

JULY 5, 2006

CASES

2	No.	97	
The People &c.,		Respondent,	Order modified by reducing defendant's conviction of murder in the second degree to manslaughter in the second degree and remitting to Supreme Court, Queens County, for resentencing and, as so modified, affirmed, in a memorandum.
v.		Appellant.	Chief Judge Kaye and Judges G.B. Smith, Ciparick, Rosenblatt, Read and R.S. Smith concur.
Tyrone Atkinson,			Judge Graffeo concurs in result on constraint of People v Suarez (6 NY3d 202 [2005]).
3	No.	99	
In the Matter of John L. Eadie,		Appellants,	Order affirmed, with costs.
et al.,			Opinion by Judge R.S. Smith.
v.			Chief Judge Kaye and Judges G.B. Smith, Ciparick, Rosenblatt and Graffeo concur.
Town Board of the Town of North		Respondents.	Judge Read took no part.
Greenbush, et al.,			

1 The People &c., v. Larry Feingold,	No. 96 Respondent, Appellant.	Order modified by reducing defendant's conviction to reckless endangerment in the second degree and remitting to Supreme Court, New York County, for resentencing and, as so modified, affirmed. Opinion by Judge G.B. Smith. Judges Rosenblatt, Read and R.S. Smith concur. Judge Ciparick dissents and votes to affirm in an opinion in which Chief Judge Kaye concurs, Chief Judge Kaye in a separate opinion. Judge Graffeo dissents and votes to affirm in a separate opinion.
2 Lee Long, v. State of New York,	No. 90 Appellant, Respondent.	Order, insofar as appealed from, affirmed, with costs. Opinion by Judge Graffeo. Chief Judge Kaye and Judges G.B. Smith, Ciparick, Rosenblatt and R.S. Smith concur. Judge Read took no part.
4 The People &c., v. Gina Mancini,	No. 98 Respondent, Appellant.	Order modified by reducing defendant's conviction of murder in the second degree to manslaughter in the second degree and remitting to Supreme Court, Erie County, for resentencing and, as so modified, affirmed, in a memorandum. Chief Judge Kaye and Judges G.B. Smith, Ciparick, Rosenblatt, Read and R.S. Smith concur. Judge Graffeo dissents and votes to affirm in an opinion.
1 The People &c., v. Jamal Petty,	No. 95 Respondent, Appellant.	Order affirmed. Opinion by Judge G.B. Smith. Chief Judge Kaye and Judges Ciparick, Rosenblatt, Graffeo, Read and R.S. Smith concur.

MOTIONS

- 3-

4-10 Mo. No. 602
In the Matter of Marissa A. and
Melina L.

Motion for leave to appeal denied.

Erie County Department of Social
Services,

Respondent;

William L.,

Appellant.

1-14 Mo. No. 605
Allcity Insurance Company,
Appellant,

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

v.

Manhattan and Bronx Surface
Transit Operating Authority,
et al.,

Defendants,

Hanover Insurance Company,

Respondent.

3-10 Mo. No. 591
In the Matter of Cadejah AA. et
al., &c.

Motion for leave to appeal denied.

Otsego County Department of
Social Services,

Respondent;

Alberta CC.,

Appellant;

et al.,

Respondent.

Mo. No. 675
Bates Advertising USA, Inc.,
Respondent,

Motion for reargument denied.

v.

498 Seventh, LLC,

Appellant.

4-10 Mo. No. 584
In the Matter of Furmond S.
Bolden,
Appellant,
v.
Robert Dennison, &c.,
Respondent.

Motion for leave to appeal denied.

4-10 Mo. No. 606
The People &c. ex rel. Larry A.
Bratton,
Appellant,
v.
Chris Mellas, &c.,
Respondent.

Motion for leave to appeal denied.

3 Mo. No. 578
In the Matter of Broadway -
111th Street Associates, LLC,
et al.,
Appellants,
v.
Commissioner of New York State
Division of Taxation and
Finance et al.,
Respondents.

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

1-10 Mo. No. 581
Panthea Burns,
Appellant,
v.
Pace University, et al.,
Respondents,
Metpar Corp.,
Defendant.

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

1-10 Mo. No. 604
Rebecca M. Church,
Appellant,
v.
Ian R. McCabe,
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.

1-10 Mo. No. 563
David Realty and Funding, LLC,
Respondent,

v.

Second Avenue Realty Co.,
et al.,

Appellants,

The People &c. et al.,

Defendants.

Jay G. Seiden,

Nonparty Respondent.

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

2-13 Mo. No. 439
Albertino E. DaCruz et al.,
Appellants,

v.

Towmasters of New Jersey, Inc.,
et al.,

Defendants,

Port Authority of New York and
New Jersey,

Respondent.

(And A Third-Party Action.)

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.

4-10 Mo. No. 579
In the Matter of James K. Eby,
on Behalf of Malori R.L.,
Respondent,

v.

Joseph E.S.,

Appellant.

Motion for leave to appeal dismissed upon
the ground that the orders sought to be
appealed from do not finally determine
the proceeding within the meaning of the
Constitution.

1-10 Mo. No. 575
Henry Fajemirokun,
Appellant,

v.

Dresdner Kleinwort Wasserstein
Limited, Formerly Known As
Kleinwort Benson Limited,

Respondent.

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

3-11 Mo. No. 544
Shawn Green,
Appellant,
v.
State of New York,
Respondent.

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

4-10 Mo. No. 588
In the Matter of Meko H., Jr. and
Chad T.

Motion for leave to appeal denied.

Erie County Department of Social
Services,
Respondent;
Malissa T.,
Appellant.

