

No. 176
Alice Kramer,
Respondent,
v.
Phoenix Life Insurance Co.,
Lincoln Life & Annuity Co. of New
York,
Defendants,
Lifemark S.A.,
Intervenor-Appellant.
(And Third-Party Actions.)

1 No. 177
The State of New York, et al.,
Plaintiffs,
v.
Philip Morris Incorporated,
et al.,
Respondents,
RJR Nabisco Holdings Corp.,
et al.,
Defendants,
Dosal Tobacco Corporation,
Seneca-Cayuga Tribal Tobacco
Corporation and Smokin Joes,
Appellants,
Alternative Cigarette, Inc.,
et al.,
Defendants,
Senecan Cayuga Nation, et al.,
Defendants.

Following certification of a question by the United States Court of Appeals for the Second Circuit and acceptance of the question by this Court pursuant to section 500.27 of the Rules of Practice of the New York State Court of Appeals, and after hearing argument by counsel for the parties and consideration of the briefs and the record submitted, certified question answered in the negative. Opinion by Judge Ciparick. Chief Judge Lippman and Judges Graffeo, Read and Jones concur. Judge Smith dissents in an opinion in which Judge Pigott concurs.

Appeal dismissed, without costs. As the nonparticipating tobacco manufacturers are not required by Supreme Court's order to arbitrate and will not be bound by the arbitration, they are not aggrieved. Chief Judge Lippman and Judges Ciparick, Graffeo, Read, Smith, Pigott and Jones concur.

MOTIONS

2 Mo. No. 2010-1161
The People &c.,
 Appellant,
 v.
Alaa Agina,
 Respondent.

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 respondent on the appeal herein.

1 Mo. No. 2010-1023
Alexie Amamedi, et al.,
 Appellants,
 v.
Joel O. Archibala, et al.,
 Respondents.

Motion for leave to appeal denied.

2 Mo. No. 2010-1030
In the Matter of Tylasia B.
(Anonymous).

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

Motion for leave to appeal denied.

2 Mo. No. 2010-1181
The People &c.,
 Appellant,
 v.
Jay Jomar Bradshaw,
 Respondent.

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 respondent on the appeal herein.

4 Mo. No. 2010-1143
John Calderon, Jr.,
 Respondent,
 v.
Walgreen Co. and Walgreen Eastern
Co., Inc.,
 Appellants.

Motion to vacate this Court's
September 15, 2010 dismissal order
granted.
On the Court's own motion, appeal
dismissed, without costs, upon the
ground that the Appellate Division
order does not finally determine the
action within the meaning of the
Constitution.

1 Mo. No. 2010-1032
Cornealius Campbell,
 Respondent,
 v.
Anita Brown Campbell,
 Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2010-933
Robert V. Cattani, M.D.,
 Appellant,
 v.
Richard A. Marfuggi, M.D.,
 Respondent.
Richard Paul Stone, Esq.,
 Nonparty-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. 2010-1013
In the Matter of Chatham Towers
Inc., et al.,
 Appellants,
 v.
New York City Police Department,
et al.,
 Respondents.

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

3 Mo. No. 2010-1154
In the Matter of Gregory W.
Collins,
 Claimant,
 v.
Dukes Plumbing and Sewer Service,
Inc.,
 Appellant,
et al.,
 Respondent.
Workers' Compensation Board,
 Respondent.

Motion for leave to appeal granted.

4 Mo. No. 2010-1149
The People &c.,
 Appellant,
 v.
Barak Cornell,
 Respondent.

Motion for assignment of counsel
granted and Timothy P. Murphy, Esq.,
c/o Lipsitz Green Scime Cambria, LLP,
42 Delaware Avenue, Suite 120,
Buffalo, NY 14202 assigned as counsel
to the respondent on the appeal
herein.

4 Mo. No. 2010-1050
In the Matter of Anwatz Haque,
 Appellant,
 v.
Norman B. Bezio, &c., et al.,
 Respondents.

Motion for leave to appeal granted.

 Mo. No. 2010-1024
Alice Kramer,
 Respondent,
 v.
Phoenix Life Insurance Co.,
Lincoln Life & Annuity Co. of New
York,
 Defendants,
Lifemark S.A.,
 Intervenor-Appellant.
(And Third-Party Actions.)

Motion by intervenor-appellant
Lifemark S.A. to strike portions of
the brief of defendants Phoenix Life
Insurance Co. and Lincoln Life &
Annuity Co. of New York denied.

Mo. No. 2010-1043
Alice Kramer,
Respondent,
v.
Phoenix Life Insurance Co.,
Lincoln Life & Annuity Co. of New
York,
Defendants,
Lifemark S.A.,
Intervenor-Appellant.
(And Third-Party Actions.)

Motion by respondent Alice Kramer to
strike portions of the brief of
defendants Phoenix Life Insurance Co.
and Lincoln Life & Annuity Co. of New
York denied.

1 Mo. No. 2010-1036
Tammy Lawlor, Esq., et al.,
Appellants,
v.
Lenox Hill Hospital,
Respondent.

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

2 Mo. No. 2010-1084
In the Matter of H.M.
(Anonymous),
Respondent,
v.
E.T. (Anonymous),
Appellant.

Motion for leave to appeal dismissed
upon the ground that the order sought
to be appealed from, affirming only
Family Court's September 2007 order
and leaving the matter pending for
further judicial action, does not
finally determine the proceeding
within the meaning of the
Constitution.

2 Mo. No. 2010-920
The People &c.,
Respondent,
v.
James McRae,
Appellant.

Motion for reargument denied.

1 Mo. No. 2010-1210
The People &c.,
 Respondent,
 v.
Luis Parada,
 Appellant.

Motion for assignment of counsel granted only to the extent that Glenn A. Garber, Esq., 350 Broadway, Suite 1207, New York, NY 10013 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. 2010-1144
The People &c.,
 Respondent,
 v.
Jesus Pratts,
 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. 2010-1217
In the Matter of Sasha B., &c.

Erica B.,
 Appellant,

Administration for Children's
Services,
 Respondent.

Motion for poor person relief granted.

3 Mo. No. 2010-990
In the Matter of Paul T.,
 Respondent,
 v.
Ann-Marie T.,
 Appellant.
(And Two Other Related
Proceedings.)

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

2 Mo. No. 2010-1035
U.S. Bank National Association,
&c.,
 Respondent,
 v.
Lisa Ann Pia, et al.,
 Appellants.
(And a Third-Party Action.)

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.

3 Mo. No. 2010-1031
In the Matter of Arlene Y.,
 Appellant,
 v.
Warren County Department of
Social Services et al.,
 Respondents.

Motion for leave to appeal denied.