

September 14, 2010

MOTIONS

- 1 Mo. No. 2010-807 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.
- In the Matter of Anonymous, an attorney and counselor-at-law.
- Departmental Disciplinary Committee for the First Judicial Department,
Respondent,
Anonymous,
Appellant.
- 2 Mo. No. 2010-777 Motion for leave to appeal granted.
- Everardo Avila,
Appellant,
v.
Plaza Construction Corp.,
et al.,
Respondents.
- 2 Mo. No. 2010-737 Motion for leave to appeal denied with one hundred dollars costs and necessary reproduction disbursements. Judge Smith took no part.
- Jonathan D. Bloom et al.,
Respondents,
v.
St. Paul Travelers Companies,
Inc., et al.,
Appellants.
- 1 Mo. No. 2010-635 Motion for leave to appeal denied with one hundred dollars costs and necessary reproduction disbursements.
- In the Matter of Mark G. Bosswick, et al., Estate of Seymour Cohn, &c., Deceased.
- Mark G. Bosswick, et al.,
Respondents,
v.
Paula Ann Hallman,
Appellant.

3 Mo. No. 2010-716
In the Matter of Juan Bran,
 Respondent,
 v.
Ralph Wimbish,
 Appellant,
et al.,
 Respondent.
Workers' Compensation Board,
 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.

1 Mo. No. 2010-714
The People &c. ex rel.
Gilbert O. Cameron,
 Appellant,
 v.
Dora B. Schirro, &c., et al.,
 Respondents.

Motion, insofar as it seeks leave to appeal from the order of the Appellate Division, dismissed for nonfinality; motion, insofar as it seeks leave to appeal from the May 2010 order of Supreme Court, dismissed upon the ground that no motion for leave to appeal lies to this Court directly from that order. Any appeal from such order, if available, would be to the Appellate Division.

3 Mo. No. 2010-719
In the Matter of Luigi Capocetta,
 Appellant,
 v.
Brian Fischer, &c.,
 Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2010-745
The People &c. ex rel. James
Coles,
 Appellant,
 v.
Michael J. Sposato,
 Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2010-772
Christina Corrado, &c., et al.,
 Appellants,
 v.
Peter M. Vath, et al.,
 Respondents.

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

3 Mo. No. 2010-790
In the Matter of Batdorj
Dagvadorj,
 Appellant,
 v.
Lois DeFleur, &c., et al.,
 Respondents.

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

3 Mo. No. 2010-733
In the Matter of Derek DeMeo,
 Appellant,
 v.
City of Albany et al.,
 Respondents,
Philip 'N Spill, Inc., &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.

1 Mo. No. 2010-732
Diplomat Properties, L.P.,
 Respondent,
 v.
Komar Five Associates, LLC,
 Appellant,
et al.,
 Defendant.

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

4 Mo. No. 2010-723
The People &c. ex rel. David
Donato,
 Appellant,
 v.
Robert A. Kirkpatrick, &c.,
 Respondent.

Motion for leave to appeal denied.

1 SSD 41
Enjoy Realty Corp.,
 Respondent,
 v.
Van Wagner Communications, LLC,
 Appellant.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that the order appealed from does not finally determine the action within the meaning of the Constitution.

1 Mo. No. 2010-749
Family M. Foundation Ltd.,
 Respondent,
 v.
Ninotchka Manus,
 Appellant,
et al.,
 Defendant.

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. 2010-856
Ronald Fields,
 Appellant,
 v.
Lucille Fields,
 Respondent.

Motion for reargument denied with one hundred dollars costs and necessary reproduction disbursements.

1 Mo. No. 2010-715
In the Matter of Sheril G., &c.
 Respondent.

Motion for leave to appeal denied. Cross motion for the imposition of sanctions denied.

Arnon D. Siegel,
 Non-Party Appellant,
Berwitz & DiTata, LLP,
 Non-Party Respondent.

2 Mo. No. 2010-958
Joseph Gerdvil,
 Appellant,
 v.
Vito J. Rizzo 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 action within the meaning of the Constitution.

3 Mo. No. 2010-761
Mary Gonzalez, &c.,
 Appellant,
 v.
State of New York,
 Respondent.

Motion for reargument of motion for
leave to appeal denied.

1 Mo. No. 2010-974
In the Matter of Paula Ann
Hallman,
 Appellant,
 v.
Mark Bosswick et al.,
 Respondents,
Seymour Cohn,
 Deceased.

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

2 Mo. No. 2010-651
Paula Ann Hallman,
 Appellant,
 v.
Herbert C. Kantor, et al.,
 Respondents.

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

1 SSD 42
Robert Henry,
 Appellant,
 v.
Pedro L. Peguero et al.,
 Respondents.

Appeal dismissed without costs, by the
Court sua sponte, upon the ground that
the order appealed from does not
finally determine the action within
the meaning of the Constitution.

