

January 15, 2009

CASE

No. 50 SSM 47

Trinity Associates, Inc.,
Respondent,

v.

Telesector Resources Group, Inc.,
Doing Business as Verizon
Services Group, Inc.,
Appellant.

On review of submissions pursuant to section 500.11 of the Rules, order affirmed, with costs. Evidence supports the jury's conclusions that the 2001 correspondence modified the 1999 agreement and that defendant Verizon Services Group, Inc. breached the agreement as modified. Acting Chief Judge Ciparick and Judges Graffeo, Read, Smith, Pigott and Jones concur.

MOTIONS

Mo. No. 2008-1330

Jiovon Anonymous, a Minor by and
Through his Father and Legal
Guardian, Thomas Anonymous, &
Thomas Anonymous, Individually,
Respondents,

v.

City of Rochester, Robert Duffy,
in his official capacity as Mayor
of City of Rochester, and David
Moore, in his official capacity
as Chief of Police of City of
Rochester,

Appellants.

Motion to vacate stay denied.

Motion for a preference granted.

Cross motion for a stay dismissed as
academic.

Mo. No. 2008-1153

Arts4All, Ltd.,
Appellant-Respondent,
et al.,
Plaintiff,

v.

Judith L. Hancock,
Respondent-Appellant.

Judith L. Hancock,
Third-Party Respondent,
v.

Daniel Y.C. Ng, et al.,
Third-Party Defendants.

Motion by Arts4All, Ltd. to dismiss the
appeal taken as of right by Hancock granted
and the appeal dismissed, without costs,
upon the ground that the two-justice dissent
is not on a question of law and no
substantial constitutional question is
directly involved.

On the Court's own motion, appeal taken as
of right by Arts4All dismissed, without
costs, upon the ground that the two-justice
dissent is not on a question of law.

Mo. No. 2008-1278

In the Matter of Shaun B., et
al., &c.

Taishawn B.,
Respondent,
Commissioner of the New York City
Administration for Children's
Services,
Appellant.

Motion for leave to appeal denied.

Mo. No. 2008-1237
In the Matter of Isaias Bermudez,
Appellant,
v.
Brian Fischer, &c.,
Respondent.

Motion for leave to appeal denied.

Mo. No. 2008-1257
Richard Brown et al.,
Appellants,
v.
Concord Nurseries, Inc.,
Respondent.

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

Mo. No. 2008-1212
In the Matter of Buffalo
Professional Firefighters
Association, Inc., &c.,
Respondent,
v.
Anthony Masiello, &c. et al.,
Appellants.

Motion for leave to appeal granted.

Mo. No. 2008-1234
Timothy E. Calkins, et al.,
Appellants,
v.
Police Benevolent Association of
the New York State Troopers,
Inc.,
Respondent.

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

Mo. No. 2008-1242
In the Matter of Anthony R.
Canna,
Appellant,
v.
Town of Amherst, et al.,
Respondents.

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

Mo. No. 2008-1263
Anna L. Case et al.,
Appellants,
v.
Lincoln Moving & Storage of
Buffalo, Inc.,
Respondent.

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

Mo. No. 2008-1275
The People &c.,
Respondent,
v.
Laquan Derrico,
Appellant.

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

Mo. No. 2008-1300
The People &c. ex rel. Charles
Dingle,
Appellant,
v.
James Conway, &c.,
Respondent.

Motion for leave to appeal denied.

Mo. No. 2008-1225
In the Matter of Julie F.
(Anonymous), &c., et al.,
Appellants,
v.
City of New York, et al.,
Respondents.

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

Mo. No. 2008-1289
Egidio A. Farone,
Appellant,
v.
Hunter Mountain Ski Bowl, Inc. et
al.,
Respondents.

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

Mo. No. 2008-1324
In the Matter of John P.
Fortuniewicz,
Appellant,
v.
Jeffrey A. Cohen,
Respondent.

Motion for leave to appeal denied.

Mo. No. 2009-53
Golden Gate Yacht Club,
Appellant,
v.
Societe Nautique De Geneve,
Respondent,
Club Nautico Espanol De Vela,
Intervenor-Defendant.

Motion by New York Yacht Club for leave to file a brief amicus curiae on the appeal herein granted and the proposed brief is accepted as filed. Two copies of the brief must be served and 24 copies filed within seven days.

Mo. No. 2009-57
Golden Gate Yacht Club,
Appellant,
v.
Societe Nautique De Geneve,
Respondent,
Club Nautico Espanol De Vela,
Intervenor-Defendant.

Motion by The San Diego Yacht Club Sailing Foundation 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 24 copies filed within seven days.

