

March 26, 2020

**CASES**

4                    No. 52 SSM 2  
The People &c.,  
    Respondent,  
    v.  
Justin Hymes,  
    Appellant.

On review of submissions pursuant to section 500.11 of the Rules, order affirmed, in a memorandum. Chief Judge DiFiore and Judges Rivera, Stein, Fahey, Garcia, Wilson and Feinman concur.

3                    No. 14  
In the Matter of the Claim of Sandra L.  
O'Donnell,  
    Respondent,  
    v.  
Erie County et al.,  
    Appellants.  
Workers' Compensation Board,  
    Respondent.

Order reversed, with costs, and matter remitted to the Appellate Division, Third Department, with directions to remand to the Workers' Compensation Board for further proceedings in accordance with the opinion herein.  
Opinion by Judge Rivera.  
Chief Judge DiFiore and Judges Stein, Fahey, Garcia, Wilson and Feinman concur.

2                    No. 20  
The People &c.,  
    Respondent,  
    v.  
Jose Perez,  
    Appellant.

Order affirmed, without costs.  
Opinion by Judge Feinman.  
Chief Judge DiFiore and Judges Stein and Garcia concur.  
Judge Fahey concurs in result in an opinion.  
Judge Wilson dissents in an opinion in which Judge Rivera concurs.

3                    No. 13  
In the Matter of the Claim of Luis A. Vega,  
    Respondent,  
Postmates Inc.,  
    Respondent,  
Commissioner of Labor,  
    Appellant.

Order reversed, with costs, and decision of the Unemployment Insurance Appeal Board reinstated. Opinion by Chief Judge DiFiore.  
Judges Stein, Fahey and Feinman concur.  
Judge Rivera concurs in result in an opinion.  
Judge Wilson dissents and votes to affirm in an opinion in which Judge Garcia concurs.

## MOTIONS

1 Mo. No. 2019-982  
In the Matter of Anonymous, &c.

Attorney Grievance Committee for the First  
Judicial Department,  
Respondent;  
Anonymous,  
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.  
Motion for poor person relief dismissed as academic.

3 Mo. No. 2019-965  
In the Matter of Joseph Aufiero et al.,  
Appellants,  
v.  
New York State Division of Criminal Justice  
Services et al.,  
Respondents.

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

3 Mo. No. 2019-922  
Anthony Damiani,  
Appellant,  
v.  
Louis Damiani,  
Respondent.

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

1 Mo. No. 2019-1043  
The People &c.,  
Respondent,  
v.  
David Gooden,  
Appellant.

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

4 Mo. No. 2019-1015  
Edward J. Haggerty, &c.,  
Appellant,  
v.  
Philip M. Steitz, &c.,  
Respondent.

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

3                    Mo. No. 2019-1112  
In the Matter of State of New York,  
Respondent,  
v.  
Alan Horowitz,  
Appellant.

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

1                    Mo. No. 2019-1062  
J.P. Morgan Securities, Inc., et al.,  
Appellants,  
v.  
Vigilant Insurance Company,  
et al.,  
Respondents.

Motion, insofar as it seeks leave to appeal as against National Union Fire Insurance Company of Pittsburgh, PA; Liberty Mutual Insurance Company; Certain Underwriters at Lloyd's London; and American Alternative Insurance Corporation, granted; motion for leave to appeal otherwise dismissed upon the ground that, as to the other parties, the order sought to be appealed from does not finally determine the action within the meaning of the Constitution.

1                    Mo. No. 2019-1103  
J.P. Morgan Securities Inc.,  
et al.,  
Appellants,  
v.  
Vigilant Insurance Company,  
et al.,  
Respondents.

Motion by Securities Industry and Financial Markets Association for leave to appear amicus curiae on the motion for leave to appeal herein granted and the brief is accepted as filed.

2                    Mo. No. 2019-968  
In the Matter of Malika Jadusingh, &c.,  
Appellant,  
v.  
New York City Health and Hospitals  
Corporation,  
Respondent.

Motion for leave to appeal denied.

4                    Mo. No. 2019-950  
Vladimir Jeanty,  
    Appellant,  
    v.  
State of New York,  
    Respondent.

Motion for leave to appeal denied.

4                    Mo. No. 2019-893  
In the Matter of the Arbitration Between  
Jefferson County,  
    Appellant;  
Jefferson County Local of the Civil Service  
Employees Association, Inc.,  
    Respondent.

