

September 1, 2009

CASE

1 No. 186 SSM 29
The People &c.,
 Respondent,
 v.
Jermar McDaniel,
 Appellant.

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

MOTIONS

1 Mo. No. 2009-590
Virginia Albizu,
 Respondent,
 v.
Jose Duval,
 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.

2 Mo. No. 2009-691
The People &c. ex rel. Howard
Glenn Blake, alleged to be Larry
Wayne Barnett,
 Appellant,
 v.
George E. Pataki, etc.,
 Respondent.

Motion to vacate this Court's June 2, 2009 dismissal order granted.

2 Mo. No. 2009-613
The People &c.,
 Respondent,
 v.
Michael Caban,
 Appellant.

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

4 Mo. No. 2009-637
Jack A. Cardinell,
 Appellant,
 v.
Cherundolo, Bottar & Leone, P.C.
and Edward S. Leone,
 Respondents.

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

1 Mo. No. 2009-616
Citibank, N.A.,
 Respondent,
 v.
Angst, Inc., et al.,
 Defendants,
John M. McNamara,
 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 § 4:11, at 83-85 [3d ed rev]).

3 Mo. No. 2009-621
In the Matter of Kathleen Clark,
 Respondent,
 v.
Michael Clark,
 Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2009-672
In the Matter of Edward Coffina,
 Respondent,
 v.
New York State Division of
Housing and Community Renewal,
 Respondent.
Champion Properties, LLC,
 Intervenor-Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2009-631
Mary Dantini,
 Appellant,
 v.
Myles Cuffie, et al.,
 Respondents.

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

2 Mo. No. 2009-632
David Dolny,
 Appellant,
 v.
Philip Borck, et al.,
 Respondents.

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

4 Mo. No. 2009-563
In the Matter of Robie J. Drake,
 Appellant,
 v.
Honorable Richard C. Kloch, Sr.,
&c. et al.,
 Respondents.

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.

3 Mo. No. 2009-768
In the Matter of Anthony Ettari,
 Respondent,
 v.
Brian Fischer, &c., et al.,
 Appellants.

Motion to vacate this Court's June 25,
2009 dismissal order granted.

4 Mo. No. 2009-771
In the Matter of Thomas M.F.,
 Respondent,
 v.
Lori A.A.,
 Appellant.
(And Another Proceeding.)

Motion for leave to appeal denied.

1 Mo. No. 2009-739
In the Matter of 47 Ave. B. East
Inc.,
 Respondent,
 v.
New York State Liquor Authority,
 Appellant.

Motion to vacate stay granted.
Chief Judge Lippman took no part.

3 Mo. No. 2009-607
Darren Gary,
 Appellant,
 v.
State of New York,
 Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2009-773
Debra H.,
 Appellant,
 v.
Janice R.,
 Respondent.

Motions for leave to appeal granted.

1 Mo. No. 2009-809
Debra H.,
Appellant,
v.
Janice R.,
Respondent.

Motions for a stay of the Appellate Division order reversing Supreme Court's October 2, 2008 order granted to the extent of reinstating and permitting enforcement of so much of Supreme Court's order as allowed appellant Sunday visitation with the child.

1 Mo. No. 2009-887
Debra H.,
Appellant,
v.
Janice R.,
Respondent.

Motion by National Association of Social Workers, 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, and for leave to file a brief amici curiae on the appeal herein granted, and the brief is accepted as filed.

1 Mo. No. 2009-893
Debra H.,
Appellant,
v.
Janice R.,
Respondent.

Motion by Richard Allen 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, and for leave to file a brief amici curiae on the appeal herein granted, three copies of the brief to be served and an original and 24 copies filed within thirty days.

1 Mo. No. 2009-909
Debra H.,
Appellant,
v.
Janice R.,
Respondent.

Motion by New York Civil Liberties Union, 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.

