

State of New York
Court of Appeals

Decisions

September 19, 2024

MOTIONS

4 Mo. No. 2024-363
2006905 Ontario Inc.,
Appellant,
v.
Goodrich Aerospace Canada, Ltd. et al.,
Respondents.

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

1 Mo. No. 2024-212
In the Matter of 301 East 66th Street
Condominium Corp.,
Appellant,
v.
City of New York, et al.,
Respondents.

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

1 Mo. No. 2024-386
Rawan Abdullah Abuzaid, &c.,
Respondent,
v.
Danah Almayouf,
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 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).

2 Mo. No. 2024-419
Torel Bascom, &c.,
Respondent,
v.
1875 Atlantic Ave Development, LLC,
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.
Cross-motion for costs denied.

2 Mo. No. 2024-333
The People &c.,
Respondent,
v.
Alfredo Bonet,
Appellant.

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

4 Mo. No. 2024-415
In the Matter of Bowers Development, LLC
et al.,
Appellants,
v.
Oneida County Industrial Development
Agency et al.,
Respondents.

Motion for leave to appeal denied.

1 Mo. No. 2024-433
In the Matter of Leslie E. Carr et al.,
Appellants,
v.
New York State Division of Housing and
Community Renewal,
Respondent,
Regina Metropolitan Co., LLC,
Intervenor-Respondent.

Motion for reargument of motion for leave to appeal
denied.

1 Mo. No. 2024-307
Cassaforte Limited et al.,
Plaintiffs,
XYZ Development II LLC, et al.,
Appellants,
v.
Babak Pourtavoosi, et al.,
Defendants,
Sharestates Investments DACL, LLC et al.,
Respondents.

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 Mo. No. 2024-280
In the Matter of the Claim of Misael Colon,
Respondent.
Geneva Worldwide Inc.,
Appellant.
Commissioner of Labor,
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.

3 Mo. No. 2024-342
Lora Colucci et al.,
Appellants,
v.
Thomas J. Rzepka,
Respondent,
et al.,
Defendants.

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

2 Mo. No. 2024-450
Daniel Davin,
Appellant,
v.
Plymouth Rock Assurance Co. of New York,
&c.,
Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2024-256
The People &c.,
Respondent,
v.
Jahmal Faux,
Appellant.

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

4 Mo. No. 2024-350
Michael Freitas,
Appellant,
v.
Imran Ahmed,
Respondent.

Motion for leave to appeal denied.

3 Mo. No. 2024-426
In the Matter of the Claim of Francisca
Garcia,
 Appellant,
 v.
WTC Volunteer,
 Respondent.
Workers' Compensation Board,
 Respondent.

Motion for leave to appeal granted.

2 Mo. No. 2024-391
Marco Pineda Hernandez, &c.,
 Appellant,
 v.
Jose A. Flores, et al.,
 Respondents.

Motion for leave to appeal denied.

1 Mo. No. 2024-361
In the Matter of James Hogue,
 Appellant,
 v.
Board of Education of the City School
District of the City of New York, et al.,
 Respondents.

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

4 Mo. No. 2024-290
Kent Jeffery,
 Appellant,
 v.
Fayetteville-Manlius Central School District,
et al.,
 Respondents.

Motion, insofar as it seeks leave to appeal as against
defendants Fayetteville-Manlius Central School
District, the Board of Education of Fayetteville-
Manlius Central School District and Craig J. Tice,
dismissed as untimely (*see* CPLR 5513 [b]; *Eaton v*
State of New York, 76 NY2d 824 [1990]); motion for
leave to appeal otherwise denied.

4 Mo. No. 2024-417
Tiara Jocko, &c.,
Respondent,
v.
TJM Syracuse, 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.

4 Mo. No. 2024-571
The People &c.,
Appellant,
v.
Benjamin Kemp,
Respondent.

Motion for leave to withdraw the appeal granted.

3 Mo. No. 2024-345
The People &c.,
Respondent,
v.
Jorge Lopez,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2024-277
In the Matter of Tina Lynch,
Appellant,
v.
Board of Education of the City School
District of the City of New York, et al.,
Respondents.

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

1 Mo. No. 2024-463
Nella Manko,
 Appellant,
 v.
Dr. Dana Mannor, et al.,
 Respondents,
Lenox Hill Hospital, &c. et al.,
 Defendants.

