

FEBRUARY 7, 2008

CASES

1 No. 70 SSM 41
The People &c.,
 Respondent,
 v.
Alvaro Cumberbatch,
 Appellant.

On review of submissions pursuant to section 500.11 of the Rules, order reversed, defendant's plea vacated and case remitted to Supreme Court, New York County, for further proceedings on the indictment (see People v Louree, 8 NY3d 541 [2007]).
Chief Judge Kaye and Judges Ciparick, Graffeo, Read, Smith, Pigott and Jones concur.

1 No. 2
Financial Industry Regulatory
Authority, Inc., Formerly Known
as National Association of
Securities Dealers, Inc.,
 Respondent,
 v.
John J. Fiero et al.,
 Appellants.

Order reversed, with costs, and complaint dismissed.
Opinion by Judge Read.
Chief Judge Kaye and Judges Ciparick, Graffeo, Smith, Pigott and Jones concur.

 No. 12
Helen Ornstein,
 Appellant,
 v.
New York City Health and
Hospitals Corporation et al.,
 Respondents.

Judgment appealed from and order of the Appellate Division brought up for review reversed, with costs, defendants' motion to dismiss any claim for damages allegedly sustained by plaintiff more than six months after the incident sued upon denied and case remitted to Supreme Court, New York County, for a new trial on damages.
Opinion by Judge Graffeo.
Chief Judge Kaye and Judges Ciparick, Read, Smith, Pigott and Jones concur.

1 No. 16
Riverside Syndicate, Inc.,
 Respondent,
 v.
Victoria Munroe et al.,
 Appellants.

Order affirmed, with costs, and certified question not answered upon the ground that it is unnecessary.
Opinion by Judge Smith.
Chief Judge Kaye and Judges Ciparick, Graffeo, Read, Pigott and Jones concur.

2 No. 1
In the Matter of Thomas J. Spota,
On Behalf Of Unkechaug Indian
Nation,
 Appellant,
 v.
Tina Jackson,
 Respondent.

Order reversed, without costs, petition granted, respondent declared to be an intruder on the lands of the Unkechaug Indian Nation and matter remitted to County Court, Suffolk County, for further proceedings in accordance with the opinion herein.
Opinion by Chief Judge Kaye.
Judges Ciparick, Graffeo, Read, Smith, Pigott and Jones concur.

SCJC No. 71
In the Matter of the
consideration of the suspension
of Hon. Dennis LaBombard from
the office of Justice of the
Ellenburg Town Court, Clinton
County, pursuant to New York
Constitution, Article 6,
section 22, subd. e and g,
and Judiciary Law section 44,
subd. 8(a) and (c).

On the Court's own motion, it is determined that Honorable Dennis LaBombard is suspended, with pay, effective immediately, from the office of Justice of the Ellenburg Town Court, Clinton County, pending disposition of his request for review of a determination by the State Commission on Judicial Conduct.
Chief Judge Kaye and Judges Ciparick, Graffeo, Read, Smith, Pigott and Jones concur.

2 No. 3
Kashawn Yarborough,
 Appellant,
 v.
City of New York,
 Respondent,
et al.,
 Defendant.

Order affirmed, with costs, in a memorandum.
Chief Judge Kaye and Judges Ciparick, Graffeo, Read, Smith, Pigott and Jones concur.

MOTIONS

- 3 -

Mo. No. 126
In the Matter of Adult Home at
Erie Station, Inc.,
Respondent,
v.
Assessor and Board of Assessment
Review of City of Middletown et
al.,
Appellants.

Motion by New York State Assessor
Association for leave to file a brief
amicus curiae on the appeal herein
dismissed as untimely (see Rules of Ct
of Appeals [22 NYCRR] 500.23[a][3]).

1-10 Mo. No. 1359
In the Matter of David B.,
&c.,
Appellant.

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

4- Mo. No. 1406
The People &c.,
Respondent,
v.
Vincent H. Brown-McKnight,
Appellant.

Motion for leave to appeal denied.

3-13 Mo. No. 1353
Penny M. Cameron et al.,
Appellants,
v.
Carl W. Engelhart,
Respondent.

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

1-10 Mo. No. 1408
Gary W. Conklin,
Appellant,
v.
Metro North Commuter Railroad
Company,
Respondent.

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.

3-10 Mo. No. 1452
In the Matter of Melissa DD.
et al. &c.

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

Broome County Department of
Social Services,
Respondent;
Debra DD.,
Appellant,
et al.,
Respondents.

1 Mo. No. 1364
In the Matter of Woodrow
Flemming,
Appellant,
v.
Hon. Dennis Boyle, &c., et al.,
Respondents.

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. 1388
In the Matter of Thomas Furrer,
Appellant,
v.
Suffolk County Police Department
et al.,
Respondents.
Workers' Compensation Board,
Respondent.

Motion for leave to appeal denied.

1-10 Mo. No. 1385
The People &c.,
Respondent,
v.
Glenn Ginyard,
Appellant.

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

3 Mo. No. 1384
In the Matter of Patrick
Gonzalez,
Appellant,
v.
Glenn S. Goord, &c.,
Respondent.

Motion for leave to appeal denied.

1-10 Mo. No. 1439
Olga Gonzalez,
Appellant,

v.

The City of New York,
Respondent.

Robert A. Cardali & Associates,
LLP,

Respondent.