1 Mo. No. 2009-910
Debra H.,
Appellant,
v.
Janice R.,
Respondent.

Motion by Citizens' Committee for Children of New York, 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, and for leave to file a brief amici curiae on the appeal herein granted, three copies of the brief to be served and an original and 24 copies filed within thirty days.

1 Mo. No. 2009-912
Debra H.,
Appellant,
v.
Janice R.,
Respondent.

Motion by the New York State Bar Association for leave to file a brief amicus curiae on the motion for leave to appeal herein granted and the brief is accepted as filed, and for leave to file a brief amicus curiae on the appeal herein granted, three copies of the brief to be served and an original and 24 copies filed within thirty days.

1 Mo. No. 2009-923
Debra H.,
Appellant,
v.
Janice R.,
Respondent.

Motion by the New York City Bar Association for leave to file a brief amicus curiae on the motion for leave to appeal herein granted and the brief is accepted as filed, and for leave to file a brief amicus curiae on the appeal herein granted, three copies of the brief to be served and an original and 24 copies filed within thirty days.

3 Mo. No. 2009-623
The People &c. ex rel. Thomas
Howard,
Appellant,
v.
David Rock, &c.,
Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2009-617
John Galliano, S.A.,
 Respondent,
 v.
Stallion, Inc.,
 Appellant.

Motion for leave to appeal granted.

3 Mo. No. 2009-604
The People &c. ex rel. Dan Landy,
 Appellant,
 v.
David Rock, &c.,
 Respondent.

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

3 Mo. No. 2009-610
In the Matter of Howard E.
Lessman,
 Respondent.
Snowlift LLC,
 Appellant.
Commissioner of Labor,
 Respondent.

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

1 Mo. No. 2009-605
The People &c. ex rel. Herbert
Lewis,
 Appellant,
 v.
New York State Division of
Parole,
 Respondent.

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

1 Mo. No. 2009-626
In the Matter of Construction and
Reformation of Matthews Trust
No. 1, &c.

William Morrison Matthews,
et al.,

Appellants,

v.

Cadwalader, Wickersham & Taft,
LLP et al.,

Respondents.

In the Matter of Appointment of
Paul W. Mourning, as Successor
Trustee of Matthews Trust No. 1,
&c.

Paul W. Mourning,
Respondent,

v.

William Morrison Matthews,
et al.,

Appellants.

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

2 Mo. No. 2009-688
Alan Morton et al.,
Appellants,
v.
State of New York,
Respondent.

Motion for leave to appeal granted.

1 Mo. No. 2009-615
Arnold H. Nager, &c., et al.,
Appellants,
v.
Teachers' Retirement System of
the City of New York, et al.,
Respondents.

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

2 Mo. No. 2009-634
The People &c.,
 Respondent,
 v.
Alfred Perez,
 Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2009-627
In the Matter of Rite Aid of New
York, Inc.,
 Respondent,
 v.
New York State Division of Human
Rights,
 Appellant,
Nancy L. Fix,
 Respondent.

Motion for leave to appeal denied.
Judge Read took no part.

2 Mo. No. 2009-608
Kirk Smith,
 Appellant,
 v.
Garo Enterprises, Inc., et al.,
 Defendants;
Carol Radin, et al.,
 Nonparty-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.

3 Mo. No. 2009-633
Donald G. Strader,
 Respondent,
 v.
John J. Ashley Jr. et al.,
 Appellants,
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. 2009-611
In the Matter of Susan
Sutherland, et al.,
 Appellants,
 v.
New York City Housing Development
Corporation, et al.,
 Respondents.

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

1 Mo. No. 2009-624
Elsa Tavarez, et al.,
 Appellants,
 v.
Patrick Oquendo, et al.,
 Respondents.

Motion for leave to appeal denied.

1 Mo. No. 2009-594
The People &c.,
 Respondent,
 v.
Hamilton Thompson,
 Appellant.

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

4 Mo. No. 2009-619
Westfield Family Physicians,
P.C., et al.,
 Appellants,
 v.
Healthnow New York, Inc.,
 Respondent.

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