

NOVEMBER 15, 2007

CASES

1	No. 144		Order reversed, defendant's plea vacated and case remitted to Supreme Court, New York County, for further proceedings on the indictment. Opinion by Chief Judge Kaye. Judges Ciparick, Graffeo and Jones concur. Judge Pigott dissents and votes to affirm in an opinion in which Judges Read and Smith concur.
The People &c.,		Respondent,	
v.			
Anthony Hill,		Appellant.	
	No. 155		Order affirmed, with costs, and certified question answered in the affirmative. Opinion by Judge Pigott. Judges Ciparick, Graffeo, Read, Smith and Jones concur. Chief Judge Kaye took no part.
Erno Nussenzweig,		Appellant,	
v.			
Philip-Lorca diCorcia, et al.,		Respondents.	
	No. 141		Following certification of a question by the United States Court of Appeals for the Second Circuit and acceptance of the question by this Court pursuant to section 500.27 of the Rules of Practice of the New York State Court of Appeals, and after hearing argument by counsel for the parties and consideration of the briefs and the record submitted, certified question answered under the circumstances of this case in the affirmative. Opinion by Judge Jones. Chief Judge Kaye and Judges Ciparick, Graffeo, Read, Smith and Pigott concur.
USCOA,2			
Donald J. O'Mara III, Patrick L. O'Mara Sr., and Absolute Property Management, Inc.,		Respondents,	
v.			
Town of Wappinger,		Appellant.	

MOTIONS

- 3-

Mo. No. 1243
In the Matter of Adult Home at
Erie Station, Inc.,
Respondent,
v.
Assessor and Board of Assessment
Review of City of Middletown et
al.,
Appellants.

Motion by New York Association of Homes
and Services for the Aging 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.
Cross motion to strike denied.

Mo. No. 1199
The People &c.,
Respondent,
v.
Brandon Allen,
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.

2-10 Mo. No. 1022
The People, &c.,
Respondent,
v.
Steven Arnold,
Appellant.

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

1 Mo. No. 1082
In the Matter of Susan Baba,
Appellant,
v.
Martin Evans, New York State
Division of Housing and
Community Renewal, 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.

2-10 Mo. No. 1104
In the Matter of Benjamin
Bernstein, Deceased.
Anita Bernstein,
Appellant;
Simon Lopata,
Respondent.

Motion for leave to appeal denied.

2-10 Mo. No. 1070
Executive Towers at Lido, LLC,
et al.,
Appellants-Respondents,
v.
City of Long Beach et al.,
Respondents-Appellants.

Motions for leave to appeal denied.

Mo. No. 1228
The People &c.,
Respondent,
v.
Gary Freycinet,
Appellant.

Motion for assignment of counsel granted
and Lynn W.L. Fahey, Esq., Appellate
Advocates, 2 Rector Street, 10th Floor,
New York, NY 10006 assigned as counsel to
the appellant on the appeal herein.

3-10 Mo. No. 1036
In the Matter of Linda Gardner,
Appellant,
v.
Niskayuna Central School
District et al.,
Respondents.

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

Mo. No. 1257
The People &c.,
Appellant-Respondent,
v.
Raymond C. George,
Respondent-Appellant.

Motion for assignment of counsel granted
and David J. Wukitsch, Esq., c/o McNamee
Lochner Titus & Williams, P.C., 677
Broadway, Albany, NY 12207 assigned as
counsel to the respondent-appellant on the
appeal herein.

Mo. No. 1173
The People &c.,
Respondent,
v.
Fatin Johnson,
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.

4-10 Mo. No. 1034
In the Matter of Gail Murtaugh,
&c., et al.,
Appellants,
v.
New York State Department of
Environmental Conservation, 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.

3-10 Mo. No. 993
In the Matter of Ronnie Ramroop,
Appellant,
v.
Flexo-Craft Printing, Inc. et
al.,
Respondents.
Workers' Compensation Board,
Respondent.

Motion for leave to appeal granted.

Mo. No. 1194
Oleg Rivkin,
Appellant,
v.
Century 21 Teran Realty LLC,
Andrew Peck, Chloe Dresser and
Joshua Luborsky,
Respondents,
et al.,
Defendants.

Motion by New York State Association of
Realtors, Inc. for leave to file a brief
amicus curiae on consideration of the
certified question herein granted and the
proposed brief is accepted as filed. Two
copies of the brief must be served and 24
copies filed within seven days.

4-10 Mo. No. 1098
In the Matter of Rochester City
School District,
Appellant,
v.
Rochester Teachers Association,
&c. et al.,
Respondents.

Motion for leave to appeal denied.

3-10 Mo. No. 1086
Richard G. Sprague II et al.,
Appellants,
v.
State of New York,
Respondent.

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

1-11 Mo. No. 1026
The People &c. ex rel. Boris
Teichman,
Appellant,
v.
Brian Riordan, Warden,
Respondent.

Motion for reargument denied.

3-10 Mo. No. 1073
In the Matter of Donell
Washington,
Appellant,
v.
Robert Dennison, &c.,
Respondent.

Motion for leave to appeal denied.

2-10 Mo. No. 1028
Debra Weissman,
Appellant,
v.
Ronald Weissman,
Respondent.

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