

September 15, 2011

CASE

No. 221

Germelia Joseph,
Respondent,

v.

George Athanasopoulos, Gus
Athanasopoulos, Peter Athanasopoulos,
Defendants,

HDMJ Restaurant, Inc.,
Appellant.

Certification of question by the United States Court of Appeals for the Second Circuit, pursuant to section 500.27 of this Court's Rules of Practice, accepted and the issues presented are to be considered after briefing and argument.

Chief Judge Lippman and Judges Ciparick, Graffeo, Read, Smith, Pigott and Jones concur.

MOTIONS

2 Mo. No. 2011-712
Solomon Abrahams,
Appellant,

v.

Commonwealth Land Title Insurance
Company, &c.,
Respondent.

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

3 Mo. No. 2011-704
Accurate Realty, LLC,
Respondent,

v.

Samuel C. Donadio, et al.,
Appellants.

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.

4 Mo. No. 2011-736
The People &c. ex rel. Anthony Bennett,
Appellant,

v.

Sibatu Khahaifa, &c.,
Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2011-562
Danielle Biton,
Appellant,
Crystal Biton, also known as Saphyre
Redford, &c.,
Plaintiff,

v.

Aloft Corporate Travel, Inc.,
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 action within the meaning of the Constitution.
Motion for ancillary relief denied.

2 Mo. No. 2011-563
Danielle Biton, et al.,
Appellants,
v.
Ameena Meer, 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 action within the meaning of the Constitution.
Motion for ancillary relief denied.

1 Mo. No. 2011-564
Crystal Biton, also known as Saphyre Redford, and Danielle Biton,
Appellants,
v.
State Farm Insurance Company,
et al.,
Respondents.

Motion for leave to appeal and ancillary relief denied.

1 Mo. No. 2011-566
Crystal Biton, also known as Saphyre Redford,
Appellant,
v.
Joe Turco, et al.,
Respondents.

Motion for leave to appeal and ancillary relief denied.

Mo. No. 2011-568
Danielle Biton,
Appellant,
v.
The State of New York, et al.,
Respondents.

Appeal transferred without costs, by the Court sua sponte, to the Appellate Division, First Department, upon the ground that a direct appeal does not lie where questions other than the constitutional validity of a statutory provision are involved (NY Const, art VI, § 3[b]; CPLR 5601[b][2]).

Saphyre Redford and Danielle Biton,
Appellants,
v.
AG Cuomo, et al.,
Respondents.

Motion for leave to appeal dismissed upon the ground that this Court does not have jurisdiction to entertain the motion (NY Const, art VI, § 3[b]; CPLR 5602[a]).
Motion for ancillary relief denied.

3 Mo. No. 2011-734
In the Matter of Stanley W. Bleeker,
Appellant,
v.
New York State Comptroller
et al.,
Respondents.

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

1 Mo. No. 2011-690
In the Matter of Mildred Block,
Appellant,
v.
Patricia L. Gatling, &c., et al.,
Respondents.

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

3 Mo. No. 2011-698
In the Matter of Johnnie Bunting Jr.,
Appellant,
v.
Brian Fischer, &c.,
Respondent.

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

2 Mo. No. 2011-685
In the Matter of Michael Buxenbaum, Jr.,
Respondent,
v.
Rachel Fulmer,
Appellant.

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

1 Mo. No. 2011-709
In the Matter of Jamiah Sharang C., &c.

Kamila N.,
Appellant,
Leake & Watts Services, Inc.
Respondent.

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

2 Mo. No. 2011-1035
The People &c.,
 Respondent,
 v.
Kevin Chestnut,
 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.

1 Mo. No. 2011-762
Ciampa Estates, LLC, et al.,
 Appellants,
 v.
Tower Insurance Company of New York,
 Respondent,
et al.,
 Defendants.

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

3 Mo. No. 2011-718
In the Matter of Kathleen M. Clark,
 Respondent,
 v.
Michael J. Clark,
 Appellant.

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.

4 Mo. No. 2011-944
Robin Custodi and John Custodi,
 Respondents,
 v.
Town of Amherst, et al.,
 Defendants,
Peter Muffoletto and Susan Muffoletto,
 Appellants.

