

January 21, 2014

CASES

1 No. 225
The People &c.,
 Respondent,
 v.
Paul Cortez,
 Appellant.

Order affirmed. Defendant raises no error warranting a reversal of his conviction.
Chief Judge Lippman and Judges Graffeo, Read, Smith, Pigott and Abdus-Salaam concur.
Chief Judge Lippman concurs in an opinion in which Judges Graffeo and Smith concur.
Judge Abdus-Salaam concurs in an opinion in which Judges Read and Pigott concur.
Judge Rivera took no part.

2 No. 86 SSM 42
In the Matter of New Surfside Nursing Home,
LLC, et al.,
 Appellants,
 v.
Richard F. Daines, &c., et al.,
 Respondents.

On review of submissions pursuant to section 500.11 of the Rules, order affirmed, with costs, and certified question not answered upon the ground that it is unnecessary, in a memorandum.
Chief Judge Lippman and Judges Graffeo, Read, Smith, Pigott, Rivera and Abdus-Salaam concur.

MOTIONS

4 SSD 3
The People &c.,
 Respondent,
 v.
Jesse Abner,
 Appellant.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that the issues presented have become moot.

1 Mo. No. 2013-1148
Douglas H. Ashby,
 Appellant,
 v.
ALM Media, LLC, et al.,
 Respondents.

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

2 Mo. No. 2013-1197
Kelly L. Ashmore,
 Respondent,
 v.
Benjamin Ashmore,
 Appellant.

Motion for reconsideration of this Court's October 22, 2013 dismissal order denied.

2 Mo. No. 2013-1270
Lawrence Biggio,
 Respondent,
 v.
Jacqueline Biggio,
 Appellant.

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

4 Mo. No. 2013-1141
Buffalo United Charter School, et al.,
 Respondents,
 v.
New York State Public Employment
Relations Board, et al.,
 Appellants.

Motions 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).

4 Mo. No. 2013-1135
In the Matter of Heather A.C.,
 Respondent,
 v.
Michael J.N.,
 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.
Cross motion for incidental relief denied.

2 Mo. No. 2013-1134
Lourdes M. Figueroa-Corser, &c., et al.,
 Respondents,
 v.
Town of Cortlandt,
 Appellant,
et al.,
 Defendants.

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

2 Mo. No. 2013-1235
In the Matter of Simon Halpert, &c., et al.,
 Appellants,
 v.
Nirav R. Shah, &c.,
 Respondent.

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

2 Mo. No. 2013-1155
In the Matter of Blanche Hunter, deceased.

JPMorgan Chase Bank, N.A., &c.,
 Appellant;
Margaret Hunter, et al.,
 Respondents;
Eric T. Schneiderman, &c.,
 Respondent.

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

1 SSD 2
K.Y.W. Enterprise Corp.,
 Appellant,
 v.
Tyler Kim,
 Respondent.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that the order appealed from does not finally determine the proceeding within the meaning of the Constitution.

1 Mo. No. 2013-1200
In the Matter of Katie Kickert,
 Respondent,
 v.
New York University,
 Appellant.

Motion to strike granted with respect to pages 39-446 of the "Compendium of Supreme Court Documents" and the pages are deemed stricken; motion to strike otherwise denied. Judge Abdus-Salaam took no part.

2 Mo. No. 2013-1149
Eric Landon, &c.,
 Respondent,
 v.
Kroll Laboratory Specialists, Inc.,
 Appellant.

Motion for reargument denied.

2 Mo. No. 2013-1228
Eric Landon, &c.,
 Respondent,
 v.
Kroll Laboratory Specialists, Inc.,
 Appellant.

Motion by Drug and Alcohol Testing Industry Association for leave to file a brief amicus curiae on the motion for reargument granted and the brief accepted as filed.

3 Mo. No. 2013-1198
In the Matter of Edwin Madden,
 Appellant,
 v.
P. Griffin, &c., et al.,
 Respondents.

Motion for leave to appeal denied.

4 Mo. No. 2013-1192
In the Matter of Norse Pipeline, LLC,
 Appellant,
 v.
Town of Busti, et al.,
 Respondents.

Motion, insofar as it seeks leave to appeal from the Appellate Division order that affirmed Supreme Court's dismissal of the proceeding, denied; motion, insofar as it seeks leave to appeal from the Appellate Division order that affirmed Supreme Court's order settling the record on appeal, dismissed upon the ground that such order does not finally determine the proceeding within the meaning of the Constitution.

2 Mo. No. 2013-1201
Sonal Pathak,
 Respondent,
 v.
Janak Shukla,
 Appellant.

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

2 Mo. No. 2013-1221
In the Matter of Gil Ram,
 Appellant,
 v.
Miriam Hershowitz,
 Respondent,
et al.,
 Respondent.

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

2 Mo. No. 2013-1286
Gil Ram,
 Appellant,
 v.
Thomas Albert Torto, et al.,
 Respondents.

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

2 Mo. No. 2013-1243
Anthony Rucano,
Appellant,
v.
Anna Lorusso-Moramarco, &c.,
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.

2 Mo. No. 2013-1195
In the Matter of Anthony Rucano,
Appellant,
v,
Richmond County District Attorney, &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.

2 Mo. No. 2013-1162
Daniel Sally,
Appellant,
v.
Keyspan Energy Corporation et al.,
Respondents.

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

4 Mo. No. 2013-1206
In the Matter of Brian Shaw,
Appellant,
v.
Katie May Seals-Owens et al.,
Respondents.

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

1 Mo. No. 2013-1113
Jonathan Ullman,
Appellant,
v.
Kazuko Hillyer,
Respondent.

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

3 Mo. No. 2013-1220
In the Matter of Washington County
Department of Social Services, &c.,
 Respondent,
 v.
Michael E. Costello,
 Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2013-1146
In the Matter of Richard W. White, Jr.,
 Appellant,
 v.
Amanda Wilcox,
 Respondent.
Teresa M. Pare, Esq., Attorney for the Child,
 Respondent.
(And Other Proceedings.)

Motion, insofar as it seeks leave to appeal from so much of the Appellate Division order as dismissed the appeal from that portion of Family Court's order that dismissed the petition for a violation of a prior custody and visitation order, dismissed upon the ground that such portion of the order does not finally determine that proceeding within the meaning of the Constitution; motion for leave to appeal otherwise denied.
Motion for poor person relief dismissed as academic.

4 Mo. No. 2013-1240
In the Matter of Richard W. White, Jr.,
 Respondent,
 v.
Amanda Wilcox,
 Respondent.
Teresa M. Pare, Esq., Attorney for the Child,
 Appellant.
(And Other Proceedings.)

Motion, insofar as it seeks leave to appeal from so much of the Appellate Division order as dismissed the appeal from that portion of Family Court's order that dismissed the petition for a violation of a prior custody and visitation order, dismissed upon the ground that such portion of the order does not finally determine that proceeding within the meaning of the Constitution; motion for leave to appeal otherwise denied.