

January 10, 2013

CASE

1 No. 57 SSM 44
In the Matter of Commissioner of Social
Services, on Behalf of Elizabeth S.,
 Appellant,
 v.
Julio J.,
 Respondent.

On review of submissions pursuant to section 500.11 of the Rules, order reversed, without costs, order of Family Court, New York County, reinstated, and certified question answered in the negative, in a memorandum.
Chief Judge Lippman and Judges Graffeo, Read and Pigott concur.
Judge Smith dissents and votes to affirm, concluding that the findings of the Appellate Division more nearly comport with the weight of the evidence.

MOTIONS

3 Mo. No. 2012-1152
Anthony J. Adamec et al.,
Appellants,
v.
Josef C. Mueller III et al.,
Respondents.

Motion for leave to appeal denied.

3 Mo. No. 2012-1172
In the Matter of Susan R. Barney,
Respondent,
v.
Dennis G. Van Auken,
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2013-1
The People &c.,
Respondent,
v.
Earl Bell, Jr.,
Appellant.

Motion for assignment of counsel granted and Alex Smith, Esq., 6 North Street, Middletown, NY 10940 assigned as counsel to the appellant on the appeal herein.

3 Mo. No. 2012-1133
In the Matter of Kevin Brennan,
Appellant,
v.
Village of Johnson City,
Respondent,
Special Fund for Reopened Cases,
Respondent.
Workers' Compensation Board,
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.
Motion for poor person relief dismissed as academic.

1 Mo. No. 2012-1157
In the Matter of Alexis C.,
et al., &c.

Jacqueline A.,
Appellant,
Graham-Windham Services to Families and
Children,
Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2012-1145
In the Matter of Tyrana Carter,
Appellant,

v.
Walt Whitman New York City Housing
Authority (NYCHA),
Respondent.

Motion for leave to appeal denied.

3 Mo. No. 2012-1139
In the Matter of Tavianna CC.,
et al., &c.

Washington County Department of Social
Services,
Respondent;
Maceo CC.,
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2012-1174
In the Matter of Maxim Chifrine,
Appellant,

v.
Vilena Bekker, et al.,
Respondents.

Motion for reargument of motion for leave to appeal
denied.

In the Matter of Irina Chifrine,
Appellant,

v.
Vilena Bekker, et al.,
Respondents.

1 Mo. No. 2012-1194
In the Matter of Fatoumata D.
et al., &c.

Sokona D.,
 Respondent,
Bakari D.,
 Appellant,
The Children's Aid Society,
 Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2012-1141
Nadia Dos Santos et al.,
 Appellants,
 v.
Power Authority of the State of New York, et
al.,
 Respondents.

Motion for leave to appeal denied.

2 Mo. No. 2013-46
In the Matter of Arisleda Duarte,
 Respondent,
 v.
City of New York,
 Appellant.

Motion by Columbia Law School Prisoners and Families Clinic of Morningside Heights Legal Services 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 19 copies filed within seven days.

2 Mo. No. 2013-52
In the Matter of Arisleda Duarte,
 Respondent,
 v.
City of New York,
 Appellant.

Motion by Prisoners' Rights Project of the New York City Legal Aid Society 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 19 copies filed within seven days.

4 Mo. No. 2012-1129
In the Matter of FFT Senior Communities,
Inc.,
 Respondent,
 v.
Town of Canandaigua, et al.,
 Appellants.

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

3 Mo. No. 2012-1155
Hunter G., &c., et al.,
 Plaintiffs,
 v.
Charlotte Valley Central School District, et
al.,
 Defendants.

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

Cotty H., &c., et al.,
 Appellants,
 v.
Charlotte Valley Central School District,
 Respondent,
et al.,
 Defendant.
(And Two Other Actions.)

3 Mo. No. 2012-1170
The People &c. ex rel. Charles Gressler,
 Appellant,
 v.
Rensselaer County,
 Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2012-1205
Maria Harakidas, et al.,
 Respondents,
 v.
City of New York, et al.,
 Defendants,
Brazal South Holdings, 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.

