

State of New York
Court of Appeals

Decisions

September 17, 2024

MOTIONS

3 Mo. No. 2024-409
In the Matter of Aaron Manor Rehabilitation
and Nursing Center, LLC, et al.,
 Respondents-Appellants,
 v.
Howard A. Zucker, &c., et al.,
 Appellants-Respondents.

Motion for reargument denied.

1 Mo. No. 2024-281
In the Matter of Devon Aoki et al., &c.

Devon Aoki, et al.,
 Respondents,
 v.
Keiko Ono Aoki,
 Appellant.

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.

In the Matter of the Judicial Settlement of the
First Intermediate Account of Proceedings of
Keiko Ono Aoki, &c.

Keiko Ono Aoki,
 Appellant,
 v.
Devon Aoki, et al.,
 Respondents.

Motion for leave to appeal denied.

3 Mo. No. 2024-261
Juan C. Barese,
 Appellant,
 v.
Erie and Niagara Insurance Association et al.,
 Respondents.

3 Mo. No. 2024-250
In the Matter of John E. Brown,
Appellant,
v.
Anthony J. Annucci &c., et al.,
Respondents.

Motion for leave to appeal denied.

2 Mo. No. 2024-396
In the Matter of Marta Bryceland,
Appellant,
v.
Thomas Gut,
Respondent.
(And Another Proceeding.)

Motion for leave to appeal dismissed upon the ground that that the order sought to be appealed from does not finally determine the proceedings within the meaning of the Constitution.
Motion for poor person relief dismissed as academic.
Motion for a stay dismissed as academic.

2 Mo. No. 2024-364
In the Matter of Ar-Rahman Buskey,
Appellant,
v.
Patricia Nadege Alexis,
Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2024-269
Central Mortgage Company,
Respondent,
v.
Wael Aboelatif,
Appellant,
et al.,
Defendants.

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

1 Mo. No. 2024-164
The People &c.,
Respondent,
v.
Roderick Collier,
Appellant.

Motion for leave to appeal denied upon the ground that an appeal lies as of right (*see* CPLR 5601 [b] [1]).
Motion for poor person relief granted.

1 Mo. No. 2024-335

Robert Connor,

Appellant,

v.

AMA Consulting Engineers PC et al.,

Defendants,

Jamestown Premier Chelsea Market, LP, et
al.,

Respondents.

(And a Third-Party Action.)

Motion for leave to appeal dismissed upon the ground that the judgment is not the final appealable paper from which leave to appeal may be sought (*see* CPLR 5611).

2 Mo. No. 2024-248

Shakeela Daniels,

Appellant,

v.

Vadim Pisarenko, &c., et al.,

Respondents,

et al.,

Defendant.

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

1 Mo. No. 2024-156

Sylvia E. DiPietro,

Respondent,

v.

Joel Vatsky,

Appellant.

Motion for leave to appeal dismissed as untimely (*see* CPLR 5513 [b]; 2103 [b] [2]).
Judge Cannataro took no part.

3 Mo. No. 2024-314
Mark Dolgas,
 Appellant,
 v.
Donald Wales,
 Defendant,
Tri-Valley Elementary School et al.,
 Respondents.

Jeffrey Cloonan et al.,
 Appellants,
 v.
Donald Wales,
 Defendant,
Tri-Valley Elementary School et al.,
 Respondents.

4 Mo. No. 2024-259
In the Matter of Patience E.

Erie County Department of Social Services,
 Respondent;
Victoria E.,
 Appellant.
(App. Div. No. CAF 22-01997)

In the Matter of Brooklyn E.

Erie County Department of Social Services,
 Respondent;
Victoria E.,
 Appellant.
(App. Div. No. CAF 22-01998)

In the Matter of David E.

Erie County Department of Social Services,
 Respondent;
Victoria E.,
 Appellant.
(App. Div. No. CAF 22-01999)

Motion for reargument of motion for leave to appeal
denied.

Motion for leave to appeal denied.

2 Mo. No. 2024-249
Emigrant Bank, &c.,
Respondent,
v.
Bertha Carrera, et al.
Appellants,
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.

