

AUGUST 28, 2008

CASES

USCOA2 No. 191
Vivia Amalfitano and Gerard
Amalfitano,
 Respondents,
 v.
Armand Rosenberg,
 Appellant.

Certification of questions by the United States Court of Appeals for the Second Circuit, pursuant to section 500.27 of this Court's Rules of Practice, accepted and the issues presented are to be considered after briefing and argument. Chief Judge Kaye and Judges Ciparick, Graffeo, Read, Smith, Pigott and Jones concur.

3 No. 190 SSM 19
Windy Ridge Farm, et al.,
 Appellants,
 v.
Assessor of the Town of
Shandaken, et al.,
 Respondents.

On review of submissions pursuant to section 500.11 of the Rules, order affirmed, with costs, in a memorandum. Chief Judge Kaye and Judges Ciparick, Graffeo, Read, Smith, Pigott and Jones concur.

MOTIONS

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4-14 Mo. No. 641
In the Matter of Christopher D.
Ariola,
Appellant,
v.
Danielle S. DeLaura, et al.,
Respondents.

Motion for leave to appeal denied.

3-10 Mo. No. 694
In the Matter of William B., &c.
Broome County Department of
Social Services,
Respondent;
Donald C.,
Appellant.

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

Mo. No. 871
The People &c.,
Appellant,
v.
Amber Bauman and Charles Edward
Lafler,
Respondents.

Motion for assignment of counsel granted
only to the extent that Gary Muldoon,
Esq., c/o Muldoon & Getz, 144 Exchange
Boulevard, Suite 402, Rochester, NY 14614
is assigned without fee to represent
respondent Charles Edward Lafler on the
appeal herein.

Mo. No. 848
The People &c.,
Respondent,
v.
Rigoberto Benitez,
Appellant.

Motion for assignment of counsel granted
and Lynn W.L. Fahey, Esq., Appellate
Advocates, 2 Rector Street, 10th Floor,
New York, NY 10006 assigned as counsel to
the appellant on the appeal herein.

2-10 Mo. No. 654
The People &c.,
Respondent,
v.
Andrew Bolton,
Appellant.

Motion for leave to appeal denied.

3-10 Mo. No. 689
Carolyn Boyle et al.,
Appellants,
v.
Stanley Fox et al.,
Respondents.

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

2-10 Mo. No. 594
In the Matter of Amber C.
(Anonymous).

Motion for leave to appeal, purportedly on behalf of Theresa C., dismissed upon the ground that the proceeding against her abated upon her death.

Dutchess County Department of
Social Services,
Respondent;
Charles C. (Anonymous),
Respondent;
Theresa C. (Anonymous),
Appellant.

Mo. No. 907
The People &c.,
Respondent,
v.
James Carncross,
Appellant.

Motion for an extension of the time within which to apply for permission to appeal pursuant to CPL 460.20 granted and motion papers treated as a timely CPL 460.20 application.

1-13 Mo. No. 663
Francesco C. Clark,
Appellant,
v.
F. Cappy Kaplan, et al.,
Defendants,
Island Properties Real Estate
& Management Corp.,
Respondent.
(And a Third-Party Action.)

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

Mo. No. 1020
Committee to Save St. Brigid's
Inc., et al.,
Appellants,
v.
Edward Cardinal Egan, &c.,
et al.,
Respondents.

Motion by New York State Catholic
Conference for leave to appear amicus
curiae on the appeal herein granted only
to the extent that the proposed brief is
accepted as filed.

Mo. No. 814
The People &c.,
Respondent,
v.
Walkins Contreras,
Appellant.

Motion for assignment of counsel granted
and Steven Banks, Esq., The Legal Aid
Society, 199 Water Street, New York,
NY 10038 assigned as counsel to the
appellant on the appeal herein.

2-14 Mo. No. 682
James G. Courtney, Jr. et al.,
Respondents,
v.
Port Authority of New York and
New Jersey,
Appellant.

Motion for leave to appeal denied.

Mo. No. 1013
Episcopal Diocese of Rochester
et al.,
Respondents,
v.
Rev. David Harnish, &c., et al.,
Appellants,
et al.,
Defendants.

Motion by Church of the Good Shepherd, et
al. for leave to file a brief amici
curiae on the appeal herein granted. Two
copies of the brief must be served and 24
copies filed within seven days.

In the Matter of All Saints
Anglican Church, &c.,
Appellant,
v.
Episcopal Diocese of Rochester
et al.,
Respondents.

Mo. No. 785
Paula Fasso et al.,
Respondents,
Independent Health Association,
Inc.,
Intervenor-Appellant,
v.
Ralph J. Doerr, M.D.,
Respondent.

Motion by Medical Society of the State of New York for leave to file a brief amicus curiae on the appeal herein granted. Two copies of the brief must be served and 24 copies filed within seven days.

Mo. No. 860
The People &c.,
Respondent,
v.
Jose Fuentes,
Appellant.

