

**State of New York**  
**Court of Appeals**

**Decisions**

November 26, 2024

**CASES**

1                    No. 95  
Regina Farage,  
    Appellant,  
    v.  
Associated Insurance Management Corp., et  
al.,  
    Defendants,  
Tower Insurance Company of New York, et  
al.,  
    Respondents.

Order insofar as appealed from affirmed, with costs.  
Opinion by Judge Singas.  
Judges Garcia, Cannataro and Troutman concur.  
Judge Rivera dissents in an opinion, in which Chief  
Judge Wilson and Judge Halligan concur.

4                    No. 100  
In the Matter of Victor O. Ibhawa,  
    Appellant,  
    v.  
New York State Division of Human Rights et  
al.,  
    Respondents.

Order reversed, with costs, and matter remitted to the  
Appellate Division, Fourth Department, with  
direction to remand to the New York State Division  
of Human Rights, for further proceedings in  
accordance with the opinion herein.  
Opinion by Judge Halligan.  
Chief Judge Wilson and Judges Rivera, Garcia,  
Singas, Cannataro and Troutman concur.

1                    No. 99  
In the Matter of Kasowitz, Benson, Torres &  
Friedman, LLP,  
    Petitioner,  
    v.  
JPMorgan Chase Bank, N.A.,  
    Appellant,  
The Dakota, Inc.,  
    Respondent,  
Alphonse Fletcher, Jr.,  
    Respondent;  
Fletcher International, Ltd., et al.,  
    Intervenors-Respondents.

Order reversed, with costs, and matter remitted to the  
Appellate Division, First Department, for further  
proceedings in accordance with the opinion herein.  
Opinion by Judge Rivera.  
Chief Judge Wilson and Judges Singas, Cannataro,  
Troutman, Halligan and Ceresia concur.  
Judge Garcia took no part.

3                    No. 101  
The People &c.,  
    Respondent,  
    v.  
Timothy Shader,  
    Appellant.

Order affirmed, without costs.  
Opinion by Judge Troutman.  
Judges Garcia, Singas and Cannataro concur.  
Chief Judge Wilson dissents in an opinion, in which  
Judges Rivera and Halligan concur.

2                    No. 103  
The People &c.,  
    Respondent,  
    v.  
David Vaughn,  
    Appellant.

Order affirmed.  
Opinion by Judge Troutman.  
Chief Judge Wilson and Judges Garcia, Singas,  
Cannataro and Halligan concur.  
Judge Rivera dissents in an opinion.

## MOTIONS

3 Mo. No. 2024-478  
In the Matter of the Foreclosure of Tax Liens  
by County of Albany.

County of Albany,  
Respondent;  
Phoenix of Albany,  
Appellant.

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. 2024-516  
The People &c.,  
Respondent,  
v.  
Jimmy Barnes,  
Appellant.

Motion for leave to appeal dismissed as untimely (*see* CPLR 5513 [b]; *Matter of Haverstraw Park v Runcible Props. Corp.*, 33 NY2d 637, 637 [1973]).

1 Mo. No. 2024-482  
In the Matter of Robert Bentkowski, et al.,  
Respondents,  
v.  
City of New York, et al.,  
Appellants.

Motion for leave to appeal granted.

1 Mo. No. 2024-554  
Clover Private Credit Opportunities  
Origination (Levered) II LP,  
Respondent,  
v.  
Ibrahim Al Hussein, et al.,  
Appellants.

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

4 Mo. No. 2024-569  
The People &c.,  
Respondent,  
v.  
Vincent Colunga,  
Appellant.

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

3                    Mo. No. 2024-550  
In the Matter of Town of Copake, et al.,  
                  Appellants,  
et al.,  
                  Petitioners/Plaintiffs,  
                  v.  
New York State Office of Renewable Energy  
Siting, et al.,  
                  Respondents,  
Alliance for Clean Energy New York, Inc.,  
                  Intervenor-Respondent.

Motion for reconsideration of this Court's May 16, 2024 dismissal order dismissed as untimely (*see* Rules of Ct of Appeals [22 NYCRR] § 500.24 [b]).

2                    Mo. No. 2024-603  
In the Matter of Marc Desir,  
                  Appellant,  
                  v.  
Robert F. Quinlan, &c.,  
                  Respondent.

