

JUNE 8, 2006

CASES

3	No. 78	Automobile Insurance Company of Hartford,	Respondent,	Order reversed, with costs, and order of Supreme Court, Albany County, reinstated. Opinion by Judge Ciparick.
		v.		Chief Judge Kaye and Judges G.B. Smith, Rosenblatt, Graffeo, Read and R.S. Smith concur.
		Alfred S. Cook,	Appellant,	
		Victoria Pruyn, &c.,	Respondent.	
2	No. 134 SSM 11	William Bryant,	Respondent,	On review of submissions pursuant to section 500.11 of the Rules, appeal dismissed, without costs, in a memorandum. Chief Judge Kaye and Judges G.B. Smith, Ciparick, Rosenblatt, Graffeo, Read and R.S. Smith concur.
		v.		
		State of New York,	Appellant.	
	No. 73	Sarah J. Denio and James S. Denio, &c.,	Respondents-Appellants,	Judgment appealed from and order of the Appellate Division brought up for review affirmed, without costs. Opinion by Judge Graffeo.
		v.		Chief Judge Kaye and Judges G.B. Smith, Ciparick and Rosenblatt concur. Judges Read and R.S. Smith dissent in part in an opinion.
		The State of New York,	Appellant-Respondent.	
4	No. 69	Hoffend & Sons, Inc.,	Appellant,	Order, insofar as appealed from, affirmed, with costs. Opinion by Judge Rosenblatt.
		v.		Chief Judge Kaye and Judges G.B. Smith, Ciparick, Graffeo, Read and R.S. Smith concur.
		Rose & Kiernan, Inc. et al.,	Respondents.	

2-10 Mo. No. 480
In the Matter of Stephen J.
Askew, &c.,
Appellant,

v.

New York City Department of
Environmental Protection et al.,
Respondents.

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

1-11 Mo. No. 429
Victor Batshever,
Appellant,

v.

Michael Asen and Boris Serebro,
Respondents.

Motion for leave to appeal dismissed upon
the ground that this Court does not have
jurisdiction to entertain this motion for
leave to appeal from the order of the
Appellate Division entered in this action
commenced in the Civil Court of the City
of New York (see NY Const, art VI,
3[b][7]; CPLR 5602 [a]).

Motion for poor person relief dismissed as
academic.

Mo. No. 514
The People &c.,
Appellant,

v.

Baumann & Sons Buses, Inc.,
Respondent.

Motion for reargument denied.

2-10 Mo. No. 438
Joseph Belsito,
Appellant,

v.

State Farm Mutual Insurance
Company,
Respondent.

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

Mo. No. 447
Steven Boulukos, et al.,
Plaintiffs,
v.
213 P.A.S., L.L.P.,
Defendant.
(And A Third-Party Action.)

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

213 P.A.S., L.L.P.,
Second Third-Party Respondent,
v.
City Scaffolding Corp.,
Second Third-Party Appellant.

1-14 Mo. No. 349
B.D. Cooke & Partners Limited
as Assignee of Citizens Casualty
Company of New York (in
Liquidation),
Respondent,
v.
Nationwide Mutual Insurance
Company,
Appellant.

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

4-10 Mo. No. 341
B.D.G.S., Inc.,
Respondent,
v.
Anthony Balio, et al.,
Defendants,
Savings Bank of Utica,
Appellant.

Motion for leave to appeal granted.

1-10 Mo. No. 490
In the Matter of Leroy C., Jr.
and Others, &c.
Hanna N., &c.,
Appellant;
Leroy C.,
Respondent;
St. Christopher's, Inc., et al.,
Respondents.

Motion for reargument of motion for leave to appeal denied.
Cross motion for imposition of sanctions denied.

1-11 Mo. No. 430
Citibank, N.A.,
Respondent,
v.
Peter Clavan,
Appellant.

Motion for leave to appeal dismissed upon the ground that this Court does not have jurisdiction to entertain this motion for leave to appeal from the order of the Appellate Division entered in this action commenced in the Civil Court of the City of New York (see NY Const, art VI, 3[b][7]; CPLR 5602[a]).
Motion for a stay &c. dismissed as academic.

1-10 Mo. No. 455
Countrywide Home Loans, Inc.,
Respondent,
v.
Debrah Keys, &c., et al.,
Appellants,
Winston Mason, et al.,
Defendants.

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

3-10 Mo. No. 306
In the Matter of Daimler-
Chrysler Corporation, et al.,
Appellants,
v.
Eliot Spitzer, &c. et al.,
Respondents.

Motion for leave to appeal granted.

Mo. No. 592 SSD 42
Bella Davis,
Respondent,
v.
Michael Melnicke,
Appellant.

