

State of New York
Court of Appeals

Decisions

September 21, 2023

MOTIONS

1 Mo. No. 2023-353 Motion for leave to appeal granted.
122 East 42nd Street, LLC,
 Respondent,
 v.
Joseph Scharf et al.,
 Appellants.

1 Mo. No. 2023-335 Motion for leave to appeal granted.
In the Matter of 160 E. 84th St. Associates
LLC,
 Appellant,
 v.
New York State Division of Housing and
Community Renewal,
 Respondent.
(Index No. 157576/20)

1 Mo. No. 2023-336 Motion for leave to appeal granted.
In the Matter of 160 East 84th Street
Associates LLC,
 Appellant,
 v.
New York State Division of Housing and
Community Renewal,
 Respondent.
(And Three Other Proceedings.)
(Index Nos. 157558/20, 157560/20,
157579/20 and 157582/20)

1 Mo. No. 2023-346
In the Matter of 160 East 84th Street
Associates LLC,
 Appellant,
 v.
New York State Division of Housing and
Community Renewal,
 Respondent.
(Index No. 157557/20)

Motion, insofar as it seeks leave to appeal from that portion of the Appellate Division order as affirmed the June 2021 order, granted; motion for leave to appeal otherwise dismissed upon the ground that the remaining portions of the Appellate Division order do not finally determine the proceeding within the meaning of the Constitution.

1 Mo. No. 2023-357
In the Matter of 1700 York Avenue
Associates, LLC,
 Appellant,
 v.
New York State Division of Housing and
Community Renewal,
 Respondent.

Motion for leave to appeal granted.

1 Mo. No. 2023-356
In the Matter of 87th Street Sherry
Associates, LLC,
 Appellant,
 v.
New York State Division of Housing and
Community Renewal,
 Respondent.
(And Two Other Proceedings.)
(Index Nos. 153992/20, 153997/20 and
154002/20)

Motion for leave to appeal granted.

1 Mo. No. 2023-358
In the Matter of 87th Street Sherry
Associates, LLC,
 Appellant,
 v.
New York State Division of Housing and
Community Renewal,
 Respondent.
(Index Nos. 153995/20)

Motion for leave to appeal granted.

1 Mo. No. 2023-359
In the Matter of 87th Street Sherry
Associates, LLC,
 Appellant,

v.

New York State Division of Housing and
Community Renewal,
 Respondent.
(Index No. 153999/20)

Motion for leave to appeal granted.

2 Mo. No. 2023-374
In the Matter of 989 Hempstead Turnpike,
LLC et al.,
 Appellants,

v.

Town Board of the Town of Hempstead, et
al.,
 Respondents,
et al.,
 Respondent.

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

3 Mo. No. 2023-468
The People &c.,
 Respondent,

v.

Roger Adams,
 Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2023-474
The People &c.,
 Respondent,

v.

Clarence Allen,
 Appellant.

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

1 Mo. No. 2023-408
The People &c.,
Respondent,
v.
Roger Almeida,
Appellant.

Motion for leave to appeal denied.
Motion for poor person relief dismissed as academic.
Judge Halligan took no part.

2 Mo. No. 2023-398
Susan Aranoff,
Respondent,
v.
Gerald Aranoff,
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. 2023-497
The People &c.,
Respondent,
v.
Jose Blanco,
Appellant.

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

1 Mo. No. 2023-418
In the Matter of Jason Borrero,
Appellant,
v.
Steven Banks, &c., et al.,
Respondents,
et al.,
Respondents.

Motion for leave to appeal denied.

4 Mo. No. 2023-487
The People &c.,
Respondent,
v.
Daniel Bradford,
Appellant.

Motion for reargument denied.
Judge Troutman took no part.

1 Mo. No. 2023-415
Breakaway Courier Corporation, &c.,
Appellant,
v.
Berkshire Hathaway, Inc.,
Defendant,
California Insurance Company, et al.,
Respondents.

Motion for leave to appeal denied.

2 Mo. No. 2023-479
The People &c.,
Respondent,
v.
Nahum Bustillo Colindres,
Appellant.

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

4 Mo. No. 2023-523
Cheswold (TL), LLC,
Respondent,
v.
James Wynn,
Appellant,
County of Monroe, et al.,
Defendants.

Motion for reargument denied.

1 Mo. No. 2023-360
In the Matter of Clermont York Associates,
LLC,
Appellant,
v.
New York State Division of Housing and
Community Renewal,
Respondent.

Motion for leave to appeal granted.

4 Mo. No. 2023-438
In the Matter of Erin Conway,
Respondent,
v.
Andrew Stoughtenger,
Appellant.

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

1 Mo. No. 2023-456
In the Matter of Country-Wide Insurance
Company,
 Respondent,
 v.
Refill Rx Pharmacy, Inc., &c.,
 Appellant.

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

1 Mo. No. 2023-528
The People &c.,
 Respondent,
 v.
Raphael Davalos,
 Appellant.

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

1 Mo. No. 2023-396
Joan DeCollibus,
 Appellant,
 v.
Barry Schimmel,
 Respondent.

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

1 Mo. No. 2023-355
Salvatore P. DeRicco et al.,
 Appellants,
 v.
Randi L. Maidman, et al.,
 Respondents.

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

1 Mo. No. 2023-407
Sidi Doumbia,
 Appellant,
 v.
Fatou Bamba,
 Respondent.

Motion for leave to appeal dismissed upon the
ground that the orders sought to be appealed from do
not finally determine the action within the meaning
of the Constitution.

