

December 12, 2013

CASES

3 No. 228
The People &c.,
 Respondent,
 v.
Andre Collier,
 Appellant.

Orders affirmed.
Opinion by Judge Read.
Judges Graffeo, Smith, Pigott and Abdus-Salaam
concur.
Chief Judge Lippman dissents in an opinion in which
Judge Rivera concurs.

 No. 261
In re: Thelen LLP.

Yann Geron, as Chapter 7 Trustee of the
Estate of Thelen LLP,
 Appellant,
 v.
Seyfarth Shaw LLP,
 Respondent.

Certification of questions 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 Graffeo, Read,
Smith, Pigott, Rivera and Abdus-Salaam concur.

4 No. 235
Herbert Kolbe, et al.,
 Appellants,
 v.
Christine J. Tibbetts, &c.,
et al.,
 Respondents.

Order modified, without costs, by denying
defendants' cross motion for summary judgment and,
as so modified, affirmed.
Opinion by Chief Judge Lippman.
Judges Graffeo, Read, Smith, Pigott, Rivera and
Abdus-Salaam concur.

3 No. 259 SSM 38
The People &c.,
 Respondent,
 v.
Ariel Myers,
 Appellant.

On review of submissions pursuant to section 500.11
of the Rules, order reversed and a new trial ordered,
in a memorandum.
Chief Judge Lippman and Judges Graffeo, Read,
Smith, Pigott, Rivera and Abdus-Salaam concur.

2 No. 236
The People &c.,
 Respondent,
 v.
Anthony Oddone,
 Appellant.

Order reversed and a new trial ordered.
Opinion by Judge Smith.
Chief Judge Lippman and Judges Graffeo, Read,
Pigott, Rivera and Abdus-Salaam concur.

2 No. 232
The People &c.,
 Respondent,
 v.
Wendell Payton,
 Appellant.

Order modified by remitting to County Court,
Suffolk County, for a hearing on defendant's CPL
440.10 motion and, as so modified, affirmed, in a
memorandum.
Chief Judge Lippman and Judges Graffeo, Read,
Smith, Pigott, Rivera and Abdus-Salaam concur.

4 No. 213
The People &c.,
 Respondent,
 v.
Anthony S. Pignataro,
 Appellant.

Order affirmed.
Opinion by Judge Rivera.
Chief Judge Lippman and Judges Graffeo, Read,
Smith, Pigott and Abdus-Salaam concur.

 No. 230
The People &c.,
 Respondent,
 v.
Cavell Craig Tyrell,
 Appellant.
(AppTerm No. 10-290.)

Order reversed, defendant's guilty plea vacated and
complaint dismissed.
Opinion by Judge Graffeo.
Chief Judge Lippman and Judges Read and Rivera
concur.
Judge Smith dissents and votes to affirm in an
opinion in which Judge Pigott concurs.
Judge Abdus-Salaam took no part.

No. 231

The People &c.,
Respondent,
v.
Cavell Craig Tyrell,
Appellant.
(AppTerm No. 10-288.)

Order reversed, defendant's guilty plea vacated and
complaint dismissed.

Opinion by Judge Graffeo.

Chief Judge Lippman and Judges Read and Rivera
concur.

Judge Smith dissents and votes to affirm in an
opinion in which Judge Pigott concurs.

Judge Abdus-Salaam took no part.

MOTIONS

2 Mo. No. 2013-1099
In the Matter of Precious D.A. (Anonymous).

Administration for Children's Services, et al.,
 Respondents;
Tasha A. (Anonymous),
 Appellant.
(And Another Proceeding.)

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

3 Mo. No. 2013-1057
The People &c. ex rel. Taliv Ali,
 Appellant,

v.
Justice Peter S. Feldstein,
 Respondent.

Motion for reargument of motion for leave to appeal
denied.

4 Mo. No. 2013-1067
In the Matter of Alazaya I.B., et al.

Jefferson County Department of Social
Services,
 Respondent;
Stormie A.G.,
 Appellant.
(And Another Proceeding.)

Motion for leave to appeal denied.

1 SSD 74
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.
Judge Rivera took no part.

4 Mo. No. 2013-1088
In the Matter of Christal L. Button,
 Appellant,
 v.
Richard J. Allen,
 Respondent.
(And Another Proceeding.)

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

2 Mo. No. 2013-1068
In the Matter of Dominick Cincotta, deceased.

Dorothy Perry Cincotta,
 Appellant;
Robert Cincotta, et al.,
 Respondents.

Motion for leave to appeal denied.

3 Mo. No. 2013-1173
In the Matter of Dakota F., &c.

St. Lawrence County Department of Social
Services,
 Appellant;
Angela F.,
 Respondent.
(And Another Proceeding.)

