

MARCH 28, 2006

CASES

1	No.	36	
The People &c.,		Respondent,	Order reversed, defendant's motion to preclude identification testimony granted and a new trial ordered.
	v.		Opinion by Chief Judge Kaye.
John Boyer,		Appellant.	Judges G.B. Smith, Ciparick, Rosenblatt, Graffeo and Read concur.
			Judge R.S. Smith dissents in an opinion.
2	No.	34	
In the Matter of Town of Orangetown, et al.,		Respondents,	Order modified by converting proceeding to declaratory judgment action and declaring in accordance with the opinion herein, and, as so modified, affirmed, with costs to the Town of Orangetown and the Town Board of the Town of Orangetown.
	v.		Opinion by Judge R.S. Smith.
Orangetown Policemen's Benevolent Association, et al.,		Appellants.	Judges G.B. Smith, Ciparick, Rosenblatt, Graffeo and Read concur.
			Chief Judge Kaye took no part.
4	No.	45	
The People &c.,		Appellant,	Order affirmed.
	v.		Opinion by Judge Rosenblatt.
Stephen M. Pacer,		Respondent.	Chief Judge Kaye and Judges G.B. Smith, Ciparick, Graffeo, Read and R.S. Smith concur.

3 No. 32
In the Matter of Patrolmen's
Benevolent Association of The
City of New York, Inc.,
 Appellant,

v.

New York State Public Employment
Relations Board, et al.,
 Respondents.

Order affirmed, with costs.
Opinion by Judge R.S. Smith.
Judges G.B. Smith, Ciparick, Rosenblatt,
Graffeo and Read concur.
Chief Judge Kaye took no part.

3 No. 33
In the Matter of Poughkeepsie
Professional Firefighters'
Association, Local 596, IAFF,
AFL-CIO-CLC, et al.,
 Appellants,

v.

New York State Public Employment
Relations Board, et al.,
 Respondents.

Order affirmed, with costs.
Opinion by Judge Read.
Chief Judge Kaye and Judges G.B. Smith,
Ciparick, Rosenblatt, Graffeo and
R.S. Smith concur.

MOTIONS

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2-10 Mo. No. 93
In the Matter of Anonymous.

John William Z. (Anonymous),
et al.,

Respondents;
Frederick C. (Anonymous),
Appellant.

Motion for leave to appeal dismissed for failure to demonstrate timeliness as required by section 500.22(b)(2) of this Court's Rules of Practice.

3-10 Mo. No. 232
The People &c. ex rel. William
F. Bonez,

Appellant,
v.
Calvin West, as Superintendent
of Elmira Correctional Facility,
Respondent.

Motion for reargument of motion for leave to appeal denied.

1-10 Mo. No. 17
Boslow Family Limited
Partnership,

Appellant,
v.
Glickenhau & Co.,
Respondent.

Motion, insofar as it seeks leave to appeal from that part of the Appellate Division order that affirmed the denial of appellant's motion to renew and reargue, dismissed upon the ground that such part of the order does not finally determine the action within the meaning of the Constitution; motion for leave to appeal otherwise granted.

3-10 Mo. No. 262
In the Matter of Boston Culinary
Group, Inc., Formerly Known as
Boston Concessions Group, Inc.,
Appellant,

v.
New York State Olympic Regional
Development Authority,
Respondent.

Motion for reargument of motion for leave to appeal denied.

2-10 Mo. No. 33 Motion for leave to appeal denied.
BBTOD, Inc., Respondent,
v.
FTS International, Inc., et al.,
Defendants,
Shlomo Greenberg, Appellant.

2-10 Mo. No. 83 Motion for leave to appeal denied.
In the Matter of Patsy Campo, Motion for poor person relief dismissed
Respondent, as academic.
v.
Isaac Chapman, Appellant.
(And Another Proceeding).

3-10 Mo. No. 109 Motion for leave to appeal denied with
James P. Curcio, Appellant, one hundred dollars costs and necessary
v. reproduction disbursements.
East Coast Hoops, Inc., et al.,
Defendants,
Kyle O'Brien et al.,
Respondents.

3-10 Mo. No. 68 Motion for leave to appeal denied.
In the Matter of Kristian CC.,
Alleged to be a Person in Need of
Supervision.
John Simons, &c., Respondent;
Kristian CC., Appellant.

2-10 Mo. No. 38 Motion for leave to appeal denied.
In the Matter of Charisma
M.D. (Anonymous).
Seamen's Society for Children
and Families,

Respondent;
Carolyn D. (Anonymous),
Appellant.

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Mo. No. 321 SSD 24
The People &c. ex rel. Willie
DeLeon,
Appellant,
v.
Israel Rivera, as Superintendent
of Coxsackie Correctional
Facility,
Respondent.

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

2 Mo. No. 103
Andre Greene, &c.,
Appellant,
v.
City of New York,
Respondent.

Motion for leave to appeal dismissed upon
the ground that it does not lie (see
CPLR 5602).
Motion for poor person relief dismissed
as academic.

