

September 18, 2014

MOTIONS

2 Mo. No. 2014-757

11 King Center Corp.,
Appellant,

v.

City of Middletown, et al.,
Respondents.

11 King Center Corp., et al.,
Appellants,

v.

City of Middletown, et al.,
Respondents.

Motion for leave to appeal denied.

1 Mo. No. 2014-678

In the Matter of 155 West 21st Street, LLC,
Appellant,

et al.,

Petitioner,

v.

Alistair McMullan,
Respondent,

et al.,

Respondent.

Motion to expand the record denied.

2 Mo. No. 2014-667

Shereeann Alayoff,
Appellant,

v.

Abraham Alayoff,
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.

Motion for a stay dismissed as academic.

2 Mo. No. 2014-764
The People &c.,
Respondent,
v.
Steven Arias,
Appellant.

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

3 SSD 61
In the Matter of Avalon Gardens
Rehabilitation and Health Care Center, LLC,
Appellant,

Commissioner of Labor,
Respondent.
(And 19 Other Related Proceedings).

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

2 Mo. No. 2014-719
John Bardes, et al.,
Appellants,
v.
Gallo Pintado, 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.

1 Mo. No. 2014-602
The People &c.,
Respondent,
v.
Jose Martinez Baxin,
Appellant.

Motion for leave to appeal granted.

1 Mo. No. 2014-913
Branic International Realty Corp.,
Appellant,
v.
Phillip Pitt, &c.,
Respondent,
"John Doe," et al.,
Respondents.

Motion by The Bronx Defenders, Inc., et al. for leave
to file a brief amici curiae on the appeal herein
granted and the proposed brief is accepted as filed.
Three copies of the brief must be served and an
original and nine copies filed within seven days.
Judge Abdus-Salaam took no part.

1 Mo. No. 2014-663
Laquana Conrad,
 Appellant,
 v.
Apolonia Alicea, 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.

1 Mo. No. 2014-681
In the Matter of Empire State Realty Trust,
Inc. Investor Litigation.

Leon Meyers, et al.,
 Respondents,
Mary Jane Fales, et al.,
 Intervenors-Appellants,
 v.
Malkin Holdings L.L.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.

4 Mo. No. 2014-779
James R. French,
 Appellant,
 v.
Daun M. Symborski et al.,
 Respondents.

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

2 Mo. No. 2014-822
Judy Friedman, &c.,
 Appellant,
 v.
Lincoln Life & Annuity Company of New
York, &c.,
 Respondent.

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

1 Mo. No. 2014-741
Randy Genet et al.,
Appellants,
v.
Gerald B. Appel, M.D.,
Respondent.

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

3 Mo. No. 2014-799
In the Matter of Michael A. Goldstein et al.,
Appellants,
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.

4 Mo. No. 2014-743
Elijah Hamilton,
Appellant,
v.
George Picardo,
Respondent.

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

4 Mo. No. 2014-847
The People &c.,
Respondent,
v.
Thomas W. Jewell,
Appellant.

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

3 Mo. No. 2014-940
In the Matter of Maetrem of Cybele, Magna
Mater, Inc.,
Respondent,
v.
Nancy McCoy, &c., et al.,
Appellants.
(And Two Other Related Proceedings.)

Motion by Association of Towns of the State of New York for leave to appear amicus curiae on the appeal herein granted only to the extent that the proposed brief is accepted as filed.

4 Mo. No. 2014-768
In the Matter of Jesus M.

Oneida County Department of Social
Services,
Respondent;
Jamie M.,
Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2014-753
In the Matter of Melerina M.

Jefferson County Department of Social
Services,
Respondent;
Andrew A.,
Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2014-588
The People &c.,
Respondent,
v.
Terence McCray,
Appellant.

Motions for reargument denied.

1 Mo. No. 2014-724
The People &c.,
Respondent,
v.
Lionel McCray,
Appellant.

Motion for reargument denied.

3 Mo. No. 2014-800
In the Matter of James McNulty et al.,
Appellants,
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.

4 Mo. No. 2014-938
In the Matter of Merry-Go-Round Playhouse,
Inc.,
 Respondent,
 v.
Assessor of City of Auburn,
et al.,
 Appellants.

Motion by Association of Towns of the State of New York et al. for leave to appear amici curiae on the appeal herein granted only to the extent that the proposed brief is accepted as filed.

3 Mo. No. 2014-557
Nationstar Mortgage, LLC, &c.,
 Respondent,
 v.
Martin J. Davidson,
 Appellant,
et al.,
 Defendants.

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

1 Mo. No. 2014-653
The City of New York,
 Respondent,
 v.
Zurich American 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.

4 Mo. No. 2014-972
The People &c.,
 Appellant,
 v.
Dwight R. DeLee,
 Respondent.

Motion by District Attorneys Association of the State of New York for leave to appear amicus curiae on the appeal herein granted only to the extent that the proposed brief is accepted as filed. Three copies of the brief must be served and an original and nine copies filed within seven days.

