

June 30, 2014

CASES

1 No. 105
The People &c.,
 Appellant,
 v.
Roman Baret,
 Respondent.

Order reversed and order of Supreme Court, Bronx County, reinstated.
Opinion by Judge Read.
Judges Graffeo, Smith and Pigott concur.
Chief Judge Lippman dissents in an opinion.
Judge Rivera dissents in a separate opinion.
Judge Abdus-Salaam took no part.

2 No. 178 SSM 14
Thomas Boyle, et al.,
 Appellants,
 v.
Starwood Hotels & Resorts Worldwide, Inc.,
 Respondent.

On review of submissions pursuant to section 500.11 of the Rules, order affirmed, with costs, and certified question not answered as unnecessary. It was not an abuse of discretion to grant, with conditions, defendant's motion to dismiss the complaint on the ground of forum non conveniens (see CPLR 327[a]; Islamic Republic of Iran v Pahlavi, 62 NY2d 474, 478 [1984]).
Chief Judge Lippman and Judges Graffeo, Read, Smith, Pigott, Rivera and Abdus-Salaam concur.

3 No. 131
Cooperstown Holstein Corporation,
 Appellant,
 v.
Town of Middlefield,
 Respondent.

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

2 No. 133
The People &c.,
 Appellant,
 v.
Mark Garrett,
 Respondent.

Order reversed and order of County Court, Suffolk County, reinstated.
Opinion by Judge Abdus-Salaam.
Judges Graffeo, Read and Pigott concur.
Chief Judge Lippman concurs in result in an opinion in which Judges Smith and Rivera concur, Judge Smith in a separate concurring opinion in which Judge Pigott concurs.

1 No. 129
The People &c.,
 Respondent,
 v.
John F. Haggerty, Jr.,
 Appellant,
et al.,
 Defendant.

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

1 No. 119
Patrick Lynch, &c., et al.,
 Respondents,
 v.
The City of New York, et al.,
 Appellants.

Order reversed, with costs, the fifth cause of action dismissed, judgment granted declaring in accordance with the opinion herein, and certified question answered in the negative.
Opinion by Judge Read.
Chief Judge Lippman and Judges Graffeo, Smith, Pigott and Rivera concur.
Judge Abdus-Salaam took no part.

3 No. 130
In the Matter of Mark S. Wallach, as Chapter
7 Trustee for Norse Energy Corp. USA,
 Appellant,
 v.
Town of Dryden et al.,
 Respondents.

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

MOTIONS

2 Mo. No. 2014-435
Susan Aranoff,
 Respondent,
 v.
Gerald Aranoff,
 Appellant.

Motion for reargument of motion for leave to appeal denied.

2 Mo. No. 2014-495
The People &c.,
 Respondent,
 v.
Harry Barfield,
 Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2014-486
In the Matter of Arrello Barnes,
 Appellant,
 v.
Brian Fischer, &c.,
 Respondent.

Motion for leave to appeal denied.

4 Mo. No. 2014-443
In the Matter of Battaglia Demolition, Inc., et
al.,
 Appellants,
 v.
City of Buffalo, et al.,
 Respondents.

Motion for leave to appeal denied.

1 Mo. No. 2014-509
Bellinson Law, LLC,
 Appellant,
 v.
Robert Iannucci,
 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.

4 Mo. No. 2014-440
In the Matter of Treyvone C.

Oneida County Department of Social
Services,
Respondent;
Shameel P.,
Appellant.

3 Mo. No. 2014-511
In the Matter of Otabio E. Cepeda,
Appellant,

v.
New York State Comptroller,
et al.,
Respondents.

4 Mo. No. 2014-445
The People &c. ex rel. Alan Dale,
Appellant,

v.
David Stallone, &c., et al.,
Respondents.

2 Mo. No. 2014-482
The People &c.,
Respondent,

v.
Paul Davis,
Appellant.

4 Mo. No. 2014-570
In the Matter of Tyrone D.,
Appellant,

v.
State of New York, et al.,
Respondents.

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

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

Motion for leave to appeal denied.

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

Motion to strike portions of the brief filed by
respondents granted to the extent of deeming stricken
appended pages A31-A32 and references thereto in
the first two sentences of the paragraph appearing at
pages 14-15 of the brief; motion to strike is
otherwise denied.

3 Mo. No. 2014-518
In the Matter of Shawn Doyle,
 Appellant,
 v.
Albert Prack, &c.,
 Respondent.

Motion for leave to appeal denied.

4 Mo. No. 2014-521
Laura Harden,
 Appellant,
 v.
James W. Faulk, M.D.,
 Respondent.

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

4 Mo. No. 2014-520
Mary T. Heltz,
 Appellant,
 v.
Bruce S. Barratt et al.,
 Respondents.

Motion for leave to appeal granted.

