

August 26, 2010

MOTIONS

3 Mo. No. 2010-836
The People &c.,
 Respondent,
 v.
Emar Abrams,
 Appellant.

Motion for assignment of counsel granted and Mitchell S. Kessler, Esq., 63 Pike Creek Drive, Cohoes, NY 12047 assigned as counsel to the appellant on the appeal herein.

1 Mo. No. 2010-742
The People &c.,
 Respondent,
 v.
Allen Albergotti,
 Appellant.

Motion for assignment of counsel granted and Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor, New York, NY 10006 assigned as counsel to the appellant on the appeal herein.

2 Mo. No. 2010-738
The People &c.,
 Respondent,
 v.
Tremaine Alexander,
 Appellant.

Motion for an extension of the time within which to apply for permission to appeal pursuant to CPL 460.20 denied as unnecessary and motion papers treated as a timely CPL 460.20 application.

2 Mo. No. 2010-821
The People &c.,
 Respondent,
 v.
Lamont Beasley,
 Appellant.

Motion for assignment of counsel granted only to the extent that Jeremy Gutman, Esq., 233 Broadway, Suite 2707, New York, NY 10279 is assigned without fee to represent appellant on the appeal herein. Counsel may, however, apply for reimbursement of necessary disbursements incurred in connection with the assignment.

1 Mo. No. 2010-751
The People &c.,
Respondent,
v.
Maurice Benston,
Appellant.

Motion for assignment of counsel granted and Steven Banks, Esq., The Legal Aid Society, 199 Water Street, New York, NY 10038 assigned as counsel to the appellant on the appeal herein.

1 Mo. No. 2010-776
The People &c.,
Respondent,
v.
Ernest Brannon,
Appellant.

Motion for assignment of counsel granted and Steven Banks, Esq., The Legal Aid Society, 199 Water Street, New York, NY 10038 assigned as counsel to the appellant on the appeal herein.

2 Mo. No. 2010-848
The People &c.,
Respondent,
v.
Raymond Brun,
Appellant.

Motion for assignment of counsel granted and Norman Trabulus, Esq., 345 7th Avenue, 21st Floor, New York, NY 10001 assigned as counsel to the appellant on the appeal herein.

2 Mo. No. 2010-939
The People &c.,
Respondent,
v.
Christian Bueno,
Appellant.

Motion for assignment of counsel granted and Lynn W. L. Fahey, Esq., Appellate Advocates, 2 Rector Street, 10th Floor, New York, NY 10006 assigned as counsel to the appellant on the appeal herein.

1 Mo. No. 2010-940
In the Matter of Oscar Cintron,
Appellant,
v.
Judith A. Calogero, as
Commissioner of the Division of
Housing and Community Renewal of
the State of New York,
Respondent.

Motion by Met Council, Inc. for leave to appear amicus curiae on the appeal herein granted only to the extent that the proposed brief is accepted as filed. Two copies of the brief must be served and 24 copies filed within seven days.

4 Mo. No. 2010-740
The People &c.,
 Appellant,
 v.
Raymond Clyde,
 Respondent.

Motion for assignment of counsel granted and David P. Elkovitch, Esq., 199 Genesee Street, Auburn, NY 13021 assigned as counsel to the respondent on the appeal herein.

 Mo. No. 2010-928
The People &c.,
 Respondent,
 v.
Alexander G. Crampe,
 Appellant.

Motion for assignment of counsel granted and Robert C. Mitchell, Esq., Legal Aid Society of Suffolk County, Inc., Arthur M. Cromarty Court Complex, 300 Center Drive, PO Box 1697, Riverhead, NY 11901 assigned as counsel to the appellant on the appeal herein.

1 Mo. No. 2010-782
The People &c.,
 Respondent,
 v.
Jose Fernandez,
 Appellant.

Motion for assignment of counsel granted and Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor, New York, NY 10006 assigned as counsel to the appellant on the appeal herein.

1 Mo. No. 2010-855
The People &c.,
 Respondent,
 v.
Rodriguece Garcia, a/k/a
Carlos Rodriguez,
 Appellant.

Motion for assignment of counsel granted and Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Suite 1601, New York, NY 10007 assigned as counsel to the appellant on the appeal herein.

4 Mo. No. 2010-993
The People &c.,
 Respondent,
 v.
Jeffrey D. Gibson,
 Appellant.

Motion for assignment of counsel granted and David C. Schopp, Esq., The Legal Aid Bureau of Buffalo, Inc., 237 Main Street, Suite 1602, Buffalo, NY 14203 assigned as counsel to the appellant on the appeal herein.

