

May 07, 2013

CASES

1 No. 67
The People &c.,
 Respondent,
 v.
Miguel Mejias,
 Appellant.

Order affirmed.
Opinion by Judge Pigott.
Judges Graffeo, Read and Smith concur.
Chief Judge Lippman dissents and votes to reverse in
an opinion in which Judge Rivera concurs.

2 No. 75
The People &c.,
 Appellant,
 v.
Jacob Milton,
 Respondent.

Order reversed, superior court information reinstated,
and case remitted to the Appellate Division, Second
Department, for consideration of the facts and issues
raised but not determined on the appeal to that court.
Opinion by Chief Judge Lippman.
Judges Graffeo, Read, Smith, Pigott and Rivera
concur.

4 No. 80
The People &c.,
 Respondent,
 v.
Tyrone Prescott,
 Appellant.

Order reversed, defendant's coram nobis application
granted, the Appellate Division's October 2009 order
of affirmance vacated, and case remitted to the
Appellate Division, Fourth Department, for a de novo
determination of the appeal to that court, in a
memorandum.
Chief Judge Lippman and Judges Graffeo, Read,
Smith, Pigott and Rivera concur.

4 No. 140 SSM 9

Mark A. Prine,
 Appellant,
 v.
Adam M. Santee,
 Appellant,
Simon M. Coal-Aloor,
 Defendant,
Anna Torres,
 Respondent.

On review of submissions pursuant to section 500.11 of the Rules, order affirmed, with costs, in a memorandum.

Chief Judge Lippman and Judges Graffeo, Read, Smith, Pigott and Rivera concur.

1 No. 68

The People &c.,
 Respondent,
 v.
Antonio Rodriguez,
 Appellant.

Order affirmed.

Opinion by Judge Pigott.

Judges Graffeo, Read and Smith concur.

Chief Judge Lippman dissents and votes to reverse in an opinion in which Judge Rivera concurs.

2 No. 69

Roman Catholic Diocese of Brooklyn, &c.,
 Appellants,
 v.
National Union Fire Insurance Company of
Pittsburgh, PA., &c.,
 Respondent,
et al.,
 Defendant.

Order affirmed, with costs, and certified question answered in the affirmative.

Opinion by Judge Rivera.

Judges Read and Pigott concur.

Judge Smith concurs in result in an opinion.

Judge Graffeo concurs in part and dissents in part in an opinion.

Chief Judge Lippman took no part.

MOTIONS

3 Mo. No. 2013-342
In the Matter of Sophie Ackermann,
 Appellant,
New York City Department of Citywide
Administrative Services,
 Respondent.
Commissioner of Labor,
 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.

2 Mo. No. 2013-339
Fariha Basalel,
 Appellant,
 v.
Youni Gems Corporation, et al.,
 Defendants,
David Aharoni, et al.,
 Respondents.

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

2 Mo. No. 2013-254
The People &c.,
 Respondent,
 v.
Robert J. Boykin,
 Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2013-358
In the Matter of City of New York et al.,
 Appellants,
 v.
New York State Public Employment
Relations Board, et al.,
 Respondents.

Motion for leave to appeal denied.

4 Mo. No. 2013-378
The People &c.,
Respondent,
v.
Stephen M. Collins,
Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2013-283
Kimberly Mitchell Converse,
Plaintiff,
v.
Dole Food Company, Inc. et al.,
Respondents,
Leonard's Express, Inc.,
Appellant.

Motion for leave to appeal dismissed upon the ground that the orders sought to be appealed from do not finally determine the action within the meaning of the Constitution.

2 Mo. No. 2013-376
The People &c.,
Respondent,
v.
Gary Cox,
Appellant.

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

2 Mo. No. 2013-356
Pawel Czernicki,
Appellant,
v.
Marek Lawniczak,
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. 2013-467
In the Matter of Paulina D. (Anonymous),
Appellant,
v.
Charles Barron, &c.,
Respondent.

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

1 Mo. No. 2013-239
In the Matter of Tiara G.
et al., &c.

Cheryl R.,
Appellant,
Administration for Children's Services,
Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2013-212
Edgar Gluck, et al.,
Appellants,
v.
Chevre Liady Nusach Hoary,
et al.,
Respondents.

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

2 Mo. No. 2013-405
In the Matter of Raghubir K. Gupta, &c.

Grievance Committee for the Second,
Eleventh, and Thirteenth Judicial Districts,
Respondent;
Raghubir K. Gupta,
Appellant.

Motion for leave to appeal granted.
Motion for a stay of so much of the Appellate Division order as suspended appellant from the practice of law granted, without prejudice to an application by petitioner-respondent to the Appellate Division, on notice to appellant, for an interim suspension.

