

August 31, 2010

CASES

2 No. 199 SSM 28

Thomas P. Cashel,
 Plaintiff,

v.

Francine Cashel,
 Defendant.

Thomas P. Cashel,
 Appellant,

v.

Francine Cashel, et al.,
 Defendants,

Mortgage Electronic Registration
Systems, Inc., et al.,
 Respondents.

(And Another Action.)

On review of submissions pursuant to section 500.11 of the Rules, order, insofar as appealed from, reversed, with costs, and the motion by defendants Fremont Investment & Loan and Mortgage Electronic Registration Systems, Inc. for summary judgment dismissing the first cause of action against them denied, in a memorandum. Chief Judge Lippman and Judges Ciparick, Graffeo, Read, Smith, Pigott and Jones concur.

No. 203

The City of New York,
 Respondent,

v.

Golden Feather Smoke Shop, Inc.,
Kimo Smoke Shop, Inc., Smoke and
Rolls Inc., Shawn Morrison, Kiana
Morrison, in her individual
capacity, Jessey Watkins, Tony D.
Phillips,

Defendants,

Monique's Smoke Shop, Ernestine
Watkins, in her individual
capacity, Wayne Harris, Red Dot &
Feathers Smoke Shop, Inc.,
Raymond Hart, in his individual
capacity, Smoking Arrow Smoke
Shop, Denise Paschall, in her
individual capacity, TDM Discount
Cigarettes, Thomasina Mack, in
her individual capacity, Peace
Pipe Smoke Shop, Rodney Morrison,
Charlotte Morrison, in her
individual capacity,

Appellants.

Pursuant to the August 20, 2010 order of the United States Court of Appeals for the Second Circuit withdrawing its certification of questions accepted by this Court on May 11, 2010, certified questions marked withdrawn. Chief Judge Lippman and Judges Ciparick, Graffeo, Read, Smith, Pigott and Jones concur.

1 No. 200 SSM 30
Sapphire Simmons, &c., et al.,
 Appellants,
 v.
Vito Sacchetti, et al.,
 Respondents,
et al.,
 Defendant.

On review of submissions pursuant to section 500.11 of the Rules, order modified, without costs, by denying the motion of defendants Vito Sacchetti and TMS Management Company for summary judgment in the entirety and the motion of defendant Ambassador Fuel and Oil Burner Corp. insofar as it sought to dismiss the cross claims against it and, as so modified, affirmed, in a memorandum.
Chief Judge Lippman and Judges Ciparick, Graffeo, Read, Smith, Pigott and Jones concur.

MOTIONS

1 Mo. No. 2010-630 Motion for leave to appeal denied.
Maureen Adamo et al.,
 Appellants,
 v.
National Railroad Passenger Corp.
et al.,
 Respondents.

4 Mo. No. 2010-649 Motion for leave to appeal denied.
In the Matter of Kemet Allah,
Formerly Known as Benjamin
Lofton,
 Appellant,
 v.
James Hendricks, &c.,
 Respondent,
Michael C. Green, Monroe County
District Attorney,
 Intervenor-Respondent.

1 Mo. No. 2010-638 Motion for leave to appeal denied with
Amcan Holdings, Inc., et al., one hundred dollars costs and
 Appellants, necessary reproduction disbursements.
 v.
Canadian Imperial Bank of
Commerce,
 Respondent,
et al.,
 Defendants.

3 Mo. No. 2010-895 Motion for leave to appeal granted.
In the Matter of Michelle
Birnbaum,
 Appellant,
 v.
New York State Department of
Labor et al.,
 Respondents.

1 Mo. No. 2010-657
In the Matter of Erin C.
 Respondent,
 v.
Peter H.,
 Appellant.

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

2 Mo. No. 2010-621
Congregation Rabbinical College
of Tartikov, Inc.,
 Respondent,
 v.
Town of Ramapo, et al.,
 Appellants.

Motion for leave to appeal granted.
Judge Jones took no part.

3 Mo. No. 2010-622
In the Matter of Daughters of
Sarah Nursing Center, Inc.,
 Appellant,
 v.
Antonia Novello, &c., et al.,
 Respondents.
(And Another Related Proceeding.)

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

2 Mo. No. 2010-615
Nancy Ann DeSandolo,
 Appellant,
 v.
United Airlines Incorporated,
 Respondent,
et al.,
 Defendant.

Motion for leave to appeal denied.

2 Mo. No. 2010-642
In the Matter of Javon Dowling,
 Appellant,
 v.
Danny K. Chun, et al.,
 Respondents.

Motion for leave to appeal denied.

1 Mo. No. 2010-643
Fidelity National Title Insurance
Company, et al.,
 Respondents,
Sheila Ferrari, &c., et al.,
 Appellants,
 v.
Regent Abstract Services, Ltd.,
et al.,
 Respondents,
New York Life Insurance Company,
 Third-Party Respondent.

