

October 23, 2012

CASES

3                    No. 157  
In the Matter of 677 New Loudon  
Corporation, &c.,  
                  Appellant,  
                  v.  
State of New York Tax Appeals Tribunal et  
al.,  
                  Respondents.

Judgment affirmed, with costs, in a memorandum.  
Judges Ciparick, Graffeo, Pigott and Jones concur.  
Judge Smith dissents in an opinion in which Chief  
Judge Lippman and Judge Read concur.

                          No. 231  
In the Matter of Hon. Robert P. Apple, a  
Justice of the Pawling Village Court,  
Dutchess County.

On the Court's own motion, it is determined that Hon.  
Robert P. Apple is suspended, with pay, effective  
immediately, from the office of Justice of the  
Pawling Village Court, Dutchess County, pursuant to  
New York State Constitution, Article 6, section 22  
and Judiciary Law, section 44, subd. 8.  
Chief Judge Lippman and Judges Ciparick, Graffeo,  
Read, Smith, Pigott and Jones concur.

1                    No. 171  
In the Matter of Bronx Committee for Toxic  
Free Schools, et al.,  
                  Respondents,  
                  v.  
New York City School Construction  
Authority, et al.,  
                  Appellants.

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

1                    No. 167  
The People &c.,  
                  Respondent,  
                  v.  
Norman Cajigas,  
                  Appellant.

Order affirmed.  
Opinion by Judge Graffeo.  
Chief Judge Lippman and Judges Ciparick, Read,  
Smith, Pigott and Jones concur.

2                    No. 161  
The People &c.,  
    Respondent,  
    v.  
Delroy Colville,  
    Appellant.

1                    No. 228 SSM 37  
In the Matter of Jerry Delakas,  
    Appellant,  
    v.  
Jonathan Mintz, &c.,  
    Respondent.

2                    No. 170  
In the Matter of Peter J. Galasso, &c., An  
Attorney and Counselor-at-Law.  
  
Grievance Committee for the Ninth Judicial  
District,  
    Respondent;  
Peter J. Galasso,  
    Appellant.

4                    No. 181  
The People &c.,  
    Respondent,  
    v.  
Robert C. Halter,  
    Appellant.

Order reversed and a new trial ordered.  
Opinion by Judge Read.  
Chief Judge Lippman and Judges Ciparick and  
Grafteo concur.  
Judge Jones dissents and votes to affirm in an opinion  
in which Judges Smith and Pigott concur.

On review of submissions pursuant to section 500.11  
of the Rules, order affirmed, with costs, in a  
memorandum.  
Chief Judge Lippman and Judges Ciparick, Grafteo,  
Read, Smith, Pigott and Jones concur.

Order modified, without costs, by dismissing charge  
five of the petition and remitting the matter to the  
Appellate Division, Second Department, for further  
proceedings in accordance with the opinion herein  
and, as so modified, affirmed.  
Opinion Per Curiam.  
Chief Judge Lippman and Judges Ciparick, Grafteo,  
Read, Smith, Pigott and Jones concur.

Order affirmed, in a memorandum.  
Chief Judge Lippman and Judges Ciparick, Grafteo,  
Read and Jones concur.  
Judge Pigott dissents and votes to reverse in an  
opinion in which Judge Smith concurs, Judge Smith  
in a separate dissenting opinion.

1                    No. 162  
Siegmund Strauss, Inc.,  
    Respondent,  
    v.  
East 149th Realty Corp.,  
    Defendant,  
Windsor Brands, Ltd., et al.,  
    Appellants.

Order, insofar as appealed from, modified, without costs, by remitting to the Appellate Division, First Department, for further proceedings in accordance with the opinion herein and, as so modified, affirmed. Opinion by Judge Jones. Chief Judge Lippman and Judges Ciparick, Graffeo, Read, Smith and Pigott concur.

## MOTIONS

3                    Mo. No. 2012-860  
In the Matter of Bradly A., &c.

Schoharie County Department of Social  
Services,  
    Respondent;  
Lawrence A.,  
    Appellant.

Motion for leave to appeal denied.

4                    Mo. No. 2012-911  
Altshuler Shaham Provident Funds, Ltd.,  
    Appellant,  
    v.  
GML Tower, LLC, et al.,  
    Defendants,  
The Pike Company, Inc., et al.,  
    Respondents.

Motion for leave to appeal granted.

2                    Mo. No. 2012-810  
Ampul Electric, Inc.,  
    Appellant,  
    v.  
Village of Port Chester, 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.

3                    Mo. No. 2012-848  
In the Matter of Ann M. Belaska,  
    Appellant,  
    v.  
New York State Department of Law et al.,  
    Respondents.  
Workers' Compensation Board,  
    Respondent.

Motion for leave to appeal denied.

1                   SSD 54  
Maninder Bhugra,  
                  Appellant,  
          v.  
Massachusetts Casualty Insurance Company,  
et al.,  
                  Respondents.

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

1                   Mo. No. 2012-864  
Cadlerock Joint Venture, L.P.,  
                  Respondent,  
          v.  
Sol Greenberg & Sons International, Inc., et  
al.,  
                  Defendants.  
Joseph Sahid, Esq.,  
                  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.

1                   Mo. No. 2012-828  
In the Matter of Malik C., &c.  
                  Appellant.

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

3                   Mo. No. 2012-806  
In the Matter of Olivia C. et al.  
  
Schoharie County Department of Social  
Services,  
                  Respondent;  
Chasity F.,  
                  Appellant.  
(And Another Proceeding.)

