

September 13, 2011

**CASE**

4                    No. 220 SSM 29  
The People &c.,  
    Appellant,  
    v.  
Marcelle E. Williams,  
    Respondent.

On review of submissions pursuant to section 500.11  
of the Rules, orders affirmed, in a memorandum.  
Chief Judge Lippman and Judges Ciparick, Graffeo,  
Read, Smith, Pigott and Jones concur.

**MOTIONS**

3 Mo. No. 2011-657  
In the Matter of Paige AA., &c.

Warren County Department of Social  
Services,  
Respondent;  
Anthony AA.,  
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2011-637  
Isidro Abascal,  
Appellant,  
v.  
The City of New York,  
Respondent.

Motion for reargument of motion for leave to appeal denied.

1 Mo. No. 2011-641  
Admiral Insurance Company,  
et al.,  
Appellants,  
v.  
Marriott International, Inc.,  
et al.,  
Respondents,  
et al.,  
Defendants.

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

4 Mo. No. 2011-914  
The People &c.,  
Respondent,  
v.  
Anthony Attea,  
Appellant.

Motion for assignment of counsel granted and Charles J. Greenberg, Esq., PO Box 102, Buffalo, NY 14207 assigned as counsel to the appellant on the appeal herein.

2 Mo. No. 2011-693  
The People &c.,  
Respondent,  
v.  
James Belter,  
Appellant.

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

2 SSD 31  
In the Matter of Joshua Bernstein, a Disbarred  
Attorney.  
  
Grievance Committee for the Second,  
Eleventh, and Thirteenth Judicial Districts,  
Petitioner,  
Joshua Bernstein,  
Appellant.

Appeal dismissed without costs, by the Court sua  
sponte, upon the ground that the order appealed from  
does not finally determine the proceeding within the  
meaning of the Constitution.

3 Mo. No. 2011-554  
In the Matter of Sergio Black,  
Appellant,  
v.  
New York State Board of Parole,  
Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2011-727  
The People &c.,  
Respondent,  
v.  
Clayton Brown,  
Appellant.

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

1 Mo. No. 2011-801  
In the Matter of Deborah Bush,  
Appellant,  
v.  
Division of Human Rights et al.,  
Respondents.

Motion for reargument of motion for leave to appeal  
denied.

1                    Mo. No. 2011-972  
The People &c.,  
    Respondent,  
    v.  
Norman Cajigas,  
    Appellant.

Motion for assignment of counsel granted and Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor, New York, NY 10006 assigned as counsel to the appellant on the appeal herein.

2                    Mo. No. 2011-660  
In the Matter of Lindsay Curreri,  
    Respondent,  
    v.  
Kenneth Varriale,  
    Appellant.

Motion for leave to appeal denied.

4                    Mo. No. 2011-658  
Charles L. Davis,  
    Appellant,  
    v.  
Russell Firman, M.D., et al.,  
    Respondents.

Motion, insofar as it seeks leave to appeal from the Appellate Division order of affirmance, dismissed as untimely (see CPLR 5513[b]; Eaton v State of New York, 76 NY2d 824 [1990]); motion, insofar as it seeks leave to appeal from the Appellate Division order denying reargument, dismissed upon the ground that such order does not finally determine the action within the meaning of the Constitution.

                          Mo. No. 2011-1017  
The People &c.,  
    Respondent,  
    v.  
Sandy Fernandez,  
    Appellant.

Motion for assignment of counsel granted and Steven Banks, Esq., The Legal Aid Society, 199 Water Street, New York, NY 10038 assigned as counsel to the appellant on the appeal herein.

2 Mo. No. 2011-646  
In the Matter of Jason A.G. (Anonymous).

Administration for Children's Services, et al.,  
Respondents;  
Sonia E. (Anonymous),  
Appellant.  
(And Another Proceeding.)

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

2 Mo. No. 2011-617  
In the Matter of Paul Goetz, Sr.,  
Respondent,  
v.  
Catherine M. Donnelly,  
Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2011-728  
The People &c.,  
Respondent,  
v.  
John Grossman,  
Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2011-901  
The People &c.,  
Respondent,  
v.  
Robert C. Halter,  
Appellant.

Motion for assignment of counsel granted and  
Timothy P. Donaher, Esq., Monroe County Public  
Defender, 10 N. Fitzhugh Street, Rochester, NY  
14614 assigned as counsel to the appellant on the  
appeal herein.

2 Mo. No. 2011-560  
In the Matter of Anthony H.,  
Appellant;  
Adam Karpati,  
Respondent.

Motion for leave to appeal denied.

3 Mo. No. 2011-610  
William Held Jr., &c., et al.,  
Appellants,  
v.  
State of New York Workers' Compensation  
Board et al.,  
Respondents.

On the Court's own motion, appeal dismissed,  
without costs, upon the ground that no substantial  
constitutional question is directly involved.  
Motion for leave to appeal denied with one hundred  
dollars costs and necessary reproduction  
disbursements.

