



Franco v. Guardian Life Insurance Co. of America

2005 | Cited 0 times | New York Court of Appeals | November 21, 2005

Decision List

Order affirmed, with costs. Certified question not answered upon the ground that it is unnecessary. Opinion by Judge G.B. Smith. Chief Judge Kaye and Judges Ciparick, Rosenblatt, Graffeo and R.S. Smith concur. Judge Read took no part.

Neil A. Goldman, &c., Appellant, v. Metropolitan Life Insurance Company, Respondent.

Order affirmed, with costs. Certified question not answered upon the ground that it is unnecessary. Opinion by Judge G.B. Smith. Chief Judge Kaye and Judges Ciparick, Rosenblatt, Graffeo and R.S. Smith concur. Judge Read took no part.

The People &c., Respondent, v. Trevor Green, Appellant.

Order affirmed. Opinion by Chief Judge Kaye. Judges G.B. Smith, Ciparick, Rosenblatt, Graffeo, Read and R.S. Smith concur.

Michael Katz, Appellant, v. American Mayflower Life Insurance Company of New York, Respondent.

Order affirmed, with costs. Certified question not answered upon the ground that it is unnecessary. Opinion by Judge G.B. Smith. Chief Judge Kaye and Judges Ciparick, Rosenblatt, Graffeo and R.S. Smith concur. Judge Read took no part.

The People &c., Respondent, v. Craig Lewis, Appellant.

Order affirmed. Opinion by Judge Rosenblatt. Chief Judge Kaye and Judges Ciparick, Graffeo and Read concur. Judge R.S. Smith dissents in an opinion in which Judge G.B. Smith concurs.

In the Matter of Kadeem W. (Anonymous), Respondent. Presentment Agency, Appellant.

Order reversed, without costs, and matter remitted to the Appellate Division, Second Department, for further proceedings in accordance with the memorandum herein. Chief Judge Kaye and Judges Ciparick, Rosenblatt, Graffeo, Read and R.S. Smith concur. Judge G.B. Smith dissents and votes to affirm in an opinion.



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Motions The People &c., Respondent, v. Jason "AA", Defendant. Michael "AA", Non-Party Appellant.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that this Court does not have jurisdiction to entertain the appeal.

In the Matter of Donald Betz, Respondent, v. West Genesee Central School District Board of Education, Appellant.

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

Dale R. Brodeur Sr., Appellant, et al., Plaintiffs, v. James Hayes, et al., Respondents.

Motion, insofar as it seeks leave to appeal from so much of the Appellate Division order as affirmed Supreme Court's denial of appellant's motion to dismiss the counterclaim, dismissed upon the ground that such portion of the order does not finally determine the action within the meaning of the Constitution; motion for leave to appeal otherwise denied.

In the Matter of Esther Cohen, Appellant, v. New York City Department of Environmental Protection, 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.

Ray Cortez, Appellant, v. Countrywide Insurance Co., Respondent.

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

Chester Davidson, Appellant, v. State of New York, Respondent.

Motion, insofar as it seeks leave to appeal from the Appellate Division order that dismissed the appeal to that court, dismissed as untimely (see, CPLR 5513 [b]; *Eaton v State of New York*, 76 NY2d 824 [1990]); motion, insofar as it seeks leave to appeal from the Appellate Division order denying reconsideration, dismissed upon the ground that such order does not finally determine the action within the meaning of the Constitution.

In the Matter of Wesley Davis, Appellant, v. Hon. Rena Uviller, &c., et al., Respondents.

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



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In the Matter of Esad Desic, Appellant, v. Fairfield Properties et al., Respondents. Workers' Compensation Board, Respondent.

Motion for leave to appeal denied.

In the Matter of Peter Diorio, Appellant, v. City of Peekskill Common Council, 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.

William Grant et al., Appellants, v. L & J G Stickley, Inc., &c. et al., Respondents, et al., Defendants.

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

The People &c. ex rel. Gary Griffin, Appellant, v. Gary Greene, as Superintendent of Great Meadow Correctional Facility et al., Respondents.

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

In the Matter of Gyrodyne Company of America, Inc., Appellant, v. State University of New York at Stony Brook, et al., Respondents.

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

In the Matter of Howard Hoffmann, Appellant, v. Department of Education of City of New York, et al., Respondents.

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

The People &c. ex rel. Devon Hunter, Appellant, v. Gary Greene, as Superintendent of Great Meadow Correctional Facility, Respondent.

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

In the Matter of Sughe Jo, Appellant, v. May Department Stores Company, Doing Business as Kaufmann's, Respondent. (And Two Other Related Proceedings.)



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

Maher Kasem et al., Appellants, v. U.S.A. Mini Storage, et al., Defendants, BNC Storage, LLC, &c., Nonparty-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.

John Livingston, Appellant, v. City of New York, et al., Defendants, Long Island Railroad Company et al., Respondents.

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

In the Matter of Kalongi Mahon, Appellant, v. Glenn S. Goord, as Commissioner of Correctional Services, et al., Respondents.

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

In the Matter of the Claim of Robert E. Muller, Appellant, v. Albany Medical College et al., Respondents. Workers' Compensation Board, Respondent. Motion for leave to appeal denied. Motion for poor person relief dismissed as academic. Judge Graffeo took no part. In the Matter of New York Central Mutual Fire Insurance Company, Respondent, v. Jorge Aguirre, et al., Appellants.

Motion for leave to appeal granted.

In the Matter of Town of Niskayuna, Respondent, v. Billy J. Fortune et al., Appellants.

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

In the Matter of Darrell O'Neal et al., Appellants, v. New York City Housing Authority, Respondent.

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

Jane Pedreira, Appellant, v. Jorge Pedreira, Respondent.

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



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disbursements.

In the Matter of Tara M. Rawlins, Appellant, v. Wayne S. Barth, Respondent.

Motion for leave to appeal denied.

In the Matter of Thomas J. Regan, Appellant, v. New York State and Local Employees' Retirement System et al., Respondents.

Motion for reargument of motion for leave to appeal denied.

Kamran Shafqat et al., Appellants, v. Jamie Blackman et al., Respondents.

Motion for leave to appeal denied.

Johnny Sydney, Appellant, v. State of New York, 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. Motion for poor person relief dismissed as academic.

In the Matter of Jack Uram, &c., et al., Respondents, v. David A. Garfinkel, Appellant.

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

In the Matter of Wayne County Department of Social Services, on behalf of Cory L. Witt, Appellant, v. Timothy Fenyn, Respondent.

Motion for leave to appeal dismissed upon the ground that the order sought to be appealed from, which affirmed the March 24, 2004 Family Court order denying reconsideration, does not finally determine the proceeding within the meaning of the Constitution.

The People &c. ex rel. Michael Donnel Wesley, Appellant, v. Warden, &c., Respondent.

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

James Zajac et al., Appellants, v. Dr. E. Robert Wilson et al., Respondents.

Motion for leave to appeal from the December 31, 2003 Appellate Division order dismissed as untimely (see, CPLR 5513[b]).



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Sharon Zehnick, Appellant, v. Meadowbrook II Associates, Respondent; Nicholas J. Tozzi, Jr., &c., Third-Party Respondent.

Motion, insofar as it seeks leave to appeal from that part of the Appellate Division order that reversed so much of Supreme Court's order as granted appellant's motion to amend her complaint, dismissed upon the ground that such portion of the order does not finally determine the action within the meaning of the Constitution; motion for leave to appeal otherwise denied.

