

JULY 6, 2006

CASES

1	No. 86		Order affirmed, without costs.
Daniel Hernandez, et al.,	Appellants,		Opinion by Judge R.S. Smith.
v.			Judges G.B. Smith and Read concur.
Victor L. Robles, &c.,	Respondent.		Judge Graffeo concurs in result in an
			opinion in which Judge G.B. Smith concurs.
			Chief Judge Kaye dissents in an opinion in
			which Judge Ciparick concurs.
			Judge Rosenblatt took no part.
2	No. 46		Order affirmed, without costs.
In the Matter of Shondel J.,	Respondent,		Opinion by Judge Rosenblatt.
v.			Chief Judge Kaye and Judges Ciparick,
Mark D.,	Appellant.		Graffeo and Read concur.
			Judge G.B. Smith dissents in an opinion in
			which Judge R.S. Smith concurs.
3	No. 88		Order affirmed, without costs.
In the Matter of Elissa Kane,	Appellants,		Opinion by Judge R.S. Smith.
et al.,			Judges G.B. Smith and Read concur.
v.			Judge Graffeo concurs in result in an
John Marsolais, Albany City	Respondents.		opinion in which Judge G.B. Smith concurs.
Clerk et al.,			Chief Judge Kaye dissents in an opinion in
			which Judge Ciparick concurs.
			Judge Rosenblatt took no part.
USCOA,2	No. 160		Certification of questions by the United
David Policano,	Respondent,		States Court of Appeals for the Second
v.			Circuit, pursuant to section 500.27 of
Victor T. Herbert,	Appellant.		this Court's Rules of Practice, accepted
			and the issues presented are to be
			considered after briefing and argument.
			Chief Judge Kaye and Judges G.B. Smith,
			Ciparick, Rosenblatt, Graffeo, Read and
			R.S. Smith concur.







3 Mo. No. 611  
The People &c. ex rel. Kenny  
Carter,  
Appellant,  
v.  
State of New York,  
Respondent.

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.

4-10 Mo. No. 535  
In the Matter of Sheena D.,  
et al.  
-----  
Niagara County Department of  
Social Services,  
Respondent;  
Darwin F.,  
Appellant.

Motion for leave to appeal granted. Motion for assignment of counsel granted and Alan P. Reed, Esq., 20 Gorham Street, Canandaigua, NY, 14424 assigned as counsel to the appellant on the appeal herein.

3-14 Mo. No. 623  
Paul R. DiGrazia et al.,  
Appellants,  
v.  
Nadine Lemmon,  
Respondent.

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

1-10 Mo. No. 626  
Asher B. Edelman,  
Appellant,  
v.  
O'Toole-Ewald Art Associates,  
Inc., et al.,  
Respondents,  
et al.,  
Defendants.

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

1-10 Mo. No. 630  
Finance and Trading Limited et  
al.,  
Appellants,  
v.  
Rhodia S.A., et al.,  
Respondents.

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

2                   Mo. No. 615  
Rita E. Fischer, &c.,  
                          Appellant,  
                  v.  
Evan M. Bloom, &c., et al.,  
                          Respondents.

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

2-                   Mo. No. 621  
In the Matter of Keith Gadson,  
                          Appellant,  
                  v.  
Dennis J. Breslin, &c. 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 proceeding within the meaning of the  
Constitution.  
Motion for poor person relief dismissed as  
academic.

                  Mo. No. 730  
The State of New York ex rel.  
Stephen J. Harkavy on behalf of  
John Does 1 through 12,  
                          Appellants,  
                  v.  
Eileen Consilvio, Executive  
Director, Manhattan Psychiatric  
Center and Kirby Forensic  
Psychiatric Center,  
                          Respondent.

Motion to enlarge the record on appeal  
granted on consent.

3-10               Mo. No. 264  
In the Matter of Robert Hebel,  
                          Respondent-Appellant,  
                  v.  
Jason West, &c.,  
                          Appellant-Respondent.

Motions for leave to appeal denied.

-----  
In the Matter of Robert Hebel,  
                          Respondent-Appellant,  
                  v.  
Village of New Paltz et al.,  
                          Appellants-Respondents,  
Rebecca Rotzler, &c., et al.,  
                          Respondents.

3-10 Mo. No. 616  
In the Matter of Jolanta Jung-  
Szayer,  
Appellant,  
v.  
Commissioner of Labor,  
Respondent.

Motion for leave to appeal denied.

3-10 Mo. No. 649  
The People &c. ex rel. Mark Lee,  
Appellant,  
v.  
Raymond J. Cunningham, &c.,  
Respondent.

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

1-10 Mo. No. 668  
Samuel Levin,  
Appellant,  
v.  
40 Fifth Avenue Corporation,  
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.

1-10 Mo. No. 614  
In the Matter of Gregory P.  
Mango,  
Appellant,  
v.  
Lower Manhattan Development  
Corporation,  
Respondent.

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

1-10 Mo. No. 552  
Thomas P. Milton,  
Appellant,  
v.  
305/72 Owners Corp.,  
Respondent.

Motion, insofar as it seeks leave to  
appeal from the Appellate Division order  
denying reargument or leave to appeal to  
this Court, dismissed upon the ground that  
such order does not finally determine the  
action within the meaning of the Constitu-  
tion; motion for leave to appeal otherwise  
denied.

