

MARCH 25, 2008

CASES

3	No.	37	Judgment affirmed, with costs.
In the Matter of Disney			Opinion by Chief Judge Kaye.
Enterprises, Inc., et al.,			Judges Ciparick, Graffeo, Read, Pigott
		Appellants,	and Jones concur.
		v.	Judge Smith concurs in result in an
Tax Appeals Tribunal of the			opinion.
State of New York et al.,			
		Respondents.	
1	No.	29	Order reversed, defendant's motion to
The People &c.,		Respondent,	suppress granted to the extent of
		v.	suppressing the drugs recovered and
Azim Hall,		Appellant.	indictment dismissed.
			Opinion by Judge Graffeo.
			Chief Judge Kaye concurs.
			Judge Ciparick concurs in result in an
			opinion in which Judge Jones concurs.
			Judge Smith dissents and votes to affirm
			in an opinion in which Judges Read and
			Pigott concur.
2	No.	24	Order, insofar as appealed from, reversed,
Monroe Yale Mann,		Respondent,	with costs, and complaint dismissed in its
		v.	entirety.
Bernard Abel et al.,		Appellants,	Opinion by Judge Pigott.
et al.,		Defendants.	Chief Judge Kaye and Judges Ciparick,
			Graffeo, Read, Smith and Jones concur.

1 No. 40
In the Matter of 9th & 10th
Street L.L.C.,
 Respondent,
 v.
Board of Standards and Appeals of
the City of New York,
 Appellant.

Order reversed, with costs, and judgment
of Supreme Court, New York County,
reinstated.
Opinion by Judge Smith.
Chief Judge Kaye and Judges Ciparick,
Grafteo, Read, Pigott and Jones concur.

2 No. 42
The People &c.,
 Respondent,
 v.
Joseph Windham,
 Appellant.

Order affirmed, without costs, in a
memorandum.
Chief Judge Kaye and Judges Ciparick,
Grafteo, Read, Smith, Pigott and Jones
concur.

MOTIONS

- 3 -

Mo. No. 169
In the Matter of Amber A. and
Andrew V.

Erie County Department of Social
Services,
Respondent;
Steven V., II,
Respondent;
Kathy A.,
Appellant.
(And Another Related Proceeding.)

Motion for leave to appeal dismissed upon
the ground that the orders sought to be
appealed from do not finally determine
the proceedings within the meaning of the
Constitution.
Motion for poor person relief dismissed as
academic.

4-14 Mo. No. 344
In the Matter of George P.
Alessio, Jr.,
Appellant-Respondent,
v.
Paul G. Carey,
Respondent-Appellant,
Helen M. Kiggins, Edward J.
Szczeniak and Onondaga County
Board of Elections,
Respondents.

Motion by appellant-respondent Alessio for
leave to appeal denied.
Motion by appellant-respondent Alessio for
a stay dismissed as academic.
Motion by respondent-appellant Carey for
leave to appeal denied.

Mo. No. 337 SSD 13
In the Matter of Anonymous,
an Applicant for Admission
to the Bar,
Appellant.

Appeal dismissed without costs, by the
Court sua sponte, upon the ground that
it is untimely (see CPLR 5513[a]).

2-13 Mo. No. 123
Abul Kaylam Azad et al.,
Appellants,
v.
270 5th Realty Corp., et al.,
Respondents.

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

2-13 Mo. No. 78
Melissa Ballas,
Appellant,
v.
Occupational and Sports Medicine
of Brookhaven, P.C., 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.

3-10 Mo. No. 85
David Beneke, Individually and as
Trustee of the J. David Beneke
Trust,
Appellant,
v.
Town of Santa Clara, et al.,
Respondents.

Motion for leave to appeal denied.

4-10 Mo. No. 150
The People &c. ex rel. Frederic
C. Carpenter,
Appellant,
v.
Michael Corcoran,
Respondent.

Motion for leave to appeal denied.

2-10 Mo. No. 55
In the Matter of Chase Partners,
LLC,
Respondent,
v.
Incorporated Village of Rockville
Centre et al.,
Appellants.
(And Another Proceeding.)

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

1-10 Mo. No. 144
The People &c.,
Respondent,
v.
Eliezer Cintron,
Appellant.

Motion for leave to appeal denied on the
ground that an appeal lies as of right.
Motion for poor person relief dismissed as
academic.

1-10 Mo. No. 146
Wilma Clark,
Appellant,
v.
New York City Transit Authority
et al.,
Respondents.

