

June 06, 2013

CASES

3 No. 109

The People &c.,
Respondent,

v.

Travis Augustine,
Appellant.

Order affirmed, in a memorandum.
Chief Judge Lippman and Judges Graffeo, Read,
Smith, Pigott and Rivera concur.
Judge Abdus-Salaam took no part.

3 No. 104

In the Matter of Chenango Forks Central
School District,
Appellant,

v.

New York State Public Employment
Relations Board et al.,
Respondents.

Judgment affirmed, with costs.
Opinion by Judge Read.
Chief Judge Lippman and Judges Graffeo, Smith,
Pigott and Rivera concur.
Judge Abdus-Salaam took no part.

4 No. 101

Empire State Chapter of Associated Builders
and Contractors, Inc., et al.,
Appellants,

v.

M. Patricia Smith, &c., et al.,
Respondents.

Order modified, without costs, by reinstating the
second, third, fourth and fifth causes of action of the
complaint and, as so modified, affirmed.
Opinion by Judge Smith.
Chief Judge Lippman and Judges Graffeo, Read,
Pigott and Rivera concur.
Judge Abdus-Salaam took no part.

No. 98

Greater New York Taxi Association, et al.,
Respondents,

v.

The State of New York, et al.,
Appellants,
Livery Base Owners Inc., et al.,
Intervenors-Appellants.

Judgment, insofar as appealed from, reversed, with
costs, and judgment granted to defendants declaring
that Chapter 602 of the Laws of 2011, as amended by
Chapter 9 of the Laws of 2012, is constitutional.
Opinion by Judge Pigott.
Chief Judge Lippman and Judges Graffeo, Read,
Smith and Rivera concur.
Judge Abdus-Salaam took no part.

No. 100
Metropolitan Taxicab Board of Trade, et al.,
Respondents,
The Livery Roundtable, Inc., et al.,
Intervenors-Respondents,
v.
Michael R. Bloomberg, &c., et al.,
Appellants,
Livery Base Owners Inc., et al.,
Intervenors-Appellants.

Judgment, insofar as appealed from, reversed, with costs, and judgment granted to defendants declaring that Chapter 602 of the Laws of 2011, as amended by Chapter 9 of the Laws of 2012, is constitutional.
Opinion by Judge Pigott.
Chief Judge Lippman and Judges Graffeo, Read, Smith and Rivera concur.
Judge Abdus-Salaam took no part.

1 No. 105
The People &c.,
Appellant,
v.
George Oliveras,
Respondent.

Order affirmed.
Opinion by Judge Rivera.
Chief Judge Lippman and Judges Graffeo, Read and Pigott concur.
Judge Smith dissents in an opinion.
Judge Abdus-Salaam took no part.

1 No. 114
The People &c.,
Respondent,
v.
Kenneth Padilla,
Appellant.

Order affirmed.
Opinion by Judge Pigott.
Chief Judge Lippman and Judges Graffeo, Read and Smith concur.
Judge Rivera dissents in an opinion.
Judge Abdus-Salaam took no part.

No. 99
Taxicab Service Association,
et al.,
Respondents,
v.
The State of New York, et al.,
Appellants,
Livery Base Owners, Inc., et al.,
Intervenors-Appellants.

Judgment, insofar as appealed from, reversed, with costs, and judgment granted to defendants declaring that Chapter 602 of the Laws of 2011, as amended by Chapter 9 of the Laws of 2012, is constitutional.
Opinion by Judge Pigott.
Chief Judge Lippman and Judges Graffeo, Read, Smith and Rivera concur.
Judge Abdus-Salaam took no part.

4 No. 97
Marcia A. Wild, et al.,
 Respondents,
 v.
Catholic Health System, &c.,
et al.,
 Defendants,
Buffalo Emergency Associates, LLP et al.,
 Appellants.

Order affirmed, with costs, in a memorandum.
Chief Judge Lippman and Judges Graffeo, Read,
Smith, Pigott and Rivera concur.
Judge Abdus-Salaam took no part.

MOTIONS

1 Mo. No. 2013-284
25 Avenue C New Realty, LLC,
 Appellant,
et al.,
 Plaintiffs,
 v.
Alea North America Insurance Company et
al.,
 Respondents.

Motion for leave to appeal granted.

2 Mo. No. 2013-320
In the Matter of Gabriela A. (Anonymous),
 Respondent.
Presentment Agency,
 Appellant.

Motion for leave to appeal granted.