1 Mo. No. 2024-253
The People &c.,
Respondent,
v.
Christopher Grief,
Appellant.

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

3 Mo. No. 2024-301
In the Matter of Jerry Ray Hamling, &c.

Motion for leave to appeal denied.

Attorney Grievance Committee for the Third
Judicial Department,
Respondent;
Jerry Ray Hamling,
Appellant.

1 Mo. No. 2024-319
Hudson Excess Insurance Company,
Appellant,

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

v.
Certain Underwriters at Lloyd's London
Subscribing to Policy No. LCC-000058,
Respondent.

4 Mo. No. 2024-304
In the Matter of Huntley Power, LLC,
Appellant,

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

v.
Town of Tonawanda,
Respondent.
(App. Div. No. OP 22-01275)

4 Mo. No. 2024-305
In the Matter of Huntley Power, LLC,
Appellant,
v.
Town of Tonawanda,
Respondent.
(App. Div. No. OP 22-01460)

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

1 Mo. No. 2024-257
The People &c.,
Respondent,
v.
Joseph Jenkins,
Appellant.

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

4 Mo. No. 2024-446
In the Matter of Daniel Jones,
Appellant,
v.
County of Erie, 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.
Motion for poor person relief dismissed as academic.

2 Mo. No. 2024-312
In the Matter of Kami Holding Corp.,
Appellant,
v.
Zoning Board of Appeals of the Village of Westbury,
Respondent.

Motion for leave to appeal denied.

3 Mo. No. 2024-275
In the Matter of Michael N. Kelsey,
 Appellant,
 v.
Kathy Hochul, &c.,
 Respondent.

Motion to vacate this Court's February 7, 2024 dismissal order granted.
On the Court's own motion, appeal from the November 2023 Appellate Division order dismissed, without costs, 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.
On the Court's own motion, appeal from the March 2024 Appellate Division order dismissed, without costs, upon the ground that the order does not finally determine the proceeding within the meaning of the Constitution.

3 Mo. No. 2024-295
In the Matter of the Claim of Alexander
Khaychuk,
 Respondent.
Amazon Logistics, Inc.,
 Appellant.
Commissioner of Labor,
 Respondent.

Motion, insofar as it seeks leave to appeal as against respondent Commissioner of Labor, dismissed as untimely (*see* CPLR 5513 [b]), as the prior motion for leave to appeal made at the Appellate Division was untimely as to the Commissioner (*see* Arthur Karger, Powers of the New York Court of Appeals § 12:3, at 436-437 [3d ed rev 2005]); motion, insofar as it seeks leave to appeal as against claimant Alexander Khaychuk, dismissed upon the ground that the order sought to be appealed from does not finally determine the proceeding within the meaning of the Constitution.

4 Mo. No. 2024-303
In the Matter of the Intermediate Accounting
of Manufacturers and Traders Trust
Company, &c., for the Period Covering
September 7, 1983 to October 18, 2013.

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

In the Matter of the Intermediate Accounting
of Manufacturers and Traders Trust
Company, &c., for the Period Covering
October 19, 2013 to May 15, 2017.

Sue M. Williams, et al.,
 Appellants.

1 Mo. No. 2024-286
Mayore Estates LLC, et al.,
Appellants,
v.
Century 21 Inc.,
Respondent.

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

1 Mo. No. 2024-329
Mayore Estates LLC, et al.,
Appellants,
v.
Century 21 Inc.,
Respondent.

Motion by Real Estate Board of New York for leave to appear amicus curiae on the motion for leave to appeal herein granted and the brief is accepted as filed.
Judge Halligan took no part.

2 Mo. No. 2024-317
The People &c.,
Respondent,
v.
Luis Medina,
Appellant.

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

4 Mo. No. 2024-235
The People &c. ex rel. Gary H. Moore,
Appellant,
v.
Superintendent of Marcy Correctional
Facility, et al.,
Respondents.

Motion for leave to appeal dismissed upon the ground that no appeal lies from an order of an individual Justice of the Appellate Division (*see* NY Const, art VI, § 3 [b]; CPLR 5602).

3 Mo. No. 2024-292
In the Matter of Nesconset Center for Nursing
and Rehabilitation, &c.,
Appellant,
v.
Commissioner of Health of the State of New
York, et al.,
Respondents.

