

February 17, 2011

CASES

4 No. 28
Yasmin Kabir,
 Respondent,
 v.
County of Monroe, et al.,
 Appellants.

Order affirmed, with costs, and certified question answered in the affirmative.
Opinion by Judge Read.
Chief Judge Lippman and Judges Pigott and Jones concur.
Judge Graffeo dissents and votes to reverse in an opinion in which Judges Ciparick and Smith concur.

1 No. 24
In the Matter of Leroy M., &c.,
 Respondent.
Presentment Agency,
 Appellant.

Order reversed, without costs, and order of Family Court, Bronx County, reinstated.
Opinion by Judge Pigott.
Judges Graffeo, Read and Smith concur.
Judge Ciparick dissents and votes to affirm in an opinion in which Chief Judge Lippman and Judge Jones concur.

1 No. 23
The People &c.,
 Respondent,
 v.
Omar Montes,
 Appellant.

Order affirmed.
Opinion by Judge Jones.
Judges Ciparick, Graffeo, Read, Smith and Pigott concur.
Chief Judge Lippman concurs in result in an opinion.

1 No. 21
The People &c.,
 Respondent,
 v.
Mujahid Muhammad,
 Appellant.

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

1 No. 88 SSM 4
Patriot Exploration, LLC, et al.,
 Respondents,
 v.
Thompson & Knight LLP,
 Appellant.

On review of submissions pursuant to section 500.11 of the Rules, order reversed, with costs, defendant's motion to dismiss the complaint granted on the conditions that defendant (1) consent to deeming the filing date of the Texas action to be as of October 27, 2008, the date respondents filed this action in New York, and (2) waive any statute of limitations defense in the Texas action, and certified question answered in the negative, in a memorandum.
Chief Judge Lippman and Judges Ciparick, Graffeo, Read, Smith, Pigott and Jones concur.

1 No. 6
The People &c., by Andrew M.
Cuomo, &c.,
 Appellant,
 v.
Wells Fargo Insurance Services,
Inc., et al.,
 Respondents.

Order affirmed, with costs.
Opinion by Judge Smith.
Chief Judge Lippman and Judges Ciparick, Read, Pigott and Jones concur.
Judge Graffeo took no part.

MOTIONS

1 Mo. No. 2010-1357
425 Third Avenue Realty Co.,
 Respondent,
 v.
Scott Greenfield, et al.,
 Appellants.

Motion for leave to appeal denied.

2 Mo. No. 2011-36
In the Matter of Alyssa A.
(Anonymous).

Motion for leave to appeal denied.

Michelle N. (Anonymous),
 Appellant;
Sandra N. (Anonymous), et al.,
 Respondents.
(And Another Proceeding.)

2 Mo. No. 2011-207
The People &c.,
 Appellant,
 v.
Robert Alonso and
Emilia Alonso,
 Respondents.

Motion by District Attorneys
Association of the State of New York
for leave to appear amicus curiae on
the appeal herein granted only to the
extent that the proposed brief is
accepted as filed. Three copies of
the brief must be served and an
original and 24 copies filed within
seven days.

1 SSD 7
In the Matter of American
Airlines, Inc.,
 Appellant,
 v.
The New York City Tax Appeals
Tribunal, et al.,
 Respondents.

Appeal dismissed without costs, by the
Court sua sponte, upon the ground that
no substantial constitutional question
is directly involved.

3 Mo. No. 2010-1294
American Association of
Bioanalysts, et al.,
 Respondents,
 v.
New York State Department of
Health, et al.,
 Appellants.

Motion for leave to appeal denied.

2 Mo. No. 2011-95
In the Matter of Anonymous, an
attorney and counselor-at-law.
Grievance Committee for the Tenth
Judicial District,
 Respondent;
Anonymous,
 Appellant.

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. 2011-127
In the Matter of Afton C.
(Anonymous).
Dutchess County Department of
Social Services,
 Appellant;
James C. (Anonymous), et al.,
 Respondents.
(And Four Other Proceedings.)

Motion by Chemung County Department of
Social Services for leave to file a
brief amicus curiae on the appeal
herein granted and the proposed brief
is accepted as filed. Three copies of
the brief must be served and an
original and 24 copies filed within
seven days.

2 Mo. No. 2011-191
In the Matter of Afton C.
(Anonymous).
Dutchess County Department of
Social Services,
 Appellant;
James C. (Anonymous), et al.,
 Respondents.
(And Four Other Proceedings.)

Motion by Steuben County Department of
Social Services for leave to file a
brief amicus curiae on the appeal
herein granted and the proposed brief
is accepted as filed. Three copies of
the brief must be served and an
original and 24 copies filed within
seven days.

