

August 29, 2013

CASE

1 No. 242 SSM 21
The People &c.,
 Appellant,
 v.
Terrence McFarlane,
 Respondent.

On review of submissions pursuant to section 500.11
of the Rules, order affirmed, in a memorandum.
Chief Judge Lippman and Judges Graffeo, Read,
Smith, Pigott, Rivera and Abdus-Salaam concur.

MOTIONS

2 Mo. No. 2013-629

Archstone, &c., et al.,
Appellants,

v.

Tocci Building Corporation of New Jersey,
Inc., et al.,

Defendants,

Perkins Eastman Architects, Inc.,
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.

2 Mo. No. 2013-622

The People &c.,
Respondent,

v.

Franklin Benjamin,
Appellant.

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

4 SSD 37

Mark W. Borowski,
Respondent,

v.

Jeremy J. Ptak,
Appellant,

et al.,
Defendant.

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

3 Mo. No. 2013-649

In the Matter of David A. Burr,
Appellant,

v.

David A. Rock, &c., et al.,
Respondents.

Motion for leave to appeal denied.

2 Mo. No. 2013-619
Nickolas P. Cimino, et al.,
 Appellants,
 v.
County of Nassau,
 Respondent,
et al.,
 Defendants.
(And a Third-Party Action.)

Motion for leave to appeal denied.

1 Mo. No. 2013-657
The People &c.,
 Respondent,
 v.
Henry Cooper,
 Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2013-603
Cooperstown Holstein Corporation,
 Appellant,
 v.
Town of Middlefield,
 Respondent.

Motion for leave to appeal granted.

3 Mo. No. 2013-647
Cooperstown Holstein Corporation,
 Appellant,
 v.
Town of Middlefield,
 Respondent.

Motion by New York Farm Bureau for leave to file a brief amicus curiae on the motion for leave to appeal herein granted and the brief is accepted as filed.

3 Mo. No. 2013-668
Cooperstown Holstein Corporation,
 Appellant,
 v.
Town of Middlefield,
 Respondent.

Motion by the Associated General Contractors of New York State, LLC, et al. for leave to file a brief amicus curiae on the motion for leave to appeal herein granted and the brief is accepted as filed.

3 Mo. No. 2013-676
Cooperstown Holstein Corporation,
Appellant,
v.
Town of Middlefield,
Respondent.

Motion by the American Petroleum Institute, et al.
for leave to file a brief amici curiae on the motion for
leave to appeal herein granted and the brief is
accepted as filed.

3 Mo. No. 2013-627
In the Matter of Frank Cucinella,
Appellant,
v.
New York City Transit Authority,
Respondent.
Workers' Compensation Board,
Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2013-638
In the Matter of Washington Davis,
Appellant,
v.
Burton D. Hecht, et al.,
Respondents.

Motion for leave to appeal denied.
Judge Abdus-Salaam took no part.

1 Mo. No. 2013-631
Devash LLC,
Appellant,
v.
German American Capital Corporation, et al.,
Defendants,
CWCapital Asset Management LLC,
et al.,
Respondents.

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

3 Mo. No. 2013-639
In the Matter of Amil Dinsio,
Appellant,
v.
Supreme Court, Appellate Division, Third
Department,
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.

3 Mo. No. 2013-640
In the Matter of Shay-Nah FF., &c.

Schenectady County Department of Social
Services,
Respondent;
Theresa GG.,
Appellant.
(And Another Related Proceeding.)

Motion for leave to appeal denied.

1 Mo. No. 2013-654
In the Matter of Gregory Floyd,
Respondent,
v.
City of New York, et al.,
Appellants.
(And Ten Other Proceedings.)

Motion for leave to appeal granted.

3 Mo. No. 2013-655
In the Matter of Mary GG.,
Respondent,
v.
Alicia GG.,
Respondent,
Ralph HH.,
Appellant.
(And Another Proceeding.)

Motion for leave to appeal denied.

1 Mo. No. 2013-614
In the Matter of Pauline Gilson,
Appellant,
v.
David Coburn,
Respondent.

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

1 Mo. No. 2013-633
Felix Hernandez,
Appellant,
v.
The City of New York,
Respondent,
et al.,
Defendants.

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. 2013-650
In the Matter of Blanche Hunter, deceased.