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

1-10 Mo. No. 147
Gerard Egan,
Appellant,
v.
Monadnock Construction, Inc.,
Respondent.

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

3- Mo. No. 170
The People &c. ex rel. Ronald J.
Hall,
Appellant,
v.
Deborah L. Keysor, &c.,
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. Motion for poor person relief dismissed as academic.

3-10 Mo. No. 127
In the Matter of Jonathan J.,
&c.
Broome County Department of
Social Services,
Respondent;
Leslie J.,
Appellant.

Motion for leave to appeal denied.

1-13 Mo. No. 46
Roger Jazilek,
Appellant,
v.
Abart Holdings LLC,
Respondent.

Motion for leave to appeal granted.

4-10 Mo. No. 87
The People &c., Respondent,
v.
Clarence A. Johnson,
Appellant.

Motion for leave to appeal granted.

2-10 Mo. No. 135
The People &c., Respondent,
v.
Stephen Kelemen,
Appellant.

Motion for leave to appeal dismissed upon the ground that no civil appeal lies from the order of the Appellate Division entered in this criminal action (see NY Const, art VI, 3[b]; CPLR 5602; CPL 450.90).
Motion for poor person relief dismissed as academic.

Mo. No. 348 SSD 16
The People &c., Respondent,
v.
Ina V. Kurz,
Appellant.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that no civil appeal lies from the order entered in this criminal action (see NY Const, art VI, 3[b]; CPLR 5601; CPL 450.70; CPL 450.90).

1-10 Mo. No. 141
In the Matter of Pedro Jason
William M., et al., &c.
Pedro M., Appellant,
Episcopal Social Services, 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.
Motion for poor person relief dismissed as academic.

1 Mo. No. 200
In the Matter of John Vera
Moreno, Appellant,
v.
Office of the Special Narcotics
Prosecutor, Respondent.

Motion for leave to appeal denied.

3-10 Mo. No. 132
In the Matter of Board of
Education of the New Paltz
Central School District,
Appellant,
v.
Michelle C. Donaldson, &c. et
al.,
Respondents.

Motion by the New York State School Boards
Association for leave to file a brief
amicus curiae on the motion for leave to
appeal herein granted and the brief is
accepted as filed.

3-10 Mo. No. 74
In the Matter of Board of
Education of the New Paltz
Central School District,
Appellant,
v.
Michelle C. Donaldson, &c. et
al.,
Respondents.

Motion for leave to appeal denied.

1-10 Mo. No. 108
In the Matter of Breeyanna S.,
&c.
Sidney S.,
Appellant,
Necola F.,
Respondent,
Administration for Children's
Services,
Respondent.

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

2-13 Mo. No. 104
Silberstein, Awad & Miklos, P.C.,
Respondent,
v.
Spencer, Maston & McCarthy, LLP,
Appellant.

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. 145
In the Matter of Suffolk Regional
Off-Track Betting Corporation,
Respondent-Appellant,
v.
New York State Racing and
Wagering Board, et al.,
Appellants-Respondents.
(And Four Other Related
Proceedings.)

Motion by the Saratoga Harness
Horsepersons' Association for leave to
file a memorandum of law amicus curiae
on the motions for leave to appeal herein
granted and the memorandum of law is
accepted as filed.

3-14 Mo. No. 50
In the Matter of Suffolk Regional
Off-Track Betting Corporation,
Respondent-Appellant,
v.
New York State Racing and
Wagering Board, et al.,
Appellants-Respondents.
(And Four Other Related
Proceedings.)

Motions for leave to appeal granted.

3-10 Mo. No. 95
Norman Torres et al.,
Appellants,
v.
Mazzone Administrative Group,
Inc.,
Respondent.

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

Mo. No. 363 SSD 18
The People &c.,
Respondent,
v.
Ernest W. Vann,
Appellant.

Appeal dismissed without costs, by the
Court sua sponte, upon the ground that
no civil appeal lies from the order of the
Appellate Division entered in this
criminal proceeding (see NY Const, art
VI, 3[b]; CPLR 5601; CPL 450.90).

3-14 Mo. No. 1
In the Matter of Abraham XX.,
Deceased.

Motion for leave to appeal granted.
Judge Graffeo took no part.

Kathleen XX., as Administrator of
the Estate of Abraham XX.,
Deceased,

Appellant;

State of New York,

Respondent.