

JUNE 3, 2008

CASES

2	No.	103		Order affirmed, in a memorandum.
The People &c.,			Respondent,	Chief Judge Kaye and Judges Graffeo, Read,
				Smith, Pigott and Jones concur.
			v.	Judge Ciparick took no part.
Nagmeldeen Azaz,			Appellant.	
2	No.	136	SSM 14	On review of submissions pursuant to
In the Matter of Seasia D.				section 500.11 of the Rules, order
(Anonymous).				reversed, without costs, adoption petition
Mr. and Mrs. Anonymous, et al.,			Appellants;	reinstated and matter remitted to Family
				Court, Queens County, for further
Kareem W. (Anonymous),			Respondent.	proceedings on the petition in accordance
				with the memorandum herein.
Tenisha D. (Anonymous),			Respondent.	Chief Judge Kaye and Judges Ciparick,
				Graffeo, Read, Smith, Pigott and Jones
				concur.
1	No.	93		Order reversed and case remitted to the
The People &c.,			Respondent,	Appellate Division, First Department, for
				further proceedings in accordance with the
			v.	memorandum herein.
Fatin Johnson,			Appellant.	Chief Judge Kaye and Judges Ciparick,
				Graffeo, Read, Smith, Pigott and Jones
				concur.
1	No.	78		Order affirmed.
The People &c.,			Appellant,	Opinion by Chief Judge Kaye.
				Judges Ciparick, Graffeo, Read, Smith,
			v.	Pigott and Jones concur.
Ruben Luciano,			Respondent.	

1 No. 80
David S. Pultz, et al.,
 Appellants,
 v.
Catherine Economakis et al.,
 Respondents.

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

1 No. 77
In the Matter of Santos Suarez,
 Appellant,
 v.
Hon. John Byrne, &c. et al.,
 Respondents.

Judgment affirmed, without costs.
Opinion by Judge Read.
Chief Judge Kaye and Judges Ciparick,
Graffeo, Smith, Pigott and Jones concur.

1 No. 79
TAG 380, LLC,
 Respondent,
 v.
ComMet 380, Inc.,
 Appellant.

ComMet 380, Inc.,
 Third-Party Plaintiff,
 v.
GMAC Commercial Mortgage
Corporation,
 Third-Party Defendant.

Order modified, without costs, by
reinstating the judgment of Supreme Court,
New York County, and, as so modified,
affirmed.
Opinion by Judge Ciparick.
Chief Judge Kaye and Judges Graffeo, Read,
Smith, Pigott and Jones concur.

1 No. 81
Dzafer Vucetovic, et al.,
 Appellants,
 v.
Epsom Downs, Inc.,
 Respondent.

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

MOTIONS

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1- Mo. No. 366
In the Matter of Nadirah Ahmed,
Appellant,
v.
New York City Health and
Hospitals Corp., Personnel Review
Board,
Respondent.

Motion for leave to appeal denied.

1-13 Mo. No. 213
Allstate Insurance Company,
Respondent,
v.
American Home Assurance Company,
Appellant.

Motion for leave to appeal denied.

3-10 Mo. No. 396
In the Matter of Chris
Applewhite,
Appellant,
v.
Glenn S. Goord, &c., et al.,
Respondents.

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

1-13 Mo. No. 174
Darryl Barnes,
Appellant,
v.
The City of New York et al.,
Respondents.

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

2-13 Mo. No. 378
In the Matter of Callan & Byrnes,
LLP,
Respondent,
v.
Ruth E. Bernstein Law Firm et
al.,
Appellants.

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

2-10 Mo. No. 392
Congregation Or Yosef,
Appellant,
v.
Town of Ramapo, et al.,
Respondents.

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

1-10 Mo. No. 354
Charles Cox, et al.,
Respondents,
v.
Microsoft Corporation,
Respondent,
Does 1 through 100, &c.,
Defendants.
Louis F. Burke, P.C.,
Appellant.

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

1 Mo. No. 508
Leonor Datil Perez,
Appellant,
v.
Time Moving & Storage,
Respondent.

Motion for reargument denied.

4-10 Mo. No. 394
The People &c.,
Respondent,
v.
Chester DeBiaso,
Appellant.

Motion for leave to appeal denied.

Mo. No. 548
In the Matter of Gary DeFilippo,
Appellant,
v.
Hon. Stephen J. Rooney, &c.,
et al.,
Respondents.

Motion to enlarge the record on appeal granted.

2-10 Mo. No. 426
Michael Ellenbast,
Appellant,
v.
Jesse Watkins et al.,
Defendants,
Unkechaug Indian Nation of
Poospatuck Indians,
Respondent.

Motion for leave to appeal dismissed as
untimely (see CPLR 5513[b]).

2- Mo. No. 444
In the Matter of Mary Ellis,
Respondent,
v.
Kevin P. Mahon, &c. et al.,
Appellants.

Motion for leave to appeal granted.

