

August 27, 2013

CASE

1 No. 241 SSM 20
The People &c.,
 Respondent,
 v.
Julio Rodriguez,
 Appellant.

On review of submissions pursuant to section 500.11
of the Rules, order affirmed, without costs, in a
memorandum.
Chief Judge Lippman and Judges Graffeo, Read,
Smith, Pigott, Rivera and Abdus-Salaam concur.

MOTIONS

1 Mo. No. 2013-610
Ahmad Alavian, et al.,
 Appellants,
 v.
Ted Zane,
 Respondent,
et al.,
 Defendant.

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

4 Mo. No. 2013-599
In the Matter of Lonnie Bowie,
 Appellant,
 v.
Erie County Children's Services,
 Respondent.

Motion for leave to appeal denied.

3 Mo. No. 2013-611
In the Matter of Steve Campbell,
 Appellant,
 v.
Andrea D. Evans, &c.,
 Respondent.

Motion for leave to appeal denied.

3 Mo. No. 2013-613
In the Matter of Clean Water Advocates of
New York, Inc.,
 Appellant,
 v.
New York State Department of
Environmental Conservation
et al.,
 Respondents.

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

4 Mo. No. 2013-471
In the Matter of Brian Conway,
 Appellant,
 v.
Brian Fischer &c.,
 Respondent.

Motion for leave to appeal denied.

3 Mo. No. 2013-585
In the Matter of Pablo Costello,
 Appellant,
 v.
New York State Board of Parole
et al.,
 Respondents.

Motion for leave to appeal granted.

3 Mo. No. 2013-652
In the Matter of Pablo Costello,
 Appellant,
 v.
New York State Board of Parole
et al.,
 Respondents.

Motion by Robert Dennison, et al. for leave to file a
brief amici curiae on the motion for leave to appeal
herein granted and the brief is accepted as filed.

3 Mo. No. 2013-601
In the Matter of John Covington,
 Appellant,
 v.
ADP Harford, &c.,
 Respondent.

Motion for leave to appeal denied.

3 Mo. No. 2013-596
In the Matter of James Curry,
 Appellant,
 v.
Andrea Evans &c., et al.,
 Respondents.

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

1 Mo. No. 2013-533
Echostar Satellite L.L.C.,
 Appellant,
 v.
ESPN, 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. The order affirming the denial of the motion for judgment notwithstanding the verdict and affirming the denial of the motion to set aside the verdict resolves the issues raised on those motions; it does not dispose of all of the issues in the action (see CPLR 5611). The final and appealable paper to this Court is the final judgment entered after the denial of the motions, or an Appellate Division order resolving an appeal from that judgment (see Anderson v Young & Rubicam, 14 NY3d 909 [2010]; Butler v New York City Tr. Auth., 14 NY3d 909 [2010]).

2 Mo. No. 2013-609
Excel Realty Advisors, L.P., &c.,
 Appellant,
 v.
SCP Capital, Inc., et al.,
 Respondents.

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

2 Mo. No. 2013-399
In the Matter of Riven Flamenbaum,
Deceased.

Motion to strike portions of the brief of respondent Vorderasiatisches Museum denied.

Vorderasiatisches Museum,
 Respondent,
Hannah K. Flamenbaum,
 Appellant,
Israel Flamenbaum,
 Respondent.

1 Mo. No. 2013-600
The People &c.,
 Respondent,
 v.
Carlos Franco,
 Appellant.

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

2 Mo. No. 2013-575
In the Matter of Brent Frazier,
 Appellant,
 v.
Norman George, &c. et al.,
 Respondents.

Motion for leave to appeal denied.

4 Mo. No. 2013-571
In the Matter of Caleb G., et al.

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

Steuben County Department of Social
Services,
 Respondent;
Doniele (G.)T.,
 Appellant;
et al.,
 Respondent.
(And Other Proceedings.)

1 Mo. No. 2013-592
German American Capital Corporation,
 Respondent,
 v.
Oxley Development Company, LLC,
et al.,
 Appellants.

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

1 Mo. No. 2013-643
Adwoa Gyabaah,
Respondent,
v.
Rivlab Transportation Corp.,
Appellant,
John Doe,
Defendant,
Jeffrey A. Aronsky, P.C.
Non-Party Respondent.

Motion to vacate this Court's June 5, 2013 dismissal order granted.
Judge Abdus-Salaam took no part.

2 Mo. No. 2013-226
The People &c.,
Respondent,
v.
Martin Heidgen,
Appellant.

Motion to require respondent to provide appellant's counsel with a copy of respondent's supplementary appendix granted.

2 Mo. No. 2013-586
The People &c.,
Respondent,
v.
Darion Henry,
Appellant.

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

2 Mo. No. 2013-595
Kalu Igwe,
Appellant,
v.
State of New York,
Respondent.

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

1 Mo. No. 2013-597
J. Remora Maintenance LLC,
et al.,
Respondents,
v.
German Efromovich,
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2013-606
In the Matter of Lillian Jacker,
deceased.

Carl Jacker,
 Appellant,
 v.
Jordan M. Iserman, &c., et al.,
 Respondents.

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

2 Mo. No. 2013-607
In the Matter of Jaden J.

Administration for Children's Services,
 Respondent;
Ernest C., Sr.,
 Appellant,
et al.,
 Respondent.
(And Two Other Proceedings.)

Motion for leave to appeal denied.

4 Mo. No. 2013-594
In the Matter of Arianna M.,
et al.

Jefferson County Department of Social
Services,
 Respondent;
Brian M.,
 Appellant.

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

4 Mo. No. 2013-577

Jannette Morales,
Plaintiff,
v.

Asarese Matters Community Center, et al.,
Defendants,
City of Buffalo,
Appellant,
County of Erie,
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. 2013-576

In the Matter of Town of North Hempstead,
Appellant,
v.

County of Nassau, et al.,
Respondents.

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

1 Mo. No. 2013-580

Patrolmen's Benevolent Association of the
City of New York, et al.,
Appellants,
v.

The City of New York et al.,
Respondents.

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

1 Mo. No. 2013-578

The People &c.,
Respondent,
v.

Thomas Poole,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2013-579
Joseph W. Powers, &c.,
 Appellant,
 v.
31 E 31 LLC, et al.,
 Respondents.

Motion for leave to appeal granted.

4 Mo. No. 2013-598
The People &c.,
 Respondent,
 v.
Gregory Rawlinson,
 Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2013-590
The People &c. ex rel. William St. Germain,
 Appellant,
 v.
Stephen Racette, &c.,
 Respondent.

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

2 Mo. No. 2013-612
In the Matter of Antwaine T.,
 Respondent;
Presentment Agency,
 Appellant.

Motion for leave to appeal granted.

1 Mo. No. 2013-581
The People &c.,
 Respondent,
 v.
Eric Thomas,
 Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2013-574
Transcontinental Insurance Company, et al.,
 Appellants,
 v.
Twin City Fire Insurance Company,
 Respondent.

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

2 Mo. No. 2013-572
In the Matter of Jada W. (Anonymous).

Administration for Children's Services,
 Respondent;
Ketanya B. (Anonymous),
 Appellant;
et al.,
 Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2013-573
In the Matter of Randolph W.,
 Appellant,
 v.
Commissioner of Social Services, on behalf
of Ana B.,
 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.
Motion for poor person relief dismissed as academic.

3 Mo. No. 2013-602
In the Matter of Kevin Z., &c.

Carmella AA.,
 Respondent;
Edward Z.,
 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 proceeding within the meaning of the Constitution.