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

2-10 Mo. No. 1341
Peter (Petros) Gouvis,
Appellant,

v.

Stylianios Gouvis, &c., et al.,
Defendants,

Ameriquest Mortgage Company,
Respondent.

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

3 Mo. No. 1380
Shawn Green,
Appellant,

v.

State of New York,
Respondent.

Claim No. 104741
AD No. 502863

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

3 Mo. No. 1418
In the Matter of Joseph Guarino,
Appellant,

v.

New York State Racing & Wagering
Board,

Respondent.

Motion for leave to appeal denied with one hundred dollars costs and necessary reproduction disbursements.
Motion for a stay dismissed as academic.

2- Mo. No. 1390
In the Matter of Tyrone Houston,
Appellant,

v.

John P. Walsh, &c.,
Respondent.

Motion for leave to appeal denied.

1-10 Mo. No. 1409
The People &c., Respondent,
v.
Arthur Johnson, Appellant.

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

4-14 Mo. No. 1373
In the Matter of Patricia E.K., Respondent,
v.
Edward Thomas K., Jr., Appellant,
Heidi K., 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.

4-10 Mo. No. 1425
Kessel Brent Corporation and
Christopher C. Vescera, Appellants,
v.
Benderson Property Development,
Inc., Respondent.

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.

2-13 Mo. No. 1454
Chris Lavore, Appellant,
v.
Kir Munsey Park 020, LLC et al.,
Respondents.

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

3-10 Mo. No. 1453
In the Matter of Christopher
Mace, Respondent,
v.
Amber Mace, Respondent,
Mark Harvey, Appellant.

Motion for leave to appeal denied.

(And Three Other Related
Proceedings.)

1-14 Mo. No. 1343
Christopher A. Meason et al.,
Respondents,
v.
Greenwich and Perry Street
Housing Corporation,
Appellant.

Motion for reargument of motion for leave
to appeal denied.

4-10 Mo. No. 1428
The People &c.,
Respondent,
v.
Scott Millar,
Appellant.

Motion for leave to appeal denied.

1-13 Mo. No. 1366
James Mitchell,
Appellant,
v.
New York City Transit Authority,
Respondent.

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

Mo. No. 96
The People &c.,
Respondent,
v.
Michael Moore,
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.

Mo. No. 6
The People &c.,
Respondent,
v.
Melvin Pinkston,
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.

Mo. No. 77
David S. Pultz, et al.,
Appellants,
v.
Catherine Economakis et al.,
Respondents.

Motion by City-wide Task Force on Housing Court, et al. for leave to appear amici 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.

4-10 Mo. No. 1399
In the Matter of Ty'Keith R.

Onondaga County Department of
Social Services,
Respondent;
Byron R., Jr.,
Appellant.

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

1-13 Mo. No. 1448
Reg-Tru Equities, Inc., Doing
Business As The Tennis Club,
Appellant,
v.
Valley Forge Insurance Company,
Respondent.

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

3- Mo. No. 1472
In the Matter of Hank Ross,
Appellant,
v.
State Board for Professional
Medical Conduct,
Respondent.

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

4- Mo. No. 1378
The People &c. ex rel. Daryl
Rucker,
Appellant,
v.
Harold Graham, &c.,
Respondent.

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

2- Mo. No. 1405
In the Matter of Anthony S.
Sadowski, Deceased.

Motion for reargument of motion for leave
to appeal denied.

Michele Lippa Gartner, &c.,
Respondent;
Joseph A.F. Sadowski,
Appellant.

4-10 Mo. No. 1387
In the Matter of Damien S.

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

Erie County Department of Social
Services,
Respondent;
Melissa S.,
Respondent,
John S.,
Appellant.

3 Mo. No. 1386
In the Matter of William Shankle,
Appellant,
v.
Glenn S. Goord, &c.,
Respondent.

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

2-13 Mo. No. 1368
In the Matter of State Farm
Mutual Automobile Insurance
Company,
Respondent,
v.
Zaileen Juma,
Appellant.

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

2-10 Mo. No. 1446
Miguel Sumba,
Plaintiff,
v.
Clermont Park Associates, LLC,
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.

Clermont Park Associates, LLC,
Third-Party Appellant,
v.
Clermont Park Residence LLC,
Third-Party Respondent.

1-10 Mo. No. 1278
Bensam Swakeen,
Appellant,
v.
New York City Health and
Hospitals Corporation, &c.,
Respondent.

Motion for reargument of motion for leave to appeal denied.

3-14 Mo. No. 1389
Tompkins-Seneca-Tioga Schools
Health Insurance Cooperative,
Respondent,
v.
Candor Central School District,
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 and is not an order of the type provided for in CPLR 5602(a)(2).

3- Mo. No. 1382
In the Matter of Jack Vigliotti,
Appellant,
v.
Donald Selsky, &c.,
Respondent.

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

Mo. No. 1347
In the Matter of Raymond M.
Weinstein et al.,
Appellants,

v.

City of New York Department of
Housing Preservation and
Development et al.,
Respondents.

Motion for reargument of motion for leave
to appeal denied.

1-13 Mo. No. 1396
Richard A. Williamson, Esq., &c.,
Appellant,

v.

Culbro Corp. Pension Fund, et
al.,
Defendants,
American Jewish Joint
Distribution Committee, Inc.,
Respondent.

(And Two Other Actions.)

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