

NOVEMBER 20, 2008

CASES

USCOA2 No. 163
Briggs Avenue LLC,
 Appellant,
 v.
Insurance Corporation of
Hannover,
 Respondent.

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 in the affirmative. Opinion by Judge Smith. Chief Judge Kaye and Judges Ciparick, Graffeo, Read, Pigott and Jones concur.

1 No. 168
The People &c.,
 Respondent,
 v.
Sheldon Ennis,
 Appellant.

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

1 No. 167
Robert M. Morgenthau, District
Attorney of New York County,
 Appellant,
 v.
Avion Resources Ltd., et al.,
 Respondents.

Order, insofar as appealed from, modified, with costs to plaintiff, by reinstating the complaint and, as so modified, affirmed, and certified question answered in the negative.
Opinion by Judge Ciparick.
Chief Judge Kaye and Judges Graffeo, Read, Smith, Pigott and Jones concur.

MOTIONS

- 3 -

3- Mo. No. 1066
In the Matter of James Adams,
Appellant,
v.
Donald Selsky, &c.,
Respondent.

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

Mo. No. 1166
The People &c.,
Respondent,
v.
Eric Bailey,
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.

3- Mo. No. 1041
In the Matter of Douglas B.
Bower,
Respondent,
v.
Board of Education, Cazenovia
Central School District, et al.,
Appellants.

Motion for leave to appeal dismissed upon
the ground that the order sought to be
appealed from does not finally determine
an action or proceeding within the meaning
of the Constitution.

Mo. No. 1165
The People &c.,
Respondent,
v.
Richard Brooks,
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.

3-10 Mo. No. 1016
In the Matter of Brooks Drugs,
Inc.,
Appellant,
v.
Board of Assessors of the City of
Schenectady, et al.,
Respondents.
(And Four Other Related
Proceedings.)

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

Mo. No. 1149
The People &c.,
Respondent,
v.
Michael J. Brown,
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.

Mo. No. 1235
The People &c.,
Respondent,
v.
Wayne Davis,
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.

Mo. No. 1178
Golden Gate Yacht Club,
Appellant,
v.
Societe Nautique De Geneve,
Respondent,
Club Nautico Espanol De Vela,
Intervenor-Defendant.

Motion by Reale Yacht Club Canottieri Savoia 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.

Mo. No. 1209
Kerusa Co. LLC,
Respondent,
v.
W10Z/515 Real Estate Limited
Partnership, et al.,
Appellants.

Motion by The Real Estate Board of New York, Inc. 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.

4-13 Mo. No. 1069
In the Matter of LCO Building
LLC, &c.,
Appellant,
v.
Bruna Michaux, &c. 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.

Mo. No. 1159
LMK Psychological Services, P.C.
et al.,
Respondents,
v.
State Farm Mutual Automobile
Insurance Company,
Appellant.

Motion by Government Employees Insurance Company et al. for leave to appear amici curiae on the appeal herein granted only to the extent that the proposed brief is accepted as filed.

Mo. No. 1162
The People &c.,
Respondent,
v.
Noel Marte,
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. 1065
Robert McCormick et al.,
Respondents,
v.
Sarah Pickert,
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 (see Karger, Powers of the New York Court of Appeals 5:3, at 109 [3d ed rev]).

3 Mo. No. 1048
In the Matter of Suzette
McFarlane,
Appellant,
Commissioner of Labor,
Respondent.

Motion for leave to appeal denied.

Mo. No. 1240
The People &c.,
Respondent,
v.
Daniel Meleance,
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.

4-14 Mo. No. 943

Motions for leave to appeal denied.

Susan Miller,

Appellant,

v.

Lorraine Richardson et al.,

Appellants,

Richmond Farms Dairy, LLC, &c.

et al.,

Respondents,

et al.,

Defendant.

George W. Rapson, Jr.,

Appellant,

v.

Lorraine Richardson et al.,

Appellants,

et al.,

Respondents.

2-14 Mo. No. 959

Motion for leave to appeal denied.

Joseph Mohen,

Respondent,

v.

Anna Mohen,

Appellant.

3-14 Mo. No. 1062

Motion for leave to appeal denied.

In the Matter of Stanley Moore,

Appellant,

v.

George B. Alexander, &c.,

Respondent.

3-14 Mo. No. 1056

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

Douglas Pearl,

Respondent,

v.

Sam Greco Construction, Inc.,

et al.,

Appellants,

et al.,

Defendant.

(And a Third-Party Action.)

Mo. No. 1266
TOA Construction Co., Inc.
Respondent,
v.
Michael Tsitsires,
Appellant,
et al.,
Respondents.

Motion by The National Alliance on Mental
Illness of New York City, Inc. 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.

3 Mo. No. 1071
The People &c. ex rel. Edward
VanSteenburg,
Appellant,
v.
Joseph Wasser, &c.,
Respondent.

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

1-10 Mo. No. 1063
Zulma Villalba,
Appellant,
v.
The New York City Department of
Education, et al.,
Respondents.

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

1-10 Mo. No. 1064
Zulma Villalba,
Appellant,
v.
The New York City Department of
Education, et al.,
Respondents.

Motion by the Council of School
Supervisors and Administrators for leave
to file a brief amicus curiae on the
motion for leave to appeal herein granted
and the brief is accepted as filed.

4-10 Mo. No. 955
The People &c.,
Respondent,
v.
Harold Wilkes,
Appellant.

Motion for leave to appeal denied.

