

September 04, 2014

CASE

4 No. 214 SSM 17
Matter of Joseph D. Candino, Jr.,
 Appellant,
 v.
Starpoint Central School District, et al.,
 Respondents.

On review of submissions pursuant to section 500.11 of the Rules, order affirmed, with costs. The Appellate Division did not abuse its discretion in denying claimant's application to file and serve a late notice of claim (see General Municipal Law § 50-e [5]; Williams v Nassau County Med. Ctr., 6 NY3d 531 [2006]).
Chief Judge Lippman and Judges Graffeo, Read, Smith, Pigott, Rivera and Abdus-Salaam concur.

MOTIONS

1 Mo. No. 2014-609
167 LLC,
 Respondent,
 v.
Nicholae Calinescu,
 Appellant.

Motion for leave to appeal dismissed upon the ground that this Court does not have jurisdiction to entertain the motion for leave to appeal from the order of the Appellate Division entered in this proceeding commenced in Civil Court (see NY Const, art VI, § 3[b][7]; CPLR 5602[a]).

4 Mo. No. 2014-596
In the Matter of Arrello Barnes,
 Appellant,
 v.
Anthony Annucci, &c.,
 Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2014-620
Christopher Basile,
 Appellant,
 v.
Sherry Wiggs,
 Respondent.

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.

4 Mo. No. 2014-579
In the Matter of Eleanor Braun,
 Respondent,
 v.
Lacey DeCicco,
 Appellant,
et al.,
 Respondent.
(And Another Proceeding.)

Motion, insofar as it seeks leave to appeal from those portions of the Appellate Division orders dismissing appellant's appeals insofar as taken from Family Court's orders concerning the best interests of the children, dismissed upon the ground that appellant is not a party aggrieved (see CPLR 5511); motion for leave to appeal otherwise denied.

2 Mo. No. 2014-608
The People &c.,
Respondent,
v.
Lawrence Brown,
Appellant.

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

4 Mo. No. 2014-604
Cellino & Barnes, P.C.,
Respondent,
v.
Martin, Lister & Alvarez, PLLC,
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.

4 Mo. No. 2014-612
In the Matter of Darrell Clinton,
Appellant,
v.
Brian Fischer, &c.,
Respondent.

Motion for reargument of motion for leave to appeal
denied.

3 Mo. No. 2014-619
In the Matter of the Claim of Chester J.
Cohen,
Respondent.
Just Energy Marketing Corporation,
Appellant;
Commissioner of Labor,
Respondent.
(And Seven Other Related Proceedings.)

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. 2014-613
In the Matter of Laura DeGregorio, &c.,
 Appellant,
 v.
New York State Department of Labor
Unemployment Insurance Division,
 Respondent.

Motion for leave to appeal &c. denied.

1 Mo. No. 2014-680
The People &c.,
 Respondent,
 v.
Jamie DeJesus,
 Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2014-576
The People &c. ex rel. Dwight M. Dilbert,
 Appellant,
 v.
Mark Bradt, &c.,
 Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2014-630
Alice Laraine Dimery,
 Appellant,
 v.
Ulster Savings Bank,
 Respondent.

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.

1 Mo. No. 2014-593
Lilith Dove,
 Appellant,
 v.
Manhattan Plaza Health Club
et al.,
 Respondents.

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

4 Mo. No. 2014-637
Dryden Mutual Insurance Company,
 Appellant,
 v.
Stanley Goessl, et al.,
 Defendants,
AP Daino & Plumbing, Inc. et al.,
 Respondents.

Motion for leave to appeal granted.

3 Mo. No. 2014-726
In the Matter of ELG Utica Alloys, Inc., &c.,
 Appellant,
 v.
Department of Environmental Conservation 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 an order sealing appellant's corporate disclosure statement &c. denied.

1 Mo. No. 2014-623
Forest Laboratories, Inc.,
 Appellant,
 v.
Arch Insurance Company, et al.,
 Defendants,
RSUI Indemnity Company,
 Respondent.

Motion for leave to appeal denied.

3 Mo. No. 2014-600
In the Matter of Robert M. Gabrielli, et al.,
Appellants,
v.
Town of New Paltz, et al.,
Respondents.

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

1 Mo. No. 2014-650
Thomas Godbolt,
Appellant,
v.
Verizon New York Inc.,
Respondent.

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

1 Mo. No. 2014-633
The People &c.,
Respondent,
v.
Raphael Golb,
Appellant.

Motion for reargument denied.

2 Mo. No. 2014-831
The People &c.,
Respondent,
v.
Pamela Hanson,
Appellant.

Motion for leave to file a supplemental brief granted and the proposed brief is accepted as filed. Three copies of the brief must be served and an original and nine copies filed within seven days. Any responsive brief must be served and filed by September 29, 2014.

4 SSD 52
Hillcrest Homes, LLC,
Appellant,
v.
Albion Mobile Homes, Inc., &c. et al.,
Respondents.

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.

1 Mo. No. 2014-611
Barbara Kulig Hochmuller,
Appellant,
v.
Bellwest Management Corporation, et al.,
Respondents.

Motion for reargument of motion for leave to appeal denied.

3 Mo. No. 2014-628
Marita E. Hyman,
Appellant,
v.
Arthur Schwartz et al.,
Respondents,
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.

1 Mo. No. 2014-578
In the Matter of Lamonte Johnson,
Appellant,
v.
Raymond W. Kelly, &c., et al.,
Respondents.

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

3 Mo. No. 2014-695
In the Matter of Brittany Jones,
Appellant,
v.
Ernesto E. Soriano,
Respondent.

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

2 SSD 51
In the Matter of Victor Jordan,
Appellant,
v.
Katherine A. Levine &c., et al.,
Respondents.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that no substantial constitutional question is directly involved.

