

MARCH 20, 2008

CASES

1	No. 39	Order affirmed, with costs.
Byblos Bank Europe, S.A.,	Appellant,	Opinion by Judge Pigott.
v.		Chief Judge Kaye and Judges Ciparick,
Sekerbank Turk Anonym Syrketi,	Respondent.	Graffeo, Read, Smith and Jones concur.
2	No. 41	Order reversed, with costs, third-party
Cedric Fleming et al.,	Plaintiffs,	defendant's motion for summary judgment
v.		dismissing the third-party complaint
Thomas Graham, et al.,	Defendants.	granted and certified question answered
-----		in the negative.
Thomas Graham, et al.,		Opinion by Judge Jones.
Third-Party Respondents,		Chief Judge Kaye and Judges Ciparick,
v.		Graffeo, Read, Smith and Pigott concur.
Pinstripes Garment Services, LLC,		
Third-Party Appellant.		
2	No. 34	Order modified, with costs to the State,
Brian R. McCurdy,	Respondent,	by remitting to the Court of Claims for
v.		further proceedings in accordance with the
State of New York,	Appellant.	opinion herein and, as so modified,
		affirmed.
		Opinion by Judge Read.
		Chief Judge Kaye and Judges Ciparick,
		Graffeo, Smith, Pigott and Jones concur.

MOTIONS

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3-10 Mo. No. 111
In the Matter of Baldwin Research
Institute, Inc.,
Respondent,
v.
Assessors of the Town of
Amsterdam et al.,
Appellants,
et al.,
Respondent.
(And 11 Other Related
Proceedings.)

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

Mo. No. 309 SSD 10
In the Matter of Joshua
Bernstein, a Disbarred Attorney,
Appellant.
Grievance Committee for the
Second and Eleventh Judicial
Districts,
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.

3-14 Mo. No. 152
In the Matter of Isaiah Brown,
Appellant,
v.
Glenn S. Goord, &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 and is not an order of the
type provided for in CPLR 5602(a)(2).
Motion for poor person relief dismissed
as academic.

3-10 Mo. No. 63
The People &c.,
Respondent,
v.
William J. Coleman,
Appellant.

Motion for leave to appeal denied.

Mo. No. 343 SSD 15
In the Matter of Kent W.
Davenport,
Respondent,
v.
Jeffrey Stein,
Appellant.

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

3 Mo. No. 134
The People &c. ex rel. Woodrow
Flemming,
Appellant,
v.
R. Woods, &c.,
Respondent.
Franklin Co. Index No. 06-1102

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.

Mo. No. 321
The People &c.,
Appellant-Respondent,
v.
Alfred Ford,
Respondent-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 respondent-appellant on the appeal herein.

2-13 Mo. No. 133
Raul Garcia et al.,
Appellants,
v.
Peter Pepe, Jr., et al.,
Respondents,
et al.,
Defendants.
(And a Third-Party Action.)

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

Mo. No. 307
In the Matter of Dominick
Giaquinto,
Appellant,
v.
Commissioner of New York State
Department of Health,
Respondent,
et al.,
Respondent.

Motion by Peter Vollmer, Esq. for leave to appear amicus curiae on the appeal herein granted only to the extent that a revised brief, with the motion exhibits attached thereto, may be served and filed. Three copies of such brief must be served and an original and 24 copies filed within seven days.

Mo. No. 347
In the Matter of Dominick
Giaquinto,
Appellant,
v.
Commissioner of New York State
Department of Health,
Respondent,
et al.,
Respondent.

Motion by National Center for Law and Economic Justice, Inc. for leave to appear amicus curiae on the appeal herein granted only to the extent that the proposed brief is accepted as filed. Three copies of the brief must be served and an original and 24 copies filed within seven days.

Mo. No. 342
In the Matter of Dominick
Giaquinto,
Appellant,
v.
Commissioner of New York State
Department of Health,
Respondent,
et al.,
Respondent.

Motion by Empire Justice Center for leave to appear amicus curiae on the appeal herein granted only to the extent that the proposed brief is accepted as filed. Three copies of the brief must be served and an original and 24 copies filed within seven days.

3-10 Mo. No. 79
In the Matter of William J.
Gormley,
Appellant,
v.
New York State Ethics Commission,
Respondent.

Motion for leave to appeal granted.

Mo. No. 331
Elaine Pachter,
Respondent,
v.
Bernard Hodes Group, Inc.,
Appellant.

Motion by National Retail Federation for leave to appear amicus curiae on consideration of the certified questions herein granted only to the extent that the proposed brief is accepted as filed. Two copies of the brief must be served and 24 copies filed within seven days.

Mo. No. 345
Elaine Pachter,
Respondent,
v.
Bernard Hodes Group, Inc.,
Appellant.

Motion by Securities Industry and Financial Markets Association for leave to appear amicus curiae on consideration of the certified questions herein granted only to the extent that the proposed brief is accepted as filed. Two copies of the brief must be served and 24 copies filed within seven days.

Mo. No. 306
The People &c.,
Appellant,
v.
Andrew Packer,
Respondent.

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 respondent on the appeal herein.

2-10 Mo. No. 140
Theodore Petties,
Appellant,
v.
New York City Housing Authority,
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.

Mo. No. 308 SSD 11
Matter of Ignacio Reynoso,
Appellant,
v.
Robert Dennison, Acting Chairman
New York State Division of
Parole,
Respondent.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that the October 29, 2007 letter appealed from is not a judgment or an order from which an appeal to this Court may be taken (see CPLR 5512[a]; 5601).

3-10 Mo. No. 158
Norman D. Rosenberg,
Appellant,
v.
Eileen S. Sack, also known as
Leeny Sack,
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.

3-14 Mo. No. 97
In the Matter of Saratoga Lake
Protection and Improvement
District et al.,
Appellants,
et al.,
Petitioners,
v.
Department of Public Works of The
City of Saratoga Springs, et al.,
Respondents.

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

4-10 Mo. No. 138
The People &c. ex rel. Leighton
Spaulding,
Appellant,
v.
Harold Graham, &c.,
Respondent.

Motion for leave to appeal denied.

Mo. No. 317
In the Matter of the People of
the State of New York, by Eliot
Spitzer, as Attorney General,
Respondent-Appellant,
v.
Applied Card Systems, Inc.,
et al.,
Appellants-Respondents.

Motion by Attorney General of the State of Vermont, et al. for leave to file a brief amici curiae on the appeal herein granted. Three copies of the brief must be served and an original and 24 copies filed within seven days.

3-10 Mo. No. 115
State Farm Mutual Automobile
Insurance Company, &c.,
Respondent,
v.
Croyle Enterprises, Inc., &c.,
Appellant.

Motion for leave to appeal dismissed upon the ground that Croyle Enterprises, Inc. must appear by attorney (see CPLR 321[a]), and Damian Croyle, who is not an attorney, may not act as its authorized legal representative.

1-13 Mo. No. 1291
Superb General Contracting Co.,
Appellant,
v.
The City of New York et al.,
Respondents,
Amherst Rehab Associates, Inc.
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.

1 Mo. No. 34
Wadsworth Avenue Associates,
Appellant,
v.
Kenneth L. Maynard,
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. 130
Pamela Weadick et al.,
Appellants,
v.
Carol Anne Herlihy,
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.

3-10 Mo. No. 28
Windy Ridge Farm, et al.,
Appellants,
v.
Assessor of the Town of
Shandaken, et al.,
Respondents.

Motion for leave to appeal granted.