1 Mo. No. 2012-1098
In the Matter of Gabriel J.
et al., &c.

O'Neill H.,
 Respondent;
Dainee A.,
 Appellant;
Administration for Children's Services,
 Respondent.
(And Another Proceeding.)

Motion for leave to appeal from the October 2012 Appellate Division order dismissed upon the ground that such order does not finally determine the proceeding within the meaning of the Constitution.

1 Mo. No. 2012-1264
In the Matter of Gabriel J.
et al., &c.

O'Neill H.,
 Respondent;
Dainee A.,
 Appellant;
Administration for Children's Services,
 Respondent.
(And Another Proceeding.)

Motion for leave to appeal from the November 2012 Appellate Division order denied.

3 Mo. No. 2012-1180
In the Matter of William E. Joy,
 Appellant,
 v.
Grace E. Kutzuk,
 Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2012-1118
Vladimir Keselman,
 Appellant,
 v.
City of New York, et al.,
 Respondents.

Motion for leave to appeal denied.

1 Mo. No. 2012-1169
In the Matter of Alexander L., &c.

Andrea L.,
 Appellant,
Commissioner of Social Services of the City
of New York,
 Respondent.

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

2 Mo. No. 2012-1167
Teddy Moore,
 Appellant,
 v.
Frank Guerra,
 Defendant,
Christopher Bramwell, 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.

1 Mo. No. 2012-1195
The Inspector General of the State of New
York, Ellen N. Biben,
Respondent,
v.
Indian Cultural and Community Center, Inc.,
Appellant.

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

4 Mo. No. 2012-1081
In the Matter of State of New York,
Respondent,
v.
Jody J.T.,
Appellant.

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

1 Mo. No. 2012-1106
Mary Olsen, et al.,
Appellants,
v.
Stellar West 110, LLC,
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. 2013-53
In the Matter of City of Oswego,
Appellant,
v.
Oswego City Firefighters Association, Local
2707,
Respondent.

Motion by New York State Professional Firefighters
Association, I.A.F.F., AFL-CIO for leave to appear
amicus curiae on the appeal herein granted only to
the extent that the proposed brief is accepted as filed.

3 Mo. No. 2012-1163
In the Matter of Jason Everett Panzer,
Appellant,
v.
Melissa Jean Wood,
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.

1 Mo. No. 2012-1184
Danielle Pecile, et al.,
 Appellants,
 v.
Titan Capital Group, LLC, et al.,
 Defendants,
Ronald M. Green, et al.,
 Respondents.

Motion for leave to appeal denied.

2 Mo. No. 2012-1173
The People &c.,
 Respondent,
 v.
Jacob Quinn,
 Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2012-1020
In the Matter of Brandon R., &c.

Chrystal R., &c.,
 Appellant,
The Children's Aid Society,
 Respondent.

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

3 Mo. No. 2012-1108
In the Matter of Juan Rodriguez,
 Appellant,
 v.
New Sans Souci, N.H., et al.,
 Respondents.
Workers' Compensation Board,
 Respondent.

Motion for leave to appeal denied.

4 Mo. No. 2012-1128

Vivian Stern, &c.,
Appellant,

v.

Charter Oak Fire Insurance Company,
Respondent,

et al.,
Defendants.

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

2 Mo. No. 2012-1175

In the Matter of Kyanna T. (Anonymous).

Administration for Children's Services,
Respondent;

Winston R. (Anonymous),
Appellant;

June R.,
Respondent.

(And Other Proceedings.)

Motion for leave to appeal denied.

2 Mo. No. 2012-1240

In the Matter of Kyanna T. (Anonymous).

Administration for Children's Services,
Respondent;

Winston R. (Anonymous),
Respondent;

June R.,
Appellant.

(And Other Proceedings.)

Motion for leave to appeal denied.

2 Mo. No. 2012-1231
William J. Jenack Estate Appraisers and
Auctioneers, Inc.,
 Appellant,
 v.
Albert Rabizadeh,
 Respondent.

Motion for leave to appeal granted.