4 Mo. No. 2014-632
In the Matter of Peter King,
 Appellant,
 v.
Brian Fischer, &c.,
 Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2014-669
John R. Lucker, et al.,
 Appellants,
 v.
Bayside Cemetery et al.,
 Respondents,
et al.,
 Defendant.

Motion for leave to appeal denied.

3 Mo. No. 2014-569
In the Matter of Mario Mannino,
 Appellant,
 v.
Brian Fischer, &c.,
 Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2014-771
In the Matter of Gloria P. Margary,
 Respondent,
 v.
Gilbert M. Martinez,
 Appellant.

On the Court's own motion, appeal dismissed,
without costs, upon the ground that no substantial
constitutional question is directly involved.
Motion for a stay and for poor person relief
dismissed as academic.

3 Mo. No. 2014-599
In the Matter of Reginald McFadden,
 Appellant,
 v.
Albert Prack, &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 and is not an order of the type provided for in CPLR 5602(a)(2).
Motion for poor person relief dismissed as academic.

1 Mo. No. 2014-674
Seth Mitchell, CFA,
 Appellant,
 v.
New York University, et al.,
 Respondents.

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.
Motion for ancillary relief denied.

1 Mo. No. 2014-675
Seth Mitchell,
 Appellant,
 v.
Cantor Fitzgerald, L.P., 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.
Motion for ancillary relief denied.

2 Mo. No. 2014-594
Jerome L. Mo et al.,
 Appellants,
 v.
Theresa B. Rosen,
 Respondent,
et al.,
 Defendant.

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

1 Mo. No. 2014-626
The People &c.,
 Respondent,
 v.
Ernest Montgomery,
 Appellant.

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

4 Mo. No. 2014-802
In the Matter of Cornelius L.N., Jr. et al.

Monroe County Department of Human
Services,
 Respondent;
Cornelius N., Sr.,
 Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2014-670
In the Matter of New York State Division of
Human Rights,
 Appellant,
et al.,
 Petitioner,
 v.
ABS Electronics, Inc. et al.,
 Respondents.

Motion for leave to appeal denied.

2 Mo. No. 2014-574
In the Matter of New York Medical &
Diagnostic Center, Inc.,
 Appellant,
 v.
Nirav R. Shah, &c., et al.,
 Respondents.

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

4 Mo. No. 2014-583
The People &c.,
Respondent,
v.
Ifeoma A. Okafor,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2014-616
The People &c.,
Respondent,
v.
Oscar Padilla,
Appellant.

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

3 Mo. No. 2014-631
In the Matter of Lawrence Palmateer III,
Appellant,
v.
Thomas P. DiNapoli, &c., et al.,
Respondents.

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

3 Mo. No. 2014-607
In the Matter of Cedric Partee,
Appellant,
v.
Andrea Evans,
Respondent.

Motion for leave to appeal denied.

4 SSD 53
The Preserve Homeowners' Association, Inc.,
&c.,
Respondent,
v.
Sonny Z. Zhan and Hong Xu,
Appellants.

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.

2 Mo. No. 2014-614
The People &c.,
Respondent,
v.
Christopher Rotunno,
Appellant.

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

1 Mo. No. 2014-635
In the Matter of the State of New York,
Respondent,
v.
John S.,
Appellant.

Motion for reargument denied.

4 Mo. No. 2014-627
In the Matter of Carl A. Shaw,
Respondent,
v.
Joanne M. Bice,
Appellant.

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

1 Mo. No. 2014-624
In the Matter of Akhtar Ali Sheikh,
Appellant,
v.
New York City Taxi and Limousine
Commission,
Respondent.

Motion for reargument of motion for leave to appeal
denied.

3 Mo. No. 2014-582
In the Matter of Reginald Singleton,
Appellant,
v.
Brian Fischer, &c.,
Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2014-554
George Bundy Smith, Sr., &c.,
 Appellant,
 v.
The United Church of Christ,
et al.,
 Respondents.

Motion for leave to appeal denied.
Judges Rivera and Abdus-Salaam took no part.

4 Mo. No. 2014-629
In the Matter of Lucille A. Soldato, &c.,
 Respondent,
 v.
Kennedy Hyde,
 Appellant.

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

3 Mo. No. 2014-547
In the Matter of Victor Sowell,
 Appellant,
 v.
Brian Fischer, &c.,
 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.
Motion for poor person relief dismissed as academic.

1 Mo. No. 2014-615
Steven T. Thornton,
 Appellant,
 v.
Riverbay Corporation,
 Respondent,
et al.,
 Defendants.
(And a Third-Party Action.)

Motion for leave to appeal denied.

2 Mo. No. 2014-598
Mario Velardo et al.,
Appellants,
v.
Ludwig Tomescu 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.

2 Mo. No. 2014-568
Debra Weissman,
Appellant,
v.
Ronald Weissman, &c., et al.,
Respondents.

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

2 Mo. No. 2014-714
Debra Weissman,
Appellant,
v.
Ronald Weissman, &c., et al.,
Respondents.

Motion to strike respondents' affidavit in opposition to the motion for leave to appeal denied.

4 Mo. No. 2014-621
The People &c.,
Respondent,
v.
Charles R. Wilson,
Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2014-580
In the Matter of Udi Ehud Yohanan,
Appellant,
v.
John B. King, &c., et al.,
Respondents.

Motion for leave to appeal denied.