

State of New York
Court of Appeals

September 15, 2020

Decisions
CASE

3 No. 83 SSM 13
In the Matter of Jeremy Zielinski,
 Appellant,
 v.
Donald Venettozzi, &c.,
 Respondent.

On review of submissions pursuant to section 500.11 of the Rules, judgment affirmed, without costs, in a memorandum.
Chief Judge DiFiore and Judges Stein, Fahey, Garcia and Feinman concur.
Judge Wilson dissents and votes to reverse in an opinion in which Judge Rivera concurs.

MOTIONS

1 Mo. No. 2020-412
Sarah Ashkenazi,
Respondent,
v.
Eliyahu Ashkenazi,
Defendant.
Hoffer Kaback,
Nonparty-Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2020-446
Pauline Barrett,
Respondent,
v.
New York City Transit Authority,
Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2020-448
In the Matter of Alexander Bilicki,
Appellant,
v.
Syracuse University,
Respondent.

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

2 Mo. No. 2020-465
Bianca R. Campanella,
Appellant,
v.
St. John's University,
Respondent.

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

1 Mo. No. 2020-429
The People &c.,
Respondent,
v.
Antonio Cruz,
Appellant.

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

1 Mo. No. 2020-395
Misleidy Cuenca,
Appellant,
v.
City of New York, et al.,
Defendants,
Dominican Sisters of Hope, Inc., et al.,
Respondents.

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

1 Mo. No. 2020-420
Detectives Endowment Association, et al.,
Appellants,
v.
City of New York et al.,
Respondents.

Motion for leave to appeal denied.

2 Mo. No. 2020-413
Jeffrey P. Falk, &c.,
Appellant,
v.
Nassau County 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.

1 Mo. No. 2020-449
Fireman's Fund Insurance Company, et al.,
Respondents,
v.
State National Insurance Company,
Appellant.

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

1 Mo. No. 2020-444
Global Energy Efficiency Holdings, Inc.,
Plaintiff,
Manufacturers and Traders Trust Company,
Respondent,
v.
William Penn Life Insurance Company of
New York,
Appellant.

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

2 Mo. No. 2020-431
Norma Gonzalez,
 Appellant,
 v.
Zaki's Auto Sales Corp. et al.,
 Respondents.

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

1 Mo. No. 2020-501
The People &c.,
 Respondent,
 v.
Willie Harris,
 Appellant.

Motion for reargument denied.

3 SSD 46
In the Matter of Paul JJ.,
 Appellant,
 v.
Heather JJ.,
 Respondent.
(And Two Other Related Proceedings.)

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

3 Mo. No. 2020-424
In the Matter of the Claim of Michael Jensen,
 Claimant.
Partnership for Response and Recovery, LLP,
 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.

2 Mo. No. 2020-437
Lamarche Food Products Corp. et al.,
 Respondents,
 v.
438 Union, LLC,
 Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2020-443
In the Matter of Derek Locklear,
 Appellant,
 v.
New York City Transit Authority et al.,
 Respondents.

Motion for leave to appeal denied.
Motion for ancillary relief dismissed as academic.

2 Mo. No. 2020-411
Hector Maldonado,
 Appellant,
 v.
527 Lincoln Place, LLC,
 Respondent,
et al.,
 Defendant.
(And Third-Party Actions.)

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

4 Mo. No. 2020-247
In the Matter of Andre T. McCants,
 Appellant,
 v.
James A. Vazzanna, &c.,
 Respondent.

Motion, insofar as it seeks leave to appeal from that
portion of the Appellate Division order that denied
petitioner's motion for poor person relief, dismissed
upon the ground that such portion of the order does
not finally determine the proceeding within the
meaning of the Constitution; motion for leave to
appeal otherwise denied.

3 Mo. No. 2020-168
In the Matter of Daniel Miller,
 Appellant,
 v.
Anthony J. Annucci, &c., et al.,
 Respondents.

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

1 Mo. No. 2020-373
The Moore Charitable Foundation, et al.,
 Appellants,
 v.
PJT Partners, Inc., et al.,
 Respondents,
et al.,
 Defendant.

Motion for leave to appeal granted.
Chief Judge DiFiore took no part.

2 Mo. No. 2020-434
The People &c.,
 Respondent,
 v.
Michael Murray,
 Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2020-534
In the Matter of National Fuel Gas Supply
Corporation,
 Appellant,
 v.
Joseph A. Schueckler et al.,
 Respondents,
et al.,
 Respondents.

Motion for reargument denied.
Judge Garcia took no part.

 Mo. No. 2020-508
NYCTL 1998-2 Trust et al.,
 Respondents,
 v.
Kris Gounden,
 Appellant,
Charles Serio, et al.,
 Defendants.
Posr A. Posr,
 Nonparty-Appellant,
Sati Mohan,
 Nonparty-Appellant.

Motions by Posr A. Posr and Sati Mohan for
reconsideration of this Court's transfer order denied.

