

September 17, 2013

**CASES**

No. 248

In the Matter of the Hon. Robert E.  
Alexander, a Justice of the Pembroke Town  
Court, Genesee County.

On consideration of the continuation of this Court's  
August 22, 2013 suspension of Hon. Robert E.  
Alexander from the office of Justice of the Pembroke  
Town Court, Genesee County, it is ordered that the  
suspension is continued, with pay, effective  
immediately.

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

No. 247

Quaker Hills, LLC,  
Respondent,  
v.  
Pacific Indemnity Co.,  
Appellant.

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.

## MOTIONS

2                    Mo. No. 2013-688  
In the Matter of Judy Andracchi,  
    Appellant,  
    v.  
John Reetz,  
    Respondent.

Motion for leave to appeal denied.

2                    Mo. No. 2013-917  
In the Matter of Mitchell S. Drucker, an  
attorney and counselor-at-law.

Motion for leave to appeal denied.

Grievance Committee for the Tenth Judicial  
District,  
    Respondent;  
Mitchell S. Drucker,  
    Appellant.

1                    Mo. No. 2013-719  
Derek Arauz, &c.,  
    Appellant,  
    v.  
New York City Health and Hospitals  
Corporation, &c.,  
    Respondent.

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

2                    Mo. No. 2013-708  
In the Matter of Victoria C. (Anonymous).

Motion for leave to appeal denied.

Suffolk County Department of Social  
Services,  
    Respondent;  
Cassandra C. (Anonymous),  
    Appellant.

2 Mo. No. 2013-709  
In the Matter of Nivia L.C. (Anonymous).

Suffolk County Department of Social  
Services,  
Respondent;  
Shani C. (Anonymous),  
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2013-830  
The People &c.,  
Respondent,  
v.  
Jean Cantave,  
Appellant.

Motion to clarify opinion denied.

2 Mo. No. 2013-664  
Olga Caro,  
Appellant,  
v.  
Marsh USA, Inc., et al.,  
Respondents.

Motion, insofar as it seeks leave to appeal from that portion of the Appellate Division order that dismissed the appeal from so much of the Supreme Court order as directed that the video recording of all future depositions be at appellant's attorney's expense, dismissed upon the ground that as to that part of the Appellate Division order, appellant is not a party aggrieved; motion for leave to appeal otherwise 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. 2013-712  
Chestnut Holdings of New York, Inc.,  
Appellant,  
v.  
LNR Partners, LLC,  
Respondent.

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

3                    Mo. No. 2013-773  
In the Matter of State of New York,  
    Respondent,  
    v.  
Donald DD.,  
    Appellant.

Motion for leave to appeal granted.

2                    Mo. No. 2013-848  
Deutsche Bank National Trust Company, &c.,  
    Respondent,  
    v.  
Demetres Spanos, et al.,  
    Defendants,  
Isadora Sidroula Spanos,  
    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.

1                    Mo. No. 2013-842  
The People &c.,  
    Respondent,  
    v.  
Adam Doctor,  
    Appellant.

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

1                    Mo. No. 2013-750  
Facie Libre Associates I, LLC  
et al.,  
    Appellants,  
    v.  
SecondMarket Holdings, Inc.,  
    Respondent.

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

4                    Mo. No. 2013-816  
In the Matter of Jeffrey Gee  
et al.,  
          Appellants,  
          v.  
State Farm Mutual Automobile Insurance  
Company,  
          Respondent.

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

1                    Mo. No. 2013-732  
The Goldman Sachs Group, Inc.,  
et al.,  
          Respondents,  
          v.  
Almah 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 (see Burke v Crosson, 85 NY2d 10, 18 n 5 [1995]).  
Judge Abdus-Salaam took no part.

1                    Mo. No. 2013-711  
In the Matter of Jamal Grant,  
          Appellant,  
          v.  
John Cataldo, et al.,  
          Respondents.

Motion for leave to appeal denied.

2                    Mo. No. 2013-821  
The People &c.,  
          Respondent,  
          v.  
Willie Grubbs,  
          Appellant.

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

Mo. No. 2013-779  
In the Matter of Annette J.S.J. (Anonymous).  
  
Administration for Children's Services, et al.,  
Respondents;  
Rebecca F. (Anonymous),  
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 proceedings within the meaning of the Constitution.

