

DECEMBER 16, 2008

CASES

1	No. 205		Order affirmed, with costs.
Frank Adamo, as Executor of the Estate of Norma Rose, et al.,	Appellants,		Opinion by Judge Smith.
	v.		Chief Judge Kaye and Judges Ciparick, Graffeo, Read and Jones concur.
Brown & Williamson Tobacco Corporation, &c., et al.,	Respondents,		Judge Pigott dissents in an opinion.
et al.,	Defendant.		
2	No. 211		Order affirmed, without costs.
The People &c.,	Respondent,		Opinion by Judge Pigott.
	v.		Chief Judge Kaye and Judges Ciparick, Graffeo, Read, Smith and Jones concur.
Robert Buss,	Appellant.		
1	No. 214		Order affirmed.
The People &c.,	Respondent,		Opinion by Judge Read.
	v.		Chief Judge Kaye and Judges Ciparick, Graffeo, Smith, Pigott and Jones concur.
Isaac Diggins,	Appellant.		
2	No. 44		Order modified, without costs, by denying plaintiffs' motion for summary judgment and, as so modified, affirmed, in a memorandum.
Saramilia Gaston et al.,	Respondents,		Chief Judge Kaye and Judges Ciparick, Graffeo, Read, Smith, Pigott and Jones concur.
	v.		
American Transit Insurance Company,	Appellant.		



MOTIONS

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1                   Mo. No. 1378  
Frank Adamo, as Executor of the  
Estate of Norma Rose, et al.,  
                                  Appellants,  
                                  v.  
Brown & Williamson Tobacco  
Corporation, &c., et al.,  
                                  Respondents,  
et al.,  
                                  Defendant.

Motion to substitute Frank Adamo, as  
Executor of the Estate of Norma Rose, as  
a party appellant herein for appellant  
Norma Rose granted.

                  Mo. No. 1320  
Vivia Amalfitano and Gerard  
Amalfitano,  
                                  Respondents,  
                                  v.  
Armand Rosenberg,  
                                  Appellant.

Motion by James J. Melcher for leave to  
file a brief amicus curiae on  
consideration of the certified questions  
herein granted only to the extent that the  
proposed brief is accepted as filed.

                  Mo. No. 1258  
The People &c.,  
                                  Appellant,  
                                  v.  
Paul Boyd,  
                                  Respondent.

Motion for assignment of counsel granted  
and Dominic J. Sichenzia, Esq., One Old  
Country Road - Suite 390, Carle Place, NY  
11514 assigned as counsel to the  
respondent on the appeal herein.

3-10               Mo. No. 1174  
In the Matter of Brevis Music,  
Inc.,  
                                  Appellant.  
Commissioner of Labor,  
                                  Respondent.

Motion for leave to appeal denied.

                  Mo. No. 1260  
Doris Brownley et al.,  
                                  Appellants,  
                                  v.  
Robert Doar, &c.,  
                                  Respondent,  
et al.,  
                                  Defendants.

Motion by Community Service Society of New  
York 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.

3-14 Mo. No. 1095  
In the Matter of Crucible  
Materials Corporation et al.,  
Respondents,  
v.  
New York Power Authority,  
Appellant.

Motion for leave to appeal granted.

2-14 Mo. No. 1163  
Johnas Cukier,  
Appellant,  
v.  
Ava Cukier,  
Respondent.

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

Mo. No. 1307  
Paula Fasso et al.,  
Respondents,  
Independent Health Association,  
Inc.,  
Intervenor-Appellant,  
v.  
Ralph J. Doerr, M.D.,  
Respondent.

Motion by The New York State Health Plan  
Association, Inc. 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.

2-10 Mo. No. 1132  
In the Matter of George J.  
Ferrara, deceased.  
The Salvation Army, &c.,  
Respondent;  
Dominick Ferrara,  
Respondent;  
Elizabeth Ferrara and  
John Ferrara,  
Appellants.

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

4-13 Mo. No. 1169  
In the Matter of Leonid G. Garth,  
Appellant,  
v.  
Board of Assessment Review for  
Town of Richmond,  
Respondent.

Motion for leave to appeal granted.

Mo. No. 1347  
The People &c. ex rel.  
Anthony Gill,  
Respondent,  
v.  
Gary Greene, as Superintendent  
of Great Meadow Correctional  
Facility,  
Appellant.

Motion to vacate this Court's November 21,  
2008 preclusion order granted.

Mo. No. 1368  
The People &c., ex rel.  
Anthony Gill,  
Respondent,  
v.  
Gary Greene, as Superintendent  
of Great Meadow Correctional  
Facility,  
Appellant.

Motion by District Attorneys Association  
of the State of New York for leave to file  
a brief amicus curiae on the appeal  
herein granted. Three copies of the brief  
must be served and an original and 24  
copies filed within seven days.

Mo. No. 1285  
Golden Gate Yacht Club,  
Appellant,  
v.  
Societe Nautique De Geneve,  
Respondent,  
Club Nautico Espanol De Vela,  
Intervenor-Defendant.

Motion by Team French Spirit 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.

Mo. No. 1284  
Golden Gate Yacht Club,  
Appellant,  
v.  
Societe Nautique De Geneve,  
Respondent,  
Club Nautico Espanol De Vela,  
Intervenor-Defendant.

Motion by City of Valencia, Spain 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.

2-10 Mo. No. 1168  
Irving Hosten, &c.,  
Appellant,  
v.  
Dele Oladapo,  
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.

Mo. No. 1297  
The People &c.,  
Respondent,  
v.  
Bajro Hoti,  
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.

Mo. No. 1271  
Mario Miguel Jaramillo,  
Appellant,  
v.  
Weyerhaeuser Company and  
Technology Licensing Associates,  
Inc., et al.,  
Respondents,  
Corrugated Gear and Services,  
Inc.,  
Defendant.

Motion by Pacific Legal Foundation for leave to file a brief amicus curiae on consideration of the certified question herein granted and the proposed brief is accepted as filed. Two copies of the brief must be served and 24 copies filed within seven days.

3-10 Mo. No. 1134  
Edward Klotz et al.,  
Appellants,  
v.  
Stanley Warick et al.,  
Respondents.

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

1-10 Mo. No. 1155  
In the Matter of Lancer Insurance  
Company,  
Respondent,  
v.  
Chaitram Lackraj,  
Appellant,  
et al.,  
Respondents.

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

4-10 Mo. No. 1175  
The People &c. ex rel. Richard F.  
Mills,  
Appellant,  
v.  
Thomas Poole, &c.,  
Respondent.

Motion for leave to appeal denied.  
Judge Pigott took no part.

2-10 Mo. No. 1136  
Suzy Sparozic,  
Appellant,  
v.  
Bovis Lend Lease LMB, Inc., &c.,  
et al.,  
Respondents,  
et al.,  
Defendants.

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

2-10 Mo. No. 1154  
Barbara D. Stevens, et al.,  
Respondents,  
v.  
New York City Transit Authority,  
et al.,  
Appellants.

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

1-10 Mo. No. 1152  
Syndicated Communication Venture  
Partners IV, LP,  
Appellant,  
v.  
BayStar Capital, LP, Now Known  
as Northbay Opportunities, LP,  
et al.,  
Respondents,  
Steven Lamar, et al.,  
Defendants.  
(And a Third-Party Action.)

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

