunal et al.,
 Respondents.

Motion by Institute for Professionals in Taxation for leave to file a brief amicus curiae on the motion for leave to appeal herein dismissed as academic.

3 Mo. No. 2013-686
In the Matter of Mark Garraway,
 Appellant,
 v.
Brian Fischer, &c., et al.,
 Respondents.

Motion for leave to appeal denied.

3 Mo. No. 2013-666
Shawn Green,
 Appellant,
 v.
State of New York,
 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. 2013-817
In the Matter of Angel H. (Anonymous), &c.

Mercy First,
 Respondent;
Omayra G. (Anonymous),
 Appellant;
et al.,
 Respondent.
(And Another Proceeding.)

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

3 Mo. No. 2013-702
In the Matter of Eddie Janis,
 Appellant,
 v.
Albert Prack, &c.,
 Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2013-766
K2 Investment Group, LLC, et al.,
 Respondents-Appellants,
 v.
American Guarantee & Liability Insurance
Company,
 Appellant-Respondent.

Motion for reargument granted and case set down for a future session of this Court.
Judge Abdus-Salaam took no part.

1 Mo. No. 2013-780
K2 Investment Group, LLC, et al.,
 Respondents-Appellants,
 v.
American Guarantee & Liability Insurance
Company,
 Appellant-Respondent.

Motion by Complex Insurance Claims Litigation
Association, et al. for leave to file a brief amici
curiae on the motion for reargument herein granted
and the brief is accepted as filed.
Judge Abdus-Salaam took no part.

2 SSD 39
Patricia Kane, as Limited Administratrix of
the Estate of Jeanne Kane and Patricia Kane,
Individually,
 Respondent,
et al.,
 Intervenor,

 v.
John Galtieri,
 Appellant,
Marilyn Galtieri,
 Intervenor.

Appeal dismissed without costs, by the Court sua
sponte, upon the ground that the "Papers Rejection
Notice" appealed from is neither a judgment nor an
order from which an appeal to this Court may be
taken (see CPLR 5512[a]; CPLR 5601).

2 Mo. No. 2013-662
In the Matter of Emily Kanterakis,
 Respondent,
 v.
Nikolaos E. Kanterakis,
 Appellant.

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

1 Mo. No. 2013-659
Katz 737 Corp.,
 Appellant,
 v.
Lester Cohen et al.,
 Respondents.

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

1 Mo. No. 2013-693
In the Matter of Douglas Latta,
 Appellant,
 v.
Hon. Maxwell Wiley, &c. et al.,
 Respondents.

Motion for leave to appeal dismissed upon the ground that the issues presented have become moot. Judge Abdus-Salaam took no part.

1 Mo. No. 2013-645
The People &c.,
 Respondent,
 v.
Selbin Martinez,
 Appellant.

Motion to strike page 520 of appellant's appendix and references thereto in appellant's brief granted.

1 Mo. No. 2013-663
Miller & Wrubel, P.C.,
 Appellant,
 v.
Todtman, Nachamie, Spizz & Johns, P.C.,
 Respondent.

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

2 Mo. No. 2013-681
In the Matter of State of New York,
 Respondent,
 v.
Joseph McD. (Anonymous),
 Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2013-661
In the Matter of Town of North Hempstead,
 Appellant-Respondent,
 v.
County of Nassau,
 Respondent-Appellant.

Motions for leave to appeal granted.

3 Mo. No. 2013-721
In the Matter of John J. O'Connor,
 Appellant,
 v.
Barry Ginsberg, &c., et al.,
 Respondents.

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

2 Mo. No. 2013-751
In the Matter of Ronald Rabasco,
 Appellant,
 v.
Stacey Lamar,
 Respondent.
(And Two Other Proceedings.)

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

1 Mo. No. 2013-691
Manuel Reis, &c.,
 Respondent-Appellant,
 v.
Volvo Cars of North America,
et al.,
 Appellants-Respondents.
(And a Third-Party Action.)

Motion to dismiss appeal taken by respondent-appellant Manuel Reis granted and that appeal dismissed, with four hundred dollars costs and one hundred dollars cost of motion, upon the ground that the two-Justice dissent at the Appellate Division is not on a question of law in favor of respondent-appellant (see CPLR 5601[a]).
Judge Abdus-Salaam took no part.

2 Mo. No. 2013-682
Charles Rodgers,
 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. 2013-777
In the Matter of Michael Sacks
et al.,
 Appellants,
 v.
Tax Appeals Tribunal of the State of New
York, et al.,
 Respondents.

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

2 Mo. No. 2013-737
The People &c.,
 Respondent,
 v.
Frank Schiavoni,
 Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2013-731
Robert L. Schulz,
 Appellant,
et al.,
 Plaintiffs,
 v.
State of New York Executive, Andrew
Cuomo, Governor, 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 action within the
meaning of the Constitution and is not a nonfinal
order of the type within the meaning of CPLR
5602(a)(2).

1 Mo. No. 2013-674
Eldrid Sequeira,
 Appellant,
 v.
Rachel Sequeira,
 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.
Judge Abdus-Salaam took no part.

3 Mo. No. 2013-743
In the Matter of Bruce Sweeper,
 Appellant,
 v.
Brian Fischer, &c., et al.,
 Respondents.

Motion for leave to appeal denied.

3 SSD 41
In the Matter of Larry TT.

James Conway, &c., et al.,
 Respondents;
Larry TT.,
 Appellant.

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

In the Matter of State of New York,
 Respondent,
 v.
Larry TT.,
 Appellant.

4 Mo. No. 2013-749
Johnny Watson,
 Appellant,
 v.
Salvatore Priore, et al.,
 Defendants,
Steven A. Abdoo, et al.,
 Respondents.

Motion, insofar as it seeks leave to appeal from the
Appellate Division order affirming the June 2012
Supreme Court order, dismissed upon the ground
that such order does not finally determine the action
within the meaning of the Constitution; motion for
leave to appeal otherwise denied.

2 Mo. No. 2013-700
Esther York,
 Appellant,
 v.
Joseph York,
 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.