

May 03, 2011

CASES

2 No. 72
The People &c.,
 Appellant,
 v.
Robert Alonso and
Emilia Alonso,
 Respondents.

Order reversed and case remitted to the Appellate Division, Second Department, for consideration of the merits of the appeal to that court.
Opinion by Chief Judge Lippman.
Judges Ciparick, Graffeo, Read and Pigott concur.
Judge Jones dissents and votes to affirm in an opinion in which Judge Smith concurs.

1 No. 80
The People &c.,
 Respondent,
 v.
Terrell Gilford,
 Appellant.

Order affirmed, in a memorandum.
Chief Judge Lippman and Judges Ciparick, Graffeo, Read, Smith, Pigott and Jones concur.

1 No. 73
The People &c.,
 Respondent,
 v.
Pedro Melendez,
 Appellant.

Order affirmed, in a memorandum.
Chief Judge Lippman and Judges Ciparick, Graffeo, Read, Smith, Pigott and Jones concur.

2 No. 71
The People &c.,
 Appellant,
 v.
Peter Rivera,
 Respondent.

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

2 No. 64
Roslyn Union Free School
District,
 Appellant,
 v.
Michael Barkan, et al.,
 Defendants,
Carol Margaritis,
 Respondent.

Order modified, without costs, by
reinstating the causes of action for
breach of fiduciary duty, negligence
and declaratory judgment as against
defendant Carol Margaritis, and as so
modified, affirmed.
Opinion by Judge Graffeo.
Chief Judge Lippman and Judges
Ciparick, Read, Smith, Pigott and Jones
concur.

3 No. 70
The People &c.,
 Respondent,
 v.
Steven Scott,
 Appellant.

Order affirmed.
Opinion by Judge Jones.
Chief Judge Lippman and Judges
Ciparick, Graffeo, Read, Smith and
Pigott concur.

MOTIONS

3 Mo. No. 2011-270
In the Matter of Hamilcar Barca,
 Appellant,
 v.
Brian Fischer, &c.,
 Respondent.

Motion for leave to appeal denied.

4 Mo. No. 2011-275
In the Matter of Deborah J.
Barnes,
 Respondent,
 v.
Jimmie L. Evans,
 Appellant.

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

1 SSD 17
Maninder Bhugra,
 Appellant,
 v.
Massachusetts Casualty Insurance
Company, et al.,
 Defendants,
Disability Management Services,
 Respondent.

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

4 Mo. No. 2011-251
In the Matter of Thomas C. et al.

Onondaga County Department of
Social Services,
 Respondent;
Jennifer C.,
 Appellant.

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

2 Mo. No. 2011-235

In the Matter of Board of
Managers of Copley Court
Condominium,

Appellant,

v.

Town of Ossining, &c., et al.,

Respondents,

Briarcliff Manor Union Free
School District,

Respondent.

Motion for leave to appeal granted.

4 Mo. No. 2011-289

The People &c.,

Respondent,

v.

Douglas Cummings,

Appellant.

Motion for leave to appeal denied.

Motion for poor person relief
dismissed as academic.

4 Mo. No. 2011-228

The People &c. ex rel. Bernard
DeVeaux,

Appellant,

v.

Donald Sawyer, &c., et al.,

Respondents.

Motion for leave to appeal dismissed
upon the ground that it does not lie
from the order of the individual
Justice of the Appellate Division (see
NY Const, art VI, § 3[b]; CPLR 5602).

Motion for poor person relief
dismissed as academic.

4 Mo. No. 2011-297

In the Matter of Robin DiNatale,
Appellant,

v.

New York State Division of Human
Rights, et al.,

Respondents.

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

3 Mo. No. 2011-209

In the Matter of Town of Erwin,
Appellant,

v.

State of New York et al.,

Respondents.

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

4 Mo. No. 2011-204
In the Matter of Jerrold Ferraro,
et al.,
 Appellants,
 v.
Town Board of Town of Amherst, et
al.,
 Respondents.

Motion for leave to appeal denied.

1 Mo. No. 2011-296
Judith Halevi, et al.,
 Plaintiffs,
 v.
Bartley Fisher,
 Appellant,
Wagner Davis P.C., et al.,
 Respondents,
et al.,
 Defendants.

Motion for leave to appeal denied.

2 Mo. No. 2011-280
In the Matter of Joshua
H. (Anonymous),
 Respondent.
Grace N. (Anonymous),
 Nonparty-Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2011-201
Glenn M. Hellman,
 Appellant,
 v.
Bruce Hellman, et al.,
 Respondents.

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

3 Mo. No. 2011-274
In the Matter of Michelle C.
Hissam,
 Appellant,
 v.
Matthew P. Mancini,
 Respondent.
(And Another Related Proceeding.)

Motion, insofar as it seeks leave to appeal from that portion of the Appellate Division order that affirmed that part of Family Court's order that dismissed appellant's contempt application, 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.
Judge Pigott took no part.

2 Mo. No. 2011-128
Giovanni Hyman,
 Appellant,
 v.
Agtuca Realty Corporation,
et al.,
 Defendants,
Aimes Collision, Inc., &c.,
et al.,
 Respondents.

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

3 Mo. No. 2011-223
The People &c. ex rel. Anthony
Jackson,
 Appellant,
 v.
Robert M. Morgenthau, &c.,
et al.,
 Respondents.

Motion for leave to appeal denied.

3 Mo. No. 2011-187
In the Matter of Naomi KK.,
 Respondent,
 v.
Natasha LL.,
 Appellant,
et al.,
 Respondent.

Motion for leave to appeal denied.
Judge Pigott took no part.

