

October 20, 2011

CASES

4 No. 175
The People &c.,
 Respondent,
 v.
Corey E. Becoats,
 Appellant.

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

2 No. 167
The People &c.,
 Appellant,
 v.
John Grant,
 Respondent.

Order affirmed.
Opinion by Judge Ciparick.
Chief Judge Lippman and Judges Pigott and Jones
concur.
Judge Graffeo dissents and votes to reverse in an
opinion in which Judges Read and Smith concur.

4 No. 165
The People &c.,
 Respondent,
 v.
Gregory Hill,
 Appellant.

Order modified by remitting to the Appellate
Division, Fourth Department, for further proceedings
in accordance with the opinion herein and, as so
modified, affirmed.
Opinion by Judge Graffeo.
Judges Read, Smith and Pigott concur.
Judge Ciparick dissents and votes to reverse in an
opinion in which Chief Judge Lippman and Judge
Jones concur.

4 No. 164
The People &c.,
 Respondent,
 v.
Shahid Muhammad,
 Appellant.

Order affirmed.
Opinion by Judge Graffeo.
Judges Read, Smith and Pigott concur.
Judge Ciparick dissents and votes to reverse in an
opinion in which Chief Judge Lippman and Judge
Jones concur.

1 No. 148
New York Coalition for Quality Assisted
Living, Inc.,
 Appellant,
 v.
MFY Legal Services, Inc., et al.,
 Respondents.

Order affirmed, without costs, in a memorandum.
Chief Judge Lippman and Judges Ciparick, Graffeo,
Pigott and Jones concur.
Judge Smith dissents in an opinion in which Judge
Read concurs.

1 No. 166
The People &c.,
 Respondent,
 v.
Edwin Santiago,
 Appellant.

Order reversed and a new trial ordered.
Opinion by Judge Pigott.
Chief Judge Lippman and Judges Ciparick, Graffeo,
Read, Smith and Jones concur.

1 No. 172
Allen Simon et al.,
 Respondents,
 v.
Sol M. Usher, et al.,
 Appellants,
Sheldon Alter, et al.,
 Respondents.

Order reversed, with costs, case remitted to the
Appellate Division, First Department, for
consideration of issues raised but not determined on
the appeal to that court, and certified question
answered in the negative.
Opinion by Judge Jones.
Chief Judge Lippman and Judges Ciparick, Graffeo,
Read and Smith concur.
Judge Pigott dissents and votes to affirm in an
opinion.

4 No. 176
The People &c.,
 Respondent,
 v.
Jason L. Wright,
 Appellant.

Order reversed and a new trial ordered.
Opinion by Judge Smith.
Chief Judge Lippman and Judges Ciparick, Graffeo,
Read, Pigott and Jones concur.

MOTIONS

3 Mo. No. 2011-784
In the Matter of 677 New Loudon
Corporation, &c.,
 Appellant,
 v.
State of New York Tax Appeals Tribunal et
al.,
 Respondents.

Motion for leave to appeal granted.

1 Mo. No. 2011-1113
Assured Guaranty (UK) Ltd., &c.,
 Respondent,
 v.
J.P. Morgan Investment Management Inc.,
 Appellant.

Motion by Securities Industry and Financial Markets Association 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. Two copies of the brief must be served and 19 copies filed within seven days.

1 Mo. No. 2011-1117
Assured Guaranty (UK) Ltd., &c.,
 Respondent,
 v.
J. P. Morgan Investment Management Inc.,
 Appellant.

Motion by New York State Common Retirement Fund 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. Two copies of the brief must be served and 19 copies filed within seven days.

3 Mo. No. 2011-874
City of Binghamton,
 Appellant,
 v.
Hawk Engineering, P.C.,
 Respondent.

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

2 Mo. No. 2011-733
Joan Brannan,
 Appellant,
 v.
Joseph D. Korn, et al.,
 Respondents,
et al.,
 Defendants.

Motion for leave to appeal denied.