3 Mo. No. 2014-501
HSBC Bank USA, National Association, &c.,
 Respondent,
 v.
Gregory Sage,
 Appellant,
et al.,
 Defendants.

Motion, insofar as it seeks leave to appeal from the December 2013 Appellate Division order, dismissed upon the ground that it does not lie, appellant having previously moved in the Court of Appeals for leave to appeal (22 NY3d 1172 [2014]) from the same Appellate Division order (see Selinger v Selinger, 90 NY2d 842 [1997]); motion for leave to appeal otherwise dismissed upon the ground that the other order sought to be appealed from does not finally determine the action within the meaning of the Constitution.

3 Mo. No. 2014-480
Isaac Hudson,
 Appellant,
 v.
State of New York,
 Respondent.

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

1 Mo. No. 2014-425
Jumax Associates,
 Appellant,
 v.
350 Cabrini Owners Corp.,
 Respondent.

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

1 Mo. No. 2014-476
Donette Kingston,
 Appellant,
 v.
New York City Department of Homelessness
Services,
 Respondent.

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

2 Mo. No. 2014-487
Anita Kozar, et al.,
 Respondents,
 v.
Christie's, Inc.,
 Defendant,
Kenneth J. O'Keefe, et al.,
 Respondents,
Mario Cascone, et al.,
 Appellant.

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

4 Mo. No. 2014-504
In the Matter of Hannah L. et al.

Erie County Department of Social Services,
Respondent;
Dwayne L.,
Appellant.

Motion for reargument of motion for leave to appeal denied.

4 Mo. No. 2014-447
In the Matter of Suzanne Lozinak,
Respondent,
v.
Board of Education of Williamsville Central
School,
Appellant.

Motion for leave to appeal granted.

3 Mo. No. 2014-522
In the Matter of Joseph W. McKay,
Respondent,
v.
Village of Endicott,
Appellant.

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 and is not an order of the type provided for in CPLR 5602(a)(2).

2 Mo. No. 2014-510
In the Matter of Jill Meyer, &c.,
Appellant,
v.
Forest Hills Hospital, &c.,
et al.,
Respondents.

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

4 Mo. No. 2014-499
In the Matter of Gregory W. Norton,
Appellant,
v.
City of Hornell et al.,
Respondents.

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

3 Mo. No. 2014-502
In the Matter of Noel Olmosperez,
 Appellant,
 v.
Andrea W. Evans, &c.,
 Respondent.

Motion for leave to appeal granted.

1 Mo. No. 2014-483
In the Matter of Kalpana Patel, M.D.,
 Appellant,
 v.
Nirav Shah, &c., et al.,
 Respondents.

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

3 Mo. No. 2014-459
The People &c.,
 Respondent,
 v.
Michael Pavlisak Sr.,
 Appellant.

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

2 Mo. No. 2014-548
The People &c.,
 Respondent,
 v.
Jin Cheng Lin,
 Appellant.

Motion to vacate this Court's May 6, 2014 dismissal order granted.

1 Mo. No. 2014-507
Peri Formwork Systems, Inc.,
 Appellant,
 v.
Lumbermens Mutual Casualty Company, et al.,
 Defendants,
Arch Insurance Company, et al.,
 Respondents.

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

1 Mo. No. 2014-640
PJ Hanley's Corp.,
 Appellant,
 v.
Kiwi Pub Corp.,
 Respondent.

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

4 Mo. No. 2014-473
In the Matter of Gilbert Quinones,
 Respondent,
 v.
Siobhan Leonard,
 Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2014-505
Robert C. Raimondo,
 Respondent,
 v.
Thomas Douglas,
 Appellant.

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

4 Mo. No. 2014-449
Remet Corporation,
 Appellant,
 v.
The Estate of James R. Pyne, &c.,
et al.,
 Respondents,
et al.,
 Defendant.

Motion for leave to appeal granted.

4 Mo. No. 2014-523
Ofelia Rodriguez,
 Appellant,
 v.
Maria I. Colon,
 Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2014-490
In the Matter of Anthony S., &c.,
Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2014-500
In the Matter of Volodymyr I. Tkachyshyn,
Appellant.
Commissioner of Labor,
Respondent.
(App. Div. No. 516210)

Motion for reconsideration of this Court's April 1,
2014 dismissal order denied.
Motion for leave to appeal denied.

3 Mo. No. 2014-625
In the Matter of Volodymyr I. Tkachyshyn,
Appellant.
Commissioner of Labor,
Respondent.
(App. Div. No. 516398)

Motion for reconsideration of this Court's April 1,
2014 dismissal order denied.
Motion for leave to appeal denied.

3 Mo. No. 2014-496
The People &c.,
Respondent,
v.
Clarence A. Watson,
Appellant.

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

1 Mo. No. 2014-508
Young Woo & Assoc., LLC, et al.,
Respondents,
v.
Andrew Y. Kim,
Defendant,
Christine A. Rodriguez,
Nonparty-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.