Motion for leave to appeal denied.  
Motion for ancillary relief dismissed upon the ground that this Court does not have jurisdiction to entertain it (*see* NY Const, art VI, § 3).  
Judge Halligan took no part.

1                    Mo. No. 2024-627  
Annette Gaffney,  
                  Appellant,  
                  v.  
New York City Transit Authority et al.,  
                  Respondents,  
et al.,  
                  Defendant.

Motion for reargument of motion for leave to appeal dismissed as untimely (*see* Rules of Ct of Appeals [22 NYCRR] § 500.24 [b]).

3                    Mo. No. 2024-551  
In the Matter of Tory Gallante,  
                  Appellant,  
                  v.  
Thomas P. DiNapoli, &c. et al.,  
                  Respondents.

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

1                    Mo. No. 2024-760  
The People &c.,  
    Respondent,  
    v.  
Mitchell Hernandez,  
    Appellant.

Motion by Letitia James, Attorney General of the State of New York, for an order pursuant to Executive Law § 71, permitting movant to file a brief and to participate in oral argument of the appeal, granted.  
Judge Halligan took no part.

3                    Mo. No. 2024-615  
In the Matter of Daniel Karlin,  
    Appellant,  
    v.  
Tina M. Stanford, &c.,  
    Respondent.

Motion for reargument denied.  
Judge Halligan took no part.

1                    Mo. No. 2024-472  
In the Matter of David J. Lamar,  
    Appellant,  
    v.  
Daniel A. Nigro, &c., et al.,  
    Respondents.

Motion for leave to appeal denied.

2                    Mo. No. 2024-669  
Tina Lattimore,  
    Plaintiff,  
Kevin Martin,  
    Appellant,  
    v.  
James Montgomery, 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.  
Motion for poor person relief dismissed as academic.  
Motion for a stay dismissed as academic.

4                    Mo. No. 2024-479  
Jazmon Morrison,  
    Respondent,  
    v.  
South Union RD HC, LLC et al.,  
    Appellants.

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. 2024-491  
Operr Plaza, LLC, et al.,  
    Respondents,  
    v.  
Kevin S. Wang,  
    Appellant.

Motion for leave to appeal denied.

3                    Mo. No. 2024-475  
The People &c.,  
    Respondent,  
    v.  
Michael R. Pardee,  
    Appellant.  
(App. Div. No. 535285)

Motion for leave to appeal denied.

3                    Mo. No. 2024-476  
The People &c.,  
    Respondent,  
    v.  
Michael R. Pardee,  
    Appellant.  
(App. Div. No. 535286)

Motion for leave to appeal denied.

3                    Mo. No. 2024-576  
In the Matter of the Claim of Steve Persaud,  
    Appellant,  
    v.  
Ash & Peterkin Central Lock Company, Inc.,  
et al.,  
    Respondents.  
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 ancillary relief dismissed upon the ground that this Court does not have jurisdiction to entertain it (*see* NY Const, art VI, § 3).

1 Mo. No. 2024-519  
Gheorghe Petre,  
Appellant,  
v.  
Joseph Lucia, et al.,  
Respondents.

Motion, insofar as it seeks leave to appeal from the 2021 and 2023 Supreme Court orders, 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 order sought to be appealed from does not finally determine the action within the meaning of the Constitution.

Motion for ancillary relief dismissed upon the ground that this Court does not have jurisdiction to entertain it (*see* NY Const, art VI, § 3).

1 Mo. No. 2024-461  
Maktumma Teshabaeva et al.,  
Respondents,  
v.  
Family Home Care Services of Brooklyn &  
Queens, Inc., et al.,  
Appellants.

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. 2024-496  
In the Matter of Zufan Tsegai,  
Appellant,  
v.  
New York State Division of Housing and  
Community Renewal et al.,  
Respondents,  
2166 8th Avenue Realty LLC,  
Respondent.

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

2 Mo. No. 2024-602  
U.S. Bank National Association,  
Respondent,  
v.  
Marc Desir,  
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.

Motion for ancillary relief dismissed upon the ground that this Court does not have jurisdiction to entertain it (*see* NY Const, art VI, § 3).  
Judge Halligan took no part.