

November 30, 2010

CASES

2	No. 204	Order affirmed.
The People &c.,	Respondent,	Opinion by Judge Ciparick.
v.		Chief Judge Lippman and Judges Graffeo,
Jamel Black,	Appellant.	Read, Smith, Pigott and Jones concur.
2	No. 197	Order affirmed, with costs.
Lindsay Grobman,	Respondent,	Opinion by Judge Read.
v.		Chief Judge Lippman and Judges
Rhonda Chernoff, et al.,	Defendants,	Ciparick, Graffeo, Smith, Pigott and
Rhonda Globman, &c., et al.,	Appellants.	Jones concur.
1	No. 185	Order affirmed.
The People of the State of New	Respondent,	Opinion by Judge Ciparick.
York,		Chief Judge Lippman and Judges Graffeo,
v.		Read, Smith, Pigott and Jones concur.
Anthony Guardino,	Appellant.	Judge Smith concurs in a separate
		opinion in which Judge Pigott concurs.
1	No. 184	Order reversed and a new trial ordered.
The People &c.,	Respondent,	Opinion by Judge Ciparick.
v.		Chief Judge Lippman and Judges Pigott
Joseph Hecker,	Appellant.	and Jones concur.
		Judge Smith dissents in an opinion in
		which Judge Read concurs.
		Judge Graffeo dissents in a separate
		opinion.

1 No. 186
The People &c.,
 Respondent,
 v.
Eric Hollis,
 Appellant.

Order affirmed.
Opinion by Judge Ciparick.
Chief Judge Lippman and Judges Graffeo,
Read, Smith, Pigott and Jones concur.

2 No. 196
Louise Ruffin,
 Appellant,
 v.
Lion Corp., &c., et al.,
 Respondents.

Order reversed, with costs, and case
remitted to the Appellate Division,
Second Department, for further
proceedings in accordance with the
opinion herein.
Opinion by Judge Pigott.
Chief Judge Lippman and Judges
Ciparick, Graffeo, Read, Smith and
Jones concur.

4 No. 231 SSM 45
Francesco Strangio,
 Appellant,
 v.
Sevenson Environmental Services,
Inc. and The Goodyear Tire &
Rubber Company,
 Respondents.

Sevenson Environmental Services,
Inc., et al.,
 Respondents,
 v.
Thomas Johnson, Inc.,
 Respondent.

On review of submissions pursuant to
section 500.11 of the Rules, order
modified, without costs, by denying the
motions of defendants and the third-
party defendant for summary judgment
insofar as they seek dismissal of
plaintiff's Labor Law § 240(1) claim
and, as so modified, affirmed, in a
memorandum.
Chief Judge Lippman and Judges
Ciparick, Graffeo, Read, Smith, Pigott
and Jones concur.

3 Mo. No. 2010-1121
The People &c. ex rel. Echo
Westley Dixon,
 Appellant,
 v.
D. Rock, &c.,
 Respondent.

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.

2 Mo. No. 2010-1130
William Harper, et al.,
 Appellants,
 v.
Holland Addison, LLC,
 Defendant,
Cape Horn, LLC, et al.,
 Respondents.

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

2 SSD 72
In the Matter of Tyrone Houston,
 Appellant,
 v.
Patricia DiMango, &c., et al.,
 Respondents.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that the issues presented have become moot.

2 Mo. No. 2010-1139
Harold Hunter,
 Appellant,
 v.
State of New York,
 Respondent.

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

3 Mo. No. 2010-1128
In the Matter of New York State
Department of Labor (Unemployment
Insurance Appeal Board),
 Respondent,
 v.
New York State Division of Human
Rights,
 Appellant,
Cynthia T. Lowney,
 Respondent.

Motion for leave to appeal denied.

3 Mo. No. 2010-1142
In the Matter of Edwin Parra,
 Appellant,
 v.
Brian Fischer, &c.,
 Respondent.

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

3 Mo. No. 2010-1132
In the Matter of Pegasus Cleaning
Corporation et al.,
 Appellants,
 v.
M. Patricia Smith, &c., et al.,
 Respondents.

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

2 Mo. No. 2010-1063
Aura Quinones,
 Appellant,
 v.
Neighborhood Youth & Family
Services, Inc., et al.,
 Respondents.

Motion for leave to appeal dismissed
as untimely (see CPLR 5513[b]).

2 Mo. No. 2010-1123
In the Matter of Percy Randall,
 Appellant,
 v.
Robert C. McGann, &c.,
 Respondent;
Richard A. Brown, &c.,
 Nonparty.

Motion for leave to appeal denied.

2 Mo. No. 2010-1044
In the Matter of Peter R. and
Matthew R. (Anonymous).

Administration for Children's
Services,
 Respondent;
Stacey R. (Anonymous), et al.,
 Appellants.

Motion for leave to appeal denied.

3 SSD 71
The People &c. ex rel. Lionel
Richardson,
 Appellant,
 v.
Anthony Boucaud, as
Superintendent of Altona
Correctional Facility,
 Respondent.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that petitioner has been released on parole, and therefore, his liberty is no longer restrained to such a degree as to entitle him to the extraordinary writ of habeas corpus (see People ex rel. Wilder v Markley, 26 NY2d 648 [1970]).

3 Mo. No. 2010-1103
Stonegate Family Holdings, Inc.,
 Appellant,
 v.
Revolutionary Trails, Inc.,
et al.,
 Respondents.

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

2 Mo. No. 2010-1120
Virginia Tarleton,
 Appellant,
 v.
Astor Galleries, Ltd., et al.,
 Defendants,
Braswell Galleries, Inc., et al.,
 Respondents.

Motion for leave to appeal denied.

2 Mo. No. 2010-1106
In the Matter of Chaim Waldman,
et al.,
 Appellants,
 v.
Mosdos Bobov, Inc., et al.,
 Respondents,
Bovoer Yeshiva Bnei Zion, &c.,
 Respondent.

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

3 SSD 73
In the Matter of Kevin Weems,
 Appellant,
 v.
Brian Fischer, as Commissioner of
Correctional Services,
 Respondent.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that no appeal lies as of right from the unanimous order of the Appellate Division absent the direct involvement of a substantial constitutional question (CPLR 5601).

4 Mo. No. 2010-1126
In the Matter of Derek Williams,
 Appellant,
 v.
Susan Connell, &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 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.
Motion for poor person relief dismissed as academic.

2 Mo. No. 2010-1138
In the Matter of Sean Wilson,
 Appellant,
 v.
Caroline Kilkenny,
 Respondent.

Motion for reargument of motion for leave to appeal denied.