

September 06, 2012

**MOTIONS**

2 Mo. No. 2012-672  
ACF Hillside, LLC,  
Respondent,  
v.  
George Lambrakis, &c.,  
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2012-703  
In the Matter of Walter Adelman,  
Appellant,  
v.  
Michael A. Gary, &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.

1 Mo. No. 2012-749  
Isaac Ainetchi, et al.,  
Appellants,  
v.  
500 West End LLC,  
Respondent.

Motion for reargument of motion for leave to appeal  
denied with one hundred dollars costs and necessary  
reproduction disbursements.  
Chief Judge Lippman took no part.

1 Mo. No. 2012-894  
American Building Supply Corp.,  
Appellant,  
v.  
Petrocelli Group, Inc.,  
Respondent,  
Pollak Associates,  
Defendant.

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

2 Mo. No. 2012-690  
Susan Aranoff,  
Respondent,  
v.  
Gerald Aranoff,  
Appellant.

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 (93 NY2d 1000 [1999]) 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 Hosps. Corp., 15 NY3d 839 [2010]).

2 Mo. No. 2012-671  
Archer Capital Fund, L.P.,  
Respondent,  
v.  
GEL, LLC, 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.

2 Mo. No. 2012-673  
Archer Capital Fund, L.P.,  
Respondent,  
v.  
Eagle Realty, LLC, 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.

2 Mo. No. 2012-843  
Kelly Ashmore,  
Respondent,  
v.  
Benjamin Ashmore,  
Appellant.

Motion for reargument of motion for leave to appeal denied.  
Chief Judge Lippman took no part.

2 Mo. No. 2012-735  
In the Matter of Alden Bannietti, an attorney  
and counselor-at-law.

Grievance Committee for the Tenth Judicial  
District,  
Respondent,  
Alden Bannietti,  
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2012-657  
In the Matter of Marah B., &c.

Lee D.,  
Appellant,  
Edwin Gould Services for Children and  
Families,  
Respondent.

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

1 Mo. No. 2012-643  
In the Matter of Kuba Brown, as President of  
Local 94-94A-94B, &c.,  
Appellant,  
v.  
John C. Liu, &c.,  
Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2012-675  
In the Matter of Kuba Brown, as President of  
Local 94-94A-94B, &c.,  
Appellant,  
v.  
John C. Liu, &c.,  
Respondent.

Motion by Service Employees International Union,  
Local 32BJ, for leave to file a brief amicus curiae on  
the motion for leave to appeal herein granted and the  
brief is accepted as filed, and for leave to file a brief  
amicus curiae on the appeal herein dismissed as  
academic.

3 Mo. No. 2012-635  
In the Matter of David A. Burr,  
Appellant,  
v.  
David Rock, &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.

4 Mo. No. 2012-634  
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.

3 Mo. No. 2012-653  
Julie Ann Chang,  
Respondent,  
v.  
Yu-Jen Chang,  
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.

3 Mo. No. 2012-664  
In the Matter of Lindwood Collins,  
Appellant,  
v.  
Brian S. Fischer, &c.,  
Respondent.

Motion for reargument of motion for leave to appeal denied.

2 Mo. No. 2012-717  
In the Matter of Anthony G. Dilworth,  
Appellant-Respondent,  
v.  
Westchester County Department of  
Correction, et al.,  
Respondents-Appellants.

Motions for leave to appeal denied.

2                    Mo. No. 2012-766  
The People &c.,  
    Respondent,  
    v.  
William Duff,  
    Appellant.

Motion for leave to appeal denied.

3                    Mo. No. 2012-644  
Duane P. Durst, &c., et al.,  
    Respondents,  
    v.  
Joseph J. Grant et al.,  
    Defendants,  
Donald Binan et al.,  
    Appellants.

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

1                    Mo. No. 2012-656  
EBC I, Inc., &c.,  
    Appellant,  
    v.  
Goldman Sachs & Co.,  
    Respondent.

Motion for leave to appeal granted.

3                    Mo. No. 2012-719  
In the Matter of Jeffrey Gaul,  
    Appellant,  
    v.  
Richard Giardino, &c.,  
    Respondent,  
et al.,  
    Respondent.

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

4                    Mo. No. 2012-949  
Marlino Gress, et al.,  
    Respondents,  
    v.  
Byron Brown, &c. et al.,  
    Respondents,  
Buffalo Fiscal Stability Authority,  
    Appellant.