4 Mo. No. 2014-722
In the Matter of Richard Perez,
 Appellant,
 v.
Anthony Annucci, &c.,
 Respondent.

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

2 Mo. No. 2014-823
Domingo Ramales,
 Plaintiff,
 v.
Pecker Iron Workers of Westchester, Inc.,
 Appellant,
Christ Fellowship Baptist Church, et al.,
 Respondents.
(And Third-Party Actions.)

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. 2014-964
The People &c.,
 Respondent,
 v.
Graham Reid,
 Appellant.

Motion by New York Civil Liberties Union for leave
to appear amicus curiae on the appeal herein granted
only to the extent that the proposed brief is accepted
as filed. Three copies of the brief must be served
and an original and nine copies filed within seven
days.
Judge Abdus-Salaam took no part.

1 Mo. No. 2014-821
Manuel Reis, &c.,
 Respondent,
 v.
Volvo Cars of North America,
et al.,
 Appellants.
(And a Third-Party Action.)

Motion for reargument denied with one hundred
dollars costs and necessary reproduction
disbursements.

1 Mo. No. 2014-708
Fernando Roman, et al.,
 Plaintiffs,
Liberty Mutual Insurance Company, &c.,
 Appellant,
 v.
Silvia B. Cabrera,
 Defendant,
Frank Lawrence, IV,
 Respondent.

Motion, insofar as it seeks leave to appeal from the March 2014 and May 2014 Appellate Division orders, dismissed upon the ground that such orders do not finally determine the action within the meaning of the Constitution; motion, insofar as it seeks leave to appeal from the January 2014 Appellate Division order, denied.

2 Mo. No. 2014-717
In the Matter of Mateo S. (Anonymous).

Administration for Children's Services,
 Respondent;
Robin Marie Y. (Anonymous),
 Appellant.
(And Other Proceedings.)

Motion for leave to appeal denied.

4 Mo. No. 2014-760
In the Matter of Makayla S.

Steuben County Department of Social
Services,
 Respondent;
David S.,
 Appellant;
et al.,
 Respondent.

Motion for leave to appeal denied.

Mo. No. 2014-944
In the Matter of Mary Veronica Santiago-
Monteverde.

Mary Veronica Santiago-Monteverde,
Appellant,
v.
John S. Pereira, &c.,
Respondent.

Mo. No. 2014-955
In the Matter of Mary Veronica Santiago-
Monteverde.

Mary Veronica Santiago-Monteverde,
Appellant,
v.
John S. Pereira, &c.,
Respondent.

1 Mo. No. 2014-766
In the Matter of Edna Shannon, &c.

Family Service Society of Yonkers,
Petitioner,
v.
Westchester County Department of Social
Services,
Appellant,
Eastchester Rehabilitation & Health Center,
Respondent.

2 Mo. No. 2014-934
The People &c.,
Respondent,

v.
Samuel Small &c.,
Appellant.

Motion by Brad Hoylman et al. for leave to file a
brief amici curiae on consideration of the certified
question herein granted and the proposed brief is
accepted as filed.

Motion by New York City Bankruptcy Assistance
Project et al. for leave to file a brief amici curiae on
consideration of the certified question herein granted
and the proposed brief is accepted as filed. Three
copies of the brief must be served and an original
and nine copies filed within seven days.

Motion for leave to appeal granted.

Motion for assignment of counsel granted and Lynn
W. L. Fahey, Esq., Appellate Advocates, 111 John
Street, 9th Floor, New York, NY 10038 assigned as
counsel to the appellant on the appeal herein.

1 Mo. No. 2014-942
The People &c.,
 Respondent,
 v.
Dennis P. Smalls,
 Appellant.

Motion for assignment of counsel granted and Seymour James, Jr., 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. 2014-776
In the Matter of Marisol Soto,
 Appellant,
 v.
Jamie Cruz,
 Respondent.

Motion for leave to appeal denied.

4 Mo. No. 2014-965
Sue/Perior Concrete & Paving, Inc.,
 Respondent,
 v.
Lewiston Golf Course Corporation,
 Appellant,
et al.,
 Defendants.

Motion by Seneca Nation of Indians for leave to appear amicus curiae on the appeal herein granted only to the extent that the proposed brief is accepted as filed. Three copies of the brief must be served and an original and nine copies filed within seven days.

2 Mo. No. 2014-638
County of Suffolk, &c.,
 Appellant,
 v.
Long Island Power Authority,
et al.,
 Respondents.

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

1 Mo. No. 2014-824
Twin Securities, Inc., et al.,
 Appellants,
 v.
Advocate & Lichtenstein, LLP, et al.,
 Respondents,
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 action within the meaning of the Constitution.

1 Mo. No. 2014-805

Ray Volpe,
Appellant,

v.

The Interpublic Group of Companies, Inc.,
&c.,

Respondent.

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