1 Mo. No. 2023-449
Epic W14 LLC,
Respondent,
v.
Stefan Malter, et al.,
Appellants.

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

4 Mo. No. 2023-431
Rebecca M. Flanders,
Appellant,
v.
Stephen F. Goodfellow et al.,
Respondents.

Motion for leave to appeal granted.

1 Mo. No. 2023-354
GSCP VI EdgeMarc Holdings, L.L.C., et al.,
Respondents,
v.
ETC Northeast Pipeline, LLC,
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.

Mo. No. 2023-598
Amy R. Gurvey, &c.,
Appellant,
v.
State of New York et al.,
Respondents.

Motion, insofar as it has been treated as a motion for reconsideration of this Court's March 16, 2023 transfer order, dismissed as untimely (*see* Rules of Ct of Appeals [22 NYCRR] 500.24 [b]); motion, insofar as it seeks disqualification of counsel on the motion, denied.
Judges Cannataro and Halligan took no part.

1 Mo. No. 2023-368
In the Matter of Mark Hurley, et al.,
Appellants,
v.
EB Safe, LLC et al.,
Respondents.

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

1 Mo. No. 2023-351
The People &c.,
Respondent,
v.
Freddie Jackson,
Appellant.

Motion for leave to appeal denied.
Motion for poor person relief dismissed as academic.
Judge Halligan took no part.

1 Mo. No. 2023-430
The People &c.,
Respondent,
v.
Paul Kingsley,
Appellant.

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

1 Mo. No. 2023-405
The People &c.,
Respondent,
v.
Tira Law,
Appellant.

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

1 Mo. No. 2023-361
The People &c.,
Respondent,
v.
Louis Leiva,
Appellant.

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

1 Mo. No. 2023-380
The People &c.,
Respondent,
v.
Vincent Lopez,
Appellant.

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

1 Mo. No. 2023-321
In the Matter of Maryann McCabe et al.,
Appellants,
v.
511 West 232nd Owners Corp.,
Respondent.

Motion for leave to appeal granted.

1 Mo. No. 2023-372
The People &c.,
Respondent,
v.
Juan Medina,
Appellant.

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

1 Mo. No. 2023-369
In the Matter of Pedro D. Nieblas-Love,
Appellant,
et al.,
Petitioner,
v.
New York City Housing Authority, 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 proceeding within the
meaning of the Constitution.

3 Mo. No. 2023-383
In the Matter of the Claim of Fernando
Nunez,
Appellant,
v.
Young Men's Christian Association of
Greater New York et al.,
Respondents.
Workers' Compensation Board,
Respondent.

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

3 Mo. No. 2023-412
In the Matter of the Claim of James
O'Donnell,
Appellant,
v.
Grow Kiewi T. Catapano et al.,
Respondents.
Workers' Compensation Board,
Respondent.

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

2 Mo. No. 2023-365
The People &c.,
Respondent,
v.
Joseph Oliver,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2023-387
The People &c.,
Respondent,
v.
Pedro Ortiz,
Appellant.

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

3 Mo. No. 2023-302
Elizabeth Haley Rockwell, &c.,
Respondent,
v.
Thomas Despart,
Respondent,
Letitia James, &c.,
Proposed Intervenor-
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.

4 Mo. No. 2023-382
The People &c.,
Respondent,
v.
Brandon Root,
Appellant.

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

1 Mo. No. 2023-391
Mischa Shuman et al.,
Appellants,
v.
New York Magazine et al.,
Respondents.

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).

1 Mo. No. 2023-390
The People &c.,
Respondent,
v.
Cornell Sims,
Appellant.

Motion for leave to appeal denied.
Motion for poor person relief dismissed as academic.
Judge Halligan took no part.

2 Mo. No. 2023-406
Daler Singh, &c., et al.,
Appellants,
v.
City of New York, et al.,
Respondents.

Motion for reargument denied with one hundred
dollars costs and necessary reproduction
disbursements.
Judges Rivera and Halligan took no part.

2 Mo. No. 2023-395
Thomas J. Spota, &c.,
Respondent,
v.
Paul White,
Appellant,
Donna White, 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.

2 Mo. No. 2023-392
In the Matter of Herman Wagschal, et al.,
Respondents,
v.
Anthony Cardone, &c., et al.,
Appellants,
et al.,
Respondents.

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

1 Mo. No. 2023-436
The People &c.,
Respondent,
v.
Robert Williams,
Appellant.

Motion for leave to appeal denied.
Motion for poor person relief dismissed as academic.
Judge Halligan took no part.

1 Mo. No. 2023-461
The People &c.,
Respondent,
v.
Taurean Williams,
Appellant.

Motion for leave to appeal denied.
Motion for poor person relief dismissed as academic.
Judge Halligan took no part.

4 Mo. No. 2023-352
The People &c.,
Respondent,
v.
Frederick Wright,
Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2023-524
James I. Wynn, Sr.,
Appellant,
v.
John F. Speranza et al.,
Respondents.

Motion for reargument denied.

2 Mo. No. 2023-423
The People &c.,
Respondent,
v.
Antonio Zambrano,
Appellant.

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