

September 10, 2013

**CASE**

1                    No. 243 SSM 22  
Bruno Kearney Architects, LLP,  
    Appellant,  
    v.  
Lisa Rose,  
    Respondent.

On review of submissions pursuant to section 500.11 of the Rules, order affirmed, with costs, and judgment absolute dismissing the complaint granted upon plaintiff's stipulation. The Appellate Division correctly determined that plaintiff was not entitled to recovery against defendant.  
Chief Judge Lippman and Judges Graffeo, Read, Smith, Pigott and Abdus-Salaam concur.  
Judge Rivera took no part.

## MOTIONS

2                    Mo. No. 2013-670  
Christine Adami,  
    Appellant,  
    v.  
Warwick Valley Central School District et al.,  
    Respondents.

Motion, insofar as it seeks leave to appeal from that portion of the Appellate Division order that affirmed the denial of appellant's motion to renew, dismissed upon the ground that such portion of the order does not finally determine the action within the meaning of the Constitution; motion for leave to appeal otherwise denied.

                          Mo. No. 2013-772  
In the Matter of Christina Stevenson Blanco,  
    Respondent,  
    v.  
Augusto Tito Blanco,  
    Appellant.

Motion for leave to appeal denied.

4                    Mo. No. 2013-689  
In the Matter of David Bonnell,  
    Respondent,  
    v.  
Kimberly J. Rodgers,  
    Appellant.

Motion for leave to appeal denied.

2                    Mo. No. 2013-684  
In the Matter of Anthony Brandon,  
    Appellant,  
    v.  
Melvyn R. Clauson, &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.

1                    Mo. No. 2013-767  
In the Matter of James Cannings,  
    Appellant,  
    v.  
East Midtown Plaza Housing Company, Inc.,  
    Respondent.

Motion for leave to appeal denied.

3                    Mo. No. 2013-637  
Roberto Ciaprazi,  
    Appellant,  
    v.  
State of New York,  
    Respondent.

Motion, insofar as it seeks leave to appeal from the  
May 2013 Appellate Division order, denied; motion  
for leave to appeal otherwise dismissed upon the  
ground that the other orders sought to be appealed  
from do not finally determine the action within the  
meaning of the Constitution.  
Motion for poor person relief dismissed as academic.

4                    Mo. No. 2013-760  
In the Matter of Michelle Cormier,  
    Petitioner,  
    v.  
Roxanne Clarke,  
    Respondent,  
et al.,  
    Respondent.

Motion for leave to appeal denied.

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In the Matter of Roxanne Clarke,  
    Appellant,  
    v.  
Christopher Clarke, I,  
    Respondent,  
Michelle K. Cormier,  
    Respondent.

1                    Mo. No. 2013-716  
In the Matter of Echo W. Dixon,  
    Appellant,  
    v.  
State of New York et al.,  
    Respondents.

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The People &c. ex rel. Echo W. Dixon,  
    Appellant,  
    v.  
The State of New York, et al.,  
    Respondents.

1                    Mo. No. 2013-570  
80 Varick Street Group, L.P.,  
    Respondent,  
    v.  
Donald MacPherson,  
    Appellant.

1                    Mo. No. 2013-615  
Paul M. Ellington,  
    Appellant,  
    v.  
EMI Music Inc., et al.,  
    Defendants,  
EMI Mills Music, Inc.,  
    Respondent.

2                    Mo. No. 2013-722  
In the Matter of Ervin Flores,  
    Respondent,  
    v.  
Niomee Sonja Mark,  
    Appellant.  
(And Another Proceeding.)

On the Court's own motion, appeal, insofar as taken from the June 2013 Appellate Division order, dismissed, without costs, upon the ground that such order does not finally determine the proceeding within the meaning of the Constitution; appeal otherwise dismissed, without costs, upon the ground that no substantial constitutional question is directly involved.

Motion for leave to appeal denied.

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

Judge Abdus-Salaam took no part.

Motion for leave to appeal granted.

Motion for leave to appeal denied.

1 Mo. No. 2013-555  
The People &c.,  
Respondent,  
v.  
Oliverio Galindo,  
Appellant.

Motion to dismiss appeal denied.

1 Mo. No. 2013-757  
In the Matter of Robert T. Giaimo, &c.,  
Appellant,  
v.  
Janet Giaimo Vitale,  
Respondent.  
(And Another Proceeding.)

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

2 Mo. No. 2013-759  
Indymac Bank, F.S.B.,  
Respondent,  
v.  
Diana J. Yano-Horoski,  
Appellant,  
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.

1 Mo. No. 2013-755  
In the Matter of Cheyenne J., &c.  
Christian J.,  
Appellant,  
Administration for Children's Services,  
Respondent,  
Tamek S.,  
Respondent.

Motion, insofar as it seeks leave to appeal from the Appellate Division order denying reargument or leave to appeal, dismissed upon the ground that such order does not finally determine the proceeding within the meaning of the Constitution; motion for leave to appeal otherwise denied.  
Judge Abdus-Salaam took no part.