4 Mo. No. 2011-867
In the Matter of Paul A. Butler,
 Appellant,
 v.
Margaret E. Hess,
 Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2011-884
Junie Cherisol,
 Appellant,
 v.
Ephraim Resnik, &c.,
 Respondent.

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

2 SSD 44
In the Matter of Ronald J. Chisena, a
suspended attorney.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that no substantial constitutional question is directly involved.

Grievance Committee for the Tenth Judicial
District,
 Respondent,

Ronald J. Chisena,
 Appellant.

4 Mo. No. 2011-817

Clear Skies Over Orangeville,
Appellant,

v.

Town Board of Town of Orangeville, et al.,
Respondents,

Stoney Creek Energy LLC,
Intervenor-Respondent.

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

2 Mo. No. 2011-920

Daniel Costigan,
Respondent,

v.

Elizabeth A. Renner,
Appellant.

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

3 Mo. No. 2011-900

The People &c. ex rel. Paul J. D'Adamo,
Appellant,

v.

Dale Artus, &c., et al.,
Respondents.

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

3 Mo. No. 2011-887

In the Matter of Robert Davis,
Appellant,

v.

Brian Fischer, &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.

3 Mo. No. 2011-1109

The People &c.,
Respondent,

v.

Robert Guy Dickinson,
Appellant.

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

3 Mo. No. 2011-813
In the Matter of John Doe,
 Appellant,
 v.
Denise O'Donnell, &c.,
 Respondent.

Motion for leave to appeal denied.

3 Mo. No. 2011-835
Richard Doin et al.,
 Appellants,
 v.
J. David Dame, &c.,
 Respondent.

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

4 Mo. No. 2011-1048
Thomas E. Dombrowski,
 Respondent,
 v.
Raymond W. Bulson,
 Appellant.

Motion to vacate this Court's August 25, 2011 preclusion order granted.

3 Mo. No. 2011-906
In the Matter of Kathleen E.,
 Respondent,
 v.
Charles F.,
 Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2011-873
In the Matter of Alicia EE., &c.

Albany County Department for Children,
Youth and Families,
 Respondent;
Adam FF.,
 Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2011-836
In the Matter of County of Erie,
 Respondent,
 v.
Civil Service Employees Association, Local
815,
 Appellant.

Motion, insofar as it seeks leave to appeal from the Appellate Division order denying reargument or, in the alternative, leave to appeal to this Court, dismissed upon the ground that such order does not finally determine the proceeding within the meaning of the Constitution; motion for leave to appeal otherwise granted.

2 Mo. No. 2011-910
In the Matter of Isabel Gomez,
 Appellant,
 v.
New York State Division of Housing and
Community Renewal,
 Respondent.

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

1 Mo. No. 2011-902
Gotham Partners, L.P., et al.,
 Respondents,
 v.
High River Limited Partnership,
 Appellant.

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

2 Mo. No. 2011-1027
In the Matter of Bryant K. Hall,
 Appellant,
 v.
Stephen L. Braslow, &c.,
 Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2011-896
In the Matter of Samantha Jackson, &c., et al.,
Appellants,
v.
Newburgh Enlarged City School District,
Respondent.

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

2 Mo. No. 2011-917
Patricia Kane, &c., et al.,
Respondents,
v.
John F. Galtieri,
Appellant,
et al.,
Defendant.

On the Court's own motion, appeal dismissed, without costs, upon the ground that the order appealed from does not finally determine the action within the meaning of the Constitution.
Motion for poor person relief dismissed as academic.

2 Mo. No. 2011-912
In the Matter of Steven L. (Anonymous),
Appellant.

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

1 Mo. No. 2011-905
Laurence L. Leff, Ph.D., &c.,
et al.,
Appellants,
v.
TIAA-CREF Life Insurance Company,
Respondent.

Motion for reargument of motion for leave to appeal denied.