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

4                    Mo. No. 2019-912  
John A. Kelsey et al.,  
    Appellants,  
    v.  
Gerald E. Hourigan, Jr., &c., et al.,  
    Respondents.

Motion for leave to appeal denied.

1                    Mo. No. 2019-856  
Magen David of Union Square, et al.,  
    Plaintiffs,  
The Sixteenth Street Synagogue,  
    Appellant,  
    v.  
3 West 16th Street, LLC,  
    Respondent.

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

3                    Mo. No. 2019-891  
In the Matter of Frederick C. Miller,  
    Appellant,  
    v.  
Thomas P. DiNapoli, &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.

1                    Mo. No. 2019-1025  
Francisco Molina,  
    Appellant,  
    v.  
Samuel L. Dimon et al.,  
    Respondents.

Motion for leave to appeal dismissed upon the ground that the October 2019 order sought to be appealed from does not finally determine the action within the meaning of the Constitution.

1                    Mo. No. 2019-887  
Alan Newton,  
    Appellant,  
    v.  
State of New York,  
    Respondent.

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

1                    Mo. No. 2019-1053  
NYCTL 2015-A Trust et al.,  
    Respondents,  
    v.  
Diffo Properties Corp.,  
    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. 2019-1024  
Valerie Percival,  
    Appellant,  
    v.  
Northwell Health System, et al.,  
    Respondents,  
et al.,  
    Defendants.

Motion for leave to appeal dismissed as untimely (see CPLR 5513[b]; 2103[b][2]).

1                    Mo. No. 2019-1047  
In the Matter of Richard Robbins,  
                    Appellant,  
                    v.  
New York City Landmarks Preservation  
Commission,  
                    Respondent,  
315 West 103 Enterprises LLC et al.,  
Intervenors-Respondents.

Motion for leave to appeal denied.

2                    Mo. No. 2019-1079  
Richard J. Sassi II,  
                    Appellant,  
                    v.  
Mobile Life Support Services, Inc.,  
                    Respondent.

Motion for leave to appeal granted.

2                    Mo. No. 2019-872  
Judith Speredowich,  
                    Appellant,  
                    v.  
Long Island Rail Road Company,  
                    Respondent.

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

4                    Mo. No. 2019-1008  
State Farm Fire & Casualty Company, &c.,  
                    Respondent,  
                    v.  
Scott Pennock, &c.,  
                    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.

3                    Mo. No. 2019-997  
In the Matter of Frank R. Stevenson,  
                    Appellant,  
                    v.  
Alicia Roberts Smith, &c., 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.  
Motion for poor person relief dismissed as academic.

2 Mo. No. 2019-962  
John Sullivan,  
Appellant,  
v.  
New York Athletic Club of City of New York  
et al.,  
Respondents.  
(And a Third-Party Action.)

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

2 Mo. No. 2019-1005  
Raj K. Thakur,  
Appellant,  
v.  
Radha Rani,  
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 ancillary relief dismissed upon the ground that the Court of Appeals does not have jurisdiction to entertain it (see NY Const, art VI, § 3).

4 Mo. No. 2019-1020  
In the Matter of The Campaign for Buffalo  
History Architecture & Culture, Inc., et al.,  
Appellants,  
v.  
Zoning Board of Appeals of City of Buffalo,  
et al.,  
Respondents.

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

2 Mo. No. 2019-903  
The People &c.,  
Respondent,  
v.  
Endrick Torres-Ordonez,  
Appellant.

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

2                    Mo. No. 2019-1009  
Doreen Townsend,  
Appellant,  
v.  
City of New York, et al.,  
Defendants,  
New York City Health and Hospitals  
Corporation, Kings County Medical Center,  
Respondent.

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

2                    Mo. No. 2019-937  
Unified Window Systems, Inc., et al.,  
Respondents,  
v.  
Endurance American Specialty Insurance  
Company,  
Appellant,  
et al.,  
Defendant.

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

4                    Mo. No. 2019-1029  
In the Matter of United Refining Company of  
Pennsylvania,  
Appellant,  
v.  
Town of Amherst,  
Respondent.

Motion for leave to appeal denied with one hundred dollars costs and necessary reproduction disbursements.  
Judge Fahey took no part.

4                    Mo. No. 2019-975  
Frank Valente et al.,  
Appellants,  
v.  
Utica First Insurance Company,  
Respondent.

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