Motion for leave to appeal denied.

2                    Mo. No. 2012-811  
In the Matter of Maxim Chifrine,  
    Appellant,  
    v.  
Vilena Bekker, et al.,  
    Respondents.

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In the Matter of Irina Chifrine,  
    Appellant,  
    v.  
Vilena Bekker, et al.,  
    Respondents.

4                    Mo. No. 2012-834  
Michelle L. Duke,  
    Respondent,  
    v.  
Brian A. Duke,  
    Appellant.

3                    SSD 55  
In the Matter of Richard E. Dutrow,  
    Appellant,  
    v.  
New York State Racing and Wagering Board,  
    Respondent.

1                    Mo. No. 2012-859  
Richard Feiner and Company Inc.,  
    Appellant,  
    v.  
Paramount Pictures Corporation,  
    Respondent.

Motion for leave to appeal denied.

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

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

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

1                    Mo. No. 2012-910  
William Hartnett et al.,  
    Appellants,  
    v.  
Chanel, Inc. et al.,  
    Respondents.  
(And a Third-Party Action.)

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

3                    Mo. No. 2012-880  
The People &c. ex rel. Charles Jackson, &c.,  
    Appellant,  
    v.  
Robert A. Kirkpatrick, &c.,  
    Respondent.

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

1                    Mo. No. 2012-807  
Dale Kleinser,  
    Appellant,  
    v.  
Mark Astarita, et al.,  
    Respondents.

Motion to dismiss appeal granted and appeal dismissed, with four hundred dollars costs and one hundred dollars costs of motion, upon the ground that no substantial constitutional question is directly involved.

2                    Mo. No. 2012-824  
The People &c. ex rel. John Lau,  
    Appellant,  
    v.  
Philip D. Heath, &c.,  
    Respondent.

Motion for leave to appeal denied.

2                    Mo. No. 2012-822  
In the Matter of Gloria M. (Anonymous).

Rockland County Department of Social  
Services,  
    Respondent;  
Kiladi M. (Anonymous),  
    Appellant.  
(And Other Proceedings.)

Motion for leave to appeal denied.

1                    Mo. No. 2012-805  
Patrice Miki,  
    Appellant,  
    v.  
335 Madison Avenue, LLC, et al.,  
    Respondents.

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

1                    SSD 51  
Dwayne Moore,  
    Appellant,  
    v.  
Federated Department Stores, Inc., et al.,  
    Respondents.

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

2                    Mo. No. 2012-808  
In the Matter of State of New York,  
    Respondent,  
    v.  
Charles S. (Anonymous),  
    Appellant.

Motion for leave to appeal denied.

3                    Mo. No. 2012-803  
State of New York,  
    Respondent,  
    v.  
Slezak Petroleum Products, Inc.,  
    Appellant.

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



4                    Mo. No. 2012-914  
New Yorkers for Constitutional Freedoms, et  
al.,  
    Appellants,  
    v.  
New York State Senate, et al.,  
    Respondents,  
et al.,  
    Defendant.

Motion for leave to appeal denied.

1                    Mo. No. 2012-869  
Oddo Asset Management,  
    Appellant,  
    v.  
Barclays Bank PLC, et al.,  
    Respondents,  
Solent Capital Partners, LLP,  
et al.,  
    Defendants.

Motion for reargument denied with one hundred  
dollars costs and necessary reproduction  
disbursements.

3                    Mo. No. 2012-830  
In the Matter of Charles Pettus, &c.,  
    Appellant,  
    v.  
New York State Insurance Department,  
    Respondent.

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

4                    Mo. No. 2012-881  
In the Matter of Ronald Rascoe,  
    Appellant,  
    v.  
Brian Fischer, &c.,  
    Respondent.

Motion for leave to appeal denied.

2                    SSD 53  
In the Matter of Donald Rozz,  
                         Appellant,  
                         v.  
Nassau County Department of Assessment, et  
al.,  
                         Respondents.

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

4                    Mo. No. 2012-825  
In the Matter of Bryon K. Russ, Sr.,  
                         Appellant,  
                         v.  
Brian Fischer, &c. et al.,  
                         Respondents.

Motion for leave to appeal denied.

4                    Mo. No. 2012-832  
Shamel Sanders,  
                         Appellant,  
                         v.  
Scott Patrick, et al.,  
                         Respondents,  
et al.,  
                         Defendants.

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

1                    Mo. No. 2012-838  
In the Matter of Jules S. et al.  
  
Catholic Guardian Society and Home Bureau,  
                         Respondent,  
Julio S.,  
                         Appellant,  
et al.,  
                         Respondent.

Motion for leave to appeal denied.

2                    Mo. No. 2012-879  
In the Matter of Samuel S. (Anonymous).

Samuel S. (Anonymous), et al.,  
Appellants;  
Helene S. (Anonymous),  
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.

3                    Mo. No. 2012-814  
Satra Realty, LLC,  
Appellant,

v.  
Knovel Corporation,  
Respondent.

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

2                    Mo. No. 2012-850  
Sparks Associates, LLC,  
Appellant,

v.  
North Hills Holding Company II, LLC,  
Respondent.

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

3                    Mo. No. 2012-892  
In the Matter of Tender Learning Care et al.,  
Appellants,

v.  
State of New York Office of Children and  
Family Services,  
Respondent.

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