

January 22, 2009

**CASE**

No. 16

In the Matter of Robert B.  
Bernstein,

Appellant,

v.

Paul J. Feiner, &c., et al.,

Respondents,

Jay Leon, &c., et al.,

Intervenors-Respondents.

Appeal dismissed, without costs, in a  
memorandum.

Acting Chief Judge Ciparick and Judges  
Grafano, Read, Smith, Pigott and Jones  
concur.

**MOTIONS**

Mo. No. 2008-1251  
George Aldrich, et al.,  
Appellants,  
v.  
Marsh & McLennan Companies, Inc.,  
et al.,  
Respondents.

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

Mo. No. 2009-29  
In the Matter of John A.  
Aretakis, an Attorney.  
  
Committee on Professional  
Standards,  
Respondent;  
John A. Aretakis,  
Appellant.

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.  
Motion for a stay dismissed as academic.

Mo. No. 2008-1323  
Gerda B. Cassara,  
Respondent,  
v.  
James I. Wynn, &c.,  
Appellant.

On the Court's own motion, appeal dismissed, without costs, upon the ground that the order appealed from does not finally determine the action within the meaning of the Constitution.  
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.

Mo. No. 2008-1350  
In the Matter of Richard J.  
Condon, &c.,  
Respondent,  
v.  
The Inter-Religious Foundation  
for Community Organization, Inc.,  
Appellant.

Motion for leave to appeal denied with one hundred dollars costs and necessary reproduction disbursements.  
Motion for a stay dismissed as academic.

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In the Matter of Richard J.  
Condon, &c.,  
Respondent,  
v.  
Lucius Walker, Jr.,  
Appellant.

Mo. No. 2008-1259  
Decana Inc., et al.,  
Appellants,  
v.  
Spyro C. Contogouris, et al.,  
Defendants,  
North Fork Bank, et al.,  
Respondents.  
(And a Third-Party Action.)

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.

Mo. No. 2008-1339  
In the Matter of Jennifer Doyle,  
Appellant,  
v.  
Judith A. Calogero, &c. et al.,  
Respondents.

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

Mo. No. 2008-1360  
In the Matter of Edmund Orok  
Edem,  
Appellant,  
v.  
Jane Pearl, &c. et al.,  
Respondents.

Motion for leave to appeal dismissed as  
untimely (see CPLR 5513[b]).  
Motion for poor person relief dismissed as  
academic.

Mo. No. 2008-1310  
FCI Group, Inc.,  
Appellant,  
v.  
The City of New York et al.,  
Respondents.

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

Mo. No. 2008-1418  
In the Matter of Isaiah F., &c.  
Cortland County Department of  
Social Services,  
Respondent;  
John F.,  
Appellant.  
(And Another Proceeding.)

Motion for leave to appeal denied.

Mo. No. 2008-1352  
Carol Fink-Hagy,  
Respondent,  
v.  
Ralph Hagy,  
Appellant.

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

Mo. No. 2008-1338  
In the Matter of Robert Joseph G.  
(Anonymous),  
Appellant.

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

Mo. No. 2008-1207  
William Garcia,  
Respondent,  
v.  
Leon C. Davis,  
Defendant,  
Danbury Fair Hyundai, 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.

Mo. No. 2008-1274  
In the Matter of Lena Hausman,  
Deceased.  
George Hausman, &c.,  
Appellant;  
Fredda Simon, et al.,  
Respondents.

Motion for leave to appeal granted.

Mo. No. 2008-1267  
Humphreys & Harding, Inc.,  
Respondent,  
v.  
Universal Bonding Insurance  
Company,  
Third-Party Respondent,  
Welch Construction Corp., et al.,  
Third-Party Appellants.

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.

Mo. No. 2008-1363

Motion for reargument denied.

Mark Hynes,

Appellant,

v.

Sonido, Inc.,

Respondent.

Mo. No. 2008-1348

Motion for leave to appeal denied.

In the Matter of Nevaha J., &c.

Broome County Department of

Social Services,

Respondent;

Tryail K.,

Appellant.

Mo. No. 2008-1315

Motion for leave to appeal denied.

Douglas E. Kampffer,

Appellant,

v.

D. Jeremy Rase,

Respondent.

Mo. No. 2008-1346

Motion for leave to appeal denied.

In the Matter of Michael S. Kimm,

an Attorney and Counselor-at Law.

Grievance Committee for the Tenth

Judicial District,

Respondent;

Michael S. Kimm,

Appellant.

Mo. No. 2008-1417

Motion for leave to appeal denied.

In the Matter of State of New

York,

Appellant,

v.

Randy M.,

Respondent.

Motion for a stay dismissed as academic.

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The People &c. ex rel. Randy M.,

Respondent,

v.

Superintendent of Ulster

Correctional Facility et al.,

Appellants.

Mo. No. 2008-1356  
In the Matter of Samantha M.,  
et al., &c.

Christopher T.,  
Appellant,  
et al.,  
Respondent,  
Administration for Children's  
Services,  
Respondent.

Motion for leave to appeal denied.

Mo. No. 2008-1325  
Jordan Neissel,  
Respondent,  
v.  
Rensselaer Polytechnic  
Institute,  
Appellant,  
et al.,  
Defendants.

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

Mo. No. 2008-1272  
James Pettus,  
Appellant,  
v.  
State of New York,  
Respondent.

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

Mo. No. 2008-1265  
George A. Plesko,  
Appellant,  
v.  
PSC Inc. et al.,  
Respondents.

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

Mo. No. 2008-1295  
In the Matter of Quail Summit,  
Inc.,  
Appellant,  
v.  
Town of Canandaigua, et al.,  
Respondents,  
Canandaigua City School District  
et al.,  
Intervenors-Respondents.

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

Mo. No. 2008-1273  
In the Matter of Riverkeeper,  
Inc. et al.,  
Appellants,  
v.  
Carl Johnson, &c., et al.,  
Respondents.

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

Mo. No. 2008-1377  
Carol T. Seaman,  
Respondent,  
v.  
Wyckoff Heights Medical Center,  
Inc.,  
Respondent;  
Joseph R. Gagliano, Jr., et al.,  
Nonparty-Appellants.

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

Mo. No. 2008-1293  
In the Matter of Aisha T., &c.  
Isatou S.,  
Appellant;  
Leake and Watts Services, Inc.,  
Respondent.

Motion for leave to appeal denied.

Mo. No. 2008-1321  
2386 Creston Avenue Realty, LLC,  
Appellant,  
v.  
M-P-M Management Corp., et al.,  
Defendants,  
Pioneer Parking, LLC,  
Respondent.  
(And Another Action.)

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

Mo. No. 2008-1365  
In the Matter of Donovan W.  
Erie County Department of Social  
Services,  
Respondent;  
Lynn W.,  
Appellant.

Motion for leave to appeal denied.