Motion by the City of New York for leave to file a brief amicus curiae on the appeal herein granted and 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. 2012-596  
In the Matter of Gaudenzia Hroncich,  
    Respondent,  
    v.  
Con Edison et al.,  
    Appellants,  
Special Disability Fund,  
    Respondent.  
Workers' Compensation Board,  
    Respondent.

Motion for leave to appeal granted.  
Chief Judge Lippman took no part.

3                    Mo. No. 2012-625  
In the Matter of Gaudenzia Hroncich,  
    Respondent,  
    v.  
Con Edison et al.,  
    Appellants,  
Special Disability Fund,  
    Respondent.  
Workers' Compensation Board,  
    Respondent.

Motion by the City of New York for leave to file a brief amicus curiae on the motion for leave to appeal herein granted and the proposed brief is accepted as filed, and for leave to appear amicus 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.  
Chief Judge Lippman took no part.

2                    Mo. No. 2012-646  
In the Matter of Martin Lane,  
    Appellant,  
    v.  
City of New York, et al.,  
    Respondents.

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

2                    Mo. No. 2012-922  
In the Matter of Richard Lazzari,  
                         Respondent,  
                         v.  
Town of Eastchester, et al.,  
                         Appellants,  
Paula Redd Zeman, &c., et al.  
                         Respondents.

Motion by New York State Conference of Mayors  
and Municipal Officials for leave to file a brief  
amicus curiae on the appeal herein granted and the  
proposed brief is accepted as filed.

1                    Mo. No. 2012-649  
Liberty Square Realty Corp.,  
                         Appellant,  
                         v.  
The Doe Fund, Inc., et al.,  
                         Respondents.

Motion to vacate this Court's June 4, 2012 dismissal  
order denied.  
Judge Ciparick took no part.

4                    Mo. No. 2012-714  
The People &c.,  
                         Respondent,  
                         v.  
Jeffrey Masterson,  
                         Appellant.

Motion for leave to appeal denied.

4                    Mo. No. 2012-728  
Philip D. Rupert, Jr.,  
                         Appellant,  
                         v.  
Gates & Adams, P.C., et al.,  
                         Respondents.

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

1                    Mo. No. 2012-700  
In the Matter of Female S., Also Known As  
Eileen S., &c.  
  
Victor C., &c.,  
                         Appellant,  
Graham-Windham Services to Families and  
Children,  
                         Respondent.

Motion for leave to appeal denied.

3 Mo. No. 2012-769  
In the Matter of Injah Tafari,  
Appellant,  
v.  
David A. Rock, &c.,  
Respondent.

Motion for leave to appeal denied.

3 Mo. No. 2012-654  
In the Matter of Injah Tafari,  
Appellant,  
v.  
Brian S. Fischer, &c.,  
Respondent.

Motion, insofar as it seeks leave to appeal from the May 2012 Appellate Division order denying reconsideration, dismissed upon the ground that such order does not finally determine the proceeding within the meaning of the Constitution; motion, insofar as it seeks leave to appeal from the March 2012 Appellate Division order of affirmance, dismissed as untimely (see CPLR 5513[b]). Appellant's motion for reconsideration at the Appellate Division did not extend his time to move for leave to appeal to this Court.

2 Mo. No. 2012-916  
The People &c.,  
Respondent,  
v.  
Michael Thomas,  
Also Known As Neil Adams,  
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.

3 Mo. No. 2012-788  
In the Matter of Michael Thompson,  
Appellant,  
v.  
Brian Fischer, as Commissioner of  
Corrections and Community Supervision, et  
al.,  
Respondents.

Motion for reconsideration of this Court's June 27, 2012 dismissal order denied.

2                    Mo. No. 2012-697  
Richard Toro, et al.,  
                  Appellants,  
          v.  
New York Racing Association, Inc., &c., et  
al.,  
                  Respondents.  
(And a Third-Party Action.)

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

2                    Mo. No. 2012-652  
In the Matter of Efstathios Valiotis, et al.,  
                  Appellants,  
          v.  
State of New York 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 proceeding within the meaning of the Constitution.

1                    Mo. No. 2012-817  
Joel Vig,  
                  Appellant,  
          v.  
The New York Hairspray Co., L.P.,  
                  Respondent.

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

1                    Mo. No. 2012-774  
In the Matter of Jazmine Weisman et al.,  
                  Appellants,  
          v.  
New York City Housing Authority,  
                  Respondent.

Motion for reargument of motion for leave to appeal denied.  
Motion for a stay dismissed as academic.

2                    Mo. No. 2012-666  
The People &c.,  
                  Respondent,  
          v.  
Edward Williams,  
                  Appellant.

Motion for leave to appeal denied.