

November 20, 2014

CASES

3 No. 231 SSM 23
The People &c.,
 Respondent,
 v.
Karen M. Caza,
 Appellant.

On review of submissions pursuant to section 500.11 of the Rules, order affirmed, in a memorandum. Chief Judge Lippman and Judges Graffeo, Read, Smith, Pigott, Rivera and Abdus-Salaam concur.

 No. 234
Commonwealth of Pennsylvania Public
School Employees' Retirement System, &c.,
et al.,
 Plaintiffs,

Commerzbank AG, &c.,
 Appellant,
 v.
Morgan Stanley & Co. Incorporated, et al.,
 Respondents,
et al.,
 Defendants.

Certification of questions 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, Pigott, Rivera and Abdus-Salaam concur.

2 No. 232 SSM 22
The People &c.,
 Respondent,
 v.
Tyrone Davis,
 Appellant.

On review of submissions pursuant to section 500.11 of the Rules, order affirmed, in a memorandum. Chief Judge Lippman and Judges Graffeo, Read, Smith, Pigott, Rivera and Abdus-Salaam concur.

No. 233
Eric M. Berman, P.C., et al.,
Respondents,
v.
City of New York, et al.,
Appellants.

Certification of questions 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, Pigott and Abdus-Salaam concur.
Judge Rivera took no part.

1 No. 188
Kent Frezzell,
Appellant,
v.
City of New York, et al.,
Respondents.

Order affirmed, with costs.
Opinion by Judge Graffeo.
Chief Judge Lippman and Judges Read, Smith, Pigott, Rivera and Abdus-Salaam concur.

3 No. 181
In the Matter of Maureen Kigin,
Appellant,
v.
State of New York Workers' Compensation
Board et al.,
Respondents.

Order affirmed, with costs.
Opinion by Judge Pigott.
Judges Read, Smith and Abdus-Salaam concur.
Judge Rivera dissents in an opinion in which Chief Judge Lippman and Judge Graffeo concur.

4 No. 192
In the Matter of Roseann Kilduff,
Respondent,
v.
Rochester City School District, et al.,
Appellants.

Order affirmed, with costs.
Opinion by Chief Judge Lippman.
Judges Graffeo, Rivera and Abdus-Salaam concur.
Judge Smith dissents in an opinion in which Judges Read and Pigott concur.

1 No. 185
In the Matter of New York City Asbestos
Litigation.

Mary Andrucki, &c. et al.,
 Appellants,
 v.
Aluminum Company of America,
et al.,
 Defendants,
Port Authority of New York and New Jersey,
 Respondent.

Order reversed, with costs, and case remitted to the
Appellate Division, First Department, for
consideration of issues raised but not determined on
the appeal to that court.
Opinion by Judge Smith.
Chief Judge Lippman and Judges Graffeo, Read,
Pigott, Rivera and Abdus-Salaam concur.

2 No. 186
Frank Paterno,
 Appellant,
 v.
Laser Spine Institute, et al.,
 Respondents.

Order affirmed, with costs.
Opinion by Judge Rivera.
Chief Judge Lippman and Judges Graffeo, Read,
Smith, Pigott and Abdus-Salaam concur.

 No. 180
In the Matter of Mary Veronica Santiago-
Monteverde.

Mary Veronica Santiago-Monteverde,
 Appellant,
 v.
John S. Pereira, &c.,
 Respondent.

Following certification of a question by the United
States Court of Appeals for the Second Circuit and
acceptance of the question by this Court pursuant to
section 500.27 of this Court's Rules of Practice, and
after hearing argument by counsel for the parties and
consideration of the briefs and the record submitted,
certified question answered in accordance with the
opinion herein.
Opinion by Judge Abdus-Salaam.
Chief Judge Lippman and Judges Graffeo, Pigott and
Rivera concur.
Judge Smith dissents and votes to answer the
certified question in the negative in an opinion in
which Judge Read concurs.

MOTIONS

1 Mo. No. 2014-989

Sariel Abad, &c.,
Appellant,

v.