2-11 Mo. No. 662  
In the Matter of William  
Mitchell,  
Appellant,  
v.  
James Hudson, &c.,  
Respondent.

Motion for reargument denied.  
Chief Judge Kaye took no part.

Mo. No. 631  
In the Matter of City of New  
York, et al.,  
Respondents,  
v.  
New York City Civil Service  
Commission,  
Respondent,  
Michael A. Ciacciullo,  
Appellant.

Motion for reargument denied.

-----  
In the Matter of Police Officer  
Michael A. Ciacciullo, &c.,  
Appellant,  
v.  
Raymond W. Kelly, as Police  
Commissioner of the City of New  
York, et al.,  
Respondents.

2-12 Mo. No. 673  
NYCTL 1997-1 Trust &c.,  
Respondent,  
v.  
Gerard T. Goonan,  
Appellant,  
et al.,  
Defendants.

Motion, insofar as it seeks leave to  
appeal from the March 2006 Appellate  
Division order, dismissed as untimely  
(see CPLR 5513[b]); motion, insofar as  
it seeks leave to appeal from the April  
2006 Appellate Division order denying  
appellant's motion for reargument,  
dismissed upon the ground that such order  
does not finally determine the action  
within the meaning of the Constitution.



Mo. No. 699  
 In the Matter of Professional  
 Staff Congress-City University  
 of New York,  
 Respondent,  
 v.  
 New York State Public Employment  
 Relations Board et al.,  
 Appellants.

Motion to dismiss the appeal herein as moot denied.

Mo. No. 713  
 In the Matter of Professional  
 Staff Congress-City University  
 of New York,  
 Respondent,  
 v.  
 New York State Public Employment  
 Relations Board et al.,  
 Appellants.

Motion by New York State United Teachers for leave to file a brief amicus curiae on the appeal herein granted and the proposed brief is accepted as filed.

Mo. No. 715  
 In the Matter of Professional  
 Staff Congress-City University  
 of New York,  
 Respondent,  
 v.  
 New York State Public Employment  
 Relations Board et al.,  
 Appellants.

Motion by Municipal Labor Committee for leave to file a brief amicus curiae on the appeal herein granted and the proposed brief is accepted as filed.

4-10 Mo. No. 683  
 In the Matter of Kaitlin R.  
 -----  
 Janis R.,  
 Respondent;  
 Gina M.R.,  
 Appellant.

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

2-14 Mo. No. 593  
Riverside Capital Advisors, Inc.,  
&c.,

Plaintiff,  
Winchester Global Trust  
Company Limited, &c.,  
Respondent,

v.

First Secured Capital Corp.  
et al.,

Appellants,

et al.,

Defendants;

Thomas B. Donovan et al.,

Nonparty Appellants.

Motion by First Secured Capital Corpora-  
tion, The Thomas B. Donovan Family Trust,  
Thomas B. Donovan and Pamela Donovan 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.

2-14 Mo. No. 598  
Riverside Capital Advisors, Inc.,  
&c.,

Appellant,  
Winchester Global Trust  
Company Limited, &c.,  
Respondent,

v.

First Secured Capital Corp.  
et al.,

Appellants,

et al.,

Defendants;

Thomas B. Donovan et al.,

Nonparty Appellants.

Motion by Riverside Capital Advisors Inc.,  
First Secured Capital Corporation, The  
Thomas B. Donovan Family Trust, Thomas B.  
Donovan and Pamela Donovan 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.

2-14 Mo. No. 619  
 Riverside Capital Advisors, Inc.,  
 &c.,  
 Respondent,  
 Winchester Global Trust Company  
 Limited, &c.,  
 Appellant,  
 v.  
 First Secured Capital Corp.  
 et al.,  
 Respondents,  
 et al.,  
 Defendants,  
 Thomas B. Donovan et al.,  
 Nonparty Respondents.

On the Court's own motion, appeal by Winchester Global Trust Company Limited dismissed, without costs, upon the ground that the order appealed from does not finally determine the action within the meaning of the Constitution; motion by Winchester Global Trust Company Limited 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.

1-14 Mo. No. 624  
 In the Matter of Walter Sakow,  
 as De Facto Executor of the  
 Estate of Max Sakow, Deceased.  
 -----  
 Walter Sakow,  
 Appellant-Respondent,  
 v.  
 Evelyn Breslaw et al.,  
 Respondents-Appellants.

Motions for leave to appeal denied.

4-10 Mo. No. 617  
 In the Matter of Clarence S.  
 Niagara County Department of  
 Social Services,  
 Respondent;  
 Daniel S.,  
 Appellant.

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

2-10 Mo. No. 652  
 In the Matter of Dabari S.  
 (Anonymous).  
 Mercyfirst, et al.,  
 Respondents;  
 Dawn S. (Anonymous),  
 Appellant.

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

2-10 Mo. No. 546  
John Whitfield,  
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 action within the meaning of the Constitution.  
Motion for poor person relief dismissed as academic.

2-10 Mo. No. 554  
John Whitfield,  
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 action within the meaning of the Constitution.  
Motion for poor person relief dismissed as academic.

3-10 Mo. No. 620  
John Whitton,  
Appellant,  
v.  
John A. Thomas Sr., et al.,  
Respondents,  
et al.,  
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.