Motion to vacate this Court's July 28, 2011 preclusion order granted.

4 Mo. No. 2011-654
In the Matter of Custom Topsoil, Inc. et al.,
 Appellants,
 v.
City of Buffalo,
 Respondent.

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

3 Mo. No. 2011-748
In the Matter of Maurice Daughtry,
 Appellant,
 v.
Norman Bezio, &c.,
 Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2011-628
Tom Dellis,
 Respondent,
 v.
John Dellis, et al.,
 Appellants.

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

3 Mo. No. 2011-696
In the Matter of Bernard J. Dobranski,
 Appellant,
 v.
Andrea W. Evans, &c.,
 Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2011-731
In the Matter of Arthur J. Elkan, Deceased.

Lynne H. Federman,
Appellant,
Peter Gold,
Petitioner,
v.
Marion R. Gerdus,
Respondent.

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

2 Mo. No. 2011-668
In the Matter of Christopher Ellison,
Appellant,

v.
Andrea Evans,
Respondent.

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.

4 Mo. No. 2011-630

John Ennis,
Appellant,
v.
State of New York,
Respondent.

Motion, insofar as it seeks leave to appeal from the March 9, 2011 Appellate Division order denying claimant's motion to vacate the dismissal of his appeal, dismissed upon the ground that such order does not finally determine the action within the meaning of the Constitution; motion, insofar as it seeks leave to appeal from the June 28, 2010 Appellate Division order, denied.

1 Mo. No. 2011-656

Kerwin Espino, &c., et al.,
Appellants,
v.
The New York City Board of Education,
Respondent,
et al.,
Defendant.

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

3 Mo. No. 2011-651

The People &c.,
Respondent,
v.
Luis Feliciano,
Appellant.

Motion for reargument denied.

4 Mo. No. 2011-705
In the Matter of Russell A. Ferrell, Sr.,
Respondent,

v.
Susan L. Ferrell,
Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2011-675

Jared T. Ferris,
Appellant,
v.
Mark M. Grogan,
Respondent.

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

1 Mo. No. 2011-683
In the Matter of C. Virginia Fields, et al.,
Respondents,

v.
New York City Campaign Finance Board,
Appellant.

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

2 Mo. No. 2011-700

Patrick J. Flynn, et al.,
Appellants,

v.
City of New York,
Defendant,
Hanus Simone, &c.,
Respondent.

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

2 Mo. No. 2011-708
Galasso, Langione & Botter, LLP, et al.,
 Respondents,
 v.
Thomas F. Liotti,
 Appellant.

Thomas F. Liotti,
 Third-Party Appellant,
 v.
Frederick K. Brewington,
 Third-Party Respondent.

Motion, insofar as it seeks leave to appeal from the April 2011 Appellate Division order imposing sanctions and so much of the February 2011 Appellate Division order as affirmed Supreme Court's order dismissing the third-party complaint and affirmed Supreme Court's order awarding sanctions in favor of third-party defendant Frederick K. Brewington, denied; motion for leave to appeal otherwise dismissed upon the ground that the remaining portions of the orders sought to be appealed from do not finally determine an action within the meaning of the Constitution.

4 Mo. No. 2011-716
The People &c.,
 Respondent,
 v.
Timothy P. Grady, Sr.,
 Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2011-770
In the Matter of Said Gssime,
 Appellant,
 v.
New York State Division of Parole,
 Respondent.

Motion for leave to appeal dismissed upon the ground that the issues presented have become moot.

4 Mo. No. 2011-820
In the Matter of Jane H.

Onondaga County Department of Social
Services,
 Respondent;
Susan H.,
 Appellant.

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

2 Mo. No. 2011-682
Patricia M. Kelly, &c.,
Appellant,
v.
Rudolph Giuliani, &c., et al.,
Respondents.

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

2 Mo. No. 2011-621
Michael D. Kranis, &c.,
Appellant,
v.
Dolores Biederbeck, &c.,
Respondent.

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

3 Mo. No. 2011-771
In the Matter of Adrian Lopez,
Appellant,
v.
Brian Fischer, &c., et al.,
Respondents.

Motion for leave to appeal denied.