Appeal, insofar as taken from that portion of the Appellate Division order that affirmed the appointment of an arbitrator, dismissed without costs, by the Court sua sponte, upon the ground that such portion of the order does not directly involve a substantial constitutional question; appeal otherwise dismissed without costs, by the Court sua sponte, upon the ground that the remaining portion of the Appellate Division order does not finally determine an action or proceeding within the meaning of the Constitution.

Mo. No. 613 SSD 45
In the Matter of Lee A. Decker,
Appellant,
v.
Commissioner of Labor,
Respondent.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that no substantial constitutional question is directly involved.

3-14 Mo. No. 393
In the Matter of the Estate of
Andreas Drossos, Also Known as
Andrew Drossos, Deceased.

Motion for leave to appeal denied.

Angelos P. Romas,
Appellant;
Patrice McDermand et al.,
Respondents.

Mo. No. 639 SSD 46
In the Matter of Gladstone T.
Ford,
Appellant,
v.
New York City Transit Authority,
Respondent,
Workers' Compensation Board,
Respondent.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that the order appealed from does not finally determine the proceeding within the meaning of the Constitution.

2-10 Mo. No. 365
In the Matter of the Estate of
Joan Marie Fotiades, Deceased.
Gregory W. Fotiades,
Respondent;
David Bart Moskoff,
Appellant,
et al.,
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.

1-10 Mo. No. 363
In the Matter of Shady Gandhi
Shameseldin I., &c.

Amina Mokhtar I.S.,
Appellant;
The Catholic Home Bureau for
Dependent Children,
Respondent.

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

Mo. No. 612 SSD 44
In the Matter of Errol Irving,
Appellant,
v.
New York State Division of
Parole,
Respondent.

Appeal transferred without costs, by the
Court sua sponte, to the Appellate
Division, Fourth Department, upon the
ground that a direct appeal does not lie
when questions other than the
constitutional validity of a statutory
provision are involved (NY Const, art VI,
3[b][2], 5[b]; CPLR 5601[b][2]).

Mo. No. 632
The People &c.,
Respondent,
v.
Bobby Lane,
Appellant.

Motion for assignment of counsel granted
and Richard M. Greenberg, Esq., Office of
the Appellate Defender, 11 Park Place,
Suite 1601, New York, NY 10007 assigned
as counsel to the appellant on the appeal
herein.

4-11 Mo. No. 446
The People &c. ex rel. Jammie
Longmire,
Appellant,
v.
Chris Mellas, &c.,
Respondent.

Motion for leave to appeal denied.

4-10 Mo. No. 412
Christine M. Mangione,
Appellant,
v.
Salvatore A. Mangione,
Respondent.

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

1-12 Mo. No. 406
Riverview Development Holding
Corp.,
Respondent,
v.
Maria "Doe", Also Known As Maria
Calderon,
Appellant.

Motion for leave to appeal dismissed upon
the ground that this Court does not have
jurisdiction to entertain this motion for
leave to appeal from the order of the
Appellate Division entered in this
proceeding commenced in the Civil Court of
the City of New York (see NY Const,
art VI, 3[b][7]; CPLR 5602[a]).

2-14 Mo. No. 386
St. Vincent's Hospital & Medical
Center, &c.,
Appellant,
et al.,
Plaintiffs,
v.
Country Wide Insurance Company,
Respondent.

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

3-10 Mo. No. 368
In the Matter of the People of
the State of New York, by Eliot
Spitzer, as Attorney General,
Respondent,
v.
Applied Card Systems, Inc.,
et al.,
Appellants.

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.

Mo. No. 599 SSD 43
In the Matter of St. Thomas
Malankara Orthodox Church,
Inc., Long Island,
Respondent,
v.
Board of Appeals, Town of
Hempstead,
Appellant.

Appeal dismissed without costs, by the
Court sua sponte, upon the ground that
no substantial constitutional question
is directly involved.

4-10 Mo. No. 422
The People &c. ex rel. Kwame S.
Timmers,
Appellant,
v.
Chris Mellas, &c.,
Respondent.

Motion for leave to appeal denied.

Mo. No. 636
The People &c.,
Respondent,
v.
Kenneth Ward,
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.

3-10 Mo. No. 410
In the Matter of Laurel Ward,
Appellant,
v.
New York State Division of
Parole,
Respondent.

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

2-10 Mo. No. 500
Xand Corporation,
Appellant,
v.
Reliable Systems Alternatives
Corporation,
Respondent.

Motion for leave to appeal dismissed as
untimely (see CPLR 5513[b]; Eaton v
State of New York, 76 NY2d 824
[1990]).