1 Mo. No. 2013-335
The People &c.,
 Respondent,
 v.
Christopher B.,
 Appellant.

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

1 SSD 32
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.

3 Mo. No. 2013-116
In the Matter of Marlo Blocker,
Appellant,
v.
Brian Fischer, &c.,
Respondent.

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

2 Mo. No. 2013-323
In the Matter of Town of Blooming Grove, et
al.,
Respondents,
v.
County of Orange, et al.,
Appellants.

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

4 Mo. No. 2013-389
In the Matter of the Board of Managers of
French Oaks Condominium,
Respondent,
v.
Town of Amherst, et al.,
Appellants,
Williamsville Central School District,
Intervenor-Respondent.

Motion to dismiss appeal denied.

3 Mo. No. 2013-353
Roger A. Campfield,
Respondent,
v.
Sharlene M. Campfield,
Appellant.

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

3 Mo. No. 2013-142
In the Matter of City of New Rochelle,
 Respondent,
 v.
New York State Public Employment
Relations Board, et al.,
 Respondents,
The Police Association of New Rochelle,
 Appellant.

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

2 Mo. No. 2013-279
Excelsior Capital, LLC,
 Respondent,
et al.,
 Plaintiff,
 v.
Superior Broadcasting Company, Inc.,
 Defendant,
Estate of C. Robert Allen, III, &c.,
 Appellant.

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

1 Mo. No. 2013-359
Aron Grinshpun, et al.,
 Respondents,
 v.
Gennady Borokhovich, &c.,
 Appellant,
et al.,
 Defendant.

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

3 Mo. No. 2013-398
HSBC Bank USA, N.A., &c.,
 Respondent,
 v.
Robert T. Ashley et al.,
 Appellants.

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. 2013-391
L&L Associates Holding Corp.,
 Respondent,
 v.
Joseph A. F. Sadowski,
 Appellant,
et al.,
 Defendants.

Motion for reargument denied.
Motion for a stay dismissed as academic.
Judge Abdus-Salaam took no part.

3 Mo. No. 2013-401
Michael Lurie,
 Appellant,
 v.
Holly Lurie,
 Respondent.

Motion, insofar as it seeks leave to appeal from that part of the Appellate Division order that affirmed the portion of Supreme Court's order denying reargument, dismissed upon the ground that such part 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. 2013-370
Lynn & Cahill, LLP,
 Respondent,
 v.
Nadine Witkin,
 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. 2013-396
The People &c.,
 Respondent,
 v.
Kevin Porter,
 Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2013-251
In the Matter of Timothy Quinn,
 Appellant,
 v.
Raymond Kelly, &c., et al.,
 Respondents.

Motion for reargument of motion for leave to appeal denied with one hundred dollars costs and necessary reproduction disbursements.
Judges Rivera and Abdus-Salaam took no part.

1 Mo. No. 2013-385
In the Matter of Ashley R.,
et al. &c.

Motion for leave to appeal denied.

Latarsha R.,
 Appellant;
Catholic Guardianship Society and Home
Bureau,
 Respondent.

1 Mo. No. 2013-425
The People &c.,
 Appellant,
 v.
Mark Russell,
 Respondent.

Motion to vacate this Court's April 2, 2013 dismissal order granted.

2 Mo. No. 2013-366
The People &c.,
 Respondent,
 v.
James Smith,
 Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2013-397
The People &c.,
 Respondent,
 v.
Esau Staley,
 Appellant.

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

SSD 33
Judith Lynn Stenroos,
Respondent,
v.
William A. Maecker,
Appellant.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that no appeal lies to the Court of Appeals from the order of County Court affirming the Silver Creek Village Court judgment (see NY Const, art VI, § 3[b]; CPLR 5601).

2 Mo. No. 2013-381
In the Matter of Brian Tuitt,
Appellant,
v.
Richard Molea, &c.,
Respondent.

Motion for leave to appeal denied.

4 Mo. No. 2013-271
Village of Ilion et al.,
Plaintiffs,
Village of Herkimer,
Appellant,
v.
County of Herkimer, &c.,
Respondent,
et al.,
Defendants.

Motion for leave to appeal granted.

3 Mo. No. 2013-386
In the Matter of Anthony WW.,
et al. &c.

Motion for leave to appeal denied.

St. Lawrence County Department of Social
Services,
Respondent;
Karen WW.,
Appellant.