3                   SSD 44  
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.

Appeal, insofar as taken from that part of the Appellate Division order that affirmed so much of Supreme Court's order as dismissed the complaint, dismissed without costs, by the Court sua sponte, upon the ground that no substantial constitutional question is directly involved; appeal, insofar as taken from that part of the Appellate Division order that affirmed so much of Supreme Court's order as denied appellant's motion for reconsideration of a prior order denying appellant's application for a preliminary injunction, dismissed without costs, by the Court sua sponte, upon the ground that such portion of the order does not finally determine the action within the meaning of the Constitution.

3                   Mo. No. 2013-736  
In the Matter of Leon R. Koziol, a Suspended  
Attorney.  
  
Committee on Professional Standards,  
          Respondent;  
Leon R. Koziol,  
          Appellant.

On the Court's own motion, appeal, insofar as taken from that portion of the Appellate Division order denying reconsideration of the application for reinstatement, dismissed, without costs, upon the ground that such portion of the order does not finally determine the proceeding within the meaning of the Constitution; appeal otherwise dismissed, without costs, upon the ground that no substantial constitutional question is directly involved. Motion for leave to appeal, insofar as taken from that portion of the Appellate Division order denying reconsideration of the application for reinstatement, dismissed upon the ground that such portion of the order does not finally determine the proceeding within the meaning of the Constitution; motion for leave to appeal otherwise denied. Motion for a stay and other relief dismissed as academic.

2 Mo. No. 2013-626  
Ralph Massaro, et al.,  
Appellants,  
v.  
Jaina Network Systems, 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.

1 Mo. No. 2013-582  
The People &c.,  
Respondent,  
v.  
Miguel Mejias,  
Appellant.

Motion for reargument denied.  
Judge Abdus-Salaam took no part.

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

2 Mo. No. 2013-723  
Linnette Moses,  
Appellant,  
v.  
T-Mobile, et al.,  
Respondents.

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

4 Mo. No. 2013-727  
In the Matter of Nancy Chineze Nwawka,  
Respondent,  
v.  
Desire Badibady Yamutuale,  
Respondent.  
Jennifer M. Lorenz, Attorney for the Child,  
Appellant.

Motion for leave to appeal denied.

1                    Mo. No. 2013-715  
The People &c.,  
    Respondent,  
    v.  
Scott Parilla,  
    Appellant.

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

3                    SSD 45  
In the Matter of Michael S. Pascazi,  
    Appellant,  
    v.  
Colleen C. Gardner, as Commissioner of  
Labor,  
    Respondent.

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

1                    Mo. No. 2013-584  
In the Matter of Annette Perel,  
    Respondent,  
    v.  
Daniel Michael Gonzalez,  
    Appellant.

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

3                    Mo. No. 2013-653  
In the Matter of Joseph P. Rolleri,  
    Appellant,  
    v.  
Mastic Beach Ambulance Company, Inc. et  
al.,  
    Respondents.  
Workers' Compensation Board,  
    Respondent.

Motion for leave to appeal denied.

2                    Mo. No. 2013-753  
Linda Saline, &c.,  
    Respondent,  
    v.  
Richard Saline,  
    Appellant.

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

2 Mo. No. 2013-704  
Jennifer Silvestri,  
Appellant,  
v.  
Village of Bronxville,  
Respondent.

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

1 SSD 43  
Eugene Tenenbaum,  
Appellant,  
v.  
State Commissioner of Housing and  
Community Renewal,  
Respondent.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that it does not lie (see CPLR 5601).

2 Mo. No. 2013-745  
The People &c. ex rel. Keith Todd,  
Appellant,  
v.  
Sandra Dolce, &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. 2013-794  
Samuel Tomaino,  
Appellant,  
v.  
Thomas Marotta, Jr.,  
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 (see Cuadrado v New York City Tr. Auth., lv dismissed 14 NY3d 748 [2010]).

3 Mo. No. 2013-677  
In the Matter of Brian Tuitt,  
Appellant,  
v.  
Superintendent Daniel Martuscello,  
Respondent.

Motion for leave to appeal denied.

1                    Mo. No. 2013-699  
Warshaw Burstein Cohen Schlesinger & Kuh,  
LLP,  
    Respondent,  
    v.  
Eric A. Longmire,  
    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.  
Judge Rivera took no part.

2                    Mo. No. 2013-210  
Wells Fargo Bank, N.A., &c.,  
    Respondent,  
    v.  
Oswald Russell,  
    Appellant,  
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.  
Motion for poor person relief dismissed as academic.

3                    Mo. No. 2013-720  
In the Matter of Cole WW. &c.  
  
Madison County Department of Social  
Services,  
    Respondent;  
Amanda WW. et al.,  
    Appellants.  
(And Another Proceeding.)

Motions for leave to appeal denied.