Motion for leave to appeal dismissed
as untimely (see CPLR 5513[b]; Matter
of Haverstraw Park v Runcible Props.
Corp., 33 NY2d 637 [1973]).

2 Mo. No. 2010-654
In the Matter of Kemar G.
(Anonymous),
 Appellant.

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

4 Mo. No. 2010-670
George Eagan Ginther,
 Appellant,
 v.
Robert A. Crawford, Jr., Esq.,
et al.,
 Respondents.

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

4 Mo. No. 2010-641
In the Matter of Aaron H. et al.

Oneida County Department of
Social Services,
 Respondent;
Barbara H.,
 Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2010-629
In the Matter of George
Henderson, et al.,
 Appellants,
 v.
Zoning Board of Appeals, et al.,
 Respondents,
et al.,
 Respondents.

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

3 Mo. No. 2010-627
In the Matter of George S.
Lakner,
 Appellant,
 v.
New York State Department of
Health et al.,
 Respondents.

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

2 Mo. No. 2010-618
Lexjac, LLC, et al.,
 Respondents,
 v.
Julianne W. Beckerman, &c.,
et al.,
 Appellants.

Motion for leave to appeal dismissed
upon the ground that the order sought
to be appealed from does not finally
determine an action or proceeding
within the meaning of the Constitution
and is not an order of the type
provided for in CPLR 5602(a)(2).

4 Mo. No. 2010-640
In the Matter of Guadalupe M.,
 Respondent,
 v.
Edward M.,
 Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2010-647
Janet R. Marks, Ph.D.,
 Appellant,
 v.
Sharon P. Smith, et al.,
 Respondents.

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

2 Mo. No. 2010-628
Anthony Marraccini,
 Appellant,
 v.
John Ryan, et al.,
 Respondents,
et al., Defendants.

Motion, insofar as it seeks leave to appeal from that part of the Appellate Division order that denied appellant's motion for leave to amend the complaint, 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 granted.

4 Mo. No. 2010-601
In the Matter of Cornelius
Martin,
 Appellant,
 v.
Henry Lemons, Jr., &c.,
 Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2010-644
Thomas M. McElroy,
 Appellant,
 v.
Gail Bernstein, et al.,
 Respondents.

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

1 Mo. No. 2010-789
In the Matter of the State of New
York,
 Appellant,
 v.
Mustafa Rashid,
 Respondent.

Motion to vacate stay denied.
Motion for a preference granted.

3 Mo. No. 2010-665
In the Matter of Celine O.
et al., &c.

Motion for leave to appeal denied.

Broome County Department of
Social Services,
 Respondent;
Johanna Q.,
 Appellant;
et al.,
 Respondent.

2 Mo. No. 2010-652
In the Matter of Marvin Pollack,
 Appellant;
State of New York, 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.

3 Mo. No. 2010-650
In the Matter of Gail Price,
 Appellant,
 v.
Southwest Airlines, Inc.,
 Respondent.

Motion for reargument of motion for
leave to appeal denied.

3 Mo. No. 2010-656
In the Matter of the Estate of
Carolyn H. Renzi, Deceased.

Phyllis Campanile Nicolella,
&c.,
 Respondent;
Thomas F. Campanile Jr.,
 Appellant.

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

2 Mo. No. 2010-636
Douglas Rimany, et al.,
 Appellants,
 v.
Town of Dover,
 Respondent,
et al.,
 Defendant.

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

3 Mo. No. 2010-666
In the Matter of Shelly RR.,
 Respondent,
 v.
Frank SS.,
 Appellant.
(And Three Other Related
Proceedings.)

Motion for leave to appeal denied.

1 Mo. No. 2010-633
The People &c.,
 Respondent,
 v.
Julio Santana,
 Appellant.

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

1 Mo. No. 2010-669
In the Matter of Benjamin
Santiago,
 Appellant,
 v.
Hon. James Yates,
 Respondent.

Motion for leave to appeal denied.

3 Mo. No. 2010-690
David B. Sharpe,
 Respondent,
 v.
Joanne Raffer,
 Appellant.

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. 2010-660
Christakis Shiamili, &c.,
 Appellant,
 v.
The Real Estate Group of New
York, Inc., et al.,
 Respondents.

Motion for leave to appeal granted.

1 Mo. No. 2010-637
Lon Silvers, &c.,
 Appellant,
 v.
State of New York, et al.,
 Respondents.

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

1 Mo. No. 2010-659
Linda Taylor,
 Appellant,
 v.
United Parcel Service, Inc.,
 Respondent,
Eric White,
 Defendant.

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

3 Mo. No. 2010-626
In the Matter of Antonio Velez
Jr.,
 Appellant,
 v.
Anthony J. Annucci, &c.,
 Respondent.

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

3 Mo. No. 2010-667
In the Matter of Steve
Williamson,
 Appellant,
 v.
Brian Fischer, &c.,
 Respondent.

Motion for leave to appeal denied.