

APRIL 29, 2008

CASES

3	No.	57	
In the Matter of Elliott Garner,		Appellant,	Order reversed, with costs, petition granted and respondent State Department of Correctional Services prohibited from imposing upon petitioner a period of postrelease supervision.
	v.		Opinion by Judge Ciparick.
New York State Department of Correctional Services, et al.,		Respondents.	Chief Judge Kaye and Judges Graffeo, Read, Smith, Pigott and Jones concur.
1	No.	55	
The People &c.,		Respondent,	Order modified by remitting to Supreme Court, New York County, for resentencing and, as so modified, affirmed.
	v.		Opinion by Judge Ciparick.
John Lingle,		Appellant.	Chief Judge Kaye and Judges Graffeo, Read, Smith, Pigott and Jones concur.
1	No.	56	
The People &c.,		Respondent,	Order modified by remitting to Supreme Court, New York County, for resentencing and, as so modified, affirmed.
	v.		Opinion by Judge Ciparick.
Manuel Rodriguez,		Appellant.	Chief Judge Kaye and Judges Graffeo, Read, Smith, Pigott and Jones concur.
3	No.	63	
In the Matter of Johna		Appellant,	Order, insofar as appealed from, affirmed, with costs.
M. S. (Anonymous),			Opinion by Judge Pigott.
	v.		Chief Judge Kaye and Judges Ciparick, Graffeo, Read and Jones concur.
Russell E. S. (Anonymous),		Respondent.	Judge Smith dissents in an opinion.

1	No.	53	Order modified by remitting to Supreme Court, New York County, for resentencing and, as so modified, affirmed. Opinion by Judge Ciparick. Chief Judge Kaye and Judges Graffeo, Read, Smith, Pigott and Jones concur.
The People &c.,		Respondent,	
v.			
Daniel Sparber,		Appellant.	
1	No.	54	Order modified by remitting to Supreme Court, New York County, for resentencing and, as so modified, affirmed. Opinion by Judge Ciparick. Chief Judge Kaye and Judges Graffeo, Read, Smith, Pigott and Jones concur.
The People &c.,		Respondent,	
v.			
Robert Thomas,		Appellant.	
2	No.	58	Order modified by remitting to Supreme Court, Kings County, for resentencing and, as so modified, affirmed. Opinion by Judge Ciparick. Chief Judge Kaye and Judges Graffeo, Read, Smith, Pigott and Jones concur.
The People &c.,		Respondent,	
v.			
Anthony Ware,		Appellant.	
2	No.	65	Order affirmed, with costs, in a memorandum. Chief Judge Kaye and Judges Ciparick, Graffeo, Read and Jones concur. Judge Pigott dissents and votes to reverse in an opinion in which Judge Smith concurs.
Lamont Wilson, &c.,		Respondent,	
et al.,		Plaintiff,	
v.			
Galicia Contracting & Restoration Corp. et al.,		Defendants,	
Safway Steel Products, Inc.,		Appellant.	

4-10 Mo. No. 253
Patrick V. Arnold et al.,
Appellants,
v.
Barry S. Barone Construction
Corp. et al.,
Defendants,
Barone Homes, Inc.,
Respondent.

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

2-10 Mo. No. 195
Bank of America, N.A., USA,
Respondent,
v.
Resa R. Friedman,
Appellant.

Motion for reargument of motion for leave
to appeal denied.

3-10 Mo. No. 161
In the Matter of Rick L.
Bartlett,
Respondent,
v.
Nicole A. Jackson,
Appellant.
(And Another Related Proceeding.)

Motion for leave to appeal denied.

3-10 Mo. No. 242
In the Matter of Guarang Bhatt,
Appellant,
v.
New York State Education
Department et al.,
Respondents.

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

2-10 Mo. No. 273
Raffaele Care,
Plaintiff,
v.
Fazio Nazzarena,
Respondent;
Giovannina Dizenzo,
Non-Party 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.

1-10 Mo. No. 275
The People &c., Respondent,
v.
Joseph Conway, Appellant.

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

Mo. No. 469 SSD 21
Eleanor Duffy, Appellant,
v.
Dr. James M. Vogel, 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.

1-10 Mo. No. 254
The People &c., Respondent,
v.
Raul Echevarria, Appellant.

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

4- Mo. No. 131
In the Matter of County of Erie
and Erie County Sheriff,
Appellants,
v.
State of New York Public
Employment Relations Board
&c., et al., Respondents.

Motion for leave to appeal granted.

3-10 Mo. No. 231
In the Matter of the Estate of
Howard J. Fairbairn, Deceased.
Barbara Fairbairn, &c., Appellant;
Carolyn DeSilva, Respondent.

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

1-10 Mo. No. 276
The People &c., Respondent,
v.
Ismael Hernandez, Appellant.

Motion for leave to appeal denied.

4-10 Mo. No. 245
In the Matter of Matthew J., Jr.,
and Tamyah J.

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

Erie County Department of Social
Services, Respondent;
Startay E., Appellant;
et al., Respondent.

3 Mo. No. 395
In the Matter of Doris Lumpkin,
Appellant,
v.
New York State Division of Human
Rights et al., Respondents.

Motion for reargument of motion for leave
to appeal denied.

2-13 Mo. No. 274
Main Street Xata, Ltd., Appellant,
v.
Valine Realty Corp., Respondent.

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

1-13 Mo. No. 250
In the Matter of Michael McC.,
Respondent,
v.
Manuela A., 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.

3-10 Mo. No. 162
In the Matter of Niagara Mohawk
Power Corporation,
Appellant,

Motion for leave to appeal denied.

v.
Town of Moreau Assessor et al.,
Respondents.
(And Three Other Related
Proceedings.)

In the Matter of Erie Boulevard
Hydropower, L.P.,
Appellant,

v.
Town of Moreau Assessor et al.,
Respondents.
(And Another Related Proceeding.)

1-13 Mo. No. 27
OTR Media Group, Inc.,
Appellant,
v.
City of New York, et al.,
Defendants,
Cemusa, Inc.,
Respondent.

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

3-10 Mo. No. 229
In the Matter of Dori A. Parry,
Respondent,
v.
Robert Levi,
Appellant.
Commissioner of Labor,
Respondent.

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

1-13 Mo. No. 217
Jaime Perez, &c., et al.,
Appellants,
v.
The City of New York,
Respondent.

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

1- Mo. No. 199
In the Matter of Cecil
Richardson,
Appellant,
v.
Hon. William A. Wetzel, et al.,
Respondents.

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

1-10 Mo. No. 239
Jill S.,
Appellant,
v.
Steven S.,
Respondent.

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

2-10 Mo. No. 265
The People &c.,
Respondent,
v.
Samuel Smolen, &c.,
Appellant.

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

1-14 Mo. No. 175
Solow Management Corp.,
Appellant-Respondent,
v.
Steven Tanger et al.,
Respondents-Appellants.

Motions for leave to appeal denied.

2-10 Mo. No. 243
Joyce Stinton &c.,
Respondent,
v.
Robin's Wood, Inc.,
Appellant.

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

4-10 Mo. No. 212
Wayne Swartz and Martha Swartz,
Appellants,
v.
City of Corning, 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.