2 Mo. No. 2010-736
The People &c.,
 Respondent,
 v.
Jason Hewitt,
 Appellant.

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

1 Mo. No. 2010-739
Tran Han Ho, et al.,
 Appellants,
 v.
Patrick J. Brackley,
 Respondent.

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

4 Mo. No. 2010-847
Kimberly Johnson,
 Appellant,
et al.,
 Plaintiff,
 v.
Frank Cantie, et al.,
 Respondents.

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

4 Mo. No. 2010-879
Donald J. Jones, et al.,
 Appellants,
 v.
Town of Carroll et al.,
 Respondents.

Motion for reargument denied with one hundred dollars costs and necessary reproduction disbursements.

1 Mo. No. 2010-787
Ruth Kassover, &c., et al.,
 Respondents,
 v.
PVP-GCC Holdingco II LLC,
et al.,
 Appellants,
R. Peyton Gibson, &c.,
 Appellant.
Prism Venture Partners, LLC,
et al.,
 Nonparty-Appellants.

Motions 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. Chief Judge Lippman and Judge Smith took no part.

1 Mo. No. 2010-814
Ruth Kassover, &c., et al.,
 Respondents,
 v.
PVP-GCC Holdingco II LLC, et al.,
 Appellants,
R. Peyton Gibson, &c.,
 Defendant.
Prism Venture Partners, LLC,
et al.,
 Nonparty-Appellants.

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. Chief Judge Lippman and Judge Smith took no part.

2 Mo. No. 2010-884
LaSalle Bank National
Association,
 Respondent,
 v.
Keisha Henderson,
 Appellant,
Lionel Spence,
 Defendant.

Motion for reargument of motion for leave to appeal denied. Judge Jones took no part.

2 Mo. No. 2010-718
Stephanie LiFrieri,
 Appellant,
 v.
Town of Smithtown,
 Respondent.
(And a Third-Party Action.)

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

1 Mo. No. 2010-725
Marta Lopez,
 Respondent,
 v.
Fordham University,
 Appellant.
(And Third-Party Actions.)

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. 2010-729
The People &c.,
 Respondent,
 v.
Luis Mantilla,
 Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2010-743
In the Matter of Mark A.
Matteson,
 Appellant,
 v.
Newfane Central School District
Board of Education,
 Respondent.

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

3 Mo. No. 2010-741
Mark Mertens,
 Appellant,
 v.
State of New York,
 Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2010-726
Susan Midler,
 Respondent,
 v.
Richard Crane, M.D.,
 Appellant.

Motion for reargument denied with one
hundred dollars costs and necessary
reproduction disbursements.

1 Mo. No. 2010-752
In the Matter of Peter G.
Milazzo, &c.,
 Appellant,
 v.
Leslie Hamerschlag,
 Respondent.

Motion for leave to appeal denied.

4 Mo. No. 2010-820
In the Matter of Ontario County
Department of Social Services,
 Respondent,
 v.
Marc Winkler,
 Appellant,
Debra Winkler,
 Defendant.

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.

3 Mo. No. 2010-721
In the Matter of Brooke OO.
et al., &c.

Motion for leave to appeal denied.

Otsego County Department of
Social Services,
 Respondent;
Lawrence OO.,
 Appellant.

1 Mo. No. 2010-720
In the Matter of Richard Padilla,
 Appellant,
 v.
Raymond Kelly, &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. 2010-766
The People &c.,
 Respondent,
 v.
James Porter,
 Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2010-779
Roman Rabinovich,
 Plaintiff,
Edward L. Smith,
 Appellant,
 v.
Jo Ann Womack, et al.,
 Defendants,
Dunolly Owners' Corp.,
 Respondent.
(And a Third-Party Action.)

Motion for leave to appeal dismissed upon the ground that the orders sought to be appealed from do not finally determine the action within the meaning of the Constitution.

2 Mo. No. 2010-804
The People &c.,
 Respondent,
 v.
Larry Richardson,
 Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2010-730
The People &c.,
 Respondent,
 v.
Luis Rivera,
 Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2010-758
Gloria Ross-Williams,
 Plaintiff,
 v.
Aston B. Williams,
 Appellant;
Stuart A. Gellman,
 Nonparty-Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2010-918
Mark Paul Shnitkin, &c.,
 Respondent,
 v.
Healthplex IPA, Inc.,
 Appellant.

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

3 Mo. No. 2010-727
In the Matter of Frans Sital,
 Appellant,
 v.
Brian Fischer, &c. et al.,
 Respondents.
Appellate Division #507729

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

3 Mo. No. 2010-753
In the Matter of Frans Sital,
 Appellant,
 v.
Brian Fischer, &c.,
 Respondent.
Appellate Division #507318

Motion for leave to appeal denied.

2 Mo. No. 2010-945
In the Matter of Claude Nelson
Stuart, a Suspended Attorney.

Motion for reconsideration of this
Court's June 24, 2010 dismissal order
denied.
Motion for leave to appeal denied.

4 Mo. No. 2010-722
In the Matter of Roystar T.

Wayne County Department of Social
Services,
 Respondent;
Samaritan B.,
 Appellant.

Motion for leave to appeal denied.

 SSD 40
In the Matter of William M.
Windsor,
 Appellant,
 v.
State of New York, et al.,
 Respondents.

Appeal transferred without costs, by
the Court sua sponte, 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]).