New York City Health and Hospitals
Corporation,
Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2014-971

Arthur Blake,
Appellant,

v.

State of New York,
Respondent.

Motion, insofar as it seeks leave to appeal from that part of the Appellate Division order that denied reargument of a prior motion, dismissed upon the ground that such part of the Appellate Division order does not finally determine the action within the meaning of the Constitution; motion for leave to appeal otherwise denied.

Motion for poor person relief dismissed as academic.

2 Mo. No. 2014-966

In the Matter of Rokhaya Cisse,
Appellant,

v.

Christopher Graham,
Respondent.

(And Another Proceeding.)

Motion for leave to appeal granted.

Motion for a stay denied as unnecessary (see CPLR 5519[e]).

Motion to vacate stay denied.

1 Mo. No. 2014-983

Stanley Cohen,
Appellant,

v.

Pauline Cohen,
Respondent.

Motion for leave to appeal denied.

Judge Abdus-Salaam took no part.

3 Mo. No. 2014-990
In the Matter of Morton A. Cohen,
 Appellant,
 v.
New York State and Local Employees'
Retirement System,
 Respondent.
(And Another Proceeding.)

Motion, insofar as it seeks leave to appeal from the May 2014 Appellate Division judgment, denied; motion, insofar as it seeks leave to appeal from the Appellate Division orders denying reargument or leave to appeal, dismissed upon the ground that such orders do not finally determine the proceedings within the meaning of the Constitution.

3 Mo. No. 2014-994
In the Matter of Brian Congelosi,
 Appellant,
 v.
Department of Corrections and Community
Supervision et al.,
 Respondents.

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

2 Mo. No. 2014-871
In the Matter of State of New York,
 Respondent,
 v.
Humberto G. (Anonymous),
 Appellant.

Motion for leave to appeal granted.

2 Mo. No. 2014-1011
Denis Johnson,
 Appellant,
 v.
Emil Braun et al.,
 Defendants,
Town of East Hampton,
 Respondent.

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

1 Mo. No. 2014-1023
In the Matter of Oksoon K.,
Respondent,
v.
Young K., &c.,
Appellant.

Motion for reargument of motion for leave to appeal denied.

2 Mo. No. 2014-1005
David Katz,
Appellant,
v.
Town of Clarkstown, New York,
et al.,
Respondents.

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

1 Mo. No. 2014-1000
Tony Mafes,
Respondent,
v.
City of New York, et al.,
Defendants,
Lincoln Tugwell,
Appellant.

Motion, insofar as it seeks leave to appeal from those portions of the Appellate Division order which (1) dismissed the appeal from so much of Supreme Court's order as denied reargument and (2) affirmed that portion of Supreme Court's order as denied appellant's motion for an extension of time, dismissed upon the ground that those portions of the order do not finally determine the action within the meaning of the Constitution; motion for leave to appeal otherwise denied.

3 Mo. No. 2014-999
In the Matter of State of New York,
Respondent,
v.
Claude McC. (Anonymous),
Appellant.

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.

3 Mo. No. 2014-1014
In the Matter of Paula Nelson,
 Appellant,
 v.
City of New York,
 Respondent,
Andes Town Board, et al.,
 Respondents.

Motion for leave to appeal denied.

2 Mo. No. 2014-982
The People &c.,
 Respondent,
 v.
Adam Patronick,
 Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2014-1002
SRN Realty, LLC,
 Appellant,
 v.
Scarano Architect, PLLC 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.

1 Mo. No. 2014-1015
In the Matter of Elaine D. Ward,
 Respondent,
 v.
The City of New York, et al.,
 Appellants.

Motion for reargument denied.

3 Mo. No. 2014-993
In the Matter of Jessie Wright,
 Appellant,
 v.
Brian Fischer, &c.,
 Respondent.

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

3 Mo. No. 2014-961
In the Matter of Yoga Vida NYC, Inc.,
 Appellant.
Commissioner of Labor,
 Respondent.

Motion for leave to appeal granted.