

January 20, 2009

**MOTIONS**

Mo. No. 2008-1253 In the Matter of Madeline A., &c. Nicole O. et al., Appellants, Administration for Children's Services, Respondent.	Motions for leave to appeal denied. Motions for poor person relief dismissed as academic.
Mo. No. 2008-1383 Herbert Altman, et al., Appellants, v. New York Board of Trade, Inc., Respondent, The Board of Governors of the New York Board of Trade, Defendant.	Motion for leave to appeal dismissed upon the ground that movant has failed to demonstrate timeliness as required by Rules of the Court of Appeals (22 NYCRR) § 500.22(b)(2).
Mo. No. 2008-1332 Benjamin L. Anderson, &c., Appellant, v. Eugene H. Blabey, II, et al., Respondents.	Motion for leave to appeal denied.

Mo. No. 2008-1248  
In the Matter of Raymond Belance,  
Claimant,  
v.  
Manhattan Beer Distributors et  
al.,  
Respondents,  
Special Disability Fund,  
Appellant.  
Workers' Compensation Board,  
Respondent.

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

SSD 4  
The People &c. ex rel. Terence  
Boddie,  
Appellant,  
v.  
New York State Division of  
Parole,  
Respondent.

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

Mo. No. 2008-1342  
In the Matter of Anthony Bottom,  
Appellant,  
v.  
New York State Board of Parole,  
Respondent.

Motion for leave to appeal denied.

Mo. No. 2008-1254  
Bowery Boy Realty, Inc.,  
Appellant,  
v.  
H.S.N. Realty Corp.,  
Respondent.

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

SSD 2  
The People &c. ex rel. Maurice  
Bryant,  
Appellant,  
v.  
Robert E. Ercole,  
Respondent.

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

Mo. No. 2008-1291  
In the Matter of Pedro C., &c.

Josephine Patricia B.,  
Appellant,  
et al.,  
Respondent,  
Pius XII Youth and Family  
Services,  
Respondent.

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

Mo. No. 2008-1283  
Mark Carmelengo, et al.,  
Appellants,  
v.  
Phoenix Houses of New York, Inc.,  
Respondent,  
Caesar Sosa,  
Defendant.

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

Mo. No. 2008-1319  
Lydia Cicero et al.,  
Respondents,  
v.  
Great American Insurance Company,  
et al.,  
Appellants.

Motion, insofar as it seeks leave to appeal  
from the Appellate Division order affirming  
the Supreme Court order denying the motion  
to amend the answer, 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.

Mo. No. 2008-1306  
Cole Mechanical Corp.,  
Appellant,  
v.  
AWL Industries, Inc. et al.,  
Respondents.

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

Mo. No. 2008-1313  
Adam Czynski,  
Appellant,  
v.  
State of New York,  
Respondent.

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

Mo. No. 2008-1331  
The People &c.,  
Respondent,  
v.  
Esteban DeJesus,  
Appellant.

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

Mo. No. 2008-1277  
Delphi Restoration Corporation et  
al.,  
Respondents,  
v.  
Sunshine Restoration Corporation,  
Defendant,  
Utica First Insurance Company,  
Appellant.

Motion for leave to appeal dismissed upon  
the ground that the judgment sought to be  
appealed from does not finally determine the  
action within the meaning of the  
Constitution.

Mo. No. 2008-1281  
In the Matter of Evan F.  
(Anonymous).

Motion for leave to appeal denied.

Orange County Department of  
Social Services,  
Respondent;  
George L.F. (Anonymous), &c.,  
Appellant.

Mo. No. 2008-1341  
Andrea Goldfein,  
Respondent,  
v.  
Uvayd Cab Corp., et al.,  
Appellants,

Motions for leave to appeal dismissed upon  
the ground that the Court of Appeals does  
not have jurisdiction to entertain a motion  
for leave to appeal from a nonfinal order of  
the Appellate Division denying leave to  
appeal to that court from an order entered  
on an appeal from another court (see NY  
Const, art VI, § 3[b][7]; CPLR 5602[a]).

Mo. No. 2008-1308  
Salvatore Iadicicco &c., et al.,  
Plaintiffs,  
Violet Iadicicco, &c.,  
Appellant,  
v.  
Occidental Chemical Corporation,  
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.

Mo. No. 2008-1294  
In the Matter of Kevin J., et al.  
&c.

Tanisha J.,  
Appellant,  
Family Support Systems Unlimited,  
Inc.,  
Respondent.

Motion for leave to appeal denied.

Mo. No. 2008-1340  
In the Matter of Jerry Katzman,  
Appellant,  
v.  
New York State Department of  
Health 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. 2008-1171  
Leeward Isles Resorts, Limited,  
Respondent,  
v.  
Charles C. Hickox,  
Appellant.