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

4 Mo. No. 2024-320
New York State Law Enforcement Officers
Union, Council 82, AFSCME, AFL-CIO,
Local 3471, et al.,
Respondents,
v.
City of Geneva,
Respondent,
et al.,
Defendants.

Jessica Farrell, et al.,
Proposed Intervenors-
Appellants.

4 Mo. No. 2024-306
In the Matter of Niagara Falls
Redevelopment, LLC et al.,
Appellants,
v.
City of Niagara Falls,
Respondent.

4 Mo. No. 2024-388
The People &c.,
Respondent,
v.
Stefan D. Nichols,
Appellant.

1 Mo. No. 2024-238
Chelsea Noe,
Appellant,
v.
David Lynch, 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 leave to appeal denied with one hundred dollars costs and necessary reproduction disbursements.

Motion for leave to appeal granted.
Motion for poor person relief granted.

Motion for leave to appeal denied.

3 Mo. No. 2024-372
In the Matter of Julie O.

Cayuga Medical Center,
Respondent;
Julie O.,
Appellant.
(And Another Related Proceeding.)

Motion for leave to appeal denied.

3 Mo. No. 2024-322
In the Matter of the Claim of Lidia M.
Orrego,
Appellant,
v.
Kevin Knipfing, et al.,
Respondents.
Workers' Compensation Board,
Respondent.

Motion for reargument denied.

2 Mo. No. 2024-267
The People &c.,
Respondent,
v.
Julio Ortiz,
Appellant.

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

1 Mo. No. 2024-265
Arthur E. Rondeau,
Appellant,
v.
Allan Houston, et al.,
Respondents.

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

Arthur E. Rondeau,
Appellant,
v.
James Dolan, et al.,
Respondents.

1 Mo. No. 2024-264
The People &c.,
 Respondent,
 v.
Raymond Santiago,
 Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2024-296
Brian Scavo et al.,
 Appellants,
 v.
714 Capital LLC et al.,
 Respondents.

Motion for leave to appeal dismissed upon the ground that it does not lie.

2 Mo. No. 2024-313
In the Matter of Rachel Jane Schulman,
 Appellant,
 v.
Todd Stuart Schulman,
 Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2024-358
The People &c. ex rel. Jerome Smith,
 Appellant,
 v.
Mark Miller, &c.,
 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.

2 Mo. No. 2024-474
The People &c. ex rel. Jerome Smith,
 Appellant,
 v.
Mark Miller, &c.,
 Respondent.

Motion for leave to appeal dismissed upon the ground that the "Papers Rejection Notice" sought to be appealed from is neither a judgment nor an order from which an appeal to this Court may be taken (*see* CPLR 5512 [a]; 5602 [a]).
Motion for poor person relief dismissed as academic.

4 Mo. No. 2024-279
In the Matter of Christine Taggart,
Respondent,
v.
Lincoln Duncan Sisk,
Appellant.

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

3 Mo. No. 2024-271
Derrick Thompson,
Appellant,
v.
State of New York,
Respondent.

On the Court's own motion, appeal dismissed,
without costs, upon the ground that the order
appealed from does not finally determine the action
within the meaning of the Constitution.
Motion for leave to appeal dismissed upon the
ground that it does not lie (*see* CPLR 5602 [a]).

3 Mo. No. 2024-369
Cheryl D. Uzamere, &c.,
Appellant,
v.
Kathy Hochul, 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.
Judge Halligan took no part.

3 Mo. No. 2024-371
Cheryl D. Uzamere,
Appellant,
v.
State of New York,
Respondent.

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.
Judge Halligan took no part.

3 Mo. No. 2024-382
Cheryl D. Uzamere,
Appellant,
v.
Various Known and Unknown Babylonian
Talmud-Adherent Jews, &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.
Motion for poor person relief dismissed as academic.
Judge Halligan took no part.

2 Mo. No. 2024-147
Gretel Weston, &c.,
 Appellant,
 v.
Staten Island Care Center, LLC, et al.,
 Respondents.

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

1 Mo. No. 2024-282
Jianhai Xu,
 Appellant,
 v.
Castleton Commodities International LLC,
 Respondent.

Motion for leave to appeal denied.