Nella Manko,
 Appellant,
 v.
Dr. Dana Mannor, et al.,
 Respondents,
"Anesthesiologist" (a fictitious name), et al.,
 Defendants.

2 Mo. No. 2024-422
Nella Manko,
 Appellant,
 v.
Shorefront Apartments, LLC,
et al.,
 Respondents.

3 Mo. No. 2024-331
Patrick Murray et al.,
 Respondents,
 v.
Dianne Bickerton,
 Appellant.

4 Mo. No. 2024-411
The People &c.,
 Respondent,
 v.
Christopher Nicholson,
 Appellant.

Motion for reconsideration of this Court's May 16,
2024 dismissal order denied.
Motion for poor person relief dismissed as academic.
Chief Judge Wilson took no part.

Motion for reargument of motion for leave to appeal
denied.
Motion for poor person relief dismissed as academic.
Chief Judge Wilson took no part.

Motion for leave to appeal dismissed upon the
ground that this Court does not have jurisdiction to
entertain a motion for leave to appeal from the order
of the Appellate Division entered in this proceeding
commenced in City Court of the City of Cortland
(*see* NY Const, art VI, § 3 [b] [7]; CPLR 5602 [a]).

Motion for leave to appeal denied.

1 Mo. No. 2024-406
The People &c.,
Respondent,
v.
Edward Perez,
Appellant.

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

3 Mo. No. 2024-268
In the Matter of Shelby Pileggi,
Appellant,
v.
Thomas P. DiNapoli, &c.,
Respondent.

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

3 Mo. No. 2024-366
In the Matter of the Claim of Anthony Puccio,
Appellant,
v.
Absolute Chimney & Home Improvement,
LLC, et al.,
Respondents.
Wokers' Compensation Board,
Respondent.

Motion, insofar as it seeks leave to appeal from that portion of the Appellate Division order that affirmed the July 2021 decision of the Workers' Compensation Board, denied; motion for leave to appeal otherwise dismissed upon the ground that the remaining portions of the order do not finally determine the proceeding within the meaning of the Constitution.

2 Mo. No. 2024-436
Receivable Collection Services, LLC,
Appellant,
v.
Nassau County, &c.,
Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2024-347
Stephen Rodriguez,
Appellant,
v.
New York City Housing Authority,
Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2024-344
The People &c.,
 Respondent,
 v.
John Rosado,
 Appellant.

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

4 Mo. No. 2024-348
Michael Rose, &c., et al.,
 Appellants,
 v.
Anthony Ellis et al.,
 Respondents.

Motion for leave to appeal denied.

4 Mo. No. 2024-270
In the Matter of Kerri W.S., &c. et al.,
 Appellants,
 v.
Howard Zucker, &c., et al.,
 Respondents.

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

4 Mo. No. 2024-390
Arthur Samodovitz,
 Appellant,
 v.
United Health Services Hospitals, Inc., et al.,
 Respondents.
(And Another Action.)

Motion for reargument of motion for leave to appeal
denied.

4 Mo. No. 2024-354
In the Matter of Edward Schneider, III,
 Appellant,
 v.
Town of Evans,
 Respondent.

Motion for leave to appeal denied.
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. 2024-365
In the Matter of David A. Schulte, Jr., &c.

Sandra Schulte, &c.,
Appellant,
v.
1125 Park Avenue Corporation,
Respondent.

Motion for leave to appeal denied.

4 Mo. No. 2024-389
The People &c.,
Respondent,
v.
Michael Solomon-Crockton,
Appellant.

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

3 Mo. No. 2024-352
The People &c.,
Respondent,
v.
Anthony Thomas,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2024-246
Kevin Tillman,
Appellant,
v.
State of New York,
Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2024-343
In the Matter of Brian Vignali,
Appellant,
v.
City of New York et al.,
Respondents.

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

2 Mo. No. 2024-276
The People &c.,
 Respondent,
 v.
Simon A. Watts,
 Appellant.

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

2 Mo. No. 2024-310
In the Matter of Patricia Weiss,
 Appellant,
 v.
Steven A. Pilewski, &c. et al.,
 Respondents.

Motion for reargument denied.

1 Mo. No. 2024-309
Jide Zeitlin,
 Appellant,
 v.
William Cohan,
 Respondent.

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