2 Mo. No. 2013-346
In the Matter of Melanie Ann Kaplan,
Respondent,
v.
Edward Scott Kaplan,
Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2012-1251
In the Matter of Thad L. Kempisty,
 Petitioner,
Michael Kempisty,
 Appellant,
 v.
Town of Geddes, et al.,
 Respondents.

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

1 Mo. No. 2013-312
Zenon Klewinowski,
 Appellant,
et al.,
 Plaintiff,
 v.
City of New York, et al.,
 Defendants,
Welsbach Electric Corp.,
 Respondent.
(And a Third-Party Action.)

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

1 Mo. No. 2013-326
In the Matter of London Terrace Gardens,
L.P.,
 Appellant,
 v.
The City of New York, et al.,
 Respondents.
(And an Action.)

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

1 Mo. No. 2013-290
Fredy Lopez,
 Appellant,
 v.
Rafael Dagan, et al.,
 Respondents,
et al.,
 Defendant.

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

2 Mo. No. 2013-373
Nella Manko,
 Appellant,
 v.
Bernard H. Broome, 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.
Motion for poor person relief dismissed as academic.

3 Mo. No. 2013-352
In the Matter of Mario Mannino,
 Appellant,
 v.
Brian Fischer, &c., et al.,
 Respondents.

Motion for leave to appeal denied.

3 Mo. No. 2013-367
In the Matter of Johanna M., &c.

Tompkins County Department of Social
Services,
 Respondent;
John L.,
 Appellant.
(And Another Proceeding.)

Motion for leave to appeal denied.

3 Mo. No. 2013-286
In the Matter of Jill A. Messina,
 Appellant,
 v.
New York State and Local Employees'
Retirement System,
 Respondent.

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

4 Mo. No. 2013-327
Natasha Muckova, M.D.,
 Appellant,
 v.
State of New York,
 Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2013-296
In the Matter of New York State Commission
on Judicial Conduct,
 Respondent,
 v.
Seth Rubenstein,
 Appellant.
(And Another Action.)

Motion for leave to appeal granted.

1 Mo. No. 2013-377
In the Matter of New York Times Company,
et al.,
 Appellants,
 v.
City of New York Police Department,
 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. 2013-297
In the Matter of Niagara Frontier Transit
Metro System, Inc.,
 Respondent,
 v.
Amalgamated Transit Union Local 1342 et
al.,
 Appellants.

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

4 Mo. No. 2013-395
In the Matter of Niagara Frontier Transit
Metro System, Inc.,
Respondent,
v.
Amalgamated Transit Union Local 1342 et
al.,
Appellants.

Motion by Civil Service Employees Association, Inc.
for leave to appear amicus curiae on the motion for
leave to appeal herein granted and the brief is
accepted as filed.

1 Mo. No. 2013-344
In the Matter of Georges P., &c.
Yvelisse A.,
Appellant,
Graham-Windham Services to Families and
Children,
Respondent.

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

4 Mo. No. 2013-303
Virginia S. Paul,
Appellant,
v.
David G. Cooper, &c., et al.,
Respondents.

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

2 Mo. No. 2013-355
The People &c.,
Respondent,
v.
Dennis Perez,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2013-278
Renaissance Art Investors, LLC,
Appellant,
v.
AXA Art Insurance Corporation,
Respondent.
(And Another Action.)

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

3 Mo. No. 2013-350
In the Matter of Rite Aid Corporation,
Appellant,
v.
Susan Otis, &c., et al.,
Respondents.
(And Two Other Related Proceedings.)

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

1 Mo. No. 2013-215
The People &c.,
Respondent,
v.
Julio Rodriguez,
Appellant.

Motion to dismiss appeal denied.

2 Mo. No. 2013-191
The People &c. ex rel. John F. Ryan, on
behalf of Richard Shaver,
Respondent,
v.
Kevin Cheverko, &c., et al.,
Appellants.

Motion for leave to appeal granted.

2 Mo. No. 2013-371
The People &c.,
Respondent,
v.
Jerome Shephard,
Appellant.

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

2 Mo. No. 2013-223
In the Matter of Clarence A. Tripp, &c.,
deceased.

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

Norman Shaifer &c.,
Appellant;
Kevin J. Plunkett, &c., et al.,
Respondents.

1 SSD 28
In the Matter of the State of New York,
 Respondent,
 v.
William W.,
 Appellant.

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

2 Mo. No. 2013-233
Zere Real Estate Services, Inc., &c.,
 Respondent,
 v.
Parr General Contracting Company, Inc., et
al.,
 Appellants.

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