Mo. No. 2009-64
Golden Gate Yacht Club,
Appellant,
v.
Societe Nautique De Geneve,
Respondent,
Club Nautico Espanol De Vela,
Intervenor-Defendant.

Motion by William I. Koch for leave to appear amicus curiae on the appeal herein granted only to the extent that the proposed brief is accepted as filed.

Mo. No. 2009-66
Golden Gate Yacht Club,
Appellant,
v.
Societe Nautique De Geneve,
Respondent,
Club Nautico Espanol De Vela,
Intervenor-Defendant.

Motion by Team French Spirit et al. for leave to file a second brief amici curiae on the appeal herein denied.

Mo. No. 2009-15
Norma Gorman, et al.,
Respondents,
v.
Town of Huntington,
Appellant.

Motion by The Association of Towns of the State of New York for leave to file a brief amicus curiae on the appeal herein granted and the proposed brief is accepted as filed. Two copies of the brief must be served and 24 copies filed within seven days.

Mo. No. 2009-65
Mario Miguel Jaramillo,
Appellant,
v.
Weyerhaeuser Company and
Technology Licensing Associates,
Inc., et al.,
Respondents,
Corrugated Gear and Services,
Inc.,
Defendant.

Motion by Product Liability Advisory Council Inc. for leave to appear amicus curiae on consideration of the certified question herein granted only to the extent that the proposed brief is accepted as filed. Two copies of the brief must be served and 24 copies filed within seven days.

Mo. No. 2008-1261
In the Matter of Kimalin Jones et
al.,
Appellants,
v.
Niagara Falls Housing Authority,
et al.,
Respondents.

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

Mo. No. 2009-36
The People &c.,
Appellant,
v.
James Kadarko,
Respondent.

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 respondent on the appeal herein.

Mo. No. 2008-1245
James E. Kelley et al.,
Respondents,
v.
Margaret Zavalidroga,
Appellant.

Motion for leave to appeal &c. dismissed upon the ground that this Court does not have jurisdiction to entertain it (see NY Const, art VI, § 3[b]; CPLR 5602).

Mo. No. 2008-1359
James E. Kelley et al.,
Respondents,
v.
Margaret Zavalidroga,
Appellant.

Motion for leave to appeal &c. dismissed upon the ground that this Court does not have jurisdiction to entertain it (see NY Const, art VI, § 3[b]; CPLR 5602).

Mo. No. 2008-1344
The People &c. ex rel. Allen Mack,
Appellant,
v.
Warden, Rikers Island Correctional Facility et al.,
Respondents.

Motion for leave to appeal denied.

Mo. No. 2008-1327
In the Matter of Devontay M. (Anonymous).
Administration for Children's Services,
Respondent;
Devon M. (Anonymous),
Appellant;
et al.,
Respondent.
(And Another Proceeding.)

Motion for leave to appeal dismissed upon the ground that the order sought to be appealed from does not finally determine the proceedings within the meaning of the Constitution.
Motion for poor person relief dismissed as academic.

Mo. No. 2008-1286
Edward G. Martindale,
Appellant,
v.
Town of Brownville,
Respondent.

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

Mo. No. 2008-1238
In the Matter of Jaye Miller,
Appellant,
v.
Richard Shaw,
Respondent.

Motion for reargument of motion for leave to appeal denied.

Mo. No. 2008-1246
In the Matter of Chaquill R. &c.

Schenectady County Department of
Social Services,
Respondent;
Nichole S.,
Appellant.

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

Mo. No. 2008-1280
In the Matter of Gloria Marie S.
et al. &c.

Alex S.,
Appellant;
Leake & Watts Services, Inc.,
Respondent;
Leilani Marie C.,
Respondent.

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

Mo. No. 2008-1301
Vikas Sareen,
Appellant,
v.
Reema Sareen, et al.,
Respondents,
et al.,
Defendants.

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

Mo. No. 2008-1334
Jeanne Schimicci,
Appellant,
v.
Dermpath, Inc., et al.,
Respondents.
(And A Third-Party Action.)

Motion for reargument of motion for leave to
appeal denied.

Mo. No. 2008-1256
Diana Stamatopoulos, &c., et al.,
Appellants,
v.
Vincent A. Salzillo, et al.,
Defendants,
Emanuel P. Constantatos,
Respondent.

Motion for leave to appeal denied.

Mo. No. 2009-84

In the Matter of 10 East Realty,
LLC, et al.,

Respondents,

v.

Incorporated Village of Valley
Stream, et al.,

Appellants.

Motion by New York State Conference of
Mayors and Municipal Officials for leave to
appear amicus curiae on the appeal herein
granted only to the extent that the proposed
brief is accepted as filed.