

June 14, 2011

CASES

3 No. 107 Order affirmed, in a memorandum.
The People &c., Chief Judge Lippman and Judges
 Respondent, Ciparick, Graffeo, Read, Smith, Pigott
 v. and Jones concur.
Emar Abrams,
 Appellant.

2 No. 104 Order modified by remitting to Supreme
The People &c., Court, Kings County, for further
 Respondent, proceedings in accordance with the
 v. opinion herein and, as so modified,
Reynaldo Concepcion, affirmed.
 Appellant. Opinion by Judge Read.
 Chief Judge Lippman and Judges
 Ciparick, Graffeo and Jones concur.
 Judge Smith dissents and votes to
 affirm in an opinion in which Judge
 Pigott concurs.

2 No. 109 Order affirmed, with costs, in a
Congregation Rabbinical College memorandum.
of Tartikov, Inc., Chief Judge Lippman and Judges
 Respondent, Ciparick, Graffeo, Read, Smith and
 v. Pigott concur.
Town of Ramapo, et al., Judge Jones took no part.
 Appellants.

1 No. 178 SSM 18 On review of submissions pursuant to
Louise DiGiulio, &c., section 500.11 of the Rules, order
 Appellant, affirmed, with costs, in a memorandum.
 v. Chief Judge Lippman and Judges
Gran, Inc., &c., et al., Ciparick, Graffeo, Read, Smith, Pigott
 Respondents. and Jones concur.
(And a third-party action.)

4 No. 114
The People &c.,
 Respondent,
 v.
Jeffrey D. Gibson,
 Appellant.

Order affirmed, in a memorandum.
Chief Judge Lippman and Judges
Ciparick, Graffeo, Read, Smith, Pigott
and Jones concur.

1 No. 110
In the Matter of L&M Bus Corp.,
et al.,
 Respondents,
 v.
The New York City Department of
Education, et al.,
 Appellants,
Local 1181 of the Amalgamated
Transit Union,
 Intervenor-Appellant.

Order, insofar as appealed from,
modified, without costs, in accordance
with the opinion herein and, as so
modified, affirmed.
Opinion by Chief Judge Lippman.
Judges Ciparick, Graffeo, Read, Smith,
Pigott and Jones concur.

2 No. 183 SSM 12
The People &c.,
 Respondent,
 v.
Joseph R. (Anonymous),
 Appellant.

On review of submissions pursuant to
section 500.11 of the Rules, order
reversed, and case remitted to the
Appellate Division, Second Department,
with directions to dismiss the People's
appeal to that court. No statute
authorized the appeal by the People to
the Appellate Division from the County
Court judgment adjudicating defendant a
youthful offender.
Chief Judge Lippman and Judges
Ciparick, Graffeo, Read, Smith, Pigott
and Jones concur.

1 No. 105
Christakis Shiamili, &c.,
 Appellant,
 v.
The Real Estate Group of New
York, Inc., et al.,
 Respondents.

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

MOTIONS

1 SSD 21
1091 River Avenue LLC, et al.,
 Appellants,
 v.
Platinum Capital Partners, Inc.
 Respondent.

Appeal, insofar as taken from that portion of the Appellate Division order that affirmed so much of Supreme Court's order as dismissed the petition, dismissed without costs, by the Court sua sponte, upon the ground that no substantial constitutional question is directly involved; appeal otherwise dismissed without costs, by the Court sua sponte, upon the ground that the remainder of the Appellate Division order does not finally determine the proceeding within the meaning of the Constitution.

2 Mo. No. 2011-398
In the Matter of Damion R.
Barrett,
 Appellant,
 v.
Aleshia Maxwell Barrett,
 Respondent.
(And Another Proceeding.)

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

4 Mo. No. 2011-382
Eric Burton,
 Appellant,
 v.
Andrew C. Matteliano, M.D.,
 Defendant,
Niagara Frontier Transportation
Authority, et al.,
 Respondents.

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

4 Mo. No. 2011-419
In the Matter of Vincent E.D.G.

Motion for leave to appeal denied.

Monroe County Department of Human
Services,
Respondent;
Rozzie M.G.,
Appellant.

