

MOTIONS

4 Mo. No. 2010-746
The People &c.,
 Respondent,
 v.
Andres Ayala,
 Appellant.

On the Court's own motion, appeal dismissed, without costs, 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. Correction Law § 168-n(3) does not provide an independent predicate for an appeal as of right to this Court. Motion for leave to appeal denied.

2 Mo. No. 2010-677
In the Matter of Philip R.
Barresi,
 Appellant,
 v.
County of Suffolk, et al.,
 Respondents.

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

3 Mo. No. 2010-693
In the Matter of Shane Begor,
 Claimant,
 v.
Mark Holmes, Doing Business as
Four Seasons Logging, et al.,
 Respondents,
Brenner & McHugh, Inc., et al.,
 Respondents,
American Zurich Insurance
Company,
 Appellant.
Workers' Compensation Board,
 Respondent.

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

1 Mo. No. 2010-694
In the Matter of Probate of the
Will of Elsa K. Bryer,
 Deceased.

Elliott K. Bryer,
 Appellant,
 v.
The Bank 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.

2 Mo. No. 2010-689
In the Matter of Village of
Chestnut Ridge, et al.,
 Respondents,

et al.,
 Petitioners,
 v.
Town of Ramapo, et al.,
 Appellants,
Scenic Development, LLC,
 Respondent.

Motion for leave to appeal dismissed
upon the ground that it does not lie,
movants previously having moved for
leave to appeal to the Court of
Appeals from the August 2007 Appellate
Division order from which leave to
appeal is currently sought (12 NY3d
793 [2009]). Moreover, no motion for
leave to appeal would lie to this
Court from the March 2010 Supreme
Court judgment to bring up for review
the August 2007 Appellate Division
order as movants have appealed that
judgment to the Appellate Division and
simultaneous appeals do not lie to
both the Appellate Division and the
Court of Appeals (see Parker v
Rogerson, 35 NY2d 751, 753 [1974]).

2 Mo. No. 2010-706
The People &c.,
 Respondent,
 v.
Michael Colavito,
 Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2010-703
Eric Cragg, &c.,
 Appellant,
 v.
Allstate Indemnity Corporation,
 Respondent,
et al.,
 Defendants.

Motion for leave to appeal granted.

1 Mo. No. 2010-744
Gloria Doomes, &c.,
 Appellant,
 v.
Best Transit Corp., et al.,
 Defendants,
Warrick Industries, Inc., &c.,
 Respondent.

Motion for leave to appeal granted.

Ana Jiminian, &c.,
 Appellant,
 v.
Best Transit Corp., et al.,
 Defendants,
Warrick Industries, Inc., &c.,
 Respondent.

Kelli Rivera,
 Appellant,
 v.
Best Transit Corp., et al.,
 Defendants,
Warrick Industries, Inc., &c.,
 Respondent.

2 Mo. No. 2010-688
Kristin Dupree,
 Appellant,
 v.
Oliver Raymond Voorhees III,
 Respondent,
et al.,
 Defendants.

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

1 Mo. No. 2010-712
In the Matter of Edward F.,
 Respondent,
 v.
Karima G.,
 Appellant.

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

3 Mo. No. 2010-699
In the Matter of Lisa J.
Fitzgerald,
 Appellant,
 v.
Commissioner of Labor,
 Respondent.

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

1 Mo. No. 2010-673
The People &c. ex rel. Walter
Grant,
 Appellant,
 v.
Susan A. Connel, &c.,
 Respondent.

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

3 Mo. No. 2010-682
In the Matter of Nicholas J.
Grasso et al.,
 Appellants,
Joseph F. Grasso Jr., &c.,
 Respondent.
(And a Related Action.)

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

4 Mo. No. 2010-707
Richard Gravino,
 Appellant,
 v.
Allstate Insurance Company,
 Respondent.

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

2 Mo. No. 2010-685

Derek Hamilton et al.,
Respondents,

v.

Kushnir Realty Company et al.,
Defendants,

Israel Kushnir et al.,
Appellants.

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

4 Mo. No. 2010-679

Deborah Himmelsbach,
Appellant,

v.

Patrick George,
Respondent.

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

4 Mo. No. 2010-701

The People &c.,
Respondent,

v.

Marquis C. Hucks,
Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2010-709

In the Matter of James Hurd,
Appellant,

v.

New York State Division of
Parole,

Respondent.

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

4 Mo. No. 2010-702

In the Matter of Kyle K.
and Kara K.

Erie County Department of Social
Services,

Respondent;

Harry K.,

Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2010-674 Motion for leave to appeal denied.
In the Matter of Rhonda Mangus,
 Appellant,
 v.
Niagara County Department of
Social Services et al.,
 Respondents.

