

February 17, 2009

CASES

No. 19

In the Matter of Aspen Creek
Estates, Ltd.,

Appellant,

v.

Town of Brookhaven, et al.,

Respondents.

Judgment affirmed, with costs, and
certified question not answered as
unnecessary, in a memorandum.
Judges Ciparick, Graffeo, Read, Smith,
Pigott and Jones concur.
Chief Judge Lippman took no part.

No. 5

Doris Brownley et al.,
Appellants,

v.

Robert Doar, &c.,

Respondent,

et al.,

Defendants.

Order, insofar as appealed from,
affirmed, without costs.
Opinion by Judge Graffeo.
Judges Ciparick, Read, Smith, Pigott
and Jones concur.
Chief Judge Lippman took no part.

No. 10

The People &c.,

Respondent,

v.

Eliezer Cintron,

Appellant.

Order affirmed, without costs.
Opinion by Judge Smith.
Judges Ciparick, Graffeo, Read, Pigott
and Jones concur.
Chief Judge Lippman took no part.

No. 6

The People &c.,

Respondent,

v.

Fritz Elysee,

Appellant.

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

No. 11
The People &c.,
Respondent,
v.
Francis Jackson,
Appellant.

Order affirmed, without costs.
Opinion by Judge Smith.
Judges Ciparick, Graffeo, Read, Pigott
and Jones concur.
Chief Judge Lippman took no part.

No. 9
The People &c.,
Respondent,
v.
Judy Knox,
Appellant.

Order affirmed, without costs.
Opinion by Judge Smith.
Judges Ciparick, Graffeo, Read, Pigott
and Jones concur.
Chief Judge Lippman took no part.

No. 76 SSM 50
The People &c.,
Respondent,
v.
Dwayne Middleton,
Appellant.

On review of submissions pursuant to
section 500.11 of the Rules, order
affirmed, without costs, in a
memorandum.
Judges Ciparick, Graffeo, Read, Smith,
Pigott and Jones concur.
Chief Judge Lippman took no part.

MOTIONS

Mo. No. 2008-1376
Lillian Arias, &c.,
Appellant,
v.
New York City Health and
Hospitals Corporation (Kings
County Hospital Center),
Respondent.

Motion, insofar as it seeks leave to appeal from the April 2008 Appellate Division order, dismissed as untimely (see CPLR 5513[b]); motion, insofar as it seeks leave to appeal from the October 2008 Supreme Court judgment, dismissed upon the ground that it is not a final judgment within the meaning of CPLR 5602(a)(1)(ii) to bring up for review the April 2008 Appellate Division order that finally determined a separate special proceeding (see Karger, Powers of the New York Court of Appeals § 5:28, at 187-188 [3d ed rev]).

Mo. No. 2008-1413
Melissa Ballas,
Appellant,
v.
Occupational and Sports Medicine
of Brookhaven, P.C., et al.,
Respondents,
et al.,
Defendant.

Motion for leave to appeal denied.

Mo. No. 2009-8
In the Matter of Jamaorqui R.B.
(Anonymous).

Motion for leave to appeal denied.

Suffolk County Department of
Social Services,
Respondent;
Isongbe M.B. (Anonymous),
Appellant;
et al.,
Respondents.

Mo. No. 2009-17
In the Matter of John W.
Broderick,
Appellant,
v.
Felix J. Catena, &c., 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 proceeding within the
meaning of the Constitution.

Mo. No. 2009-112
In the Matter of John W.
Broderick,
Appellant,
v.
Felix J. Catena, &c., et al.,
Respondents.

Motion by John Mazzearella for leave to
file an affidavit amicus curiae on the
motion for leave to appeal herein
denied.

Mo. No. 2008-1386
In the Matter of James Curry,
Appellant,
v.
James Conway, &c.,
Respondent.

Motion for leave to appeal denied.

Mo. No. 2008-1357
In the Matter of Kayshawn Raheim
E. (Anonymous), &c.

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

SCO Family of Services, et al.,
Petitioners;
Tonisha Renee J. (Anonymous),
&c.,
Respondent.

In the Matter of Unstanding
Joshawn G. (Anonymous), &c.

SCO Family of Services, et al.,
Respondents,
Tonisha Renee J. (Anonymous),
&c.,
Appellant.
(And Two Other Proceedings.)

Mo. No. 2009-10
Fidelity National Title Insurance
et al.,
Appellants,
v.
Mario J. Pirrello,
Respondent.

Motion for leave to appeal denied.

Mo. No. 2008-1326
Freeford Limited,
Appellant,
v.
Lane P. Pendleton, et al.,
Defendants,
Kirk P. Pendleton, et al.,
Respondents.

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

Mo. No. 2008-1397
In the Matter of George F.
Johnson Memorial Library et al.,
Respondents,
v.
Town Board of Town of Union
et al.,
Appellants,
et al.,
Respondents.

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

Mo. No. 2008-1409
Harold R. Hammond,
Appellant,
v.
GMAC Insurance Group,
Respondent.

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

Mo. No. 2008-1381
Eugenia Brennan Heslin, &c.,
Appellant,
v.
County of Greene,
Respondent,
et al.,
Defendants.

Motion for leave to appeal granted.

Mo. No. 2008-1385
Luis Huerta,
Appellant,
v.
Three Star Construction Co.,
Inc.,
Respondent.

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

Mo. No. 2008-1401
In the Matter of Roy Mark Malan,
&c., deceased.
Marion Malan,
Respondent;
Isabella Soma,
Appellant.

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

Mo. No. 2008-1364
In the Matter of Anthony M. and
Carolann M.

Motion for leave to appeal denied.

Seneca County Division of Human
Services,
Respondent;
William M. et al.,
Appellants.

Mo. No. 2008-1371
In the Matter of Gary Marshall,
Respondent,
v.
Roth Brothers Smelting
Corporation et al.,
Respondents,
Special Fund for Reopened Cases,
Appellant.
Workers' Compensation Board,
Respondent.

Motion for leave to appeal denied.

Mo. No. 2008-1402
In the Matter of Raymond F.
Mulhaul,
Petitioner,
v.
Debra H. Levine,
Respondent;
Samantha Mulhaul,
Nonparty-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.

Mo. No. 2009-79
In the Matter of Louis R.
Rosenthal, An Attorney.
Committee on Professional
Standards,
Respondent,
Louis R. Rosenthal,
Appellant.

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

Mo. No. 2008-1382
Constandina M. Roux,
Appellant.

Motion for leave to appeal dismissed
upon the ground that the paper sought
to be appealed from was not issued in
an action or proceeding and this Court
does not have jurisdiction to
entertain the motion (see CPLR 5602).

Mo. No. 2008-1345
Ricky Taylor,
Appellant,
v.
The State of New York,
Respondent.

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