2 Mo. No. 2011-852
Marist College, &c., et al.,
Plaintiffs,
v.
Chazen Environmental Services, Inc.,
Defendant.

Chazen Environmental Services, Inc.,
Third-Party Appellant,
v.
Brush & Weaving Corporation, &c.,
Third-Party Respondent.

2 Mo. No. 2011-941
In the Matter of Stacey A. Martinez,
Appellant,
v.
Jeffrey Hyatt,
Respondent.

4 Mo. No. 2011-807
Joseph Matteliano et al.,
Respondents-Appellants,
v.
Joseph J. Skitkzi et al.,
Appellants-Respondents.

1 Mo. No. 2011-763
Molecular Securities, Inc.,
Appellant,
v.
TyraTech, 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.

Motion for leave to appeal denied.

Motions for leave to appeal denied.
Judge Pigott took no part.

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

2 Mo. No. 2011-935
In the Matter of Betty Nava,
 Appellant,
 v.
Frederick Kinsler, Sr.,
 Respondent.

Motion for leave to appeal denied.

3 Mo. No. 2011-838
In the Matter of State of New York,
 Respondent,
 v.
Mark S.,
 Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2011-850
In the Matter of the State of New York,
 Respondent,
 v.
Shannon S.,
 Appellant.

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

4 Mo. No. 2011-861
Niagara Falls Water Board,
 Appellant,
 v.
City of Niagara Falls,
 Respondent.

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

2 Mo. No. 2011-970
Barbara Osarczuk, et al.,
 Appellants,
 v.
Associated Universities, Incorporated, &c.,
 Respondent.
(And a Third-Party Action.)

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 Mo. No. 2011-846
Panatoz International Corp.,
 Respondent,
 v.
David Rozen et al.,
 Appellants,
Luis Zeiguer, et al.,
 Defendants.

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

1 Mo. No. 2011-1108
In the Matter of Stephen Rosenblum,
 Respondent,
 v.
The New York City Conflicts of Interest
Board, et al.,
 Appellants.

Motion by New York State United Teachers for leave to file a brief amicus curiae on the appeal herein granted and the proposed brief is accepted as filed. Three copies of the brief must be served and an original and 19 copies filed within seven days.

4 Mo. No. 2011-942
The People &c. ex rel. Ricky Smith,
 Appellant,
 v.
New York State Division of Parole,
 Respondent.

Motion for leave to appeal denied.

3 Mo. No. 2011-860
In the Matter of William B. Taylor,
 Appellant,
 v.
Rochester City School District
et al.,
 Respondents.
Workers' Compensation Board,
 Respondent.

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

1 Mo. No. 2011-1039
In the Matter of Terrace Court, LLC,
 Appellant,
 v.
New York State Division of Housing and
Community Renewal,
 Respondent,
Robert Katel, et al.,
 Intervenors-Respondents.

Motion to strike exhibits A1 - A9 to appellant's reply
brief denied.

3 Mo. No. 2011-886
In the Matter of John F. Van Amburgh,
 Appellant,
 v.
Edward D. Kinowski, et al.,
 Respondents.

Motion for leave to appeal denied.

1 Mo. No. 2011-815
Peter Voutsas,
 Appellant,
 v.
Blake N. Soper, et al.,
 Respondents.

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

1 Mo. No. 2011-921
Jennifer Walker,
 Appellant,
 v.
Insignia Douglas Elliman LLC &c.,
 Respondent,
Ira Berman,
 Defendant.

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

3 Mo. No. 2011-775
In the Matter of Jolynn W.,
 Appellant,
 v.
Vincent X.,
 Respondent.
(And Nine Other Related Proceedings.)

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

1 Mo. No. 2011-1103
The People &c.,
 Respondent,
 v.
Western Express International Inc., et al.,
 Defendants,
Lyndon Roach,
 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
appellant Lyndon Roach on the appeal herein.