4 Mo. No. 2010-954
Griffith Oil Company, Inc., Big
Flats Realty, Inc., and E.
Phillip Saunders, as Trustee,
 Respondents,
 v.
National Union Fire Insurance
Company of Pittsburgh, PA.,
 Appellant,
et al.,
 Defendants.

Motion by Complex Insurance Claims
Litigation Association for leave to
file a brief amicus 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.

1 Mo. No. 2010-878
In the Matter of Sylvie Grimm,
 Respondent,
 v.
State of New York Division of
Housing and Community Renewal
Office of Rent Administration,
 Appellant,
151 Owners Corp.,
 Intervenor-Appellant.

Motion by Rent Stabilization
Association of New York City, Inc. for
leave to appear amicus curiae on the
appeal herein granted only to the
extent that the proposed brief is
accepted as filed. Two copies of the
brief must be served and 24 copies
filed within seven days.

1 Mo. No. 2010-901
In the Matter of Sylvie Grimm,
 Respondent,
 v.
State of New York Division of
Housing and Community Renewal
Office of Rent Administration,
 Appellant,
151 Owners Corp.,
 Intervenor-Appellant.

Motion by Community Housing
Improvement Program of New York, Inc.
for leave to appear amicus curiae on
the appeal herein granted only to the
extent that the proposed brief is
accepted as filed. Two copies of the
brief must be served and 24 copies
filed within seven days.

1 Mo. No. 2010-786
The People &c.,
 Respondent,
 v.
Kenneth Hayes,
 Appellant.

Motion for assignment of counsel
granted and Steven Banks, Esq., The
Legal Aid Society, 199 Water Street,
New York, NY 10038 assigned as counsel
to the appellant on the appeal herein.

4 Mo. No. 2010-966
The People &c.,
 Respondent,
 v.
Gregory Hill,
 Appellant.

Motion for assignment of counsel granted and David C. Schopp, Esq., The Legal Aid Bureau of Buffalo, Inc., 237 Main Street, Suite 1602, Buffalo, NY 14203 assigned as counsel to the appellant on the appeal herein.

2 Mo. No. 2010-838
In the Matter of Kathleen K.
(Anonymous).

Motion for poor person relief granted.

Suffolk County Department of
Social Services,
 Respondent;
Steven K. (Anonymous),
 Appellant.
(And Another Proceeding.)

 Mo. No. 2010-911
Marc S. Kirschner, as Trustee of
the Refco Litigation Trust,
 Appellant,
 v.
KPMG LLP, Grant Thornton LLP,
Mayer Brown LLP, Ingram Micro
Inc., CIM Ventures Inc., William
T. Pigott, Mayer Brown
International LLP,
PricewaterhouseCoopers LLP,
Liberty Corner Capital
Strategies, LLC, Banc of America
Securities, LLC, Credit Suisse
Securities (USA) LLC, and
Deutsche Bank Securities, Inc.,
 Respondents,
Beckenham Trading Company, Inc.,
Andrew Krieger, Ernst & Young
LLP, Tone N. Grant, Robert C.
Trosten, Refco Group Holdings,
Inc., Phillip R. Bennett, Santo
C. Maggio, EMF Financial
Products, Delta Flyer Fund, LLC,
and Eric M. Flanagan,
 Defendants.

Motion by Professor William Wilson Bratton et al. for leave to appear amici curiae on consideration of the certified questions herein granted only to the extent that the proposed brief is accepted as filed. Two copies of the brief must be served and 24 copies filed within seven days.

Mo. No. 2010-913

Marc S. Kirschner, as Trustee of
the Refco Litigation Trust,
Appellant,

v.

KPMG LLP, Grant Thornton LLP,
Mayer Brown LLP, Ingram Micro
Inc., CIM Ventures Inc., William
T. Pigott, Mayer Brown
International LLP,
PricewaterhouseCoopers LLP,
Liberty Corner Capital
Strategies, LLC, Banc of America
Securities, LLC, Credit Suisse
Securities (USA) LLC, and
Deutsche Bank Securities, Inc.,

Respondents,

Beckenham Trading Company, Inc.,
Andrew Krieger, Ernst & Young
LLP, Tone N. Grant, Robert C.
Trosten, Refco Group Holdings,
Inc., Phillip R. Bennett, Santo
C. Maggio, EMF Financial
Products, Delta Flyer Fund, LLC,
and Eric M. Flanagan,

Defendants.

Motion by Anthony Paduano for leave to
appear amicus curiae on consideration
of the certified questions herein
granted only to the extent that the
proposed brief is accepted as filed.
Two copies of the brief must be served
and 24 copies filed within seven days.

