

State of New York
Court of Appeals

Decisions

December 19, 2023

CASES

3 No. 91
In the Matter of Appellate Advocates,
 Appellant,
 v.
New York State Department of Corrections
and Community Supervision,
 Respondent.

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

3 No. 95
The People &c.,
 Respondent,
 v.
Devon T. Butler,
 Appellant.

Order reversed and case remitted to County Court,
Broome County, for further proceedings in
accordance with the opinion herein.
Opinion by Judge Cannataro.
Chief Judge Wilson and Judges Rivera, Garcia,
Singas, Troutman and Halligan concur.

4 No. 94
Mark A. Stoneham et al.,
 Appellants,
 v.
Joseph Barsuk, Inc., et al.,
 Defendants,
David J. Barsuk,
 Respondent.

Order affirmed, with costs, and certified question
answered in the affirmative.
Opinion by Judge Singas.
Chief Judge Wilson and Judges Rivera, Garcia,
Troutman and Halligan concur.
Judge Cannataro dissents in an opinion.

MOTIONS

4 Mo. No. 2023-519
Advanced Physical Medicine Rehabilitation
PLLC, et al.,
 Appellants,
 v.
Utica National Insurance Company of Ohio,
 Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2023-573
In the Matter of Joseph Agnew, et al.,
 Appellants,
 v.
New York City Department of Correction,
 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.

2 Mo. No. 2023-542
The People &c.,
 Respondent,
 v.
Adania Canales,
 Appellant.

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

2 Mo. No. 2023-539
The People &c.,
 Respondent,
 v.
Cayetano Claros-Zelayandia,
 Appellant.

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

1 Mo. No. 2023-500
In the Matter of George Dourdounas,
 Appellant,
 v.
City of New York, et al.,
 Respondents.

Motion for leave to appeal granted.
Judge Cannataro took no part.

4 Mo. No. 2023-520
The People &c.,
Respondent,
v.
Vince M. Ferris,
Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2023-521
The People &c.,
Respondent,
v.
Antwunn Harris,
Appellant.

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

4 Mo. No. 2023-527
The People &c.,
Respondent,
v.
Ronald J. Heffernan,
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2023-534
HSBC Bank USA, N.A.,
Appellant,
v.
Paul Schneider et al.,
Respondents,
et al.,
Defendants.

Motion for leave to appeal denied.

2 Mo. No. 2023-508
The People &c.,
Respondent,
v.
Lamar R. Jackson,
Appellant.

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

2 Mo. No. 2023-546
The People &c.,
Respondent,
v.
Jorge Linares,
Appellant.

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

3 Mo. No. 2023-629
In the Matter of Jerome Mack,
Appellant,
v.
Anthony J. Annucci, &c.,
Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2023-595
Chester Mayorga,
Appellant,
v.
Peter Kokkoris, et al.,
Respondents,
et al.,
Defendants.

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

1 Mo. No. 2023-572
Merchants Cachet Investor Partners LLC,
Respondent,
v.
Robert Roche,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2023-556
The People &c.,
Respondent,
v.
Joseph Montesquieu,
Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2023-530
Alice Montgomery,
Appellant,
v.
Burlington Coat Factory of Texas, Inc., et al.,
Respondents.

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

1 Mo. No. 2023-532
In the Matter of Adam Oustatcher,
Appellant,
v.
Darcel Clark, &c. et al.,
Respondents.

Motion for leave to appeal denied.

2 Mo. No. 2023-518
The People &c.,
Respondent,
v.
Phillip Payne,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2023-550
In the Matter of Reclaim the Records,
Appellant,
v.
New York City Department of Health and
Mental Hygiene et al.,
Respondents.

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

4 Mo. No. 2023-531
Robert Stern,
Appellant,
v.
Golub Corporation, et al.,
Respondents.

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

1 Mo. No. 2023-537
The People &c.,
 Respondent,
 v.
Glenn Stewart,
 Appellant.

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

2 Mo. No. 2023-541
The People &c.,
 Respondent,
 v.
Raul A. Torres,
 Appellant.

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

1 Mo. No. 2023-634
Uzo Unobagha et al.,
 Appellants,
 v.
Hilton Garden Inn Times Square North et al.,
 Respondents.

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

2 Mo. No. 2023-649
The People &c.,
 Respondent,
 v.
Larry Williams,
 Appellant.

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