

December 21, 2010

CASES

2	No. 222	Order affirmed, with costs, and certified question not answered upon the ground that it is unnecessary, in a memorandum. Chief Judge Lippman and Judges Ciparick, Graffeo, Read, Smith, Pigott and Jones concur.
Azad Anand, et al., Appellants, v. Anoop Kapoor, Respondent.		
1	No. 220	Order affirmed. Opinion by Judge Jones. Chief Judge Lippman and Judges Ciparick, Graffeo, Read, Smith and Pigott concur.
The People &c., Respondent, v. Rodriguece Garcia, Also Known as Carlos Rodriguez, Appellant.		
3	No. 221	Order, insofar as appealed from, reversed, with costs, petitioner's application to vacate the arbitration award granted and matter remitted to Supreme Court, Albany County, for further proceedings in accordance with the opinion herein. Opinion by Judge Ciparick. Chief Judge Lippman and Judges Graffeo, Read, Smith, Pigott and Jones concur.
In the Matter of the Arbitration between Barbara Kowaleski, Appellant, and New York State Department of Correctional Services, Respondent.		
1	No. 219	Order affirmed. Opinion by Judge Jones. Chief Judge Lippman and Judges Ciparick, Graffeo, Read and Smith concur. Judge Pigott dissents in an opinion.
The People &c., Respondent, v. William Porto, Appellant.		

1 No. 236 SSM 60
Pat Roddy,
 Appellant,
 v.
Nederlander Producing Company of
America, Inc., et al.,
 Respondents,
et al.,
 Defendants.
(And a Third-Party Action.)

On review of submissions pursuant to section 500.11 of the Rules, order reversed, with costs, and plaintiff's complaint as against defendants Nederlander Producing Company of America, Inc. and The Gershwin Theatre reinstated, in a memorandum. Chief Judge Lippman and Judges Ciparick, Graffeo, Read, Smith, Pigott and Jones concur.

MOTIONS

1 Mo. No. 2010-1176
In the Matter of Joshua Hezekiah
B., &c.

Edgar B., Sr.,
 Appellant,
New York City Administration for
Children's Services,
 Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2010-1170
The People &c.,
 Respondent,

 v.
Abdul Beyah, &c.,
 Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2010-1189
In the Matter of Community Church
of Syosset,

 Appellant,
 v.
Assessor, et al.,
 Respondents.

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

 SSD 75
The People &c.,
 Respondent,

 v.
Manuel Cruz,
 Appellant.

Appeal dismissed without costs, by the
Court sua sponte, upon the ground that
no civil appeal lies from the order of
Supreme Court entered in this criminal
proceeding (see NY Const, art VI, §
3[b]; CPLR 5601; CPL 450.90).

2 Mo. No. 2010-1167
In the Matter of Alan Csorba,
 Appellant,
 v.
Denise Renzi,
 Respondent.

Motion, insofar as it seeks leave to appeal from that portion of the Appellate Division order that affirmed Family Court's denial of appellant's application to enforce a prior order of Family Court, 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.

3 Mo. No. 2010-1169
The People &c. ex rel. Dominic M.
Franza,
 Appellant,
 v.
James J. Walsh, &c.,
 Respondent.

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

2 Mo. No. 2010-1147
In the Matter of Rose Glatzer,
 Appellant,
 v.
Jay Glatzer, 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 consolidated proceeding and action within the meaning of the Constitution.

1 Mo. No. 2010-1182
Tran Han Ho, et al.,
 Appellants,
 v.
Patrick J. Brackley,
 Respondent.

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

4 Mo. No. 2010-1199
Liebel & Merle Sales, Inc.,
 Respondent,
 v.
Polymer Conversions, Inc.,
 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.

2 Mo. No. 2010-1168
Elizabeth Miller Nabors,
 Respondent,
 v.
Town of Somers,
 Appellant,
et al.,
 Defendant.

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).

3 Mo. No. 2010-1174
In the Matter of Lester A.
Peters,
 Appellant.
Janus Elevator Products,
 Respondent.
Commissioner of Labor,
 Respondent.

Motion for leave to appeal dismissed as untimely (see CPLR 5513[b]).

3 Mo. No. 2010-1173
In the Matter of Hayley PP., &c.

Broome County Department of
Social Services,
 Respondent;
Christal PP.,
 Respondent;
Cindy QQ.,
 Appellant;
et al.,
 Respondent.
(And Another Proceeding.)

Motion for leave to appeal denied.

2 SSD 74
The People &c.,
 Respondent,
 v.
Victor Sowell,
 Appellant.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that the Court does not have jurisdiction to entertain it (see NY Const, art VI, § 3[b]; CPLR 5601; CPL 450.90).

2 Mo. No. 2010-1190
In the Matter of Marcia Taylor,
 Appellant,
 v.
Horace Taylor,
 Respondent.
(And Another Proceeding.)

Motion for leave to appeal denied.

1 Mo. No. 2010-1122
Roberta Schreiber Ulmer,
 Appellant,
 v.
Rosalie F. Winard, et al.,
 Respondents.

Motion, insofar as it seeks leave to appeal from that part of the Appellate Division order that affirmed Supreme Court's order denying appellant's motion to vacate, 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. 2010-1192
Verizon Directories Corp.,
 Appellant,
 v.
Continuum Health Partners, Inc.,
 Respondent.

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

1 Mo. No. 2010-1175
The People &c.,
 Respondent,
 v.
Steven Walker,
 Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2010-1188
John Whitfield,
 Appellant,
 v.
State of New York,
 Respondent.
Appellate Division No. 2010-06759

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.

1 Mo. No. 2010-1223
In the Matter of Thomas Winston,
et al.,
 Appellants,
 v.
Leslie Torres, &c.,
 Respondent.

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