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

1 Mo. No. 2013-1048
First New York Bank for Business,
 Plaintiff,
 v.
Geoffrey Alexander,
 Appellant.
The Cadle Company,
 Respondent.

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

1 Mo. No. 2013-1169
Grand Pacific Finance Corp.,
 Respondent,
 v.
Alexander Ashkenazi, et al.,
 Defendants.
Amit Louzon,
 Nonparty-Appellant.

Motion for leave to appeal denied with one hundred dollars costs and necessary reproduction disbursements.
Motion for a stay dismissed as academic.

3 Mo. No. 2013-1054
Shawn Green,
 Appellant,
 v.
State of New York,
 Respondent.

Motion for reargument of motion for leave to appeal denied.

3 Mo. No. 2013-1076
In the Matter of Thomas Henderson,
 Appellant,
 v.
Brian Fischer, &c., et al.,
 Respondents.

Motion for leave to appeal denied.

1 Mo. No. 2013-1051
In the Matter of Robert T. Johnson, &c.,
 Respondent,
 v.
Hon. Robert A. Sackett, &c.,
 Respondent,
Howard Rascoe,
 Appellant.

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

3 Mo. No. 2013-1074
Leon R. Koziol, Individually and as Parent of
Child A and Child B,
 Appellant,
 v.
State of New York, et al.,
 Respondents,
et al.,
 Defendant.

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

2 Mo. No. 2013-1011
GraceAnn LaRose et al.,
 Appellants,
 v.
Mark S. Corrao et al.,
 Defendants,
Shailesh Pathare et al.,
 Respondents.

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

1 Mo. No. 2013-1066
In the Matter of New York City Asbestos
Litigation.

Weitz & Luxenberg P.C.,
 Respondent,
 v.
Georgia-Pacific LLC,
 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.

4 Mo. No. 2013-876
The People &c.,
 Respondent,
 v.
Terryl Noyes,
 Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2013-1060
The People &c.,
 Respondent,
 v.
Chris Ologbonjaiye,
 Appellant.

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

2 Mo. No. 2013-1077
In the Matter of State of New York,
 Respondent,
 v.
Terry P. (Anonymous),
 Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2013-1042
In the Matter of Michael S. Pascazi,
 Appellant,
 v.
Colleen C. Gardner, as Commissioner of
Labor,
 Respondent.

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

1 Mo. No. 2013-1043
In the Matter of Annette Perel,
 Respondent,
 v.
Daniel Michael Gonzalez,
 Appellant.

Motion for reargument of motion for leave to appeal
denied.
Judge Abdus-Salaam took no part.

2 Mo. No. 2013-1022
In the Matter of Ruth M. Pollack, admitted as
Ruth Marie Pollack, a suspended attorney.

Grievance Committee for the Tenth Judicial
District,
Respondent;
Ruth M. Pollack,
Appellant.

On the Court's own motion, appeal taken from the
order of disbarment dismissed upon the ground that
no substantial constitutional question is directly
involved; appeals from the other four orders
dismissed upon the ground that those orders do not
finally determine the proceeding within the meaning
of the Constitution.

Motion for leave to appeal from the order of
disbarment denied; motions for leave to appeal from
the other four orders dismissed upon the ground that
those orders do not finally determine the proceeding
within the meaning of the Constitution.

Motion for ancillary relief dismissed as academic.
Chief Judge Lippman and Judge Abdus-Salaam took
no part.

2 Mo. No. 2013-1070
In the Matter of Delilah Rigano, &c.,
Respondent,

v.
Vibar Construction, Inc.,
Appellant.
(And Another Proceeding.)

Motion for leave to appeal granted.

2 Mo. No. 2013-868
Andre Shipley et al.,
Respondents,

v.
City of New York et al.,
Appellants.

Motion for leave to appeal granted.

2 Mo. No. 2013-1058
Pasquale Sicuranza,
 Respondent,
 v.
Joan McDonald,
 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. 2013-854
In the Matter of William A. Thomas,
 Respondent,
 v.
Warren County DPW,
 Appellant.
Workers' Compensation Board,
 Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2013-976
Margaret Thomas, et al.,
 Appellants,
 v.
The City of New York, et al.,
 Respondents,
et al.,
 Defendant.

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

4 Mo. No. 2013-1053
The People &c.,
 Respondent,
 v.
Kimberly Thousand,
 Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2013-1078
In the Matter of Larry TT.

James Conway, &c., et al.,
 Respondents;
Larry TT.,
 Appellant.

In the Matter of State of New York,
 Respondent,
 v.
Larry TT.,
 Appellant.

Motion for leave to appeal denied.