

State of New York
Court of Appeals

Decisions

November 21, 2024

CASES

1 No. 102
The People &c.,
 Respondent,
 v.
Jairo Castillo,
 Appellant.

Order reversed and a new trial ordered.
Opinion by Judge Garcia.
Chief Judge Wilson and Judges Rivera, Singas,
Cannataro, Troutman and Halligan concur.

 No. 128
In the Matter of Hon. Julie M. Kuck, Justice
of the Lindley Town Court, Steuben County.

On the Court's own motion, it is determined that the
suspension of Honorable Julie M. Kuck, from the
office of Justice of the Lindley Town Court, Steuben
County, imposed by order of this Court dated and
effective July 11, 2024 (2024 NY Slip Op 03803), is
hereby terminated.
Chief Judge Wilson and Judges Garcia, Singas,
Cannataro, Troutman and Halligan concur.
Judge Rivera took no part.

4 No. 97
The People &c.,
 Respondent,
 v.
Eddie Robles,
 Appellant.

Order reversed, defendant's guilty plea vacated and
case remitted to Supreme Court, Onondaga County,
for further proceedings on the indictment.
Opinion by Judge Garcia.
Chief Judge Wilson and Judges Rivera, Singas,
Cannataro, Troutman and Halligan concur.

2 No. 96
The People &c.,
 Respondent,
 v.
Brandon Williams,
 Appellant.

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

MOTIONS

2 Mo. No. 2024-504
David Amenityro,
Respondent,
v.
Perla Xochitl Hernandez,
Appellant.
(App. Div. Nos. 2022-05659 and 2023-
03446)

Motion for leave to appeal dismissed upon the ground that the orders sought to be appealed from do not finally determine the action within the meaning of the Constitution.

3 SSD 40
AmerisourceBergen Drug Corporation et al.,
Respondents-Appellants,
v.
New York State Department of Health, et al.,
Appellants-Respondents.

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

1 SSD 37
In the Matter of Anonymous.

Attorney Grievance Committee for the First
Judicial Department,
Respondent;
Anonymous,
Appellant.

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

2 Mo. No. 2024-545
Bank of America, N.A., &c.,
Respondent,
v.
Fedie R. Redd,
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.
Motion for a stay dismissed as academic.

2 SSD 39
Bank of New York Mellon, &c.,
Appellant,
v.
Daniel Santos,
Respondent.

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

1 Mo. No. 2024-509
In the Matter of Chirag C.,
Appellant,
v.
Jaimie D.,
Respondent.

Motion for leave to appeal denied.

4 Mo. No. 2024-540
In the Matter of Tricia A.C.,
Appellant,
v.
Saul H. et al.,
Respondents.
(And Another Proceeding.)
(App. Div. Nos. CAF 22-01920 and CAF 22-01924)

Motion for leave to appeal denied.

4 Mo. No. 2024-677
The People &c.,
Respondent,
v.
Cadarell D. Clark,
Appellant.

Motion for assignment of counsel granted and Mary M. Whiteside, Esq., 11045 Camarillo Street, Unit 110, West Toluca Lake, CA 91602 assigned as counsel to the appellant on the appeal herein.

1 Mo. No. 2024-712
Ezrasons, Inc., &c.,
Appellant,
v.
Sir Nigel Rudd, et al.,
Respondents,
Barclays PLC,
Nominal Defendant.

Motion by Securities Industry and Financial Markets Association et al. for leave to file a brief amici curiae on the appeal herein granted and the proposed brief is accepted as filed. The brief must be submitted in digital format within seven days.

1 Mo. No. 2024-719
Ezrasons, Inc., &c.,
Appellant,
v.
Sir Nigel Rudd, et al.,
Respondents,
Barclays PLC,
Nominal Defendant.

Motion by Chamber of Commerce of the United States of America for leave to file a brief amicus curiae on the appeal herein granted and the proposed brief is accepted as filed. Two copies of the brief must be served, an original and nine copies filed, and the brief submitted in digital format within seven days.

4 Mo. No. 2024-466
In the Matter of Clarissa F., et al.

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

Allegany County Department of Social Services,
Respondent;
Carrie W.,
Appellant.

2 Mo. No. 2024-736
Vito J. Fossella, et al.,
Respondents,
v.
Eric Adams, &c. et al.,
Defendants,
City Council of the City of New York,
Appellants,
Hina Naveed, et al.,
Intervenors-Appellants.

Motion by New York Immigration Coalition et al. for leave to file a brief amici curiae on the appeal herein granted and the proposed brief is accepted as filed. The brief must be submitted in digital format within seven days.

Mo. No. 2024-739
The People &c.,
Respondent,
v.
Carlos Galindo,
Appellant.

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.

3 SSD 42
Grand South Point, LLC, &c., et al.,
Appellants,
v.
Mary T. Bassett, &c., et al.,
Respondents.

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

1 Mo. No. 2024-717
Rebecca R. Haussmann, &c., et al.,
Appellants,
v.
Werner Baumann, et al.,
Respondents,
et al.,
Defendants,
Bayer AG,
Nominal Respondent.

Motion by Securities Industry and Financial Markets Association et al. for leave to file a brief amici curiae on the appeal herein granted and the proposed brief is accepted as filed. The brief must be submitted in digital format within seven days.

1 Mo. No. 2024-718
Rebecca R. Haussmann, &c., et al.,
Appellants,
v.
Werner Baumann, et al.,
Respondents,
et al.,
Defendants,
Bayer AG,
Nominal Respondent.

