

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

**Decisions**

June 13, 2024

**CASES**

2                    No. 87 SSM 13

The People &c.,  
    Appellant,  
    v.  
Nolberto Contreras Vargas,  
    Respondent.

On review of submissions pursuant to section 500.11 of the Rules, order reversed and case remitted to the Appellate Division, Second Department, for consideration of the facts and issues raised but not determined on appeal to that Court, in a memorandum.  
Judges Garcia, Singas, Cannataro, Troutman and Halligan concur.  
Chief Judge Wilson and Judge Rivera dissent and vote to affirm for the reasons stated in the Appellate Division memorandum (*see People v Vargas*, 211 AD3d 1046 [2d Dept 2022]).

3                    No. 65  
In the Matter of Prisoners' Legal Services of  
New York,  
    Appellant,  
    v.  
New York State Department of Corrections  
and Community Supervision,  
    Respondent.

Order insofar as appealed from, as limited by the briefs, affirmed, without costs, in a memorandum.  
Chief Judge Wilson and Judges Rivera, Garcia, Singas, Cannataro, Troutman and Halligan concur.

## MOTIONS

2                    Mo. No. 2024-169  
In the Matter of 125 Court Street, LLC,  
                  Appellant,  
                  v.  
Yolande Nicholson,  
                  Respondent,  
et al.,  
                  Respondents.

Motion for leave to appeal dismissed upon the ground that this Court does not have jurisdiction to entertain a motion for leave to appeal from the order of the Appellate Division entered in this proceeding commenced in the Civil Court of the City of New York (*see* NY Const, art VI, § 3 [b] [7]; CPLR 5602 [a]).  
Motion for a stay dismissed as academic.

4                    Mo. No. 2024-91  
In the Matter of Ahren B.-N.  
  
Oneida County Department of Social  
Services,  
                  Respondent;  
Gary B.-N.,  
                  Appellant,  
et al.,  
                  Respondent.

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

4                    SSD 17  
George Borrello, &c., et al.,  
                  Appellants,  
                  v.  
Kathleen C. Hochul, &c., et al.,  
                  Respondents.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that no substantial constitutional question is directly involved.

3                    Mo. No. 2024-424  
In the Matter of Cara J. Castronuova,  
                  Appellant,  
                  v.  
Anthony Nunziato et al.,  
                  Respondents,  
et al.,  
                  Respondent.

On the Court's own motion, appeal dismissed, without costs, upon the ground that no substantial constitutional question is directly involved.  
Motion for leave to appeal denied.

4 Mo. No. 2024-216  
In the Matter of Mariateresa Ceravolo,  
Respondent,  
v.  
David Lefebvre,  
Respondent.

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In the Matter of Mitchel Lichtman,  
Appellant,  
v.  
Mariateresa Ceravolo,  
Respondent,  
David Lefebvre,  
Respondent.

4 Mo. No. 2024-7  
In the Matter of Columbus Monument  
Corporation, &c., et al.,  
Appellants,  
v.  
City of Syracuse,  
Respondent,  
et al.,  
Respondent-Defendant.

1 Mo. No. 2024-43  
Andrew Delaney,  
Appellant,  
v.  
HC2, Inc., &c.,  
Respondent.

4 Mo. No. 2024-115  
In the Matter of Landin F.  
  
Erie County Department of Social Services,  
Respondent;  
Jodi G.,  
Appellant.

Motion for reargument of motion for leave to appeal  
denied.

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

On the Court's own motion, appeal dismissed,  
without costs, upon the ground that no substantial  
constitutional question is directly involved.  
Motion for poor person relief dismissed as academic.

Motion for leave to appeal denied.

1                    Mo. No. 2023-809  
In the Matter of Sune G.,  
                  Appellant,  
          v.  
Michelle M.,  
                  Respondent.  
(And Other Proceedings.)

Motion, insofar as it seeks leave to appeal from the portion of the May 2022 Appellate Division order that dismissed the appeal from so much of the December 4, 2020 Family Court "Final Order After Trial" as determined child custody and visitation and denied the petition for relocation, denied; motion for leave to appeal otherwise dismissed upon the ground that the remaining portion of the May 2022 Appellate Division order and the other Appellate Division orders sought to be appealed from do not finally determine the proceedings within the meaning of the Constitution.

Motion, insofar as it seeks change of counsel for the child on appeal, dismissed as academic; motion for other relief dismissed upon the ground that the Court of Appeals does not have jurisdiction to entertain the motion (*see* NY Const, art VI, § 3).

2                    Mo. No. 2024-187  
In the Matter of Angel P.H.  
  
Administration for Children's Services,  
                  Respondent;  
Angel P.Q.,  
                  Appellant.  
(And Other Proceedings.)

On the Court's own motion, appeal dismissed, without costs, upon the ground that the order appealed from does not finally determine the proceedings within the meaning of the Constitution. Motion for leave to appeal dismissed upon the ground that the order sought to be appealed from does not finally determine the proceedings within the meaning of the Constitution.

2                    SSD 20  
In the Matter of Rodney Harper,  
                  Appellant,  
          v.  
Robert Neary, &c., et al.,  
                  Respondents.

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                    SSD 19  
In the Matter of Selma Husejnovic,  
                         Appellant,  
                         v.  
William DeProspero, &c.  
et al.,  
                         Respondents.

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).

