

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

**Decisions**

December 19, 2024

**CASES**

1                    No. 109  
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)

Order insofar as appealed from affirmed, with costs  
(*see Matter of 160 East 84th Street Associates LLC v  
New York State Division of Housing and Community  
Renewal*, \_\_\_NY3d \_\_\_ [Case No. 111 decided  
today]).  
Chief Judge Wilson and Judges Rivera, Garcia,  
Singas, Cannataro, Troutman and Halligan concur.

1                    No. 110  
In the Matter of 160 East 84th Street  
Associates LLC,  
                  Appellant,  
          v.  
New York State Division of Housing and  
Community Renewal,  
                  Respondent.  
(Index Nos. 157558/20, 157560/20,  
157579/20 and 157582/20)

Order affirmed, with costs (*see Matter of 160 East  
84th Street Associates LLC v New York State  
Division of Housing and Community Renewal*,  
\_\_\_NY3d \_\_\_ [Case No. 111 decided today]).  
Chief Judge Wilson and Judges Rivera, Garcia,  
Singas, Cannataro, Troutman and Halligan concur.

1                    No. 111  
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)

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

1                    No. 117  
In the Matter of 160 East 84th Street  
Associates LLC,  
                  Appellant,  
          v.  
New York State Division of Housing and  
Community Renewal,  
                  Respondent.  
(Index Nos. 157563/20, 157573/20 and  
157580/20)

Order affirmed, with costs (*see Matter of 160 East  
84th Street Associates LLC v New York State  
Division of Housing and Community Renewal*,  
\_\_\_NY3d \_\_\_ [Case No. 111 decided today]).  
Chief Judge Wilson and Judges Rivera, Garcia,  
Singas, Cannataro, Troutman and Halligan concur.

1                    No. 112  
In the Matter of 1700 York Avenue  
Associates, LLC,  
                  Appellant,  
          v.  
New York State Division of Housing and  
Community Renewal,  
                  Respondent.

Order insofar as appealed from affirmed, with costs  
(*see Matter of 160 East 84th Street Associates LLC v  
New York State Division of Housing and Community  
Renewal*, \_\_\_NY3d \_\_\_ [Case No. 111 decided  
today]).  
Chief Judge Wilson and Judges Rivera, Garcia,  
Singas, Cannataro, Troutman and Halligan concur.

1                    No. 113  
In the Matter of 87th Street Sherry Associates,  
LLC,  
                  Appellant,  
          v.  
New York State Division of Housing and  
Community Renewal,  
                  Respondent.  
(Index Nos. 153992/20, 153997/20 and  
154002/20)

Order insofar as appealed from affirmed, with costs  
(*see Matter of 160 East 84th Street Associates LLC v  
New York State Division of Housing and Community  
Renewal*, \_\_\_NY3d \_\_\_ [Case No. 111 decided  
today]).  
Chief Judge Wilson and Judges Rivera, Garcia,  
Singas, Cannataro, Troutman and Halligan concur.

1                    No. 114  
In the Matter of 87th Street Sherry Associates,  
LLC,  
                  Appellant,  
          v.  
New York State Division of Housing and  
Community Renewal,  
                  Respondent.  
(Index No. 153995/20)

Order insofar as appealed from affirmed, with costs  
(*see Matter of 160 East 84th Street Associates LLC v  
New York State Division of Housing and Community  
Renewal*, \_\_\_NY3d \_\_\_ [Case No. 111 decided  
today]).  
Chief Judge Wilson and Judges Rivera, Garcia,  
Singas, Cannataro, Troutman and Halligan concur.

1                    No. 115  
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)

Order insofar as appealed from affirmed, with costs  
(*see Matter of 160 East 84th Street Associates LLC v  
New York State Division of Housing and Community  
Renewal*, \_\_\_NY3d \_\_\_ [Case No. 111 decided  
today]).  
Chief Judge Wilson and Judges Rivera, Garcia,  
Singas, Cannataro, Troutman and Halligan concur.

1                    No. 116  
In the Matter of Clermont York Associates,  
LLC,  
                  Appellant,  
          v.  
New York State Division of Housing and  
Community Renewal,  
                  Respondent.

Order affirmed, with costs (*see Matter of 160 East  
84th Street Associates LLC v New York State  
Division of Housing and Community Renewal*,  
\_\_\_NY3d \_\_\_ [Case No. 111 decided today]). The  
claim in this proceeding of undue delay is  
unpreserved.  
Chief Judge Wilson and Judges Rivera, Garcia,  
Singas, Cannataro, Troutman and Halligan concur.

3                    No. 122  
The People &c.,  
                  Respondent,  
          v.  
Edward Mero,  
                  Appellant.

Order affirmed.  
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.

4                    No. 120  
The People &c.,  
                  Respondent,  
          v.  
Parris J. Rufus,  
                  Appellant.

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

## MOTIONS

1                    Mo. No. 2024-600  
The Bank of New York Mellon, &c.,  
    Respondent,  
    v.  
Adam Ploch LLC,  
    Appellant,  
et al.,  
    Defendants.

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. 2024-696  
Central Mortgage Company,  
    Respondent,  
    v.  
Wael Aboelatif,  
    Appellant,  
et al.,  
    Defendants.

Motion for reargument of motion for leave to appeal denied.

2                    Mo. No. 2024-619  
The People &c.,  
    Respondent,  
    v.  
Adam Leone,  
    Appellant.

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

1                    Mo. No. 2024-649  
Cyrus Massoumi,  
    Appellant,  
    v.  
Nikhil Ganju, et al.,  
    Respondents.

Motion for leave to appeal denied.

2 Mo. No. 2024-670  
Sean M. McCarthy,  
Appellant,  
v.  
County of Nassau, et al.,  
Respondents,  
et al.,  
Defendants.

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.

Mo. No. 2024-643  
The People &c.,  
Appellant,  
v.  
Marcelo Melchiorre,  
Respondent.

Motion for leave to appeal dismissed upon the  
ground that this Court does not have jurisdiction to  
entertain the motion from the order of the Appellate  
Term (*see* CPLR 5602 [a]).

4 Mo. No. 2024-593  
The People &c.,  
Respondent,  
v.  
Dwayne A. Pearsall,  
Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2024-599  
The People &c.,  
Respondent,  
v.  
Connor E. Pope,  
Appellant.

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

4 Mo. No. 2024-616  
Gretchen Revere et al.,  
Appellants,  
v.  
Robert Burke, &c. et al.,  
Defendants,  
Stella M. Castro, &c. 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 (*see Cuadrado v New  
York City Tr. Auth., lv dismissed* 14 NY3d 748  
[2010]).

2 Mo. No. 2024-614  
In the Matter of Emilena Rosa,  
Appellant,  
v.  
New York City Employees' Retirement  
System,  
Respondent.

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

2 Mo. No. 2024-583  
The People &c.,  
Respondent,  
v.  
Jose A. Selin-Martinez,  
Appellant.

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

2 Mo. No. 2024-588  
The People &c.,  
Respondent,  
v.  
Menachem Tewel,  
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2024-639  
In the Matter of Cheryl D.U.,  
Appellant,  
v.  
Ehigie E.U.,  
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.  
Motion for poor person relief dismissed as academic.  
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. 2024-613  
Abraham Winter,  
Appellant,  
v.  
Laboratory Corporation of America,  
Respondent,  
et al.,  
Defendant.

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

2                    Mo. No. 2024-640  
Diane Zelenka,  
    Respondent,  
    v.  
Adam B. Hertz,  
    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.