Mo. No. 2010-914

Marc S. Kirschner, as Trustee of
the Refco Litigation Trust,
Appellant,

v.

KPMG LLP, Grant Thornton LLP,
Mayer Brown LLP, Ingram Micro
Inc., CIM Ventures Inc., William
T. Pigott, Mayer Brown
International LLP,
PricewaterhouseCoopers LLP,
Liberty Corner Capital
Strategies, LLC, Banc of America
Securities, LLC, Credit Suisse
Securities (USA) LLC, and
Deutsche Bank Securities, Inc.,

Respondents,

Beckenham Trading Company, Inc.,
Andrew Krieger, Ernst & Young
LLP, Tone N. Grant, Robert C.
Trosten, Refco Group Holdings,
Inc., Phillip R. Bennett, Santo
C. Maggio, EMF Financial
Products, Delta Flyer Fund, LLC,
and Eric M. Flanagan,

Defendants.

Motion by DRI - The Voice of the
Defense Bar for leave to file a brief
amicus curiae on consideration of the
certified questions 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.

Mo. No. 2010-925

Marc S. Kirschner, as Trustee of
the Refco Litigation Trust,
Appellant,

v.

KPMG LLP, Grant Thornton LLP,
Mayer Brown LLP, Ingram Micro
Inc., CIM Ventures Inc., William
T. Pigott, Mayer Brown
International LLP,
PricewaterhouseCoopers LLP,
Liberty Corner Capital
Strategies, LLC, Banc of America
Securities, LLC, Credit Suisse
Securities (USA) LLC, and
Deutsche Bank Securities, Inc.,

Respondents,

Beckenham Trading Company, Inc.,
Andrew Krieger, Ernst & Young
LLP, Tone N. Grant, Robert C.
Trosten, Refco Group Holdings,
Inc., Phillip R. Bennett, Santo
C. Maggio, EMF Financial
Products, Delta Flyer Fund, LLC,
and Eric M. Flanagan,

Defendants.

Motion by Professor M. Todd Henderson
for leave to file a brief amicus
curiae on consideration of the
certified questions herein granted and
the proposed brief is accepted as
filed. Three copies of the brief must
be served and an original and 24
copies filed within seven days.

Mo. No. 2010-926

Teachers' Retirement System of
Louisiana and City of New Orleans
Employees' Retirement System,
derivatively on behalf of nominal
defendant American International
Group, Inc.,

Appellants,

v.

PricewaterhouseCoopers LLP,
Respondent.

Marc S. Kirschner, as Trustee of
the Refco Litigation Trust,

Appellant,

v.

KPMG LLP, Grant Thornton LLP,
Mayer Brown LLP, Ingram Micro
Inc., CIM Ventures Inc., William
T. Pigott, Mayer Brown
International LLP,
PricewaterhouseCoopers LLP,
Liberty Corner Capital
Strategies, LLC, Banc of America
Securities, LLC, Credit Suisse
Securities (USA) LLC, and
Deutsche Bank Securities, Inc.,

Respondents,

Beckenham Trading Company, Inc.,
Andrew Krieger, Ernst & Young
LLP, Tone N. Grant, Robert C.
Trosten, Refco Group Holdings,
Inc., Phillip R. Bennett, Santo
C. Maggio, EMF Financial
Products, Delta Flyer Fund, LLC,
and Eric M. Flanagan,

Defendants.

Motion by American Institute of
Certified Public Accountants et al.
for leave to file a brief amici curiae
on consideration of the certified
questions 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.

Mo. No. 2010-927

Marc S. Kirschner, as Trustee of
the Refco Litigation Trust,
Appellant,

v.

KPMG LLP, Grant Thornton LLP,
Mayer Brown LLP, Ingram Micro
Inc., CIM Ventures Inc., William
T. Pigott, Mayer Brown
International LLP,
PricewaterhouseCoopers LLP,
Liberty Corner Capital
Strategies, LLC, Banc of America
Securities, LLC, Credit Suisse
Securities (USA) LLC, and
Deutsche Bank Securities, Inc.,

Respondents,

Beckenham Trading Company, Inc.,
Andrew Krieger, Ernst & Young
LLP, Tone N. Grant, Robert C.
Trosten, Refco Group Holdings,
Inc., Phillip R. Bennett, Santo
C. Maggio, EMF Financial
Products, Delta Flyer Fund, LLC,
and Eric M. Flanagan,

Defendants.

Motion by Securities Industry and
Financial Markets Association for
leave to appear amicus curiae on
consideration of the certified
questions herein granted only to the
extent that the proposed brief is
accepted as filed. Two copies of the
brief must be served and 24 copies
filed within seven days.

