

State of New York
Court of Appeals

Decisions

September 10, 2024

MOTIONS

2 Mo. No. 2024-217
The People &c.,
 Respondent,
 v.
Darren Ack,
 Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2024-383
In the Matter of Anonymous, &c.

Motion for reconsideration of this Court's April 18, 2024 dismissal order denied.

Grievance Committee for the Second,
Eleventh, and Thirteenth Judicial Districts,
 Respondent;
Anonymous,
 Appellant.
(App. Div. No. 2021-05514)

2 Mo. No. 2024-384
In the Matter of Anonymous, &c.

Motion for reconsideration of this Court's April 18, 2024 dismissal order denied.

Grievance Committee for the Second,
Eleventh, and Thirteenth Judicial Districts,
 Respondent;
Anonymous,
 Appellant.
(App. Div. No. 2021-08435)

4 Mo. No. 2024-205
In the Matter of Paul B.

Motion for leave to appeal dismissed upon the ground that the issues presented have become moot.

Shreyas Baxi, &c.,
 Respondent,
 v.
Paul B.,
 Appellant.

4 Mo. No. 2024-208
In the Matter of Barberry Cove, LLC et al.,
Respondents,
v.
Town of Henrietta Board of Assessment
Review, et al.,
Appellants.

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

1 Mo. No. 2024-204
The People &c.,
Respondent,
v.
Jeffrey Bevel,
Appellant.

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

1 Mo. No. 2024-228
The People &c.,
Respondent,
v.
James Bonczek,
Appellant.

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

4 Mo. No. 2024-349
In the Matter of Mark J. Bonner,
Appellant,
v.
Vina C. Bonner,
Respondent.
(App. Div. No. CAF 23-00794)

Motion for leave to appeal denied.

In the Matter of Vina C. Bonner,
Respondent,
v.
Mark J. Bonner,
Appellant.
(App. Div. No. CAF 23-00795)

4 Mo. No. 2024-254
In the Matter of Souad Bracken,
Appellant,
v.
Eric K. Bracken,
Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2024-262
In the Matter of Roman Brik,
Appellant,
v.
Ilana Stroutsovsky,
Respondent.

Motion for leave to appeal dismissed upon the ground that no motion for leave to appeal lies from an Appellate Division order dismissing an appeal from a decision (*see* CPLR 5602).
Judge Cannataro took no part.

2 Mo. No. 2024-274
In the Matter of Roman Brik,
Appellant,
v.
Ilana Stroutsovsky,
Respondent.

Motion for leave to appeal dismissed upon the ground that no motion for leave to appeal lies from an Appellate Division order dismissing an appeal from a decision (*see* CPLR 5602).
Motion for poor person relief dismissed as academic.
Judge Cannataro took no part.

3 Mo. No. 2024-137
In the Matter of Cortex Television LLC, &c.,
Appellant,
v.
New York State Department of Health,
Respondent.

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

2 Mo. No. 2024-225
The People &c.,
Respondent,
v.
Paul Cotugno,
Appellant.

Motion for leave to appeal denied.
Judge Singas took no part.

4 Mo. No. 2024-119
In the Matter of Amelia D.

Erie County Department of Social Services,
Respondent;
Shawn D.,
Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2024-377
In the Matter of Nelson C. Darling III,
Appellant,
v.
Penelope L. Darling,
Respondent.
(And Another Related Proceeding.)

Motion for leave to appeal denied.

2 Mo. No. 2024-219
In the Matter of Helen Enigbonjaye,
Appellant,
v.
NYS Justice Center for People with Special
Needs, et al.,
Respondents.

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

4 Mo. No. 2024-158
In the Matter of Johlyanne F.

Erie County Department of Social Services,
Respondent;
Evangelista A.,
Appellant,
et al.,
Respondents.

Motion for leave to appeal denied.

Mo. No. 2024-13
The People &c.,
Respondent,
v.
Stephen Francis,
Appellant.

Motion for leave to appeal dismissed upon the ground that this Court does not have jurisdiction to entertain a motion from an order of the Appellate Term (*see* CPLR 5602 [a]).
Motion for poor person relief dismissed as academic.

4 Mo. No. 2024-334
In the Matter of HBC Victor LLC,
Appellant,
v.
Town of Victor,
Respondent.

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

2 Mo. No. 2024-323
The People &c.,
Respondent,
v.
Pedro Hernandez,
Appellant.

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

4 Mo. No. 2024-178
In the Matter of Robert Hughes,
Respondent,
v.
Christie Copes,
Appellant.
(App. Div. Nos. CAF 22-01963 & CAF 23-01530)

Motion for leave to appeal denied.

3 Mo. No. 2024-221
In the Matter of the Claim of Joseph Javino,
Appellant.
Commissioner of Labor,
Respondent.

Motion to vacate this Court's January 31, 2024 dismissal order denied.

Mo. No. 2024-432
Kervin Jeanty,
Appellant,
v.
Mark C. Dillon,
Respondent.

Motion to vacate this Court's December 20, 2023 dismissal order denied.
Motion for poor person relief dismissed as academic.

2 Mo. No. 2024-199
Jewish Press, Inc.,
Appellant,
v.
Meltzer, Lippe, Goldstein & Breitstone, LLP,
Respondent.

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

4 Mo. No. 2024-293
In the Matter of Kerry K.,
Appellant,
v.
State of New York,
Respondent.

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

2 Mo. No. 2024-327
In the Matter of Timothy K., Jr.

Suffolk County Department of Social
Services, Child Protective Services,
Respondent;
Timothy K.,
Appellant.
(And Another Related Proceeding.)

