

State of New York
Court of Appeals

Decisions

May 16, 2024

CASES

1 No. 48
Philippe E. Mulacek, et al.,
 Appellants,
 v.
ExxonMobil Corporation et al.,
 Respondents.

Order affirmed, with costs, in a memorandum.
Chief Judge Wilson and Judges Rivera, Garcia,
Singas, Cannataro, Troutman and Halligan concur.

 No. 50
The People &c.,
 Respondent,
 v.
Samual Nektalov,
 Appellant.

Order reversed and accusatory instrument dismissed.
Opinion by Judge Singas.
Chief Judge Wilson and Judges Rivera, Garcia,
Cannataro, Troutman and Halligan concur.

3 No. 46
In the Matter of the Claim of Justin Timperio,
 Respondent,
 v.
Bronx-Lebanon Hospital et al.,
 Appellants.
Workers' Compensation Board,
 Appellant.

Order reversed, with costs, and decision of the
Workers' Compensation Board reinstated.
Opinion by Judge Halligan.
Chief Judge Wilson and Judges Rivera, Garcia,
Singas, Cannataro and Troutman concur.

MOTIONS

4 Mo. No. 2024-96
In the Matter of Latoria B.,
et al.

Oswego County Department of Social
Services,
 Respondent;
Bianca B.,
 Appellant,
Kennex B.,
 Appellant.

Motions for leave to appeal denied.
Motion for poor person relief by appellant Bianca B.
dismissed as academic.

3 Mo. No. 2024-289
The People &c.,
 Respondent,
 v.
Jason Brisman,
 Appellant.

Motion to vacate this Court's April 2, 2024
preclusion order granted.

1 Mo. No. 2023-664
In the Matter of Leslie E. Carr et al.,
 Appellants,
 v.
New York State Division of Housing and
Community Renewal,
 Respondent,
Regina Metropolitan Co., LLC,
 Intervenor-Respondent.

Motion, insofar as it seeks leave to appeal from that
portion of the Appellate Division order that affirmed
the January 2023 Supreme Court order, 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 SSD 9
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.

4 Mo. No. 2024-285
The People &c.,
 Respondent,
 v.
Ronald Delp,
 Appellant.

3 Mo. No. 2024-52
In the Matter of Evelyn EE.,
 Appellant,
 v.
Jody CC.,
 Respondent.
(And Related Proceedings.)

1 Mo. No. 2024-51
In the Matter of Elena Frid,
 Appellant,
 v.
James V. McDonald et al.,
 Respondents.

4 Mo. No. 2024-40
In the Matter of William J. Geer,
 Appellant,
 v.
Joanne Collazo,
 Respondent.

Appeal, insofar as taken from the September 2023 Appellate Division order denying reargument or leave to appeal, dismissed without costs, by the Court sua sponte, upon the ground that such order does not finally determine the action/proceeding within the meaning of the Constitution; appeal, insofar as taken from the May 2023 Appellate Division order, dismissed without costs, by the Court sua sponte, upon the ground that no substantial constitutional question is directly involved.

Motion for an extension of the time within which to apply for permission to appeal pursuant to CPL 460.20 granted and motion papers treated as a timely CPL 460.20 application.

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

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

Motion for leave to appeal denied.

1 SSD 11
In the Matter of Jack R.T. Jordan, &c.

Attorney Grievance Committee for the First
Judicial Department,
Respondent;
Jack R.T. Jordan,
Appellant.

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

1 Mo. No. 2024-177
In the Matter of Elizabeth Lebowitz,
Appellant,
v.
Board of Education of the City School
District of the City of New York, et al.,
Respondents.

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 with one hundred
dollars costs and necessary reproduction
disbursements.

2 Mo. No. 2024-85
In the Matter of Jon A. Lefkowitz, &c.

Grievance Committee for the Second,
Eleventh, and Thirteenth Judicial Districts,
Respondent;
Jon A. Lefkowitz,
Appellant.

