

SEPTEMBER 9, 2008

CASES

2                   No.    198   SSM 30  
In the Matter of Mary Ellis,  
                          Respondent,  
                  v.  
Kevin P. Mahon, &c. et al.,  
                          Appellants.

On review of submissions pursuant to section 500.11 of the Rules, order, insofar as appealed from, reversed, with costs, and petition dismissed in its entirety, in a memorandum. Chief Judge Kaye and Judges Ciparick, Graffeo, Read, Smith, Pigott and Jones concur.

1                   No.    194    SSM 24  
Victor Peri, et al.,  
                          Respondents,  
                  v.  
The City of New York,  
                          Appellant,  
LSL Services, Inc., et al.,  
                          Defendants.

On review of submissions pursuant to section 500.11 of the Rules, order affirmed, with costs, and certified question answered in the affirmative for the reasons stated in the memorandum at the Appellate Division (44 AD3d 526 [1st Dept 2007]). Chief Judge Kaye and Judges Ciparick, Graffeo, Read, Smith, Pigott and Jones concur.



MOTIONS

- 3 -

3                   Mo. No. 830  
The People &c. ex rel. Jimmie Lee  
Allen,  
                                  Appellant,  
                                  v.  
Joseph T. Smith, &c.,  
                                  Respondent.

Motion for leave to appeal denied.

2-10                Mo. No. 595  
In the Matter of Scott Artis,  
                                  Respondent,  
                                  v.  
Yolanda Artis,  
                                  Appellant.

Motion for leave to appeal denied.

                    Mo. No. 949  
AG Capital Funding Partners,  
L.P., et al.,  
                                  Appellants,  
                                  v.  
State Street Bank and Trust  
Company,  
                                  Respondent.  
(And Other Actions.)

Motion for reargument denied.

2-10                Mo. No. 798  
Larry Brookner,  
                                  Appellant,  
                                  v.  
New York Roadrunners Club,  
Inc., et al.,  
                                  Respondents.

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

1-13                Mo. No. 687  
Fred L. Cartha,  
                                  Appellant,  
                                  v.  
Omar Quinn et al.,  
                                  Respondents,  
High Class Limousine and Car  
Service Corp.,  
                                  Defendant.

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

1- Mo. No. 738  
The People &c. ex rel. Raul  
Coriano,  
Appellant,  
v.  
Warden, Riker's Island, et al.,  
Respondents.

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

4-10 Mo. No. 806  
The People &c. ex rel. Edgar  
Correa,  
Appellant,  
v.  
New York State Division of  
Parole,  
Respondent.

Motion for leave to appeal denied.

4-10 Mo. No. 787  
The People &c.,  
Respondent,  
v.  
Christopher Crooks,  
Appellant.

Motion for leave to appeal denied.

2-10 Mo. No. 753  
Carmen De La Cruz,  
Respondent,  
v.  
New York City Transit Authority  
et al.,  
Appellants.

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

2 Mo. No. 802  
Marjorie Desinor,  
Appellant,  
v.  
New York City Transit Authority,  
Respondent.

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



3                   Mo. No. 971  
In the Matter of Shawn Green,  
                                  Appellant,  
                  v.  
Donald Selsky, &c., et al.,  
                                  Respondents.

Motion for reargument of motion for leave  
to appeal denied.

2-10                Mo. No. 741  
Shikha Gulati,  
                                  Appellant,  
                  v.  
Dinesh Gulati,  
                                  Respondent.

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

2                   Mo. No. 915  
In the Matter of Vivian L.  
Hausch, &c.,  
                                  Appellant.

Motion for reargument of motion for leave  
to appeal denied.

4-13                Mo. No. 850  
In the Matter of Jim Ludtka  
Sporting Goods, Inc.,  
                                  Appellant,  
                  v.  
City of Buffalo School District  
et al.,  
                                  Respondents.

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

1-13                Mo. No. 725  
JPMorgan Chase Bank, N.A.,  
                                  Appellant,  
                  v.  
Rocar Realty Northeast, Inc.,  
                                  Respondent,  
Jefferson Valley Mall Limited  
Partnership,  
                                  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.

1-13 Mo. No. 714  
David A. Kipper, M.D.,  
Appellant,  
et al.,  
Plaintiff,  
v.  
NYP Holdings Co., Inc., &c.,  
Respondent.

Motion for leave to appeal granted.

4-14 Mo. No. 693  
In the Matter of Bert M., Jr.,  
and Charles M.  
-----  
Jefferson County Department of  
Social Services,  
Respondent;  
Bert M., Sr. and Margaret M.,  
Appellants.

Motions for leave to appeal denied.

1-13 Mo. No. 799  
In the Matter of Metrobuild  
Associates, Inc.,  
Respondent,  
v,  
Kenneth Nahoum, et al.,  
Appellants.

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

2-10 Mo. No. 672  
The People &c.,  
Respondent,  
v.  
Dwayne Middleton,  
Appellant.

Motion for leave to appeal granted.  
Motion for poor person relief granted.



1                   Mo. No. 670  
In the Matter of Michael  
Paccione,  
  Appellant,  
  v.  
Hon. Cheryl Chambers, &c., et  
al.,  
  Respondents.

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

2-10                Mo. No. 822  
The People &c.,  
  Respondent,  
  v.  
Wendell Patterson,  
  Appellant.

Motion for leave to appeal denied.

2-10                Mo. No. 751  
Owen J. Peterson et al.,  
  Appellants,  
  v.  
Commerce Street Properties, Inc.,  
  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.

2-10                Mo. No. 782  
The People &c.,  
  Respondent,  
  v.  
Leonides Rivera,  
  Appellant.

Motion for leave to appeal denied.

1                   Mo. No. 784  
In the Matter of Steven G.  
S. (Anonymous), &c.  
  
Departmental Disciplinary  
Committee for the First Judicial  
Department,  
  Respondent;  
Steven G. S. (Anonymous),  
  Appellant.

Motion for leave to appeal denied.

2-13 Mo. No. 705  
James Shovak, &c.,  
Appellant,  
v.  
Long Island Commercial Bank,  
Respondent.

Motion, insofar as it seeks leave to appeal from that part of the Appellate Division order that denied appellant's cross motion for leave to amend the complaint, 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.

4-10 Mo. No. 662  
In the Matter of the Application  
of the USA Niagara Development  
Corporation &c.  
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Settco, LLC,  
Appellant,  
v.  
USA Niagara Development  
Corporation,  
Respondent.

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

1-13 Mo. No. 667  
Sam Wyly,  
Appellant,  
v.  
Milberg Weiss Bershad & Schulman,  
LLP, et al.,  
Respondents.

Motion for leave to appeal granted.