1 Mo. No. 2011-786
Jeanne Marie Lusk,
Appellant,
v.
Kenneth J. Weinstein, Esq.,
Defendant,
Suzanne Parker, Esq.,
Respondent.

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

1 Mo. No. 2011-743
In the Matter of Jamoneisha M., &c.,

Ebony M.,
Appellant,
Administration for Children's Services,
Respondent.

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

4 Mo. No. 2011-797
In the Matter of Keyon M., et al.

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

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

4 Mo. No. 2011-726
In the Matter of Dominique M.,
Appellant.
Monroe County Attorney,
Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2011-691
In the Matter of Dexter Murray,
Appellant,
v.
Michael Pesce, &c., et al.,
Respondents.

Motion for leave to appeal denied.

1 Mo. No. 2011-655
N.J.R. Associates, &c.,
Appellant,
v.
Nicole Tausend, &c.,
Respondent.

Motion for leave to appeal granted.
Motion for a stay pending disposition of the appeal
granted.

2 Mo. No. 2011-777
Henry A. Platsky,
Appellant,
v.
Stanley Lave,
Respondent.

Motion for leave to appeal dismissed upon the
ground that this Court does not have jurisdiction to
entertain this motion for leave to appeal from the
order of the Appellate Division entered in this action
commenced in the Civil Court of the City of New
York (NY Const, art VI, § 3[b][7]; CPLR 5602[a]).

3 Mo. No. 2011-692
In the Matter of Ramiz Povataj,
Appellant,
v.
Norman R. Bezio, &c.,
Respondent.

Motion for leave to appeal denied.

4 Mo. No. 2011-837
Progressive Northeastern Insurance
Company,
Plaintiff,
v.
State Farm Insurance Companies, et al.,
Defendants,
Gabe's Auto,
Appellant,
Charter Oak Fire Insurance Company,
Respondent.

Motion for leave to appeal dismissed as untimely
(CPLR 5514[a]; 2103[b][2]; Engel v Lichterman, 62
NY2d 943 [1984]; Matter of Park E. Corp. v
Whalen, 38 NY2d 559 [1975]).

4 Mo. No. 2011-665
In the Matter of Thomas H. Rowe, et al.,
Appellants,
v.
Town of Chautauqua, et al.,
Respondents.

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

2 Mo. No. 2011-598
In the Matter of Ayela S. (Anonymous).

Administration for Children's Services,
Respondent;
Rosalie C. (Anonymous),
Appellant.
(And Another Proceeding.)

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.

2 Mo. No. 2011-676
Sovereign Bank,
Respondent,
v.
Oscar Calderone,
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. 2011-751
Specialized Realty Services, LLC,
Appellant,
v.
Town of Tuxedo, &c., et al.,
Respondents.

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

3 Mo. No. 2011-922
In the Matter of the Foreclosure of Tax Liens
by County of Sullivan.

County of Sullivan,
Respondent;
Judith Ann Fay et al.,
Appellants.

Motion for reargument of motion for leave to appeal denied.

2 Mo. No. 2011-735
In the Matter of Antoine T. (Anonymous).

Suffolk County Department of Social
Services,
Respondent;
April T. (Anonymous),
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2011-798
Steven Upsher,
 Appellant,
 v.
Subbaro V. Ramineni, M.D.,
et al.,
 Respondents.

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

1 Mo. No. 2011-623
Tirso Vincente,
 Appellant,
 v.
Silverstein Properties, Inc.,
et al.,
 Respondents.
(And a Third-Party Action.)

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

4 Mo. No. 2011-794
In the Matter of La'Derrick J.W. et al.

Motion for leave to appeal denied.

Jefferson County Department of Social
Services,
 Respondent;
Ashley W.,
 Appellant.

2 Mo. No. 2011-713
The People &c.,
 Appellant,
 v.
Christopher B. Washington,
 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.

1 Mo. No. 2011-565
Pinhas Zachery,
 Respondent,
 v.
Crystal Biton,
 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.
Motion for ancillary relief denied.

3 Mo. No. 2011-667
In the Matter of Hailey ZZ., &c.

Motion for leave to appeal granted.

Tompkins County Department of Social
Services,
 Respondent;
Ricky ZZ.,
 Appellant.