

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

**Decisions**

December 17, 2024

**CASES**

3                    No. 125  
Henry E. Calabrese,  
    Respondent,  
    v.  
City of Albany,  
    Appellant.

Order insofar as appealed from affirmed, with costs,  
and certified question answered in the negative.  
Opinion by Judge Garcia.  
Chief Judge Wilson and Judges Rivera, Singas,  
Cannataro, Troutman and Halligan concur.

                          No. 129  
Government Employees Insurance Company,  
et al.,  
    Respondents,  
    v.  
Igor Mayzenberg, et al.,  
    Appellants,  
et al.,  
    Defendants.

Certification of question by the United States Court  
of Appeals for the Second Circuit, pursuant to section  
500.27 of this Court's Rules of Practice, accepted and  
the issue presented is to be considered after briefing  
and argument.  
Chief Judge Wilson and Judges Rivera, Garcia,  
Singas, Cannataro, Troutman and Halligan concur.

1                    No. 91  
In the Matter of Maryann McCabe et al.,  
    Appellants,  
    v.  
511 West 232nd Owners Corp.,  
    Respondent.

Order affirmed, with costs.  
Opinion by Judge Halligan.  
Judges Garcia, Singas, Cannataro and Troutman  
concur.  
Chief Judge Wilson dissents in an opinion.  
Judge Rivera dissents in a separate opinion.

1                    No. 93  
In the Matter of NYC Organization of Public  
Service Retirees, Inc., et al.,  
    Respondents,  
    v.  
Renee Campion, et al.,  
    Appellants.

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

4                    No. 118  
Michael Sabine,  
    Appellant,  
    v.  
State of New York,  
    Respondent.

Order affirmed, with costs, and certified question not answered as unnecessary, in a memorandum.  
Judges Garcia, Singas, Cannataro and Halligan concur.  
Judge Rivera dissents in an opinion, in which Chief Judge Wilson concurs.  
Judge Troutman dissents and votes to reverse for reasons stated in all but part III subpart B of Judge Rivera's dissenting opinion.

## MOTIONS

1                    Mo. No. 2024-555  
In the Matter of 128 Second Realty LLC,  
Appellant,  
v.  
New York State Division of Housing and  
Community Renewal,  
Respondent.

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

1                    Mo. No. 2024-565  
Albert M. Watson Photography Inc.,  
Appellant,  
v.  
Robert Kartheiser et al.,  
Respondents.

Motion for leave to appeal denied.

1                    Mo. No. 2024-489  
Baymen Industries, Ltd.,  
Appellant,  
v.  
Empire City Subway Company (Limited), et  
al.,  
Respondents.

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

2                    Mo. No. 2024-490  
Dean L. Bloch, &c., et al.,  
Appellants,  
v.  
Casella Wood, LLC, &c., et al.,  
Respondents.

Motion for leave to appeal denied.

1                    Mo. No. 2024-582  
In the Matter of Yonathan Bonifacio,  
Appellant,  
v.  
Keechant Sewell, et al.,  
Respondents.

Motion for leave to appeal denied.

3 Mo. No. 2024-559  
In the Matter of Michael Cazzari,  
Appellant,  
v.  
Thomas P. DiNapoli, &c.,  
Respondent.

Motion for leave to appeal dismissed for failure to demonstrate timeliness as required by the Rules of the Court of Appeals (*see* 22 NYCRR § 500.22 [b] [2]).

3 Mo. No. 2024-573  
The People &c.,  
Respondent,  
v.  
Robert Harris,  
Appellant.

Motion for leave to appeal dismissed upon the ground that appellant is not a party aggrieved (*see* CPLR 5511).

2 Mo. No. 2024-397  
The People &c.,  
Respondent,  
v.  
James Hart,  
Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2024-528  
Carol L. Jones, &c., et al.,  
Appellants,  
v.  
Town of Carroll 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.

2 Mo. No. 2024-517  
In the Matter of State of New York,  
Respondent,  
v.  
Kerry K.,  
Appellant.

Motion for leave to appeal denied.

2                    Mo. No. 2024-438  
In the Matter of John O'Malley, et al.,  
                  Appellants,  
          v.  
Town of New Windsor Planning Board, et al.,  
                  Respondents.  
Stewart Hill, LLC,  
                  Proposed Intervenor-Respondent.

Motion for leave to appeal denied.

3                    Mo. No. 2024-556  
Victor Rogers,  
                  Appellant,  
          v.  
New York Central Mutual Fire Insurance  
Company,  
                  Respondent.

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

2                    Mo. No. 2024-495  
Jessie Sander,  
                  Appellant,  
          v.  
Westchester Reform Temple, et al.,  
                  Respondents.

Motion for leave to appeal granted.

3                    Mo. No. 2024-418  
In the Matter of Jeffrey Terborg,  
                  Appellant,  
          v.  
New York State Department of Corrections  
and Community Supervision,  
                  Respondent.

Motion for reargument of motion for leave to appeal  
denied.

3                    Mo. No. 2024-524  
In the Matter of Kristi L. Truesdell,  
                  Appellant,  
                  v.  
Nancy L. Decker,  
                  Respondent.  
(And Related Proceedings.)

1                    Mo. No. 2024-462  
Peitian Zhang,  
                  Appellant,  
                  v.  
Mastercard Inc.,  
                  Defendant,  
Industrial and Commercial Bank of China,  
                  Respondent.

Motion, insofar as it seeks leave to appeal from the portions of the Appellate Division order dismissing appellant's appeals to that Court from the April 2022 Family Court order and the July 2022 Family Court order granting her motion to relieve assigned counsel and to be heard upon submission, dismissed upon the ground that appellant is not a party aggrieved (*see* CPLR 5511); motion for leave to appeal otherwise dismissed upon the ground that the remainder of the Appellate Division order does not finally determine the proceedings within the meaning of the Constitution.  
Motion for poor person relief dismissed as academic.

Motion for leave to appeal denied.