Mo. No. 2010-934

Marc S. Kirschner, as Trustee of
the Refco Litigation Trust,
Appellant,

v.

KPMG LLP, Grant Thornton LLP,
Mayer Brown LLP, Ingram Micro
Inc., CIM Ventures Inc., William
T. Pigott, Mayer Brown
International LLP,
PricewaterhouseCoopers LLP,
Liberty Corner Capital
Strategies, LLC, Banc of America
Securities, LLC, Credit Suisse
Securities (USA) LLC, and
Deutsche Bank Securities, Inc.,

Respondents,

Beckenham Trading Company, Inc.,
Andrew Krieger, Ernst & Young
LLP, Tone N. Grant, Robert C.
Trosten, Refco Group Holdings,
Inc., Phillip R. Bennett, Santo
C. Maggio, EMF Financial
Products, Delta Flyer Fund, LLC,
and Eric M. Flanagan,

Defendants.

Motion by National Association of
Bankruptcy Trustees for leave to file
a brief amicus curiae on consideration
of the certified questions 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.

Mo. No. 2010-941

Teachers' Retirement System of
Louisiana and City of New Orleans
Employees' Retirement System,
derivatively on behalf of nominal
defendant American International
Group, Inc.,

Appellants,

v.

PricewaterhouseCoopers LLP,
Respondent.

Marc S. Kirschner, as Trustee of
the Refco Litigation Trust,

Appellant,

v.

KPMG LLP, Grant Thornton LLP,
Mayer Brown LLP, Ingram Micro
Inc., CIM Ventures Inc., William
T. Pigott, Mayer Brown
International LLP,
PricewaterhouseCoopers LLP,
Liberty Corner Capital
Strategies, LLC, Banc of America
Securities, LLC, Credit Suisse
Securities (USA) LLC, and
Deutsche Bank Securities, Inc.,

Respondents,

Beckenham Trading Company, Inc.,
Andrew Krieger, Ernst & Young
LLP, Tone N. Grant, Robert C.
Trosten, Refco Group Holdings,
Inc., Phillip R. Bennett, Santo
C. Maggio, EMF Financial
Products, Delta Flyer Fund, LLC,
and Eric M. Flanagan,

Defendants.

Motion by The Center for Audit Quality
for leave to file a brief amicus
curiae on consideration of the
certified questions 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.

3 Mo. No. 2010-812

The People &c.,

Respondent,

v.

Alicia Lewie,

Appellant.

Motion for assignment of counsel
granted and Matthew C. Hug, Esq.,
Rensselaer Technology Park, 105 Jordan
Road, Troy, NY 12180 assigned as
counsel to the appellant on the appeal
herein.

2 Mo. No. 2010-763
The People &c.,
 Respondent,
 v.
Roy Martin, a/k/a
Reality Martin,
 Appellant.

Motion for assignment of counsel granted and Lynn W. L. Fahey, Esq., Appellate Advocates, 2 Rector Street, 10th Floor, New York, NY 10006 assigned as counsel to the appellant on the appeal herein.

1 Mo. No. 2010-898
The People &c.,
 Respondent,
 v.
Juan Medina,
 Appellant.

Motion for assignment of counsel granted and Steven Banks, Esq., The Legal Aid Society, 199 Water Street, New York, NY 10038 assigned as counsel to the appellant on the appeal herein.

4 Mo. No. 2010-942
In the Matter of Robert P.
Meegan, Jr., &c. et al.,
 Respondents,
 v.
Byron W. Brown, &c., et al.,
 Appellants.

Motion by New York State School Boards Association for leave to file a brief amicus 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.

In the Matter of Joseph E. Foley,
&c. et al.,
 Respondents,
 v.
Byron W. Brown, &c., et al.,
 Appellants.

Buffalo Teachers Federation,
Inc., et al.,
 Respondents,
 v.
Buffalo Board of Education for
City School District of City of
Buffalo et al.,
 Appellants.

1 Mo. No. 2010-770
The People &c.,
 Respondent,
 v.
Pedro Melendez,
 Appellant.

Motion for assignment of counsel granted and Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Suite 1601, New York, NY 10007 assigned as counsel to the appellant on the appeal herein.

3 Mo. No. 2010-874
In the Matter of New York Charter School Association et al.,
 Respondents,
 v.
M. Patricia Smith, as
Commissioner of Labor,
 Appellant.

Motion by New York State United Teachers for leave to file a brief amicus curiae on the appeal herein granted and the proposed brief is accepted as filed. Three copies of the brief must be served and an original and 24 copies filed within seven days.