2 Mo. No. 2011-890  
The People &c.,  
Respondent,  
v.  
Carlos Herring,  
Appellant.

Motion for assignment of counsel granted and Diane  
E. Selker, Esq., 701 Nelson Avenue, Peekskill, NY  
10566 assigned as counsel to the appellant on the  
appeal herein.

2 Mo. No. 2011-724  
In the Matter of Tyrone Houston,  
Appellant,  
v.  
Matthew J. D'Emic, &c., et al.,  
Respondents.

Motion to vacate this Court's June 15, 2011 dismissal  
order denied.

1 Mo. No. 2011-653  
Linnet Isaac,  
Appellant,  
v.  
1515 Macombs, LLC, et al.,  
Respondents.

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

3 Mo. No. 2011-666  
In the Matter of Island Waste Services, Ltd.,  
Appellant,  
v.  
Tax Appeals Tribunal of the State of New  
York, et al.,  
Respondents.

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

1                    Mo. No. 2011-913  
The People &c.,  
    Respondent,  
    v.  
Richard Kelley,  
    Appellant.

Motion for assignment of counsel granted and Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Suite 1601, New York, NY 10007 assigned as counsel to the appellant on the appeal herein.

3                    Mo. No. 2011-609  
The People &c. ex rel. Shawn I. Lainfiesta,  
    Appellant,  
    v.  
William R. Lape, &c., et al.,  
    Respondents.

Motion for leave to appeal denied.

4                    Mo. No. 2011-622  
In the Matter of Cheyenne M.  
  
Erie County Department of Social Services,  
    Respondent;  
Charlie M.,  
    Appellant,  
Melanie M.,  
    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.

1                    Mo. No. 2011-947  
The People &c.,  
    Respondent,  
    v.  
Zahira Matos,  
    Appellant.

Motion for assignment of counsel granted and Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Suite 1601, New York, NY 10007 assigned as counsel to the appellant on the appeal herein.

4 Mo. No. 2011-681  
In the Matter of Robert P. Meegan, Jr., &c., et  
al.,  
Respondents,  
v.  
Byron W. Brown, &c., et al.,  
Appellants.

Motion for leave to appeal denied.

1 Mo. No. 2011-722  
Zalina Mohammed,  
Appellant,  
v.  
Command Security Corp., et al.,  
Respondents.

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

Mo. No. 2011-715  
The People &c.,  
Respondent,  
v.  
Jason Naradzay,  
Appellant.

Motion for reargument dismissed as untimely (see  
Rules of Ct of Appeals [22 NYCRR] § 500.24[b]).  
Motion for relief ancillary to the motion for  
reargument denied.

4 Mo. No. 2011-662  
In the Matter of Niagara Mohawk Power  
Corporation, &c.,  
Appellant,  
v.  
Town of Niagara Assessor, et al.,  
Respondents.

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



4 Mo. No. 2011-519  
In the Matter of Niagara County, &c. et al.,  
Appellants,  
v.  
Power Authority of State of New York, et al.,  
Respondents.

Motion, insofar as it seeks leave to appeal from that portion of the Appellate Division order which denied petitioners' motion for leave to serve a complaint and discovery demands, 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. 2011-684  
In the Matter of George P. (Anonymous).  
  
Diane Sherwood, &c.,  
Appellant;  
Family Service Society of Yonkers, et al.,  
Respondents.

Motion for leave to appeal denied.

2 Mo. No. 2011-615  
In the Matter of PC Group, LLC,  
Appellant,  
v.  
Alexander B. Grannis, &c.,  
et al.,  
Respondents.

Motion for leave to appeal granted.

4 Mo. No. 2011-701  
The People &c.,  
Respondent,  
v.  
David Plunkett,  
Appellant.

Motion to vacate this Court's June 1, 2011 dismissal order granted.

4 Mo. No. 2011-649  
Farid Popal,  
Appellant,  
v.  
Harvey J. Slovis, Esq.,  
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. 2011-999  
The People &c.,  
Respondent,  
v.  
Gilberto Ramos,  
Appellant.

Motion for assignment of counsel granted and Steven Banks, Esq., The Legal Aid Society, 199 Water Street, New York, NY 10038 assigned as counsel to the appellant on the appeal herein.

4 Mo. No. 2011-638  
In the Matter of Nicholas J.R.

Motion for leave to appeal denied.

Cattaraugus County Department of Social Services,  
Respondent;  
Jamie L.R.,  
Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2011-614  
In the Matter of Jason M. Saggese,  
Appellant,  
v.  
Krystal L. Steinmetz,  
Respondent.

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

2 Mo. No. 2011-577  
Saxon Mortgage Services, Inc.,  
Respondent,  
v.  
Carrie Coakley,  
Appellant,  
et al.,  
Defendants.

3                    Mo. No. 2011-766  
The People &c. ex rel. Michael Aziz Zarif  
Shabazz &c.,  
    Appellant,  
    v.  
Jerome J. Richards &c. et al.,  
    Respondents.

Motion for reargument of motion for leave to appeal denied.

2                    Mo. No. 2011-582  
The People &c.,  
    Respondent,  
    v.  
Daniel Spring,  
    Appellant.

Motion for leave to appeal denied.