Mo. No. 102
In the Matter of Cheryl S.
Hemmelgarn,
Appellant.
Commmisioner of Labor,
Respondent.

Motion for reargument of motion for leave
to appeal denied.

1-14 Mo. No. 98
HJA Holdings, Inc.,
Appellant,
v.
Esquire Deposition Services,
LLC,
Respondent.

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

Mo. No. 337 SSD 26
In the Matter of Steve Johnson,
Appellant,
v.
Hon. Gregory Carro, &c., et al.,
Respondents.

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

3-10 Mo. No. 46
In the Matter of Daniel Jones,
Appellant,
v.
New York State Division of
Parole,
Respondent.

Motion for leave to appeal dismissed upon
the ground that the issues presented have
become moot.
Motion for poor person relief dismissed
as academic.

2-10 Mo. No. 77
In the Matter of Ayana Jean L.
(Anonymous).

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

Administration for Children's
Services,
Respondent;
Sandra Jean L. (Anonymous),
Respondent;
Phillip Jean L. (Anonymous),
Appellant.

Mo. No. 145
In the Matter of Olivia S. Leach,
Appellant,
v.
Jason Santiago,
Respondent.
(And Two Other Related
Proceedings.)

Motion for reargument of motion for leave
to appeal denied.

1-10 Mo. No. 128
In the Matter of Alysha M. and
Another, &c.,
Mario M.,
Respondent,
Iowla M.,
Appellant,
Administration for Children's
Services,
Respondent.

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

2-10 Mo. No. 92
In the Matter of Felix M.
(Anonymous).

Motion for leave to appeal dismissed for failure to demonstrate timeliness as required by section 500.22(b)(2) of this Court's Rules of Practice.

Robert Ernest D. (Anonymous),
Respondent;
Felix Gilberto M. (Anonymous),
Appellant.

2-10 Mo. No. 148
Arnold Marshel,
Appellant,
v.
Thomas F. Farley,
Respondent,
et al.,
Defendants.

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

2-11 Mo. No. 91
In the Matter of Jeffrey McG.
(Anonymous),
Appellant.

Motion for leave to appeal dismissed for failure to demonstrate timeliness as required by section 500.22(b)(2) of this Court's Rules of Practice.

2-13 Mo. No. 108
State of New York, et al.,
Respondents,
v.
White Oak Co., LLC, et al.,
Appellants.

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

Mo. No. 322 SSD 25
In the Matter of Arnaldo R.
Anonymous, A Person Alleged to
be a Juvenile Delinquent,
Respondent.
Presentment Agency,
Appellant.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that the two-justice dissent at the Appellate Division is not on a question of law (CPLR 5601[a]).

1-10 Mo. No. 233
In the Matter of Esta Ress,
et al.,
Appellants,

For the Appointment of a
Guardian of the Person and
Property of Ada Leventhal,
Deceased,
Respondent.

Motion for reargument of motion for leave
to appeal denied.

4-10 Mo. No. 236
In the Matter of Thomas Riley,
Appellant,
v.
Ronald W. Moscicki, &c.,
Respondent.

Motion for reargument denied.
Motion for poor person relief dismissed
as academic.

2-10 Mo. No. 153
In the Matter of Jose Rivera,
Appellant,
v.
Glenn S. Goord, &c.,
Respondent.

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

3-10 Mo. No. 1339
Ebony Robinson, &c.,
Appellant,
v.
Marino E. Scafidi, et al.,
Defendants,
Joseph Van Alphen,
Respondent.

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

3 Mo. No. 36
In the Matter of Michael
Rodriguez,
Appellant,
v.
New York State Division of
Parole,
Respondent.

On the Court's own motion, appeal
dismissed, without costs, upon the ground
that the order appealed from does not
finally determine the proceeding within
the meaning of the Constitution.
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.

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Mo. No. 292 SSD 23
Midori Shimamoto, &c., et al.,
Respondents,
v.
S&F Warehouses, Inc., et al.,
Defendants,
Simon, Meyrowitz, Meyrowitz &
Schlussel,
Appellant.
(And a Third-Party Action.)

Appeal dismissed without costs, by the Court sua sponte, upon the ground that the State Constitution (art VI, § 3[b][3], [4]) and the CPLR (CPLR 5601[c]; 5602[b][1]) do not authorize a grant of leave to defendant on a certified question in these circumstances (see *Maynard v Greenberg*, 82 NY2d 913 [1994]).

3-10 Mo. No. 130
In the Matter of the Estate of
William W. Stiefel, Deceased.
Kimberly Messer, as Administrator
of the Estate of William W.
Stiefel, Deceased,
Appellant;
Frederick W. Stiefel, 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.

2-13 Mo. No. 84
Juanito Sy,
Appellant,
v.
Elena Kopet et al.,
Respondents.

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

3-10 Mo. No. 151
The People &c. ex rel. Hilbert
Tunstall,
Appellant,
v.
David L. Miller, as Superinten-
dent of Eastern Correctional
Facility,
Respondent.

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

