

February 24, 2009

CASES

No. 79 SSM 3 Carolyn Charley, Appellant, v. Margaret E. Goss, et al., Respondents.	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.
No. 20 In the Matter of Andrew S. Criscolo, et al., Appellants, v. Nicholas J. Vagianelis, as Director of the Division of Classification and Compensation of the Department of Civil Service, et al., Respondents.	Order affirmed, with costs. Opinion by Judge Read. Judges Ciparick, Graffeo, Smith, Pigott and Jones concur. Chief Judge Lippman took no part.
No. 21 Paula Fasso et al., Respondents, Independent Health Association, Inc., Intervenor-Appellant, v. Ralph J. Doerr, M.D., Respondent.	Order reversed, with costs, and case remitted to Supreme Court, Erie County, for further proceedings in accordance with the opinion herein. Opinion by Judge Graffeo. Judges Ciparick, Read, Smith, Pigott and Jones concur. Chief Judge Lippman took no part.

No. 78 SSM 49
The People &c.,
Respondent,
v.
Kristerfer Passino,
Appellant.

On review of submissions pursuant to section 500.11 of the Rules, order affirmed. The issues raised on appeal were not preserved for this Court's review. Defendant did not raise any issue under Miranda v Arizona (384 US 436 [1966]) at County Court, and that court's ruling on the Miranda issue did not address any of the arguments defendant now makes. Chief Judge Lippman and Judges Ciparick, Graffeo, Read, Smith, Pigott and Jones concur.

No. 14
The People &c.,
Respondent,
v.
George Quinones,
Appellant.

Order affirmed.
Opinion by Judge Jones.
Judges Ciparick, Graffeo, Read, Smith and Pigott concur.
Chief Judge Lippman took no part.

No. 80 SSM 53
Linda Smalley,
Appellant,
v.
Matthew J. Bembem,
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.

MOTIONS

Mo. No. 2009-93
The People &c.,
Respondent,
v.
James Ainoris,
Appellant.

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

Mo. No. 2008-1367
In the Matter of Roger Guerrero
B., et al., &c.

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

Phyllis B., &c.,
Appellant;
Abbott House,
Respondent.

Motion for leave to appeal denied.

Mo. No. 2009-72
In the Matter of Charles Berkman,
an attorney and counselor-at-law.
Grievance Committee for the
Second and Eleventh Judicial
Districts,
Respondent;
Charles Berkman,
Appellant.

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

Mo. No. 2009-48
Bri-Den Construction Co., Inc.,
Appellant,
v.
Kapell & Kostow Architects, P.C.,
et al.,
Respondents.

Mo. No. 2008-1374
In the Matter of Alyssa L.D.,
et al.

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

Onondaga County Department of
Social Services,

Respondent;

Amy D.,

Appellant,

et al.,

Respondent.

(And Two Other Proceedings.)

Mo. No. 2009-75

Charles DeMartino,
Appellant,

v.

Metropolitan Life Insurance
Company, 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.
Motion to seal denied as unnecessary
(see Rules of Ct of Appeals [22 NYCRR]
§ 500.5 [b]).
Chief Judge Lippman took no part.

Mo. No. 2009-33

In the Matter of East End
Property Company #1, LLC, et al.,
Appellants,

v.

Town Board of Town of Brookhaven,
et al.,

Respondents;

Long Island Power Authority,
Respondent.

(And Two Other Proceedings.)

Motion for leave to appeal denied.

Mo. No. 2009-43

In the Matter of Curtis Farrow,
Appellant,

v.

Albert Prack, &c.,

Respondent.

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

Mo. No. 2009-14
In the Matter of General Electric
Company,
Appellant,
v.
Assessor of the Town of
Rotterdam et al.,
Respondents.
(And Another Related Proceeding.)

Motion for reargument of motion for
leave to appeal denied.
Chief Judge Lippman and Judge Read
took no part.

Mo. No. 2009-16
In the Matter of General Electric
Company,
Appellant,
v.
Assessor of the Town of
Rotterdam et al.,
Respondents.
(And Another Related Proceeding.)

Motion by the Institute for
Professionals in Taxation for leave to
file a brief amicus curiae on the
motion for reargument herein granted
and the brief is accepted as filed.
Chief Judge Lippman and Judge Read
took no part.

Mo. No. 2009-28
In the Matter of General Electric
Company,
Appellant,
v.
Assessor of the Town of
Rotterdam et al.,
Respondents.
(And Another Related Proceeding.)

Motion by the Council on State
Taxation for leave to file a brief
amicus curiae on the motion for
reargument herein granted and the
brief is accepted as filed.
Chief Judge Lippman and Judge Read
took no part.

SSD 6
In the Matter of Peter C. Irvine,
Appellant,
v.
Kathleen M. Rogers, as Acting
Judge of St. Lawrence County
Court, 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. 2008-1408
In the Matter of Robert K., &c.
Tanya L.J.,
Appellant,
Jewish Child Care Association of
New York,
Respondent.

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

Mo. No. 2009-21
In the Matter of Daniel Karlin,
Appellant,
v.
George Alexander, &c.,
Respondent.

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

Mo. No. 2008-1420
Nicole Klein, &c., et al.,
Appellants,
v.
David Crespo et al.,
Defendants,
Abraham Klein et al.,
Respondents.

Motion for leave to appeal denied.

Mo. No. 2009-42
In the Matter of Edward Koehl,
Appellant,
v.
Dale Artus, as Superintendent of
Clinton Correctional Facility,
Respondent.

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.

Mo. No. 2009-49
In the Matter of Elvin Lebron,
Appellant,
v.
Brion D. Travis, &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.

Mo. No. 2009-50
The New York Racing Association
Inc.,
Appellant,
v.
New York City Off-Track Betting
Corporation,
Respondent.

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

Mo. No. 2009-45
The People &c.,
Respondent,
v.
Yehidie F. Novoa,
Appellant.

Motion for leave to appeal denied.

Mo. No. 2009-55
Yong Wong Park,
Appellant,
et al.,
Plaintiffs,
v.
Wolff and Samson, P.C., et al.,
Respondents.

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

Mo. No. 2009-54
In the Matter of Christopher A.R.
(Anonymous).

Rockland County Department of
Social Services,
Respondent;
Maria R. (Anonymous),
Appellant.

Motion for leave to appeal denied.

Mo. No. 2008-1400
In the Matter of RSM West Lake
Road LLC, et al.,
Respondents,
v.
Town of Canandaigua Zoning Board
of Appeals, et al.,
Respondents,
East Shore Association of
Canandaigua Lake, Inc., et al.,
Appellants.

Motion to dismiss the appeal herein
denied.

Mo. No. 2009-47
Snyder Fulton Street, LLC,
Respondent,
v.
Fulton Interest, LLC,
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 (see
Karger, Powers of the New York Court
of Appeals § 5:3, at 109 [3d ed rev]).
Motion for a stay dismissed as
academic.

Mo. No. 2009-68
Leonard C. Spano,
Appellant,
et al.,
Plaintiffs,
v.
David Kline, &c.,
Defendant,
Anthony Nardoizzi et al.,
Respondents.

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

Mo. No. 2009-78
Lisa Tucker, &c.,
Appellant,
v.
City of Albany Department of Fire
Emergency and Building Services,
Respondent.

Motion for leave to appeal denied.