2                    Mo. No. 2011-1004  
The People &c.,  
    Respondent,  
    v.  
Donald Stanley,  
    Appellant.

Motion for assignment of counsel granted and Lynn W. L. Fahey, Esq., Appellate Advocates, 2 Rector Street, 10th Floor, New York, NY 10006 assigned as counsel to the appellant on the appeal herein.

1                    Mo. No. 2011-650  
In the Matter of Stray from the Heart, Inc.,  
    Appellant,  
    v.  
Department of Health and Mental Hygiene of  
the City of New York, et al.,  
    Respondents.

Motion for leave to appeal granted.

1 Mo. No. 2011-707  
In the Matter of Stray from the Heart, Inc.,  
Appellant,  
v.  
Department of Health and Mental Hygiene of  
the City of New York, et al.,  
Respondents.

Motion by the Animal Legal Defense Fund for leave to file a brief amicus curiae on the motion for leave to appeal herein granted and the brief is accepted as filed.

1 Mo. No. 2011-738  
In the Matter of Stray from the Heart, Inc.,  
Appellant,  
v.  
Department of Health and Mental Hygiene of  
the City of New York, et al.,  
Respondents.

Motion by the Office of the Manhattan Borough President for leave to file a brief amicus curiae on the motion for leave to appeal herein granted and the brief is accepted as filed, and for leave to file a brief amicus curiae on the appeal herein granted, three copies of the brief to be served and an original and 19 copies filed within 30 days.

4 Mo. No. 2011-619  
Joseph Timmons et al.,  
Appellants,  
v.  
Barrett Paving Materials, Inc.,  
Respondent.  
(And Other Actions.)

Motion, insofar as it seeks leave to appeal as against Schneider Brothers Corporation, dismissed as untimely (see CPLR 5513[b]); motion for leave to appeal otherwise denied.

2 Mo. No. 2011-603  
Genevieve Torre, et al.,  
Appellants,  
v.  
Huguenot Properties, Inc.,  
Defendant,  
Richmond Fiesta Market, Inc.,  
Respondent.

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

2                    Mo. No. 2011-645  
In the Matter of USAA Casualty Insurance  
Company,  
                  Respondent,  
          v.  
Lisa Cook,  
                  Appellant;  
Pacific Specialty Insurance Company, et al.,  
Proposed Additional Respondents.

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

3                    Mo. No. 2011-678  
In the Matter of Corey UU., &c.  
  
Fulton County Department of Social Services,  
                  Respondent;  
Donna UU.,  
                  Appellant.

Motion for leave to appeal denied.

3                    Mo. No. 2011-694  
In the Matter of Lori S. VanNostrand,  
                  Appellant,  
          v.  
Kaylee VanNostrand,  
                  Respondent,  
David Roy Condon,  
                  Respondent.

Motion for leave to appeal denied.

1                    Mo. No. 2011-808  
The People &c.,  
                  Appellant,  
          v.  
Jessie Velez,  
                  Respondent.

Motion for assignment of counsel granted and Robert  
S. Dean, Esq., Center for Appellate Litigation, 74  
Trinity Place, 11th Floor, New York, NY 10006  
assigned as counsel to the respondent on the appeal  
herein.

1                    Mo. No. 2011-1011  
The People &c.,  
    Respondent,  
    v.  
Western Express International Inc., et al.,  
    Defendants,  
Douglas Latta,  
    Appellant.

Motion for assignment of counsel granted and Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor, New York, NY 10006 assigned as counsel to appellant Douglas Latta on the appeal herein.

2                    Mo. No. 2011-803  
The People &c.,  
    Respondent,  
    v.  
William Perry,  
    Appellant.

Motion for leave to appeal denied.

1                    Mo. No. 2011-949  
The People &c.,  
    Respondent,  
    v.  
Leroy Williams,  
    Appellant.

Motion for assignment of counsel granted and Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor, New York, NY 10006 assigned as counsel to the appellant on the appeal herein.

1                    SSD 30  
In the Matter of Eric Wolfe,  
    Appellant,  
    v.  
Raymond W. Kelly, &c., et al.,  
    Respondents.

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

                          Mo. No. 2011-965  
The People &c.,  
    Respondent,  
    v.  
Ledarrius Wright,  
    Appellant.

Motion for assignment of counsel granted and Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor, New York, NY 10006 assigned as counsel to the appellant on the appeal herein.

3                    Mo. No. 2011-659  
In the Matter of Telsa Z.  
et al., &c.

Clinton County Department of Social  
Services,  
    Respondent;  
Denise Z.,  
    Appellant.  
(And Another Related Proceeding.)

Motion for leave to appeal denied.

4                    Mo. No. 2011-640  
Jerad M. Zarnoch,  
    Appellant,  
    v.  
Jeffrey J. Williams,  
    Defendant,  
Steven J. Klosek et al.,  
    Respondents.

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

2                    Mo. No. 2011-661  
William A. Zutt, et al.,  
    Respondents,  
    v.  
State of New York,  
    Appellant.

Motion for leave to appeal denied.