

State of New York
Court of Appeals

Decisions

September 10, 2020

MOTIONS

Mo. No. 2020-352
Susan Aranoff,
Respondent,
v.
Gerald Aranoff,
Appellant.

Motion for leave to appeal dismissed upon the ground that the paper sought to be appealed from is not an order or judgment appealable to the Court of Appeals (*see* CPLR 5512).

1 Mo. No. 2020-344
The Automobile Insurance Company of
Hartford, Connecticut,
Plaintiff,
v.
Jevan Damadian, et al.,
Defendants,
Jonathan Tang, Deceased, by and through
Timothy Tang, &c.,
Respondent.

Motion for leave to appeal denied.

Jevan Damadian,
Third-Party Appellant,
v.
North Country Insurance Company,
Third-Party Respondent.

3 Mo. No. 2020-331
In the Matter of the Claim of Major A.
Barnett,
Appellant.
Broome County Community College,
Respondent.
Commissioner of Labor,
Respondent.

Motion for leave to appeal denied upon the ground that an appeal lies as of right (*see* CPLR 5601 [a]).

1 Mo. No. 2020-345
In the Matter of Center for Discovery,
 Respondent,
 v.
New York City Department of Education,
 Appellant.

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

2 SSD 45
In the Matter of Stanley Davis, &c.,
 Appellant,
 v.
Great American E&S Insurance Company,
 Respondent,
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. 2020-394
In the Matter of the Claim of Frank DeLucia,
 Appellant,
 v.
Greenbuild, LLC, et al.,
 Respondents.
Workers' Compensation Board,
 Respondent.

Motion for leave to appeal denied.

3 Mo. No. 2020-340
In the Matter of Dex Media, &c.,
 Appellant,
 v.
Tax Appeals Tribunal of the Department of
Taxation and Finance of the State of New
York, et al.,
 Respondents.

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

1 Mo. No. 2020-265
In the Matter of Pedro Endara-Caicedo,
Appellant,
v.
New York State Department of Motor
Vehicles, et al.,
Respondents.

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

2 Mo. No. 2020-350
The People &c.,
Respondent,
v.
James Flynn,
Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2020-351
In the Matter of Harvey Goldberg,
Appellant,
v.
MaryEllen Elia, &c.,
Respondent.

Motion for reconsideration of this Court's March 24,
2020 dismissal order denied.

1 Mo. No. 2020-386
Good Gateway, LLC, et al.,
Respondents,
v.
Rohan Thakkar,
Appellant.

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

3 Mo. No. 2020-318
In the Matter of Kevin Griffin,
Appellant,
v.
Thomas P. DiNapoli, &c., et al.,
Respondents.

Motion for reargument of motion for leave to appeal
denied.

1 Mo. No. 2020-396
Xue Jie He,
 Appellant,
 v.
Hairong Xue,
 Respondent.

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

3 Mo. No. 2020-326
In the Matter of Andrew Hendricks,
 Appellant,
 v.
Anthony J. Annucci, &c.,
et al.,
 Respondents.

Motion for leave to appeal denied.

3 Mo. No. 2020-403
In the Matter of Ray Kamila,
 Appellant,
 v.
Cornell University,
 Respondent.

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

1 Mo. No. 2020-329
Bijan Karimian,
 Appellant,
 v.
Stewart L. Karlin, et al.,
 Respondents.

Motion for reargument of motion for leave to appeal
denied.

4 Mo. No. 2020-354
Amy Kessel,
 Appellant,
 v.
April Adams,
 Respondent,
et al.,
 Defendant.

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

4 Mo. No. 2020-400
Sidney Manes, &c.,
Appellant,
v.
State of New York,
Respondent.

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

2 Mo. No. 2020-337
Dennis Matthis, &c.,
Appellant,
v.
Simon J. Hall, &c., et al.,
Respondents,
et al.,
Defendant.

Motion for leave to appeal denied.

3 Mo. No. 2020-389
In the Matter of Janeen MM.,
Respondent,
v.
Jean-Philippe NN.,
Respondent.
Christopher Hammond, Esq., Attorney for the
Child,
Appellant.
(And Two Other Related Proceedings.)

Motion for leave to appeal dismissed upon the ground that appellant, having taken no appeal to the Appellate Division, may not appeal to this Court from the Appellate Division order of affirmance.