Motion for leave to appeal denied.

4 Mo. No. 2024-258
In the Matter of Adrian Kirkland,
Respondent,
v.
Tangelina Crawford,
Appellant.

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

1 Mo. No. 2024-144
Marc Kushner,
Appellant,
v.
Carter Ledyard & Milburn LLP,
Respondent.

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

1 Mo. No. 2024-180
The People &c.,
Respondent,
v.
Leonard Lewis,
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.
Motion for poor person relief dismissed as academic.
Motion for a stay dismissed as academic.

1 Mo. No. 2024-230
Jeff Lucas,
Appellant,
v.
Verizon Communications, Inc. et al.,
Respondents.

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

2 Mo. No. 2024-193
The People &c.,
Respondent,
v.
Kasiem Lundy,
Appellant.

Motion for leave to appeal denied.

2 SSD 27
In the Matter of Eisha Marks,
Appellant,
v.
New York City Transit Authority,
Respondent.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that no appeal lies as of right from the unanimous order of the Appellate Division absent the direct involvement of a substantial constitutional question (*see* CPLR 5601).

3 Mo. No. 2024-134
In the Matter of John M. Monaghan,
Appellant,
v.
Mark J.F. Schroeder, &c., et al.,
Respondents.

Motion for leave to appeal denied upon the ground that an appeal lies as of right (*see* CPLR 5601 [b] [1]).

3 Mo. No. 2024-233
In the Matter of Stoker Olukotun-Williams,
Appellant,
v.
Gerald Gardner, &c. et al.,
Respondents.

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

1 Mo. No. 2024-215
Alex Pacheco,
Appellant,
v.
Alma Realty Corp., et al.,
Respondents,
et al.,
Defendant.

Motion for reargument of motion for leave to appeal
denied.

3 Mo. No. 2024-182
Radiation Oncology Services of Central New
York, P.C. et al.,
Appellants,
v.
Jeanette N. Warren, et al.,
Respondents.

Motion for leave to appeal denied.

4 Mo. No. 2024-16
In the Matter of Marguerite A. Ross,
Appellant,
v.
Village of Fayetteville, et al.,
Respondents.
Village of Fayetteville Planning Board,
Interested or Necessary Party.

Motion for leave to appeal denied.

4 Mo. No. 2024-223
In the Matter of Lavelle S., et al.

Erie County Department of Social Services,
Respondent;
Alicia M.,
Appellant.
(App. Div. No. CAF 22-01038)

In the Matter of Leo M.

Erie County Department of Social Services,
Respondent;
Alicia M.,
Appellant.
(App. Div. No. CAF 22-01039)

2 Mo. No. 2024-332
John Sagaria,
Appellant,
v.
Cynthia Sagaria,
Respondent.

1 Mo. No. 2024-231
In the Matter of Peter Sanicola,
Appellant,
v.
City of New York et al.,
Respondents.

4 Mo. No. 2024-162
The People &c.,
Respondent,
v.
Devin M. Schumacher,
Appellant.

Motion for leave to appeal denied.

Motion for leave to appeal denied.

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

Motion for leave to appeal denied.

1 Mo. No. 2024-151
Rhiyen Sharp,
Appellant,
v.
Ferrante Law Firm et al.,
Respondents.

Motion for leave to appeal denied.

1 Mo. No. 2024-213
Southern Advanced Materials, LLC,
Appellant,
v.
Robert S. Abrams, &c. et al.,
Respondents.

Motion for leave to appeal denied.

4 Mo. No. 2024-102
In the Matter of Denise M. Thurston,
Respondent,
v.
Pat J. Bombard,
Appellant.

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

1 Mo. No. 2024-207
Unlimited Assets, Inc.,
Appellant,
v.
PennyMac Corp. et al.,
Respondents,
et al.,
Defendants.

Motion for leave to appeal denied.

1 Mo. No. 2024-128
The People &c.,
Respondent,
v.
Albert Vallejo,
Appellant.

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

3 Mo. No. 2024-184
In the Matter of Raymond C. Vaughan,
 Appellant,
 v.
New York State Department of
Transportation et al.,
 Respondents.

Motion, insofar as it seeks leave to appeal from that portion of the Appellate Division order that affirmed Supreme Court's denial of appellant's motion to renew, 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.

3 Mo. No. 2024-211
In the Matter of the Claim of Dobrica
Vukotic,
 Appellant,
 v.
Prince Food Corporation,
 Respondent,
AmTrust North America, Inc.,
 Respondent.
Workers' Compensation Board,
 Respondent.

Motion for leave to appeal denied.

4 SSD 26
The People &c. ex rel. Gerald T. Walsh, &c.,
 Appellant,
 v.
John Garcia, &c.,
 Respondent.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that no appeal lies as of right from the unanimous judgment of the Appellate Division absent the direct involvement of a substantial constitutional question (*see* CPLR 5601).

2 Mo. No. 2024-298
In the Matter of Mariah S. Watson, &c.,
 Appellant,
 v.
Mariah Brown,
 Respondent.

Motion for leave to appeal denied.

4 Mo. No. 2024-165
The People &c.,
 Respondent,
 v.
Kyle J. Webster,
 Appellant.

Motion for leave to appeal denied.