

June 12, 2012

CASES

1 No. 93
Admiral Insurance Company,
 Respondent-Appellant,
 v.
Joy Contractors, Inc., et al.,
 Respondents,
New York Crane & Equipment Company,
 Appellant-Respondent.

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

 No. 108
The People &c.,
 Respondent,
 v.
Brian Gammon,
 Appellant.

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

3 No. 110
In the Matter of Ithaca City School District,
 Appellant,
 v.
New York State Division of Human Rights et
al.,
 Respondents.

Order reversed, with costs, and order of Supreme Court, Tompkins County, reinstated.
Opinion by Judge Pigott.
Judges Graffeo, Read and Smith concur.
Judge Ciparick dissents and votes to affirm in an opinion in which Chief Judge Lippman and Judge Jones concur.

1 No. 104
The People &c.,
 Respondent,
 v.
Richard Kelley,
 Appellant.

Order modified by vacating the convictions for course of sexual conduct against a child in the first degree and endangering the welfare of a child, and ordering a new trial as to those counts, and, as so modified, affirmed, in a memorandum.
Chief Judge Lippman and Judges Ciparick, Graffeo, Read, Pigott and Jones concur.
Judge Smith dissents in an opinion.

4 No. 109
In the Matter of North Syracuse Central
School District,
 Appellant,
 v.
New York State Division of Human Rights,
 Respondent.

Order reversed, with costs, and resettled judgment of
Supreme Court, Onondaga County, reinstated.
Opinion by Judge Pigott.
Judges Graffeo, Read and Smith concur.
Judge Ciparick dissents and votes to affirm in an
opinion in which Chief Judge Lippman and Judge
Jones concur.

1 No. 112
The People &c.,
 Respondent,
 v.
Gilberto Ramos,
 Appellant.

Order modified by remitting to Supreme Court, New
York County, for resentencing and, as so modified,
affirmed.
Opinion by Judge Smith.
Chief Judge Lippman and Judges Ciparick, Graffeo,
Read, Pigott and Jones concur.

4 No. 100
In the Matter of Todd M. Smith,
 Respondent,
 v.
Hon. James C. Tormey, &c.,
 Respondent,
County of Onondaga et al.,
 Appellants.

Order affirmed, with costs.
Opinion by Judge Jones.
Judges Ciparick, Graffeo, Read, Smith and Pigott
concur.
Chief Judge Lippman took no part.

1 No. 106
The People &c.,
 Respondent,
 v.
Tony William,
 Appellant.

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

MOTIONS

3 Mo. No. 2012-390
In the Matter of Alexandria A., &c.

Delaware County Department of Social
Services,
Respondent;
Ann B.,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2012-393
Paul Alexander,
Appellant,
v.
Raymond Kelly, &c., 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 poor person relief dismissed as academic.

4 Mo. No. 2012-437
In the Matter of Brandon B.,
et al.

Erie County Department of Social Services,
Respondent;
Scott B.,
Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2012-427
In the Matter of Jhanelle B.

Oneida County Department of Social
Services,
Respondent;
Eliza P.,
Appellant.
(And Other Proceedings.)

Motion for leave to appeal denied.

3 Mo. No. 2012-394
The People &c. ex rel. David A. Burr,
 Appellant,
 v.
David Rock, &c.,
 Respondent.

Motion for leave to appeal denied.

4 Mo. No. 2012-395
In the Matter of David Burr,
 Appellant,
 v.
Timothy B. Howard, &c.,
 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. 2012-391
In the Matter of Perry C., &c.,
 Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2012-376
In the Matter of Josiah C.

Erie County Department of Social Services,
 Respondent;
Colleen C.,
 Appellant.

Motion for leave to appeal denied.

3 SSD 28
In the Matter of Benjamin V. R. Conlon, a
Disbarred Attorney.

Committee on Professional Standards,
 Respondent,
Benjamin V. R. Conlon,
 Appellant.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that the order appealed from does not finally determine the proceeding within the meaning of the Constitution.

1 Mo. No. 2012-378
In the Matter of Gene DeMartino, &c.,
Appellant,
v.
City of New York, et al.,
Respondents.

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

3 SSD 26
In the Matter of Victor Altheus DePonceau,
Appellant,
v.
Brian Fischer, &c., et al.,
Respondents.

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

2 Mo. No. 2012-320
In the Matter of Arisleda Duarte,
Respondent,
v.
City of New York,
Appellant.

Motion for leave to appeal granted.

2 Mo. No. 2012-416
Eugene Racanelli, Inc., et al.,
Appellants,
v.
Incorporated Village of Babylon, et al.,
Respondents.

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

1 Mo. No. 2012-406
Fortress Credit Corp., et al.,
Appellants,
v.
Dechert LLP,
Respondent.

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

3 Mo. No. 2012-411
In the Matter of Robert M. Gabrielli, et al.,
 Appellants,
 v.
Town of New Paltz, et al.,
 Respondents.

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

1 Mo. No. 2012-397
The People &c.,
 Respondent,
 v.
Tracy Galloway,
 Appellant.

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

2 Mo. No. 2012-452
Irene Gottesman, et al.,
 Respondents,
 v.
Evelyn Friedman, &c., et al.,
 Appellants,
et al.,
 Defendants.

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.

3 Mo. No. 2012-524
In the Matter of Village of Horseheads,
 Appellant,
 v.
Horseheads Police Benevolent Association,
Inc.,
 Respondent.

Motion for leave to appeal denied.
Motion for stay relief denied.

1 Mo. No. 2012-379
Lance International, Inc.,
 Appellant,
 v.
First National City Bank,
 Respondent.

Motion for leave to appeal dismissed upon the ground that it does not lie from the Appellate Division order, appellant having previously moved for leave to appeal to this Court (17 NY3d 922 [2011]) from the same Appellate Division order from which leave to appeal is currently sought (see 166 Archer Ave. Co., LLC v New York City Health and Hospitals Corporation, 15 NY3d 839 [2010]).

2 Mo. No. 2012-404
The People &c. ex rel. Demetrio Lifrieri,
 Appellant,
 v.
William A. Lee,
 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. 2012-441
Gangama Mangru, &c.,
 Appellant,
 v.
Schering Corp., &c., et al.,
 Defendants,
Bayer Healthcare Pharmaceuticals, Inc., et al.,
 Respondents.

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

1 Mo. No. 2012-422
In the Matter of Cristina M.,
 Respondent,
 v.
Kevin S.M.,
 Appellant.

Motion for leave to appeal denied.

Mo. No. 2012-439
The People &c. ex rel. Bernard Pitts,
Appellant,
v.
Robert A. Kirkpatrick, &c.,
et al.,
Respondents.

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

2 Mo. No. 2012-407
In the Matter of Demitrious Stanley,
Appellant,
v.
New York State Board of Parole,
Respondent.

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

4 Mo. No. 2012-381
In the Matter of Jeffrey Thrall,
Appellant,
v.
CNY Centro, Inc. et al.,
Respondents.

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.

3 Mo. No. 2012-335
Town of Fenton, et al.,
Appellants,
v.
Town of Chenango,
Respondent.
(And Other Proceedings/Actions.)

Motion, insofar as it seeks leave to appeal from that
part of the Appellate Division order that affirmed the
denial of appellants' motion to renew, 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 Mo. No. 2012-419
Cynthia Warren,
Appellant,
v.
New York Presbyterian Hospital,
Respondent.

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