Mo. No. 2020-545
NYCTL 1998-2 Trust et al.,
Respondents,
v.
Kris Gouden,
Appellant,
Charles Serio, et al.,
Defendants.
Posr A. Posr,
Nonparty-Appellant,
Sati Mohan,
Nonparty-Appellant.

Motion by Kris Gouden for reconsideration of this Court's transfer order denied.

2 Mo. No. 2020-654
The People &c. ex rel. Angel Ortiz,
Appellant,
v.
Dennis Breslin, &c. et al.,
Respondents.

Motion by Appellate Advocates 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. 2020-442
A.P., &c. et al.,
Appellants,
v.
Charles Stolar, &c., et al.,
Respondents.

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

1 Mo. No. 2020-476
Phoenix Capital Finance Ltd.,
Respondent,
v.
Axia Realty, LLC,
Respondent.
Spiros Milonas,
Intervenor-Respondent;
Antonia Milonas,
Proposed Intervenor-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.

1 Mo. No. 2020-381
Jeffrey Price,
Appellant,
v.
Tunecore, Inc.,
Respondent.

Motion deemed to seek leave to appeal solely from the 2020 Appellate Division order, insofar as it seeks review of the April 2017 Appellate Division order denying reargument or leave to appeal, dismissed upon the ground that the April 2017 order does not "necessarily affect" the final order sought to be appealed from within the meaning of CPLR 5602 (a) (1) (ii); motion for leave to appeal otherwise denied.

1 Mo. No. 2020-458
Robert Pritsker,
Appellant,
v.
Oppenheimer Acquisition Corp., et al.,
Respondents.

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

3 Mo. No. 2020-414
In the Matter of Edward Randolph,
Appellant,
v.
Anthony J. Annucci, &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.
Motion for poor person relief dismissed as academic.

4 Mo. No. 2020-410
Deepika Reddy,
Appellant,
v.
Gilles R. R. Abitbol,
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 the order sought to be appealed from does not finally determine the action within the meaning of the Constitution.

4 Mo. No. 2020-408
Deepika Reddy,
 Appellant,
 v.
WSYR NewsChannel 9, et al.,
 Respondents.

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 the order sought to be appealed from does not finally determine the action within the meaning of the Constitution.

3 Mo. No. 2020-417
In the Matter of Robert Reed,
 Appellant,
 v.
Anthony J. Annucci, &c.,
 Respondent.

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

2 Mo. No. 2020-426
Frank J. Rinaldi,
 Appellant,
 v.
Wasim Wakmal,
 Defendant,
Utica First Insurance Company,
 Respondent,
Progressive Casualty Insurance Company,
 Respondent.

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

 Mo. No. 2020-507
Deborah Rosenthal,
 Respondent,
 v.
Robert Rosenthal,
 Appellant.

Motion for reconsideration of this Court's June 9, 2020 transfer order denied.

2 Mo. No. 2020-433
In the Matter of Eternity S.

Administration for Children's Services,
 Respondent;
Vanessa P.,
 Respondent,
Lamonte S.,
 Appellant.
(And Three Other Proceedings.)

Motion for leave to appeal denied.

1 Mo. No. 2020-463
Burton S. Sultan,
 Appellant,
 v.
City of New York, et al.,
 Respondents.

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

1 SSD 41
Tax Equity Now NY LLC,
 Appellant,
 v.
City of New York et al.,
 Respondents,
State of New York 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. 2020-416
Dervanna H.A. Troy-McKoy,
 Appellant,
 v.
Mount Sinai Beth Israel,
 Respondent.

Motion for leave to appeal denied.

Mo. No. 2020-525
In the Matter of Gary Zambito,
Appellant;
Grievance Committee for the Tenth Judicial
District,
Respondent.

2 Mo. No. 2020-428
In the Matter of Shu Jiao Zhao,
Appellant,
v.
Wei Rong,
Respondent.
(App. Div. Nos. 2019-03196 and 2019-
03197)

In the Matter of Shu Jiao Zhao,
Appellant,
v.
Wei Rong,
Respondent.
(App. Div. Nos. 2019-09069 and 2019-
09071)

Motion for leave to appeal dismissed on the ground
that the June 26, 2020 letter is not an appealable
paper (*see* CPLR 5512).

Motion for ancillary relief dismissed upon the
ground that the Court lacks jurisdiction to entertain
it.

Motion, insofar as it seeks leave to appeal from so
much of the Appellate Division order as affirmed the
March 2019 Family Court dispositional order,
denied; motion, insofar as it seeks leave to appeal
from so much of the separate Appellate Division
order as dismissed the appeal from the July 2019
Family Court order modifying visitation, dismissed
upon the ground that appellant is not a party
aggrieved (*see* CPLR 5511); motion for leave to
appeal otherwise dismissed upon the ground that the
remaining portions of the Appellate Division orders
do not finally determine the proceedings within the
meaning of the Constitution.

Motion for poor person relief dismissed as academic.