2 Mo. No. 2011-213
In the Matter of Afton C.
(Anonymous).

Dutchess County Department of
Social Services,
 Appellant;
James C. (Anonymous), et al.,
 Respondents.
(And Four Other Proceedings.)

Motion by Lawyers for Children for
leave to appear amicus curiae on the
appeal herein granted only to the
extent that the proposed brief is
accepted as filed. Two copies of the
brief must be served and 24 copies
filed within seven days.

3 Mo. No. 2010-1354
In the Matter of Stephen C.
Caruana,

 Appellant,
 v.
Thomas P. DiNapoli, &c., et al.,
 Respondents.

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

1 Mo. No. 2010-1343
Leon Casper,

 Appellant,
 v.
Cushman & Wakefield,
 Respondent.

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.

1 Mo. No. 2010-1353
CC Vending, Inc.,

 Appellant,
 v.
Berkeley Educational Services of
New York, Inc.,
 Respondent.

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

1 Mo. No. 2010-1360
The People &c.,

 Respondent,
 v.
Darrell Corian,
 Appellant.

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

4 Mo. No. 2011-31
The People &c. ex rel. Leroy
Hayes,
 Appellant,
 v.
New York State Department of
Correctional Services,
 Respondent.

Motion for leave to appeal denied.

3 Mo. No. 2010-1323
In the Matter of Anthony Jackson,
 Appellant,
 v.
Brian Fischer, &c.,
 Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2010-1352
The People &c.,
 Respondent,
 v.
Jerome Johnson,
 Appellant.

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

3 Mo. No. 2011-222
In the Matter of Johnson City
Professional Firefighters Local
921 et al.,
 Respondents,
Village of Johnson City,
 Appellant.
(And Another Proceeding.)

Motion by Civil Service Employees
Association, Inc., Local 1000, AFSCME,
AFL-CIO for leave to appear amicus
curiae on the appeal herein granted
only to the extent that the proposed
brief is accepted as filed. Two
copies of the brief must be served and
24 copies filed within seven days.

2 Mo. No. 2010-1377
In the Matter of Richard K.
Korzenko,
 Appellant,
 v.
Richard Scheyer, &c., et al.,
 Respondents.

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

1 Mo. No. 2011-4
Gilbert Lau,
 Appellant,
 v.
S&M Enterprises, et al.,
 Respondents.

Motion, insofar as it seeks leave to appeal from that part of the Appellate Division order that affirmed the denial of appellant's motion for disqualification of respondents' counsel, dismissed upon the ground that such part of the Appellate Division order does not finally determine the action within the meaning of the Constitution; motion for leave to appeal otherwise denied.

1 Mo. No. 2010-1283
The People &c. ex rel. Shaun
McManus,
 Appellant,
 v.
Martin F. Horn, &c.,
 Respondent.

Motion for leave to appeal granted.
Motion for poor person relief granted.

2 Mo. No. 2011-37
In the Matter of Michelle N.
(Anonymous),
 Appellant,
 v.
Sandra N. (Anonymous), et al.,
 Respondents.

Motion for leave to appeal denied.

1 Mo. No. 2010-1273
Bruce Ovitz, &c.,
 Appellant,
 v.
Bloomberg L.P., et al.,
 Respondents.

Motion for leave to appeal granted.

4 Mo. No. 2010-1328
The People &c.,
 Respondent,
 v.
Hector L. Rivera,
 Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2010-1267
In the Matter of Dolores Sedacca,
et al.,
 Appellants,
et al.,
 Petitioners,
 v.
Edward P. Mangano, &c., et al.,
 Respondents.

Motion for leave to appeal granted.

2 Mo. No. 2010-1287
In the Matter of Suffolk County
Community College, et al.,
 Respondents,
 v.
New York State Division of Human
Rights,
 Appellant;
Bruce Simmons,
 Respondent.

Motion for leave to appeal denied.

1 SSD 6
In the Matter of Uptown Holdings,
LLC, et al.,
 Appellants,
 v.
City of New York, et al.,
 Respondents.

Appeal dismissed without costs, by the
Court sua sponte, upon the ground that
no substantial constitutional question
is directly involved.
Chief Judge Lippman and Judges
Ciparick, Graffeo, Read, Smith, Pigott
and Jones concur, Judge Smith in an
opinion.

4 Mo. No. 2010-1319
In the Matter of Audrianna W.,
et al.

Erie County Department of Social
Services,
 Respondent;
Joanna W.,
 Respondent;
Martin L.,
 Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2010-1234
In the Matter of Dashawn W.,
et al. &c.

Administration for Children's
Services,

Respondent,

Antoine N.,

Appellant,

et al.,

Respondent.

Motion for leave to appeal dismissed
upon the ground that simultaneous
appeals do not lie to both the
Appellate Division and the Court of
Appeals (see Parker v Rogerson, 35
NY2d 751, 753 [1974]).