2 Mo. No. 2011-370
In the Matter of Robert B.-H.
(Anonymous).

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

Mercyfirst,
Appellant;
et al.,
Petitioner;
Robert H. (Anonymous),
Respondent.
(And Three Other Proceedings.)

2 Mo. No. 2011-395
In the Matter of Daniel T.-H.
(Anonymous).

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.

Alison Kamhi,
Respondent;
Mario T.-G. (Anonymous) et al.,
Respondents;
Westchester County Commissioner
of Social Services,
Nonparty-Appellant.

3 Mo. No. 2011-431
In the Matter of Agostino
Iacobellis,

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

Appellant,
v.
New York State and Local
Retirement System,
Respondent.

Mo. No. 2011-381
Phillip Johnson,
Appellant,
v.
Norman R. Bezio, &c.,
Respondent.

Motion for leave to appeal dismissed upon the ground that this motion does not properly lie to the Court of Appeals directly from the judgment of Supreme Court (see CPLR 5602).

1 Mo. No. 2011-424
The People &c. ex rel. Dominic
Larocco,
Appellant,
v.
Warden, &c., et al.,
Respondents.

Motion for leave to appeal denied.

2 Mo. No. 2011-518
Ross Lelin,
Respondent,
v.
Manohar K. Shrestha,
Appellant,
et al.,
Defendant.

Motion for leave to appeal dismissed upon the ground that it does not lie (see NY Const, art VI, § 3[b][7]; CPLR 5602[a]).

3 Mo. No. 2011-427
Jason McDonald,
Respondent,
v.
UICC Holding, LLC,
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.

2 Mo. No. 2011-413
County of Orange,
Appellant,
v.
Reclamation Inc. of Kingston,
et al.,
Respondents.

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

2 Mo. No. 2011-399
John Otto,
Appellant,
v.
Arnold Melman,
Respondent.

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

2 Mo. No. 2011-393
In the Matter of Prand Corp.,
et al.,
Respondents,
v.
Town Board of Town of East
Hampton,
Appellant.

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

3 Mo. No. 2011-404
In the Matter of Terry Quagliata,
Respondent,
v.
Starbucks Coffee et al.,
Appellants.
Workers' Compensation Board,
Respondent.

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

1 Mo. No. 2011-448
In the Matter of Oanfa Quan,
Appellant,
v.
New York City Department of
Housing Preservation and
Development, et al.,
Respondents.

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

1 Mo. No. 2011-372
R&R Capital LLC, et al.,
Respondents,
v.
Linda Merritt,
Appellant.
Hogan & Hartson, LLP,
Intervenor-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 Mo. No. 2011-430
In the Matter of R.I., Inc.,
et al.,
 Appellants,
 v.
New York State Department of
Labor, et al.,
 Respondents.

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

3 Mo. No. 2011-387
The People &c. ex rel. Michael
Aziz Zarif Shabazz &c.,
 Appellant,
 v.
Jerome J. Richards &c. et al.,
 Respondents.

Motion for leave to appeal denied.

3 Mo. No. 2011-401
In the Matter of Raymond C.
Smith,
 Respondent,
 v.
Albany County Sheriff's
Department et al.,
 Appellants.
Workers' Compensation Board,
 Respondent.

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 Mo. No. 2011-358
Valerie Spielman, et al.,
 Appellants,
 v.
Lawrence Carrino, et al.,
 Defendants,
Grace Gospel Church of Suffolk,
Inc.,
 Respondent.

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

3 Mo. No. 2011-440
Trump on the Ocean, LLC,
 Appellant,
 v.
State of New York,
 Respondent.

Motion, insofar as it seeks leave to appeal from that portion of the Appellate Division order that affirmed the Court of Claims order dismissing the claim, denied; motion for leave to appeal otherwise dismissed upon the ground that the remaining portions of the Appellate Division order sought to be appealed from do not finally determine the action within the meaning of the Constitution.

4 Mo. No. 2011-415
In the Matter of Imani D.W.

Monroe County Department of Human
Services,
 Respondent;
Christine W.,
 Appellant.

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

2 Mo. No. 2011-438
Thomas Watkins,
 Appellant,
 v.
Albert Martin,
 Respondent.

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