Motion for leave to appeal dismissed upon  
the ground that the March 2008 Appellate  
Division order sought to be appealed from  
does not finally determine the action within  
the meaning of the Constitution. The April  
2008 Supreme Court order disposing of the  
remaining causes of action, which is the  
final paper in this action, cannot serve as  
the final paper pursuant to CPLR  
5602(a)(1)(ii) to bring up for review the  
prior nonfinal Appellate Division order  
because a motion for leave to appeal from  
that Supreme Court order would be untimely  
(see CPLR 5513[b]).

Mo. No. 2008-1309  
Lynette Lemaster, &c.,  
Appellant,  
Kenneth Lemaster, &c.,  
Plaintiff,  
v.  
Occidental Chemical Corporation,  
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.

Mo. No. 2008-1379  
The People &c.,  
Respondent,  
v.  
Jeffrey Lewis,  
Appellant.

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

Mo. No. 2008-1279  
Elizabeth Margrabe,  
Appellant,  
et al.,  
Plaintiffs,  
v.  
Anthony J. Rusciano II, et al.,  
Defendants;  
Sexter & Warmflash, P.C.,  
Nonparty-Respondent.

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

Mo. No. 2008-1170  
John Matone, et al.,  
Respondents,  
v.  
Sycamore Realty Corp.,  
Appellant,  
et al.,  
Defendants.

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

Mo. No. 2008-1393  
Charlene McLean, as Mother and  
Natural Guardian of Briana Hall,  
an Infant, et al.,  
Respondents,  
v.  
The City of New York,  
Appellant,  
et al.,  
Defendants.

Motion to vacate preclusion order granted.

Mo. No. 2008-1311  
Mother Zion Tenant Association,  
et al.,  
Appellants,  
v.  
Shaun Donovan, &c.,  
Respondent,  
Mother Zion Associates, L.P.,  
Respondent.

Motion, insofar as it seeks leave to appeal  
as against Shaun Donovan, as Commissioner of  
the New York City Department of Housing  
Preservation and Development, dismissed as  
untimely; motion, insofar as it seeks leave  
to appeal as against Mother Zion Associates,  
L.P., denied.

Mo. No. 2008-1312  
New York Coalition for Quality  
Assisted Living, Inc., et al.,  
Appellants,  
v.  
Antonia C. Novello, &c.,  
Respondent.

Motion for leave to appeal denied.

Mo. No. 2009-52  
New York Coalition for Quality  
Assisted Living, Inc., et al.,  
Appellants,  
v.  
Antonia C. Novello, &c.,  
Respondent.

Motion by Empire State Association of  
Assisted Living, Inc. for leave to file a  
memorandum of law amicus curiae on the  
motion for leave to appeal herein granted  
and the memorandum of law is accepted as  
filed.

Mo. No. 2008-1211  
Saundra L.O.,  
Respondent,  
v.  
Andre A.O.,  
Appellant.

Motion for leave to appeal denied.

Mo. No. 2008-1335  
Michael Orlikowski et al.,  
Respondents,  
v.  
Cornerstone Community Federal  
Credit Union et al.,  
Appellants.

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.

SSD 3  
In the Matter of Ignacio Reynoso,  
Appellant,  
v.  
Brian Fischer, as Commissioner of  
Correctional Services, et al.,  
Respondents.

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

Mo. No. 2008-1337  
The People &c.,  
Respondent,  
v.  
Joselo Rivera,  
Appellant.

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

Mo. No. 2008-1329  
In the Matter of Julius R.  
Ruggiere et al.,  
Appellants,  
v.  
Michael Bloomberg, &c., et al.,  
Respondents.

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

Mo. No. 2008-1318  
In the Matter of Joseph Singer,  
Deceased.  
  
Vivian Singer,  
Respondent;  
Alexander Singer,  
Appellant.

Motion for leave to appeal granted.

Mo. No. 2008-1227  
Steven Solomon,  
Appellant,  
v.  
Urban Dental Management, Inc., et  
al.,  
Respondents.

Motion, insofar as it seeks leave to appeal  
from that part of the Appellate Division  
order that affirmed Supreme Court's order  
denying appellant's post-judgment motion to  
set aside the verdict, dismissed upon the  
ground that such portion of the order does  
not finally determine the action within the  
meaning of the Constitution; motion for  
leave to appeal otherwise denied.

Mo. No. 2008-1233

Sarah D. Trisvan, Individually  
and as the Administrator of the  
Estate of William L. Trisvan,  
Deceased,

Appellant,

v.

County of Monroe et al.,  
Respondents.

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

Mo. No. 2008-1303

The People &c.,  
Respondent,

v.

William E. Williams,  
Appellant.

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