

January 13, 2009

CASE

No. 49 SSM 52
The People &c.,
Appellant,
v.
Elvis Silvestry,
Respondent.

On review of submissions pursuant to section 500.11 of the Rules, order affirmed, in a memorandum.
Acting Chief Judge Ciparick and Judges Graffeo, Read, Smith, Pigott and Jones concur.

MOTIONS

Mo. No. 2008-1268
Avraham Affri,
Appellant,
v.
Yaakov Basch et al.,
Respondents.

Motion for leave to appeal granted.

Mo. No. 2008-1403
Robert Callahan, et al.,
Appellants,
v.
Hugh L. Carey, &c., et al.,
Defendants,
Edward I. Koch, &c., et al.,
Respondents.

Motion for leave to waive the filing fee required by section 500.3 of the Rules of Practice granted.

Louise F. Eldredge, et al.,
Appellants,
v.
Edward I. Koch, &c., et al.,
Respondents.

Mo. No. 2008-1270
George Eremeyev et al.,
Appellants,
v.
Manhattan Eye, Ear & Throat
Hospital, 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.
Motion for poor person relief dismissed as academic.

Mo. No. 2009-19
Miliha Ferluckaj,
Respondent,
v.

Goldman Sachs & Co.,
Appellant,
Henegan Construction Co., Inc.,
Defendant.

Goldman Sachs & Co.,
Third-Party Plaintiff,
v.
American Building Maintenance
Co.,
Third-Party Defendant.

Mo. No. 2008-1276
Joseph Foley, &c.,
Appellant,
v.
Anthony Masiello, &c., et al.,
Respondents.

Mo. No. 2008-1282
George Eagan Ginther,
Appellant,
v.
Herbert H. Heim, Esq., et al.,
Respondents.

Mo. No. 2009-23
Golden Gate Yacht Club,
Appellant,
v.
Societe Nautique De Geneve,
Respondent,
Club Nautico Espanol De Vela,
Intervenor-Defendant.

Mo. No. 2008-1205
Alan M. Goldston, &c.,
Respondent,
v.
Bandwith Technology Corp. et al.,
Appellants.

Motion by Defense Association of New York
for leave to file a brief amicus curiae on
the appeal herein granted and the proposed
brief is accepted as filed.

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

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

Motion by Deutscher Challenger Yacht Club,
et al. for leave to file a brief amici
curiae on the appeal herein granted and the
proposed brief is accepted as filed. Two
copies of the brief must be served and 24
copies filed within seven days.

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. 2008-1412
The People &c.,
Respondent,
v.
J. W. Hardy, Jr.,
Appellant.

Motion for assignment of counsel granted and James S. Hinman, Esq., 16 East Main Street, Suite 260, Rochester, NY 14614 assigned as counsel to the appellant on the appeal herein.

Mo. No. 2008-1218
The People &c. ex rel. Robert
Hayden,
Appellant,
v.
Robert Ercole,
Respondent.

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

Mo. No. 2008-1269
The People &c.,
Respondent,
v.
L. Dennis Kozlowski,
Appellant.

Motion for reargument denied.

Mo. No. 2008-1343
The People &c.,
Respondent,
v.
Charles Lloyd,
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.

Mo. No. 2008-1219
In the Matter of John H.M.
(Anonymous).

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

Nassau County Department of
Social Services,
Respondent,
v.
June I.M. (Anonymous),
Appellant.

Mo. No. 2008-1305
In the Matter of City of New
York, &c., regarding Melrose
Commons Urban Renewal Area, Phase
II.
Kaiser Woodcraft Corp., &c.,
Respondent,
v.
The City of New York,
Appellant.

Motion for reargument denied with one
hundred dollars costs and necessary
reproduction disbursements.

Mo. No. 2008-1229
Rapid Demolition Company, Inc.,
Appellant,
v.
State of New York,
Respondent.

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

Mo. No. 2008-1226
Jill E. Reed et al.,
Appellants,
v.
Cynthia Fraser, M.D., et al.,
Respondents.

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

Mo. No. 2008-1241
The People &c. ex rel. Walter J.
Roache,
Appellant,
v.
George B. Alexander, &c., et
al.,
Respondents.

On the Court's own motion, appeal dismissed,
without costs, upon the ground that the
order appealed from does not finally
determine the proceeding within the meaning
of the Constitution.
Motion for poor person relief dismissed as
academic.

SSD 1
Dean Ross,
Appellant,
v.
Eric Nelson, 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
action within the meaning of the
Constitution.

Mo. No. 2008-1380
Josephine T. Rossi,
Appellant,
v.
Budget Rent a Car/Budget Car and
Truck Rental,
Respondent,
et al.,
Defendants.

Motion for reargument of motion for leave to
appeal denied.

Mo. No. 2008-1236
Scordio Construction, Inc.,
Appellant,
v.
Sirius America Insurance Company,
Respondent,
et al.,
Defendant.

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

Mo. No. 2008-1316
In the Matter of Walter Self,
Appellant,
v.
New York State Division of
Human Rights, et al.,
Respondents.

Motion for reargument denied.

Mo. No. 2009-4
The People &c.,
Respondent,
v.
Anthony Wayne Smith,
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.

Mo. No. 2008-1302
The People &c.,
Respondent,
v.
Mark H. Swartz,
Appellant.

Motion for reargument denied.

Mo. No. 2008-1255
In the Matter of Joseph Vidal,
Appellant,
v.
Donald Selsky, &c.,
Respondent.

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

Mo. No. 2008-1399
The People &c.,
Respondent,
v.
David C. Williams,
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.