3                    Mo. No. 2024-168  
In the Matter of Ryan J., &c.  
  
Essex County Department of Social Services,  
                         Respondent;  
Taylor J.,  
                         Appellant.  
(And Another Proceeding.)

Motion for leave to appeal denied.

2                    Mo. No. 2023-169  
Kernny Jackson, &c.,  
                         Appellant,  
                         v.  
Catskill Regional Medical Center, 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.

1                    Mo. No. 2023-775  
In the Matter of The Jewish Press Inc.,  
                         Appellant,  
                         v.  
New York City Police Department,  
                         Respondent.

Motion for leave to appeal denied.

                         Mo. No. 2024-378  
The People &c.,  
                         Respondent,  
                         v.  
Richecarde Licius,  
                         Appellant.

Motion for assignment of counsel granted and Twyla Carter, Esq., The Legal Aid Society, 199 Water Street, New York, NY 10038 assigned as counsel to the appellant on the appeal herein.

4 Mo. No. 2024-174  
In the Matter of Angelina M., et al.

Onondaga County Department of Children  
and Family Services,  
Respondent;  
Marilyn O.,  
Appellant,  
et al.,  
Respondent.

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

2 Mo. No. 2024-226  
In the Matter of Nyomi P.

Administration for Children's Services,  
Respondent;  
Imeisha P.,  
Appellant.  
(And Another Proceeding.)

Motion for leave to appeal dismissed upon the  
ground that the order sought to be appealed from  
does not finally determine a proceeding within the  
meaning of the Constitution.

4 Mo. No. 2024-214  
In the Matter of Zackery S. et al.

Yates County Department of Social Services,  
Respondent;  
Christa P.,  
Appellant.

Motion for leave to appeal denied.

2                    Mo. No. 2024-176  
US Bank Trust National Association, &c.,  
    Respondent,  
    v.  
Nancy E. Nugent, &c.,  
    Appellant,  
et al.,  
    Defendants.

Motion for reargument of motion for leave to appeal dismissed as untimely (*see* Rules of Ct of Appeals [22 NYCRR] § 500.24 [b]).  
Motion, insofar as it seeks leave to appeal from the October 2020 Appellate Division order, dismissed upon the ground that it does not lie, appellant having previously moved in the Court of Appeals for leave to appeal (36 NY3d 1084) from the same Appellate Division order from which she currently seeks leave to appeal (*see Selinger v Selinger*, 90 NY2d 842 [1997]); motion, insofar as it seeks leave to appeal from the December 2023 Supreme Court judgment, dismissed upon the ground that such judgment does not finally determine the action within the meaning of the Constitution and thus does not constitute a final judgment within the meaning of CPLR 5602 (a) (1) (ii).  
Motion for a stay &c. dismissed as academic.  
Judge Halligan took no part.

3                    Mo. No. 2024-181  
In the Matter of Nikole V. et al., &c.

Motion for leave to appeal denied.

Albany County Department for Children,  
Youth and Families,  
    Respondent;  
Norman V.,  
    Appellant.

1                    Mo. No. 2024-244  
In the Matter of the People of the State of  
New York, by Letitia James, &c.,  
    Respondent,  
    v.  
VDARE Foundation, Inc.,  
    Appellant.

On the Court's own motion, appeal dismissed, without costs, upon the ground that no substantial constitutional question is directly involved.  
Motion for leave to appeal denied.

1 Mo. No. 2024-394  
In the Matter of the People of the State of  
New York, by Letitia James, &c.,  
Respondent,  
v.  
VDARE Foundation, Inc.,  
Appellant.

Motion for a stay dismissed as academic.

4 Mo. No. 2024-110  
In the Matter of Zander W.  
  
Orleans Department of Social Services,  
Respondent;  
Lisa M.,  
Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2023-799  
Stanton E. Weaver Jr.,  
Appellant,  
v.  
Mary E. Weaver,  
Respondent.  
(App. Div. No. 531541)  
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In the Matter of Stanton E. Weaver Jr.,  
Appellant,  
v.  
Mary E. Weaver,  
Respondent.  
(App Div. No. 532136)

Motion, insofar as it seeks leave to appeal from (1) so much of the October 2021 Appellate Division order as affirmed so much of the Supreme Court orders in the matrimonial action as awarded arrears and attorneys' fees related thereto, and (2) so much of the additional October 2021 Appellate Division order as resolved the Family Court Act article 4 request for modification and for an award of overpayments, denied; motion for leave to appeal from the December 2022 Appellate Division orders and the remaining portions of the October 2021 orders dismissed upon the ground that they do not finally determine an action or proceeding within the meaning of the Constitution. Motion for ancillary relief dismissed upon the ground that the Court lacks jurisdiction to entertain it (*see* NY Const, art VI, § 3).

1 Mo. No. 2024-37  
The People &c.,  
Respondent,  
v.  
Marvin Williams,  
Appellant.

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



1                    Mo. No. 2024-398  
Emily Wu,  
    Appellant,  
    v.  
Uber Technologies, Inc.,  
    Respondent,  
et al.,  
    Defendants.

Motion by Chamber of Commerce of the United States of America, et al. for leave to file a brief amici curiae on the appeal herein granted and the proposed brief is accepted as filed. Two copies of the brief must be served, an original and nine copies filed, and the brief submitted in digital format within seven days.

3                    Mo. No. 2024-97  
In the Matter of Lucas Y., &c.

Motion for leave to appeal denied.

Columbia County Attorney,  
    Respondent;  
Lucas Y.,  
    Appellant.