3 Mo. No. 2011-211
In the Matter of Armani KK.,
et al., &c.

Otsego County Department of
Social Services,
 Respondent;
Deborah KK.,
 Appellant;
et al.,
 Respondent.
(And Another Proceeding.)

Motion for leave to appeal denied.

1 Mo. No. 2011-143
The People &c.,
 Respondent,
 v.
Scott Liden,
 Appellant.

Motion for leave to appeal granted.
Motion for poor person relief granted.

2 Mo. No. 2011-272
Long Island Water Corporation,
 Respondent,
 v.
Supervisor of Town of Hempstead,
et al.,
 Appellants.

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

4 Mo. No. 2011-210
Donna Prince Lynch, &c., et al.,
 Respondent,
 v.
Mike Waters, &c., 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.

Mike Waters, &c., et al.,
 Third-Party Respondents,
 v.
The Pompey Hill Fire District, et
al.,
 Third-Party Respondents,
The Village of Manlius et al.,
 Third-Party Appellants.

2 Mo. No. 2011-288
Fahim Majawalla, &c., et al.,
 Respondents,
 v.
Utica First Insurance Company,
 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. 2011-224
In the Matter of Wanda M.
(Anonymous),
 Respondent,
 v.
Lawrence T. (Anonymous),
 Appellant.

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

3 Mo. No. 2011-304
In the Matter of Khawar Maqsood,
 Appellant,
 v.
McRoberts Protective Agency
et al.,
 Respondents.
Workers' Compensation Board,
 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. Motion for poor person relief dismissed as academic.

4 Mo. No. 2011-347
Scott Martzloff et al., &c.,
 Appellants,
 v.
Rush-Henrietta Central School
District,
 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. 2011-259
Amy McCabe et al.,
 Respondents,
 v.
St. Paul Fire and Marine
Insurance Company,
 Appellant,
et al.,
 Defendant.

Motion for leave to appeal granted.

1 Mo. No. 2011-252
Joan McInerney,
 Respondent,
 v.
Michael J. McInerney,
 Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2011-164
Robert Naldi,
 Appellant,
 v.
Michael Grunberg,
 Defendant,
Grunberg 55 LLC,
 Respondent.

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

2 Mo. No. 2011-249
Fred Nesci, et al.,
 Appellants,
 v.
Ralph Romanelli, et al.,
 Respondents,
et al.,
 Defendants.

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

2 Mo. No. 2011-190
New York Telephone Company,
 Plaintiff,
 v.
Supervisor of Town of North
Hempstead, et al.,
 Defendants.

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

Supervisor of Town of North
Hempstead, et al.,
 Third-Party Respondents,
 v.
County of Nassau, et al.,
 Third-Party Appellants.

2 Mo. No. 2011-248
New York Telephone Company,
 Respondent,
 v.
Supervisor of Town of North
Hempstead, et al.,
 Appellants.
(And Four Other Actions.)

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

3 Mo. No. 2011-231
In the Matter of Randi NN.
et al., &c.

Schenectady County Department of
Social Services,
 Respondent;
Randi MM.,
 Respondent;
Joseph MM.,
 Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2011-318
NY SMS Waterproofing, Inc.,
 Respondent,
 v.
Congregation Machne Chaim, Inc.,
&c.,
 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.

3 Mo. No. 2011-266
In the Matter of Gerard O'Connor,
 Appellant,
 v.
New York City Board of Education,
 Respondent.
Workers' Compensation Board,
 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. 2011-183
In the Matter of the State of New
York,
 Respondent,
 v.
Michael Pierce,
 Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2011-236
In the Matter of Robin L. Ross,
 Appellant.
Starwood Hotels & Resorts
Worldwide, Inc.,
 Respondent.
Commissioner of Labor,
 Respondent.

Motion, insofar as it seeks leave to
appeal from the Appellate Division
order denying appellant's motion for
reconsideration, 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.

4 Mo. No. 2011-212
The People &c.,
 Respondent,
 v.
Norman Shampine,
 Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2011-45
Sarit Shmueli,
 Appellant,
 v.
NRT New York, Inc., &c.,
 Defendant,
Morris Duffy Alonso & Faley, LLP,
 Respondent.

Motion for leave to appeal denied.

3 Mo. No. 2011-237
In the Matter of St. Lawrence
County Department of Social
Services, on Behalf of Joanne
Petrie,
 Respondent,
 v.
Vincent Pratt,
 Appellant.

Motion for leave to appeal denied.
Judge Pigott took no part.

4 Mo. No. 2011-186
In the Matter of the Estate of
Kevin W. Stanley, Deceased.

Diane R. Stanley, &c.,
 Appellant;
Lawrence J. Matter, Esq., &c., et
al.,
 Respondents.

Motion for leave to appeal dismissed
upon the ground that the orders sought
to be appealed from do not finally
determine the proceedings within the
meaning of the Constitution.

In the Matter of the Estate of
Kathleen A. Stanley, Deceased.

Richard T. Stanley, &c.,
 Appellant;
Lawrence J. Mattar, Esq., &c.,
et al.,
 Respondents.

3 Mo. No. 2011-356
In the Matter of Kevin M.
Strommer,
 Appellant,
 v.
New York State and Local Police
and Fire Retirement System,
 Respondent.

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

1 Mo. No. 2011-371
Union Carbide Corporation,
 Appellant,
 v.
Affiliated FM Insurance Company,
et al.,
 Defendants,
Continental Casualty Company,
et al.,
 Respondents.

Motion for reargument denied.

3 Mo. No. 2011-283
In the Matter of Stephen W.,
 Respondent,
 v.
Christina X.,
 Appellant.

Motion for leave to appeal denied.
Judge Pigott took no part.