2-10 Mo. No. 571
Huntingdon Life Sciences, Inc.,
et al.,
Respondents,
v.
Stop Huntingdon Animal Cruelty,
Also Known As SHAC, et al.,
Defendants,
Lauren Gazzola,
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.

2-10 Mo. No. 595
In the Matter of Insurance
Company of North America,
Respondent,
v.
Lenny Kaplun,
Appellant.

Motion for leave to appeal denied.

3-10 Mo. No. 590
The People &c. ex rel. Johnathan
Johnson,
Appellant,
v.
Michael McGinnis, &c.,
Respondent.

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

1-10 Mo. No. 516
James Jonke,
Appellant,
v.
F.W. Woolworth Co., et al.,
Respondents,
The Foot Locker Inc., et al.,
Defendants.

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

1-10 Mo. No. 576
Clarice Jordan,
Appellant,
v.
Raymond W. Doyle, et al.,
Respondents.

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

1-14 Mo. No. 582
JRK Franklin LLC,
Respondent,
v.
164 East 87th Street LLC,
Appellant.

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

4-10 Mo. No. 597
In the Matter of Steven L.

Motion for leave to appeal denied.

Genesee County Department of
Social Services,
Respondent;
Scott L.,
Appellant.

In the Matter of Kevin L.

Genesee County Department of
Social Services,
Respondent;
Scott L.,
Appellant.

2-10 Mo. No. 580
Jaimie Magee,
Respondent,
v.
County of Suffolk,
Appellant,
et al.,
Defendants.

Motion for leave to appeal dismissed upon the ground that appellant is not a party aggrieved.

1-10 Mo. No. 603
Mid Valley Associates, LLC,
Appellant,
v.
Foot Locker Specialty, Inc.,
Formerly Known As F.W. Woolworth
Co.,
Respondent.

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

2-10 Mo. No. 589
Richard Molyneaux et al.,
Appellants,
v.
City of New York, et al.,
Respondents,
et al.,
Defendants.
(And Two Third-Party Actions.)

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

2-10 Mo. No. 564
Javier Morales, et al.,
Appellants,
v.
Copy Right, Inc., et al.,
Respondents.

Motion for leave to appeal denied with one hundred dollars costs and necessary reproduction disbursements.
Chief Judge Kaye took no part.

1-14 Mo. No. 509
In the Matter of Herbert
Moskowitz et al.,
Appellants,
v.
Lorraine Jordan, &c.,
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.

1-14 Mo. No. 608
In the Matter of Herbert
Moskowitz et al.,
Appellants,
v.
Lorraine Jordan, &c.,
Respondent.

Motion by the New York City Loft Board
for leave to appear amicus curiae on
the motion for leave to appeal herein
granted and the proposed affirmation is
accepted as filed.

1-10 Mo. No. 499
National Union Fire Insurance Co.
of Pittsburgh, PA,
Appellant,
v.
Ferrell & Myers, Inc., &c. et
al.,
Respondents,
City of New York, et al.,
Defendants.

Motion for leave to appeal denied.

1-10 Mo. No. 491
In the Matter of Vivian Pena,
Appellant,
v.
New York City Civil Service
Commission, et al.,
Respondents.

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

2-14 Mo. No. 601
David Perron et al.,
Respondents,
v.
Hendrickson/Scalamandre/
Posillico (TV), et al.,
Appellants,
et al.,
Defendants.

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

Hendrickson/Scalamandre/
Posillico (TV), et al.,
Third-Party Appellants,
v.
Rice Mohawk U.S. Construction
Co., Ltd.,
Third-Party Respondent.

3-10 Mo. No. 609
Jason S. Planck,
Appellant,
v.
County of Schenectady,
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.

4-10 Mo. No. 607
Denny Rhodes,
Appellant,
v.
Town of Alexander, et al.,
Respondents.

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

3-14 Mo. No. 574
Paul F. Santodonato, Individually
&c. of the Estate of Susan E.
Santodonato, Deceased,
Appellant,
v.
Clear Channel Broadcasting,
Inc.,
Respondent.

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

3-14 Mo. No. 594
Debra A. Spellman, as Successor
in Interest to Elizabeth Boyd,
Appellant,
v.
Town of North Elba,
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.

2-10 Mo. No. 497
Paul Sperry &c.,
Appellant,
v.
Crompton Corporation, et al.,
Respondents,
et al.,
Defendants.

Motion for leave to appeal granted.

2-10 Mo. No. 567
Paul Sperry &c.,
Appellant,
v.
Crompton Corporation, et al.,
Respondents,
et al.,
Defendants.

Motion by the American Antitrust Institute for leave to appear amicus curiae on the motion for leave to appeal herein granted and the proposed brief is accepted as filed.

1-13 Mo. No. 583
257 Park Avenue Associates,
Respondent,
v.
Music Sales Corporation,
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.

3-10 Mo. No. 587
Ivey Walton, et al.,
Appellants,
v.
New York State Department of
Correctional Services et al.,
Respondents.

Motion by the Legal Aid Society of the City of New York for leave to appear amicus curiae on the motion for leave to appeal herein granted and the proposed brief is accepted as filed.

3-10 Mo. No. 568
Ivey Walton, et al.,
Appellants,
v.
New York State Department of
Correctional Services et al.,
Respondents.

Motion for leave to appeal granted.

4-10 Mo. No. 610
In the Matter of Troy J.
Westfall,
Respondent,
v.
Jennifer Westfall, Now Known As
Jennifer Knuth,
Appellant.

Motion for leave to appeal denied.

