

State of New York
Court of Appeals

Decisions

May 23, 2024

CASES

1 No. 49
Nigel John Eccles, et al.,
 Appellants,
 v.
Shamrock Capital Advisors, LLC, et al.,
 Respondents.

Order reversed, with costs, and so much of the order of Supreme Court, New York County, as denied defendants' motions to dismiss the complaint reinstated.
Opinion by Judge Singas.
Chief Judge Wilson and Judges Rivera, Cannataro, Troutman, Reynolds Fitzgerald and Iannacci concur.
Judges Garcia and Halligan took no part.

2 No. 58
The People &c.,
 Respondent,
 v.
Antwyne Lucas,
 Appellant.

Order affirmed, in a memorandum.
Chief Judge Wilson and Judges Garcia, Singas, Cannataro and Halligan concur.
Judge Troutman concurs in result in an opinion, in which Judge Rivera concurs.

1 No. 47
In the Matter of Michele Rawlins,
 Appellant,
 v.
Teachers' Retirement System of the City of
New York, et al.,
 Respondents.

Order affirmed, with costs.
Opinion by Judge Cannataro.
Chief Judge Wilson and Judges Rivera, Garcia, Singas, Troutman and Halligan concur.

1 No. 57
The People &c.,
 Respondent,
 v.
Mark Watkins,
 Appellant.

Order affirmed.
Opinion by Judge Halligan.
Chief Judge Wilson and Judges Garcia, Singas and Cannataro concur, Chief Judge Wilson in a concurring opinion.
Judge Troutman dissents in an opinion, in which Judge Rivera concurs in a separate dissenting opinion.

MOTIONS

3 Mo. No. 2024-2
In the Matter of the Claim of Frank Aungst,
 Respondent,
 v.
Family Dollar et al.,
 Appellants.
Workers' Compensation Board,
 Respondent.

Motion for leave to appeal granted.

2 Mo. No. 2024-118
The People &c.,
 Respondent,
 v.
Cesar Avendano,
 Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2024-152
Barasch & McGarry, P.C., &c.,
 Respondent,
 v.
Edward L. Marcowitz,
 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. 2024-107
The People &c.,
 Respondent,
 v.
Jamik Beard,
 Appellant.

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

4 Mo. No. 2024-67
The People &c.,
 Respondent,
 v.
Brian R. Bussom,
 Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2024-8
Kristine M. Carlson,
Appellant,
v.
Crissy Colangelo, &c. et al.,
Respondents.

Motion for leave to appeal granted.

1 Mo. No. 2024-127
The People &c.,
Respondent,
v.
Jose Castro,
Appellant.

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

1 Mo. No. 2024-186
Peter Chien,
Appellant,
v.
James Fishman,
Respondent.

Motion for reconsideration of this Court's corrected
February 20, 2024 dismissal order denied.

3 Mo. No. 2024-125
In the Matter of Peter J. Corines,
Appellant,
v.
NYS Dept. of Education Office of
Professions,
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.

2 Mo. No. 2024-94
Alfredo Cruz,
Appellant,
v.
City of New York,
Respondent.

Motion to dismiss appeal granted and appeal
dismissed, with four hundred dollars costs and one
hundred dollars costs of motion, upon the ground
that the motion for leave to appeal made at the
Appellate Division was untimely.

2 Mo. No. 2024-129
In the Matter of Raiquan Falls,
Appellant,
v.
Hyun Chin Kim, &c.,
Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2024-87
Steven Hammond,
Appellant,
v.
Equinox Holdings LLC, &c. et al.,
Defendants,
Michael Alexander,
Respondent.

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

2 Mo. No. 2024-241
In the Matter of Hillside Park 168, LLC,
Appellant,
v.
New York State Division of Housing and
Community Renewal,
Respondent.

Motion for reargument of motion for leave to appeal denied.

1 Mo. No. 2024-148
Samuel D. Isaly,
Appellant,
v.
Damian Garde,
Respondent,
et al.,
Defendant.

Motion for reargument of motion for leave to appeal denied.

2 Mo. No. 2024-242
In the Matter of Kings Park 8809, LLC,
Appellant,
v.
New York State Division of Housing and
Community Renewal,
Respondent.

Motion for reargument of motion for leave to appeal denied.

3 Mo. No. 2024-100
Edward Korn et al.,
 Plaintiffs,
 v.
Robert B. Korn,
 Appellant,
Madge Rothenberg, &c., et al.,
 Respondents.
Gregory Toczko,
 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. 2024-210
In the Matter of Charles Lord,
 Appellant,
 v.
Heather Lord,
 Respondent.

Motion, insofar as it seeks leave to appeal from the October 2022 Family Court order, dismissed upon the ground that it does not lie (*see* CPLR 5602 [a]); motion for leave to appeal otherwise dismissed upon the ground that the Appellate Division orders sought to be appealed from do not finally determine the proceeding within the meaning of the Constitution. Motion for poor person relief dismissed as academic.

4 Mo. No. 2024-70
The People &c.,
 Respondent,
 v.
Dwight Moss,
 Appellant.

Motion for leave to appeal granted.
Motion for poor person relief granted.
Judge Troutman took no part.

4 Mo. No. 2024-105
The People &c.,
 Respondent,
 v.
John J. Motell, IV,
 Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2024-240
In the Matter of One Ninety Sixth St, LLC,
Appellant,
v.
New York State Division of Housing and
Community Renewal,
Respondent.

Motion for reargument of motion for leave to appeal
denied.

4 Mo. No. 2024-79
The People &c.,
Respondent,
v.
Joshua Ortiz,
Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2024-44
In the Matter of Brandon P.,
Respondent,
v.
Jennifer M.C.,
Appellant,
Jason M.C.,
Respondent.

Motion for leave to appeal dismissed upon the
ground that appellant is not a party aggrieved (*see*
CPLR 5511).

4 Mo. No. 2024-161
Suzanne P., &c.,
Appellant,
v.
Joint Board of Directors of Erie-Wyoming
County Soil Conservation District, &c., et al.,
Respondents.

Motion for reargument denied.

2 Mo. No. 2024-84
The People &c.,
Respondent,
v.
Gregorio Pareja-Hidalgo,
Appellant.

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

2 Mo. No. 2024-154
The People &c.,
Respondent,
v.
George Philips,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2024-157
In the Matter of the Estate of Alan Gerald
Prince, &c.

Motion for reargument denied.

David Marc Prince,
Appellant,
v.
Roberto Machado,
Respondent.

2 Mo. No. 2024-89
The People &c.,
Respondent,
v.
Roberto Rivera,
Appellant.

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

1 Mo. No. 2024-76
Salescare, Inc. et al.,
Appellants,
v.
SEIU 1199 National Benefits Fund et al.,
Respondents,
et al.,
Defendants.

Motion for leave to appeal denied.

3 Mo. No. 2024-77
The People &c.,
Respondent,
v.
Wayne Shufelt,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2024-150
The People &c.,
 Respondent,
 v.
Raymond Talavera,
 Appellant.

Motion, insofar as it seeks leave to appeal from that portion of the Appellate Division order that denied the motion to strike portions of the People's Appellate Division brief, dismissed upon the ground that such portion of the order does not finally determine the proceeding within the meaning of the Constitution; motion for leave to appeal otherwise denied.

2 Mo. No. 2024-120
The People &c.,
 Respondent,
 v.
Ali Tleis,
 Appellant.

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