JPMorgan Chase Bank, N.A., &c.,
Appellant;
Margaret Hunter, et al.,
Respondents;
Eric T. Schneiderman, &c.,
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.

2 Mo. No. 2013-644
The People &c.,
Respondent,
v.
Baurzhan Kachatov,
Appellant.

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

2 Mo. No. 2013-642
The People &c. ex rel. Jared Kneitel, &c.,
Appellant,
v.
Warden, Rikers Island Correctional Facility,
&c.,
Respondent.

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

2 Mo. No. 2013-673
In the Matter of State of New York,
Respondent,
v.
Kenneth T. (Anonymous),
Appellant.

Motion for leave to appeal granted.

3 Mo. No. 2013-604
In the Matter of Norse Energy Corporation
USA,
Appellant,
v.
Town of Dryden et al.,
Respondents.
Dryden Resources Awareness Coalition,
Proposed Intervenor.

Motion for leave to appeal granted.

3 Mo. No. 2013-648
In the Matter of Norse Energy Corporation
USA,
Appellant,
v.
Town of Dryden et al.,
Respondents.
Dryden Resources Awareness Coalition,
Proposed Intervenor.

Motion by New York Farm Bureau for leave to file a
brief amicus curiae on the motion for leave to appeal
herein granted and the brief is accepted as filed.

3 Mo. No. 2013-658
In the Matter of Norse Energy Corporation
USA,
Appellant,
v.
Town of Dryden et al.,
Respondents.
Dryden Resources Awareness Coalition,
Proposed Intervenor.

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

3 Mo. No. 2013-667
In the Matter of Norse Energy Corporation
USA,
Appellant,
v.
Town of Dryden et al.,
Respondents.
Dryden Resources Awareness Coalition,
Proposed Intervenor.

Motion by the Associated General Contractors of
New York State, LLC, et al. for leave to file a brief
amici curiae on the motion for leave to appeal herein
granted and the brief is accepted as filed.

3 Mo. No. 2013-675
In the Matter of Norse Energy Corporation
USA,
Appellant,
v.
Town of Dryden et al.,
Respondents.
Dryden Resources Awareness Coalition,
Proposed Intervenor.

Motion by the American Petroleum Institute, et al.
for leave to file a brief amici curiae on the motion for
leave to appeal herein granted and the brief is
accepted as filed.

4 Mo. No. 2013-625
In the Matter of Professional, Clerical,
Technical Employees Association,
 Appellant,
 v.
Board of Education for Buffalo City School
District,
 Respondent.

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

2 Mo. No. 2013-656
In the Matter of Amy R.,
 Respondent,
 v.
Mitchell R.,
 Appellant.

Motion for leave to appeal denied.

3 SSD 36
In the Matter of the State of New York,
 Respondent,
 v.
Daniel OO.,
 Appellant.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that the stipulation and order of Supreme Court is not a final judgment within the meaning of the Constitution and CPLR 5601(d) because the Mental Hygiene Law article 10 application was withdrawn without prejudice to renewal in the event of certain conditions.

1 Mo. No. 2013-624
In the Matter of Gavin Martin W., &c.

Gary W.,
 Appellant,
Catholic Guardian Society and Home Bureau,
 Respondent.

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

1 Mo. No. 2013-636
Noel M. Wiederhorn, MD, &c.,
Respondent,
v.
J. Ezra Merkin, et al.,
Appellants.

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

2 Mo. No. 2013-621
In the Matter of Orville Wynter,
Appellant,
v.
John Kase, &c., et al.,
Respondents.

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

2 Mo. No. 2013-616
In the Matter of Annabelle Zaratzian,
Appellant,
v.
Adel Ramsey Abadir,
Respondent.
(And Another Proceeding.)

Motion for leave to appeal denied.

2 Mo. No. 2013-697
In the Matter of Annabelle Zaratzian,
Appellant,
v.
Adel Ramsey Abadir,
Respondent.
(And Another Proceeding.)

Motion by the Women's Bar Association of the State of New York 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 SSD 38
Yuan Zhai,
Appellant,
v.
Chemical Bank, et al.,
Respondents.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that it does not lie (see CPLR 5601).
Judge Abdus-Salaam took no part.