Motion for assignment of counsel granted and Charles T. Glaws, Esq., c/o Gruvman, Giordano & Glaws, LLP, 61 Broadway, Suite 2715, New York, NY 10006 assigned as counsel to the appellant on the appeal herein.

Mo. No. 859
The People &c.,
Appellant,
v.
Victor Gomez,
Respondent.

Motion for assignment of counsel granted and Steven Banks, Esq., The Legal Aid Society, 199 Water Street, New York, NY 10038 assigned as counsel to the respondent on the appeal herein.

3-11 Mo. No. 639
In the Matter of Frank Graham,
Appellant,
v.
New York State Board of Parole,
Respondent.

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

2-10 Mo. No. 645
The People &c.,
Respondent,
v.
Elizabeth Hill,
Appellant.

Motion for leave to appeal denied.

4-10 Mo. No. 607
Betty L. Kimmel, Respondent,
v.
State of New York et al., Appellants,
et al., Defendants.

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.
Judge Pigott took no part.

Mo. No. 997
The People &c., Respondent,
v.
L. Dennis Kozlowski, Appellant.

Motion by Association of Corporate Counsel for leave to appear amicus curiae on the appeals herein granted only to the extent that the proposed brief is accepted as filed.

The People &c., Respondent,
v.
Mark H. Swartz, Appellant.

1- Mo. No. 658
In the Matter of Jacqueline L., Respondent,
v.
Juan L., Appellant.

Motion for leave to appeal denied.

4-10 Mo. No. 652
The People &c., Respondent,
v.
Victor Lewis, Appellant.

Motion for leave to appeal denied.

Mo. No. 958
The People &c., Respondent,
v.
Richard Lowe, Appellant.

Motion for assignment of counsel granted and Steven Banks, Esq., The Legal Aid Society, 199 Water Street, New York, NY 10038 assigned as counsel to the appellant on the appeal herein.

3- Mo. No. 668
In the Matter of Kevin P. Morgan,
Appellant,
v.
Alan G. Hevesi, &c.,
Respondent.

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

Mo. No. 847
The People &c.,
Respondent,
v.
Jason Naradzay,
Appellant.

Motion for assignment of counsel granted and Frank H. Hiscock Legal Aid Society, 351 South Warren Street, Syracuse, NY 13202 assigned as counsel to the appellant on the appeal herein.

2-10 Mo. No. 669
County of Nassau,
Respondent,
v.
Hugo Rojas,
Appellant.

On the Court's own motion, appeal dismissed, without costs, upon the ground that no substantial constitutional question is directly involved. Motion for leave to appeal denied.

3-10 Mo. No. 692
In the Matter of New York State
Correctional Officers & Police
Benevolent Association, Inc.,
Appellant;
State of New York,
Respondent.

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

3-10 Mo. No. 625
Thomas Paonessa, &c.,
Appellant,
v.
C & L Builder/Developer, Inc.,
et al.,
Respondents.

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

2-13 Mo. No. 642
The People &c.,
Appellant,
v.
Anthony Pendelton,
Respondent.

Motion for leave to appeal denied.

1-10 Mo. No. 602
Camella Price, et al.,
Appellants,
v.
New York City Board of Education,
&c., et al.,
Respondents.

Motion for leave to appeal denied.

Mo. No. 954
The People &c.,
Respondent,
v.
Michelle Rouse,
Appellant.

Motion for assignment of counsel denied.

4-10 Mo. No. 640
Carmen Russo,
Appellant,
v.
State of New York,
Respondent.

Motion for leave to appeal denied.
Motion for poor person relief dismissed
as academic.
Judge Read took no part.

4-10 Mo. No. 655
Anita Rutnam,
Appellant,
v.
The Syracuse University, &c., et
al.,
Respondents,
et al.,
Defendant.

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

3-10 Mo. No. 648
In the Matter of the City of
Schenectady,
Appellant,
v.
James J. O'Keefe, &c., et al.,
Respondents.

Motion for leave to appeal denied.

Mo. No. 817
The People &c.,
Respondent,
v.
Andrew C. Small,
Appellant.

Motion for assignment of counsel granted
and Timothy P. Donaher, Esq., Monroe
County Public Defender, 10 North Fitzhugh
Street, Rochester, NY 14614 assigned as
counsel to the appellant on the appeal
herein.

4-14 Mo. No. 684
Leonard C. Spano, et al.,
Respondents,
v.
David Kline, &c.,
Appellant,
et al.,
Defendants.

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

Mo. No. 967
The People &c.,
Respondent,
v.
Lorraine Washington,
Appellant.

Motion for assignment of counsel granted
and Robert S. Dean, Esq., Center for
Appellate Litigation, 74 Trinity Place,
11th Floor, New York, NY 10006 assigned as
counsel to the appellant on the appeal
herein.

2 Mo. No. 690
The People &c. ex rel. DeAndre
Williams,
Appellant,
v.
State of New York,
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.
Motion for poor person relief dismissed as
academic.

2- Mo. No. 611
Yadid, LLC, &c., Respondent,
 v.
GCW Bell Corp., et al., Defendants,
Jacques Romulus, Appellant.

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