Motion by Chamber of Commerce of the United States of America for leave to file a brief amicus curiae on the appeal herein granted and the proposed brief is accepted as filed. Two copies of the brief must be served, an original and nine copies filed, and the brief submitted in digital format within seven days.

 Mo. No. 2024-687
In the Matter of Johnson & Johnson, et al.,
Respondents,
v.
Northwell Health Inc.,
Appellant.

Motion for leave to appeal denied with one hundred dollars costs and necessary reproduction disbursements.
Motion for a stay dismissed as academic.

In the Matter of Jacqueline Moline,
Appellant,
v.
Johnson & Johnson, et al.,
Respondents.

3 SSD 41
Brian J. Kegelman et al.,
Appellants,
v.
Town of Otsego,
Respondent.

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

4 Mo. No. 2024-542
In the Matter of Jenelle King,
Respondent,
v.
Andrew Pelkey,
Appellant.

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

4 Mo. No. 2024-553
In the Matter of Jasmine L. et al.

Erie County Department of Social Services,
Respondent;
Montu L.,
Appellant.
(And Other Proceedings.)
(App. Div. Nos. CAF 22-01703, CAF 22-01704 and CAF 22-01707)

Motion for leave to appeal denied.

3 Mo. No. 2024-561
In the Matter of Matthew L.,
Respondent,
v.
Sierra N.,
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2024-581
In the Matter of Ashlyn M.

Suffolk County Department of Social
Services,
 Respondent;
Robert J.,
 Appellant.
(And Another Proceeding.)

Motion for leave to appeal denied.

1 Mo. No. 2024-403
Velin Mezinev,
 Appellant,
 v.
Bermet Tashybekova,
 Respondent.

Motion for leave to appeal denied.

2 SSD 43
Abdelnasser Nofal, &c.,
 Appellant,
 v.
Mohdjamil Yousef, &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 (*see* CPLR 5601).

3 Mo. No. 2024-543
In the Matter of Asiah S., &c.

Delaware County Department of Social
Services,
 Respondent;
Nancy S.,
 Appellant.

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

4 Mo. No. 2024-402
In the Matter of Antonio S.

Steuben County Department of Social
Services,

Respondent;

Kristy K.,

Respondent,

Rene G.,

Appellant.

(And Other Proceedings.)

(App. Div. Nos. CAF 22-01699, CAF 22-
01708, CAF 22-01709, CAF 22-01710 and
CAF 22-01711)

Motion for leave to appeal denied.

1 SSD 38

Jean-Pascal Simon,

Appellant,

v.

FrancInvest, S.A., et al.,

Defendants,

French American Surgery Center, Inc., et al.,

Respondents.

Appeal dismissed without costs, by the Court sua
sponte, upon the ground that the orders appealed
from do not finally determine the action within the
meaning of the Constitution.

4 Mo. No. 2024-468

In the Matter of Trevor Torres,

Respondent,

v.

Nicolette Burchell,

Appellant.

Motion for leave to appeal denied.

Motion for poor person relief dismissed as academic.

4 Mo. No. 2024-759

Ali Tuckett,

Appellant,

v.

State of New York,

Respondent.

Motion by The Innocence Network for leave to
appear amicus curiae on the appeal herein granted to
the extent that the proposed brief is accepted as filed.
Two copies of the brief must be served, an original
and nine copies filed, and the brief submitted in
digital format within seven days.

4 Mo. No. 2024-737
Jackie Weisbrod-Moore,
Appellant,
v.
Cayuga County,
Respondent,
et al.,
Defendants.

Motion by City of New York for leave to file a brief amicus curiae and to participate in oral argument on the appeal herein granted. The proposed brief is accepted as filed. Two copies of the brief must be served, an original and nine copies filed, and the brief submitted in digital format within seven days.

4 Mo. No. 2024-742
Jackie Weisbrod-Moore,
Appellant,
v.
Cayuga County,
Respondent,
et al.,
Defendants.

Motion by County of Westchester for leave to file a brief amicus curiae on the appeal herein granted and the proposed brief is accepted as filed. Two copies of the brief must be served, an original and nine copies filed, and the brief submitted in digital format within seven days.

4 Mo. No. 2024-743
Jackie Weisbrod-Moore,
Appellant,
v.
Cayuga County,
Respondent,
et al.,
Defendants.

Motion by New York State Trial Lawyers Association for leave to file a brief amicus curiae on the appeal herein granted and the proposed brief is accepted as filed. Two copies of the brief must be served, an original and nine copies filed, and the brief submitted in digital format within seven days.

2 Mo. No. 2024-405
In the Matter of John A. Williams III,
Appellant,
v.
Brittany Panzarino,
Respondent.
(And Another Proceeding.)
(App. Div. Nos. 2021-08971, 2021-08972,
2021-08973, 2022-03017 and 2022-09811)

Motion, insofar as it seeks leave to appeal from the Appellate Division order that affirmed the November 2022 Family Court order, dismissed upon the ground that such order does not finally determine the proceeding within the meaning of the Constitution; motion for leave to appeal otherwise denied.

3 Mo. No. 2024-705
Chi Bartram Wright,
 Respondent,
 v.
State of New York,
 Appellant.

Motion by CHILD USA for leave to file a brief
amicus curiae on the appeal herein granted and the
proposed brief is accepted as filed. Two copies of the
brief must be served, an original and nine copies
filed, and the brief submitted in digital format within
seven days.