

June 07, 2011

CASES

4 James V. Aquavella, &c., et al., Appellants, v. Ralph S. Viola, &c., 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 Ciparick, Graffeo, Read, Smith, Pigott and Jones concur.
1 Rachel L. Arfa, et al., Appellants, v. Gadi Zamir, et al., Respondents, Eli Mor, et al., Defendants.	Order affirmed, with costs, and certified question answered in the affirmative, in a memorandum. Chief Judge Lippman and Judges Ciparick, Graffeo, Read, Smith, Pigott and Jones concur.
 (And Other Actions.)	
4 The People &c., Respondent, v. Jazzmone Brown, Appellant.	Order affirmed, in a memorandum. Chief Judge Lippman and Judges Ciparick, Graffeo, Read, Smith, Pigott and Jones concur.
1 Centro Empresarial Cempresa S.A., et al., Appellants, v. America Movil, S.A.B. de C.V., et al., Respondents.	Order affirmed, with costs. Opinion by Judge Ciparick. Chief Judge Lippman and Judges Graffeo, Read, Smith, Pigott and Jones concur.

2 No. 112
The People &c.,
 Respondent,
 v.
Dean Pacquette,
 Appellant.

Order affirmed.
Opinion by Judge Read.
Judges Ciparick, Graffeo, Smith and
Pigott concur.
Chief Judge Lippman dissents in an
opinion in which Judge Jones concurs.

1 No. 181 SSM 21
Christopher Scott,
 Appellant,
 v.
Rockaway Pratt, LLC,
 Respondent.

On review of submissions pursuant to
section 500.11 of the Rules, order
reversed, with costs, order of Supreme
Court, New York County, reinstated, and
certified question answered in the
negative. Supreme Court properly held
that calculation of the amount of rent
overcharge should be made by reference
to a 1982 rent reduction order, which
remained in effect during the four-year
limitations period (see Matter of
Cintron v Calogero, 15 NY3d 347
[2010]).
Chief Judge Lippman and Judges
Ciparick, Graffeo, Read, Smith, Pigott
and Jones concur.

2 No. 116
The People &c.,
 Respondent,
 v.
Thomas Sirico,
 Appellant.

Order affirmed, in a memorandum.
Chief Judge Lippman and Judges
Ciparick, Graffeo, Read, Smith and
Pigott concur.
Judge Jones dissents and votes to
reverse in an opinion.

1 No. 108
The People &c.,
 Respondent,
 v.
Owen Steward,
 Appellant.

Order reversed and a new trial ordered.
Opinion by Judge Graffeo.
Chief Judge Lippman and Judges
Ciparick, Pigott and Jones concur.
Judge Smith dissents and votes to
affirm in an opinion in which Judge
Read concurs.

MOTIONS

1 Mo. No. 2011-344
385 Third Avenue Associates,
L.P., et al.,
 Appellants,
 v.
Metropolitan Metals Corp.,
 Appellant,
The Burlington Insurance Company,
 Respondent.

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

2 Mo. No. 2011-386
Melanie Alvarez, et al.,
 Appellants,
 v.
John Amicucci, et al.,
 Respondents.

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

2 Mo. No. 2011-394
In the Matter of Birch Tree
Partners, LLC,
 Appellant,
 v.
Town of East Hampton, et al.,
 Respondents.

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

4 Mo. No. 2011-368
In the Matter of Donna Black,
 Appellant,
 v.
John Paul Watson,
 Respondent.

Motion, insofar as it seeks leave to
appeal from that portion of the
Appellate Division order that affirmed
so much of Family Court's order as
adjudged that respondent did not
willfully violate a prior order of the
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.

2 Mo. No. 2011-418
Cheryl Bladt,
 Respondent,
 v.
Willard Bladt,
 Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2011-417
The People &c.,
 Respondent,
 v.
Anthony Carleo,
 Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2011-420
In the Matter of Echostar
Satellite Corporation,
 Appellant,
 v.
Tax Appeals Tribunal of the State
of New York et al.,
 Respondents.