Motion for leave to appeal denied.

4 SSD 13
The People &c. ex rel. Ilann M. Maazel, Esq.,
on behalf of Brian Scott Lorenzo,
Appellant,
v.
John C. Garcia, &c., et al.,
Respondents.

Appeal dismissed without costs, by the Court sua
sponte, upon the ground that no appeal lies to this
Court from an order of an individual Justice of the
Appellate Division (*see* NY Const, art VI, § 3 [b];
CPLR 5601).

1 SSD 10
Nella Manko,
 Appellant,
 v.
Dr. Dana Mannor, et al.,
 Respondents,
Lenox Hill Hospital, &c. et al.,
 Defendants.

Nella Manko,
 Appellant,
 v.
Dr. Dana Mannor, et al.,
 Respondents,
"Anesthesiologist" (a fictitious name), et al.,
 Defendants.

2 Mo. No. 2024-133
In the Matter of Carol Martinez,
 Respondent,
 v.
Alfonso Gaddy,
 Appellant.
(And Another Proceeding.)

 Mo. No. 2024-297
The People &c.,
 Respondent,
 v.
Edward Martinez-Fernandez,
 Appellant.

1 Mo. No. 2023-726
In the Matter of NYP Holdings, Inc., et al.,
 Respondents,
 v.
New York City Police Department et al.,
 Respondents,
Police Benevolent Association of the City of
New York, Inc.,
 Intervenor-Appellant.

Appeal dismissed without costs, by the Court sua
sponte, upon the ground that the orders appealed
from do not finally determine the actions within the
meaning of the Constitution.
Chief Judge Wilson took no part.

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

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.

Motion for leave to appeal granted.
Motion for a stay granted.

2 Mo. No. 2024-35
In the Matter of Eugenia E. Omelime,
 Respondent,
 v.
Martin O. Odudukudu,
 Appellant.

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

4 Mo. No. 2024-65
In the Matter of Ariona P.

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

Motion for leave to appeal denied.

4 Mo. No. 2024-114
In the Matter of Shania R.

Erie County Department of Social Services,
 Respondent;
Shana R.,
 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.

1 Mo. No. 2024-24
In the Matter of Jaiyana S. et al., &c.

Perla S.,
 Appellant;
Administration for Children's Services,
 Respondent.

Motion for leave to appeal denied.

4 Mo. No. 2024-111
In the Matter of Hanalise S., et al.

Monroe County Department of Human
Services,
 Respondent;
Ezra B., Jr.,
 Appellant.

Motion for leave to appeal denied.

2 SSD 14
The People &c. ex rel. Marcus Saunders,
Appellant,
v.
Mark J. Miller, &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 order of the Appellate Division absent the direct involvement of a substantial constitutional question.

3 SSD 16
In the Matter of Sisters of the Presentation of
the Blessed Virgin Mary, Albany, New York,
Appellant,
v.
Karen Van Wagenen, &c.,
Respondent.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that the order appealed from does not finally determine the proceeding within the meaning of the Constitution.

3 SSD 15
In the Matter of Richard TT. et al., &c.

Schenectady County Department of Social
Services,
Appellant;
Kara VV.,
Respondent.
(And Another Related Proceeding.)

Appeal dismissed without costs, by the Court sua sponte, upon the ground that the order appealed from does not finally determine the proceeding within the meaning of the Constitution.

4 Mo. No. 2023-821
In the Matter of Ivvorie-Ann W.

Oneida County Department of Social
Services,
Respondent;
Samantha N.M.,
Appellant,
et al.,
Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2024-330
The People &c.,
 Respondent,
 v.
Jason Wright,
 Appellant.

Motion for assignment of counsel granted and Jenay Nurse Guilford, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, NY 10005 assigned as counsel to the appellant on the appeal herein.

3 SSD 12
In the Matter of Woodside Manor Nursing
Home, Inc., et al.,
 Appellants,
 v.
Howard Zucker, &c.,
 Respondent.

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