3-10 Mo. No. 402
In the Matter of Waldrine Ewool,
Appellant,
v.
Franklin Hospital Medical Center
et al.,
Respondents.
Workers' Compensation Board,
Respondent.

Motion for leave to appeal denied.

1-10 Mo. No. 411
The People &c.,
Respondent,
v.
Ruben Gonzalez,
Appellant.

Motion for leave to appeal denied.

1-10 Mo. No. 407
The People &c. ex rel. Yusuf
Harris,
Appellant,
v.
James T. Conway, &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.

2-10 Mo. No. 352
Avraham Levi,
Appellant,
v.
Sigal Levi,
Respondent.

Motion for leave to appeal dismissed as
untimely (see CPLR 5513[b]; 2103[b]).

2-10 Mo. No. 461
The People &c.,
Respondent,
v.
Robert Liguori,
Appellant.

Motion for leave to appeal denied.

2-10 Mo. No. 410
The People &c.,
Respondent,
v.
Louis Miller,
Appellant.

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

1-10 Mo. No. 416
The People &c.,
Respondent,
v.
Basilio Montezuma-Reyes,
Appellant.

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

1-10 Mo. No. 365
In the Matter of John Vera
Moreno,
Appellant,
v.
New York City Department of
Correction,
Respondent.

Motion for leave to appeal denied.

2-10 Mo. No. 398
In the Matter of Karen Morris,
Respondent,
v.
Keith Clemons,
Appellant.

Motion for leave to appeal denied.

2-10 Mo. No. 430
Dawn Mustello,
Appellant,
v.
Paul Berg et al.,
Respondents,
et al.,
Defendants.

Motion for leave to appeal denied.

4-10 Mo. No. 382
Ronald N., &c.,
Appellant,
v.
Utica City School District and
Birnie Bus Service,
Respondents.

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

2-10 Mo. No. 409
County of Nassau,
Respondent,
v.
Seamus Gallagher,
Appellant.

Motion for leave to appeal denied.

1-10 Mo. No. 447
Paul C. Nordberg,
Appellant,
v.
South Street Seaport Corporation
et al.,
Respondents.

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

Mo. No. 391
NYCTL 1999-1 Trust, et al.,
Respondents,
v.
114 Tenth Avenue Assoc., Inc.,
Appellant,
Karen Nason, et al.,
Defendants,
Carlton Capital Corp.,
Intervenor-Respondent.

Motion for reconsideration of this Court's
February 19, 2008 dismissal order denied.

Mo. No. 528
The People &c.,
Respondent,
v.
Leroy Parson,
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.

1-10 Mo. No. 453
The People &c.,
Respondent,
v.
Edwin Pedraja,
Appellant.

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

1-10 Mo. No. 428
In the Matter of Jerwin R., &c.,
Appellant.

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

3-10 Mo. No. 346
In the Matter of Eric Rogers,
Appellant,
v.
Robert Dennison, &c.,
Respondent.

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

Mo. No. 350
Markking Smalls,
Appellant-Respondent,
v.
AJI Industries, Inc., et al.,
Respondents,
Jahkim A. Jenkins et al.,
Respondents-Appellants.

Motion for reargument denied with one hundred dollars costs and necessary reproduction disbursements.

2-14 Mo. No. 386
Mary Anne Sosnoff et al.,
Respondents,
v.
Lawrence S. Jackman, &c. et al.,
Defendants,
Marjorie S. Rosenblatt, &c. 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 action within the meaning of the Constitution.

Mo. No. 560
Lylane Sum,
Appellant,
v.
Tishman Speyer Properties, Inc.,
et al.,
Respondents.

Motion by National Employment Lawyers Association/New York 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.

1 Mo. No. 630
The People &c.,
Respondent,
v.
Juan Taveras,
Appellant.

Motion for assignment of counsel granted and Steven Banks, Esq., The Legal Aid Society, 199 Water Street, New York, NY 10038 assigned as counsel to the appellant on the appeal herein.

2-10 Mo. No. 441
The People &c.,
Respondent,
v.
Jamar Taylor,
Appellant.

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

Mo. No. 511
The People &c., Respondent,
v.
Jose Then, 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.

2 Mo. No. 519
Watral & Sons, Inc., Appellant,
v.
OC Riverhead 58, LLC, Respondent,
et al., Defendants.

Motion for reargument denied with one hundred dollars costs and necessary reproduction disbursements.

2- Mo. No. 435
Wells Fargo Bank, &c., Respondent,
v.
Barbara Scharf, Appellant,
et al., Defendants.

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 a stay dismissed as academic.

2-10 Mo. No. 413
The People &c., Respondent,
v.
Dwayne Williams, Appellant.

Motion for leave to appeal denied.

1-10 Mo. No. 406
The People &c., Respondent,
v.
Andre Youngblood, Appellant.

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

3- Mo. No. 376
In the Matter of Paul Zuckerberg,
 Appellant,
 v.
New York State Comptroller et
al.,
 Respondents.

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