2 Mo. No. 2010-759 Motion for leave to appeal denied.
In the Matter of Tracy Jon
McDonough,
 Respondent,
 v.
Denise Ortega McDonough,
 Appellant.

2 Mo. No. 2010-792 Motion for leave to appeal denied.
In the Matter of Tracy Jon
McDonough,
 Appellant,
 v.
Denise Ortega McDonough,
 Respondent.

2 Mo. No. 2010-762 Motion for leave to appeal denied.
In the Matter of Moises Mera,
 Appellant,
 v.
Gloria Rodriguez,
 Respondent.

3 Mo. No. 2010-802 Motion for leave to appeal denied.
In the Matter of Joseph P.
Miller,
 Respondent,
 v.
Carlie Mace,
 Appellant.

2 Mo. No. 2010-705
Parviz Noghrey,
Appellant,
v.
Town of Brookhaven et al.,
Respondents.

Motion for leave to appeal dismissed upon the ground that the Appellate Division order sought to be appealed from does not finally determine the action within the meaning of the Constitution. In addition, the May 2010 Supreme Court judgment provided by appellant is not an appealable paper pursuant to CPLR 5602(a)(1)(ii) because it does not finally determine the action within the meaning of the Constitution (see Burke v Crosson, 85 NY2d 10, 18 n 5 [1995]).

2 Mo. No. 2010-923
Parviz Noghrey,
Appellant,
v.
Town of Brookhaven et al.,
Respondents.

Motion by the National Association of Home Builders for leave to appear amicus curiae on the motion for leave to appeal herein granted and the affirmation is accepted as filed, and for leave to file a brief amicus curiae on the appeal herein dismissed as academic.

2 Mo. No. 2010-700
Alamin Hassan O.,
Appellant,
v.
Benjamin Bates, et al.,
Defendants;
Verizon,
Nonparty-Respondent.

Motion, insofar as it seeks leave to appeal from the March 2009 Appellate Division order, dismissed upon the ground that such order does not finally determine the action within the meaning of the Constitution; motion, insofar as it seeks leave to appeal from the letter of the Clerk's Office of the Appellate Division, Second Department, dismissed upon the ground that the letter appealed from is neither a judgment nor an order from which a motion to this Court may be made (see CPLR 5512[a]; 5602). Motion for poor person relief dismissed as academic.

3 Mo. No. 2010-692
In the Matter of Clint R.
Peterson,
 Appellant,
 v.
Carl F. Becker, &c.,
 Respondent.

Motion for leave to appeal dismissed
upon the ground that the issues
presented have become moot.
Motion for poor person relief
dismissed as academic.

3 Mo. No. 2010-672
In the Matter of Michaela PP.
et al., &c.

Motion for leave to appeal denied.

Broome County Department of
Social Services,
 Respondent;
Derwood PP.,
 Appellant.

1 Mo. No. 2010-775
Pat Roddy,
 Appellant,
 v.
Nederlander Producing Company of
America, Inc., et al.,
 Respondents,
et al.,
 Defendants.
(And a Third-Party Action.)

Motion for leave to appeal granted.

3 Mo. No. 2010-711
In the Matter of Jason D. Rosen,
 Appellant.
Vidicom, Inc.,
 Respondent.
Commissioner of Labor,
 Respondent.

Motion for leave to appeal denied.

4 Mo. No. 2010-680
In the Matter of Donell S. et al.

Onondaga County Department of
Social Services,
 Respondent;
Jessica R.,
 Respondent;
Donell S.,
 Appellant.

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

4 Mo. No. 2010-710
Maurica Tallarida,
 Appellant,
 v.
City of Corning et al.,
 Respondents.

Motion for reargument of motion for
leave to appeal denied.

2 Mo. No. 2010-704
Barbara Weiss,
 Appellant,
 v.
Half Hollow Hills Central School
District,
 Respondent.

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

4 Mo. No. 2010-750
In the Matter of Laurie J.
Whiting,
 Respondent,
 v.
Joseph J. Palumbo,
 Appellant.

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

2 Mo. No. 2010-800
In the Matter of Sean Wilson,
 Appellant,
 v.
Caroline Kilkenny,
 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.

3 Mo. No. 2010-681
Yankee Lake Preservation
Association, Inc.,
 Appellant,
 v.
Judith Stein et al.,
 Respondents,
et al.,
 Defendants.

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

3 Mo. No. 2010-748
Yankee Lake Preservation
Association, Inc.,
 Appellant,
 v.
Judith Stein et al.,
 Respondents,
et al.,
 Defendants.

Motion by New York State Federation of
Lake Associations, Inc. for leave to
file a brief amicus curiae on the
motion for leave to appeal herein
granted and the brief is accepted as
filed.