4 Mo. No. 2013-742  
In the Matter of William B. Johnston,  
Appellant,  
v.  
Galen D. Kirkland, &c.,  
Respondent,  
Scott Gehl, et al.,  
Respondents.

Motion for leave to appeal denied.

3 Mo. No. 2013-632  
Melanie Kelley, &c., et al.,  
Appellants,  
v.  
Richard Schneck, &c.,  
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.

1 Mo. No. 2013-831  
Justina Kim,  
Appellant,  
v.  
New York State Division of Human Rights,  
Respondent,  
D.E. Shaw & Co., L.P.,  
Respondent.

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

2                    Mo. No. 2013-646  
Madison Realty Capital, L.P.,  
    Respondent,  
    v.  
Broken Angel, LLC, et al.,  
    Defendants,  
Arthur N. Wood,  
    Appellant.

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Arthur N. Wood,  
    Appellant,  
    v.  
Madison Realty Capital, L.P.,  
    Respondent.

2                    Mo. No. 2013-791  
Madison Realty Capital, L.P.,  
    Respondent,  
    v.  
Broken Angel, LLC, et al.,  
    Defendants,  
Arthur N. Wood,  
    Appellant.

2                    Mo. No. 2013-789  
Thomas David Mauskopf, &c.,  
    Appellant,  
    v.  
1528 Owners Corp., et al.,  
    Respondents,  
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 actions within the meaning of the Constitution.

Motion for leave to appeal denied.

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

1                    Mo. No. 2013-717  
Glenford McDonald,  
    Respondent,  
    v.  
New York City Transit Authority et al.,  
    Appellants,  
et al.,  
    Defendants.

Motion for leave to appeal denied.

4                    Mo. No. 2013-623  
Jannie Nesmith, &c., et al.,  
    Appellants,  
    v.  
Allstate Insurance Company,  
    Respondent.

Motion for leave to appeal granted.

1                    SSD 50  
Aleksandr Palatkevich,  
    Respondent,  
    v.  
Stanacard, LLC,  
    Appellant.

Appeal dismissed without costs, by the Court sua  
sponte, upon the ground that no substantial  
constitutional question is directly involved.  
Judge Abdus-Salaam took no part.

2                    Mo. No. 2013-669  
Bank of Smithtown,  
    Respondent,  
    v.  
Pine Tree Developments, LLC  
et al.,  
    Respondents,  
Patrick A. Curtis,  
    Appellant,  
et al.,  
    Defendant.

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

1 Mo. No. 2013-734  
Trump Securities, LLC, et al.,  
Respondents,  
v.  
The Purolite Company, et al.,  
Appellants,  
Watch Hill Partners LLC,  
Defendant.

Motion for reargument granted and, upon reargument, motion for leave to appeal denied. Judge Abdus-Salaam took no part.

1 Mo. No. 2013-820  
Union Square Park Community Coalition, Inc., et al.,  
Appellants,  
v.  
New York City Department of Parks and Recreation, et al.,  
Respondents.

Motion, insofar as it seeks leave to appeal from that portion of the Appellate Division order that denied appellants' motion for a preliminary injunction, 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 granted.

2 Mo. No. 2013-724  
U.S. Bank National Association, &c.,  
Appellant,  
v.  
Lisa Ann Pia et al.,  
Respondents.  
(And a Third-Party Action.)

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. 2013-790  
Arthur N. Wood,  
Appellant,  
v.  
Madison Realty Capital, L.P.,  
Respondent.

Motion for leave to appeal denied.

1                   SSD 51  
Artur Zaytsev,  
    Respondent,  
    v.  
Stanacard, LLC,  
    Appellant.

Appeal, insofar as taken from that part of the Appellate Division order that affirmed Supreme Court's order denying summary judgment, dismissed without costs, by the Court sua sponte, upon the ground that the Appellate Division order does not finally determine the action within the meaning of the Constitution; appeal, insofar as taken from that part of the Appellate Division order that affirmed Supreme Court's order granting respondent's application to voluntarily discontinue the action without prejudice, dismissed without costs, by the Court sua sponte, upon the ground that no substantial constitutional question is directly involved. Judge Abdus-Salaam took no part.