Motion for leave to appeal granted.

1 Mo. No. 2011-383
In the Matter of Donald Faggen,
&c.

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

Celia Faggen, Deceased.

Donald Faggen,
 Appellant,

 v.
JP Morgan Chase, N.A. et al.,
 Respondents.

4 Mo. No. 2011-385
In the Matter of the State of New
York,

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

 Respondent,
 v.
Daniel Gierszewski, &c.,
 Appellant.

1 Mo. No. 2011-414
Glencord Building Corp. et al.,
 Respondents,
 v.
Elena Strujan,
 Appellant,
et al.,
 Defendant.

Motion for leave to appeal dismissed
upon the ground that it does not lie
(see CPLR 5602).
Motion for poor person relief
dismissed as academic.

4 Mo. No. 2011-400
In the Matter of New York State
Commission of Correction,
 Respondent,
 v.
Timothy B. Howard, &c.,
 Appellant.

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

1 Mo. No. 2011-408
OFSI Fund II, LLC, et al.,
 Appellants,
 v.
Canadian Imperial Bank of
Commerce, &c. et al.,
 Respondents,
et al.,
 Defendants.

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

1 Mo. No. 2011-439
In the Matter of Eyal Ovadia,
et al.,
 Appellants,
 v.
Office of the Industrial Board of
Appeals, et al.,
 Respondents.

Motion for leave to appeal granted.

4 Mo. No. 2011-365
In the Matter of Nicole J.R.,
 Appellant,
 v.
Jason M.R.,
 Respondent.

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

3 Mo. No. 2011-412
In the Matter of Rafael
Rodriguez, &c.,
 Appellant,
 v.
Tax Appeals Tribunal of the State
of New York, et al.,
 Respondents.

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

1 Mo. No. 2011-406
In the Matter of Cleopatra
Rosioreanu,
 Appellant,
 v.
New York City Office of
Collective Bargaining,
 Respondent.

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

1 Mo. No. 2011-426
Schulte Roth & Zabel, LLP,
 Respondent,
 v.
Philip J. Kassover,
 Appellant.

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

2 Mo. No. 2011-397
Tara Snolis, et al.,
 Appellants,
 v.
Timothy W. Clare,
 Defendant,
William J. Poisson, &c., et al.,
 Respondents.

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

2 Mo. No. 2011-421
Robert Snyder,
 Appellant,
et al.,
 Plaintiff,
 v.
Allstate Insurance Company,
 Respondent.

Motion, insofar as it seeks leave to
appeal from that portion of the
Appellate Division order that affirmed
the Supreme Court order dismissing the
complaint, denied; motion for leave to
appeal otherwise dismissed upon the
ground that the remaining portions of
the Appellate Division order sought to
be appealed from do not finally
determine the action within the
meaning of the Constitution.

2 Mo. No. 2011-402
In the Matter of Marticia
Springfield,
 Appellant,
 v.
Town of Huntington Housing
Authority, et al.,
 Respondents.

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

3 Mo. No. 2011-389
In the Matter of Injah Tafari,
 Appellant,
 v.
Brian Fischer, &c.,
 Respondent.
Appellate Division No. 510180

Motion for leave to appeal denied.

3 Mo. No. 2011-388
In the Matter of Injah Tafari,
 Appellant,
 v.
David A. Rock, &c.,
 Respondent.
Appellate Division No. 510507

Motion for leave to appeal denied.

1 Mo. No. 2011-384
In the Matter of Damon Bruce W.,
Jr., &c.,

Yvonne M.G., &c.,
 Appellant,
The Children's Aid Society,
 Respondent.

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

1 Mo. No. 2011-391
In the Matter of Afshin
Zartoshti,
 Appellant,
 v.
Columbia University,
 Respondent.

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