

OCTOBER 28, 2008

CASES

1 No. 182
Jean Boudreaux, et al.,
 Appellants,
 v.
The State of Louisiana,
Department of Transportation,
et al.,
 Respondents.

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

2 No. 153
In the Matter of Brooklyn
Assembly Halls of Jehovah's
Witnesses, Inc.,
 Appellant,
 v.
Department of Environmental
Protection of the City of New
York, et al.,
 Respondents.

Order affirmed, with costs.
Opinion by Judge Read.
Chief Judge Kaye and Judges Ciparick and
Graffeo concur.
Judge Pigott dissents in an opinion in
which Judges Smith and Jones concur.

1 No. 218 SSM 25
Edward Cohen, et al.,
 Respondents,
 v.
Memorial Sloan-Kettering Cancer
Center, et al.,
 Appellants.

On review of submissions pursuant to
section 500.11 of the Rules, order
reversed, with costs, plaintiffs' cross
motion for summary judgment on their Labor
Law 240(1) claim denied, defendants'
motion for summary judgment dismissing the
Labor Law 240(1) claim granted, and
certified question answered in the
negative, in a memorandum.
Chief Judge Kaye and Judges Ciparick,
Graffeo, Read, Smith, Pigott and Jones
concur.

MOTIONS

- 3 -

Mo. No. 1015
The People &c.,
Respondent,
v.
Jorge Alcaraz,
Appellant.

Motion for leave to appeal from the order of the Appellate Term dismissed upon the ground that this Court does not have jurisdiction to entertain it (see CPLR 5602[a]).
Motion for poor person relief dismissed as academic.

3-10 Mo. No. 1051
In the Matter of Anonymous,
Appellant,
v.
New York State Office of Children
and Family Services, et al.,
Respondents.

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

3-10 Mo. No. 1028
The People &c. ex rel.
Christopher D. Ariola,
Appellant,
v.
Lawrence F. Sears, &c.,
Respondent.

Motion for leave to appeal denied.

4-10 Mo. No. 983
In the Matter of Louis Atkin,
Respondent,
v.
Board of Assessors and Board of
Assessment Review of Town of
Greece,
Appellants.

Motion for leave to appeal denied.

2-13 Mo. No. 527
Tricia Baron,
Plaintiff,
v.
Richard J. Grant,
Appellant,
First Union Auto Finance, Inc.,
Respondent.

Motion for leave to appeal dismissed upon the ground that movant has failed to show that the order sought to be appealed from is final as required by Rules of the Court of Appeals (22 NYCRR) 500.22(b)(3).

4-10 Mo. No. 945
Sally Ann Blazynski et al.,
Appellants,
v.
A. Gareleck & Sons, Inc., et al.,
Respondents,
et al.,
Defendants.

Motion, insofar as it seeks leave to appeal from the Appellate Division order that affirmed Supreme Court's order denying appellants' motion for leave to renew, dismissed upon the ground that such order does not finally determine the action within the meaning of the Constitution; motion for leave to appeal otherwise denied.

1-13 Mo. No. 1058
Stevi Brooks,
Respondent,
v.
Harley I. Lewin, Esq. et al.,
Defendants.

Curtis & Associates, P.C.,
Nonparty Appellant.

Motion, insofar as it seeks leave to appeal from that portion of the Appellate Division order that affirmed Supreme Court's order denying reargument, dismissed upon the ground that such portion of the order does not finally determine the action within the meaning of the Constitution; motion for leave to appeal otherwise denied.

1-10 Mo. No. 1047
The People &c.,
Respondent,
v.
Eugene Brown,
Appellant.

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

1-10 Mo. No. 996
In the Matter of Richard J.
Condon, &c.,
Respondent,
v.
The Inter-Religious Foundation
for Community Organization, Inc.,
Appellant.

On the Court's own motion, appeal dismissed, without costs, upon the ground that no substantial constitutional question is directly involved.
Motion for a stay dismissed as academic.

In the Matter of Richard J.
Condon, &c.,
Respondent,
v.
Lucius Walker, Jr.,
Appellant.

2-13 Mo. No. 912
Severino Cunha et al.,
Plaintiffs,
v.
City of New York,
Defendant.

Motion for leave to appeal granted.

City of New York,
Third-Party Respondent,
v.
Haks Engineers, P.C.,
Third-Party Appellant.

2-13 Mo. No. 940
John Curry,
Appellant,
v.
James A. Dollard et al.,
Respondents,
et al.,
Defendant.

Motion for leave to appeal denied with
one hundred dollars costs and necessary
reproduction disbursements.
Chief Judge Kaye took no part.

3-10 Mo. No. 1003
Albina Emanvilova, et al.,
Appellants,
v.
Joseph Pallotta et al.,
Respondents.

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.

In the Matter of American Transit
Insurance Company,
Respondent,
v.
Albina Emanvilova, et al.,
Appellants,
Igor Loktev,
Respondent,
Allstate Insurance Co.,
Proposed Additional Respondent.
(And Another Proceeding.)

3-10 Mo. No. 1068
Ernie Otto Corporation,
Appellant,
v.
Inland Southeast Thompson
Monticello, LLC,
Defendant,
Kim Hine, &c.,
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. 1019
ExxonMobil Corporation,
Appellant,
v.
Certain Underwriters at Lloyd's,
London et al.,
Respondents.

Motion by United Policyholders for leave to file a brief amicus curiae on the motion for leave to appeal herein granted and the brief is accepted as filed.

1-10 Mo. No. 969
ExxonMobil Corporation,
Appellant,
v.
Certain Underwriters at Lloyd's,
London et al.,
Respondents.

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

2-10 Mo. No. 1009
Joseph Fasano, &c.,
Appellant,
v.
Lucille DiGiacomo, &c. et al.,
Respondents.

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

Mo. No. 1128
In the Matter of Israel G.
Grossman,
Appellant,
v.
Departmental Disciplinary
Committee For the First Judicial
Department,
Respondent.

Motion for leave to appeal denied.

2-10 Mo. No. 1046
Debra Guzov, &c.,
Appellant,
v.
State of New York,
Respondent.

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

1-10 Mo. No. 1005
Mark Hynes,
Appellant,
v.
Sonido, Inc.,
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.

2- Mo. No. 1043
The People &c. ex rel. Erwin
Jackson,
Appellant,
v.
Nassau County Sheriff's
Department,
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.

3 Mo. No. 975
In the Matter of Mark James,
Appellant,
v.
Thomas Poole, &c., et al.,
Respondents.

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

2-11 Mo. No. 1024
In the Matter of Donna J.
(Anonymous),
Appellant.
Commissioner of the Department
of Social Services,
Respondent.

Motion for leave to appeal &c. denied.

2 Mo. No. 1108
In the Matter of Vincent Terio,
 Appellant,
 v.
Systems & Services Technologies,
Inc., &c.,
 Respondent.

Motion for reargument denied.

In the Matter of Tax Liens.
Vincent Terio,
 Appellant;
County of Putnam,
 Respondent.

1 Mo. No. 1091
3657 Realty Co., LLC,
 Respondent,
 v.
Ida Mae Jones,
 Appellant.

Motion for leave to appeal dismissed upon the ground that the Court of Appeals does not have jurisdiction to entertain this motion for leave to appeal from the order of the Appellate Division where the appeal to the Appellate Division was from an order entered on an appeal from another court (see NY Const, art VI, 3[b][7]; CPLR 5602[a]).