3 Mo. No. 2020-372
NBT Bank NA, &c.,
Respondent,
v.
Scotty's Auto Sales, Inc.,
Defendant,
Elaine Amidon,
Appellant.

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

1 Mo. No. 2020-349
In the Matter of Tyrone Nichols,
Appellant,
v.
New York City Department of Buildings
Licensing Unit, et al.,
Respondents.

Motion for leave to appeal denied.

1 Mo. No. 2020-405
In the Matter of D.P.,
Appellant,
v.
N.T.,
Respondent.

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

2 Mo. No. 2020-330
In the Matter of Carlos Pava,
Respondent,
v.
Zoe Atkinson,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2020-376
R&R Capital LLC, et al.,
Respondents,
v.
Linda Merritt, &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.
Cross motion for the imposition of sanctions denied.

1 Mo. No. 2020-338
Joel Raden et al.,
Appellants,
v.
W7879, LLC, et al.,
Respondents.

Motion for reargument &c. denied.

1 Mo. No. 2020-387
Joel Raden et al.,
Appellants,
v.
W7879, LLC, et al.,
Respondents.

Motion by The Legal Aid Society et al. for leave to appear amici curiae on the motion for reargument herein granted and the memorandum of law is accepted as filed.

1 Mo. No. 2020-324
In the Matter of Ubaldo Romero,
Appellant,
v.
Karen F. Agnifilo, &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 proceedings within the meaning of the Constitution.
Motion for poor person relief dismissed as academic.

The People &c. ex rel. Ubaldo Romero,
Appellant,
v.
Robert Morgenthau, &c.,
Respondent.

3 Mo. No. 2020-319
Robert L. Schulz,
Appellant,
v.
Town Board of the Town of Queensbury et al.,
Respondents.

Motion for reconsideration of this Court's March 24, 2020 dismissal order denied.
Motion for leave to appeal denied.

3 Mo. No. 2020-325
Juan Serrano,
Appellant,
v.
State of New York,
Respondent.

Motion for leave to appeal denied.

3 Mo. No. 2020-385
In the Matter of The Shore Winds, LLC, 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.

4 Mo. No. 2020-322
The People &c.,
 Respondent,
 v.
Willie Singleton,
 Appellant.

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

2 Mo. No. 2020-407
NYCTL 1997-1 Trust et al.,
 Plaintiffs,
 v.
Igal Stell,
 Appellant,
City of New York Department of Housing
Preservation and Development et al.,
 Respondents,
et al.,
 Defendant.

Motion for leave to appeal denied.

1 Mo. No. 2020-392
Monte Stephens,
 Appellant,
 v.
Isabella Geriatric Center, Inc., et al.,
 Respondents.

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

1 Mo. No. 2020-595
Sutton 58 Associates LLC,
 Appellant,
 v.
Philip Pilevsky, et al.,
 Respondents.

Motion by Melanie L. Cyganowski 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.

1 Mo. No. 2020-629
Sutton 58 Associates LLC,
 Appellant,
 v.
Philip Pilevsky, et al.,
 Respondents.

Motion by Bullard Law Group, PLLC for leave to file a brief amicus 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. 2020-645
Sutton 58 Associates LLC,
 Appellant,
 v.
Philip Pilevsky, et al.,
 Respondents.

Motion by Legal Services NYC Bankruptcy Assistance Project 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.

1 Mo. No. 2020-343
James Taylor et al.,
 Respondents,
 v.
72A Realty Associates, L.P.,
 Appellant,
et al.,
 Defendant.

Motion for reargument &c. denied.

1 Mo. No. 2020-374
James Taylor et al.,
 Respondents,
 v.
72A Realty Associates, L.P.,
 Appellant,
et al.,
 Defendant.

Motion by The Legal Aid Society et al. for leave to appear amici curiae on the motion for reargument herein granted and the memorandum of law is accepted as filed.

2 Mo. No. 2020-406
Jean E. Toussaint,
 Appellant,
 v.
Muftawu Zomah,
 Respondent.

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

3 Mo. No. 2020-348
In the Matter of the Claim of Shlomo S. Zion,
 Appellant,
 v.
Commissioner of Labor,
 Respondent.

Motion for reargument of motion for leave to appeal denied.

3 Mo. No. 2020-450
In the Matter of Cameron ZZ.,
 Appellant,
 v.
Ashton B.,
 Respondent.

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