In the Matter of Foundation for a Greater Opportunity et al.,
 Respondents,
 v.
M. Patricia Smith, as
Commissioner of Labor et al.,
 Appellants.

3 Mo. No. 2010-900
In the Matter of New York Charter School Association et al.,
 Respondents,
 v.
M. Patricia Smith, as
Commissioner of Labor,
 Appellant.

Motion by New York City Charter School Center for leave to appear amicus curiae on the appeal herein granted only to the extent that the proposed brief is accepted as filed. Two copies of the brief must be served and 24 copies filed within seven days.

In the Matter of Foundation for a Greater Opportunity et al.,
 Respondents,
 v.
M. Patricia Smith, as
Commissioner of Labor et al.,
 Appellants.

2 Mo. No. 2010-981
The People &c.,
 Respondent,
 v.
Dean Pacquette,
 Appellant.

Motion for assignment of counsel granted and Lynn W. L. Fahey, Esq., Appellate Advocates, 2 Rector Street, 10th Floor, New York, NY 10006 assigned as counsel to the appellant on the appeal herein.

2 Mo. No. 2010-983
The People &c.,
 Respondent,
 v.
John Parisi,
 Appellant.

Motion for assignment of counsel granted and Robert C. Mitchell, Esq., Legal Aid Society of Suffolk County, Inc., Arthur M. Cromarty Court Complex, 300 Center Drive, PO Box 1697, Riverhead, NY 11901 assigned as counsel to the appellant on the appeal herein.

1 Mo. No. 2010-957
The People &c.,
 Respondent,
 v.
Ermal Qoshja,
 Appellant.

Motion for assignment of counsel granted and Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Suite 1601, New York, NY 10007 assigned as counsel to the appellant on the appeal herein.

 Mo. No. 2010-734
The People &c.,
 Respondent,
 v.
Fletcher B. Quiller,
 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. 2010-668
Kim Ragland,
Appellant,
v.
J.F. Bellnier, &c.,
Respondent.

Motion to vacate this Court's May 7, 2010 dismissal order granted. On the Court's own motion, appeal transferred, without costs, to the Appellate Division, Third Department, upon the ground that a direct appeal does not lie when questions other than the constitutional validity of a statutory provision are involved (NY Const, art VI, §§ 3[b][2], 5[b]; CPLR 5601[b][2]).

1 Mo. No. 2010-854
The People &c.,
Appellant,
v.
Carlos Reyes,
Respondent.

Motion for assignment of counsel granted and Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Suite 1601, New York, NY 10007 assigned as counsel to the respondent on the appeal herein.

1 Mo. No. 2010-806
The People &c.,
Respondent,
v.
Jose Rivera,
Appellant.

Motion for assignment of counsel granted and Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor, New York, NY 10006 assigned as counsel to the appellant on the appeal herein.

3 Mo. No. 2010-837
The People &c.,
Respondent,
v.
Terrance D. Robinson,
Appellant.

Motion for assignment of counsel granted and Bruce E. Knoll, Esq., PO Box 2072, Empire State Plaza Station, Albany, NY 12220 assigned as counsel to the appellant on the appeal herein.

Mo. No. 2010-760
The People &c.,
Respondent,
v.
Darryl Robinson,
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.

1 Mo. No. 2010-987
The People &c.,
Respondent,
v.
Isidro Rodriguez,
Appellant.

Motion for assignment of counsel granted and Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Suite 1601, New York, NY 10007 assigned as counsel to the appellant on the appeal herein.

1 Mo. No. 2010-785
The People &c.,
Respondent,
v.
Kenneth Stepter,
Appellant.

Motion for an order pursuant to CPLR 1012(b)(2) permitting movant City of New York to file a brief and participate in the appeal granted in each respect.

1 Mo. No. 2010-783
The People &c.,
Respondent,
v.
Bruce Sweeper,
Appellant.

Motion for assignment of counsel granted and Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor, New York, NY 10006 assigned as counsel to the appellant on the appeal herein.

1 Mo. No. 2010-858
The People &c.,
Respondent,
v.
Daniel Thomas,
Appellant.

Motion for assignment of counsel granted and Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Suite 1601, New York, NY 10007 assigned as counsel to the appellant on the appeal herein.

2 Mo. No. 2010-778
The People &c.,
 Respondent,
 v.
Michael D. Wesley,
 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.

2 Mo. No. 2010-915
The People &c.,
 Respondent,
 v.
Blake Wingate,
 Appellant.

Motion for assignment of counsel granted and Lynn W. L. Fahey, Esq., Appellate Advocates, 2 Rector Street, 10th Floor, New York, NY 10006 assigned as counsel to the appellant on the appeal herein.