

State of New York
Court of Appeals

January 7, 2021

Decisions

MOTIONS

Mo. No. 2020-943

Adar Bays, LLC,
Respondent,

v.

GeneSYS ID, Inc., &c.,
Appellant.

Motion by Power Up Lending Group, Ltd. for leave to appear amicus curiae on consideration of the certified questions herein granted only 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.

Mo. No. 2020-718

Rasheed Al Rushaid, et al.,
Appellants,

v.

Pictet & Cie, et al.,
Respondents.

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

Mo. No. 2020-719

Al Rushaid Parker Drilling Ltd.,
Appellant,

v.

Byrne Modular Buildings L.L.C.,
Respondent.

Motion for leave to appeal denied.

Mo. No. 2020-750

The People &c.,
Respondent,

v.

Harvens Brunache,
Appellant.

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

2 Mo. No. 2020-757
Jay C. Carlisle II,
Appellant,
v.
Roan Micalea Garcia,
Respondent.

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

1 Mo. No. 2020-724
Thomas Caso,
Appellant,
v.
Miranda Sambursky Slone Sklarin
Verveniotis LLP, et al.,
Respondents,
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.

3 Mo. No. 2020-768
In the Matter of CLM Associates, LLC,
Appellant,
v.
New York State Tax Appeals Tribunal et al.,
Respondents.

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

3 Mo. No. 2020-923
Columbia Memorial Hospital,
Appellant,
v.
Marcel E. Hinds,
Respondent.

Motion for leave to appeal granted.

3 Mo. No. 2020-765
Gulf Coast Bank & Trust Co., &c.,
 Respondent,
 v.
Virgil Resort Funding Group, Inc., et al.,
 Defendants,
Kevin Walsh,
 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 and thus does not constitute a final judgment within the meaning of CPLR 5602(a)(1)(ii), and upon the further ground that simultaneous appeals do not lie to both the Appellate Division and the Court of Appeals (*see Parker v Rogerson*, 35 NY2d 751, 753 [1974]).

1 Mo. No. 2020-746
Thomas Kehoe, Jr. et al.,
 Respondents,
 v.
61 Broadway Owner LLC, 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.

61 Broadway Owner LLC, et al.,
 Third-Party Respondents,
 v.
P.S. Marcato Elevator Company, Inc.,
 Third-Party Appellant,
CEMD Elevator Corp.,
 Third-Party Respondent.

1 Mo. No. 2020-782
Thomas Kehoe, Jr. et al.,
 Respondents,
 v.
61 Broadway Owner LLC,
 Appellant,
et al.,
 Defendants.

61 Broadway Owner LLC,
 Third-Party Appellant,
et al.,
 Third-Party Plaintiffs,
 v.
P.S. Marcato Elevator Company, Inc.,
 Third-Party Respondent,
CEMD Elevator Corp.,
 Third-Party Respondent.

2 Mo. No. 2020-711
In the Matter of State of New York,
 Respondent,
 v.
Raul L.,
 Appellant.

1 Mo. No. 2020-614
Lloyd's Syndicate 2987 et al.,
 Plaintiffs,
Lloyd's Syndicates 623 and 2623, et al.,
 Appellants,
 v.
Furman Kornfeld & Brennan, LLP, et al.,
 Respondents.

4 Mo. No. 2020-712
In the Matter of Aaron Lown,
 Appellant,
 v.
Anthony J. Annucci, &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 action within the meaning of the Constitution.

Motion for leave to appeal denied.

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

Motion for leave to appeal dismissed upon the ground that the issues presented have become moot.

2 Mo. No. 2020-778
In the Matter of Juan Mendoza, et al.,
Appellants,
v.
New York State Division of Housing and
Community Renewal et al.,
Respondents.

Motion for leave to appeal denied.

3 Mo. No. 2020-774
In the Matter of Jill S. Meyer,
Appellant,
v.
Howard A. Zucker, &c.,
Respondent.

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

2 Mo. No. 2020-708
In the Matter of Katelyn P.

Administration for Children's Services,
Respondent;
Christian G.
Appellant,
et al.,
Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2021-37
In the Matter of People Care Incorporated,
&c.,
Respondent,
v.
City of New York Human Resources
Administration, et al.,
Appellants.

Motion by New York State Department of Health for
leave to appear amicus curiae on the appeal herein
granted only 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.

3 Mo. No. 2020-779
In the Matter of Stephanie Q.,
Respondent,
v.
Walter R.,
Appellant.

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. 2020-764
James Reichman,
 Appellant,
 v.
City of New York, et al.,
 Respondents,
et al.,
 Defendants.

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

1 Mo. No. 2020-769
The People &c.,
 Respondent,
 v.
Raymundo Sepulveda,
 Appellant.

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

2 Mo. No. 2020-772
The People &c.,
 Respondent,
 v.
Wayne Staton,
 Appellant.

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

1 Mo. No. 2020-699
U-Trend New York Investment L.P.,
 Respondent,
 v.
US Suite LLC, et al.,
 Defendants,
Aura Investments Ltd.,
 Appellant,
Hospitality Suite International, S.A., et al.,
 Nominal Defendants.
(And Another Action.)

Motion for leave to appeal dismissed as untimely. The prior motion for leave to appeal made to the Appellate Division was untimely (*see* Arthur Karger, Powers of the New York Court of Appeals § 12:3, at 436-437 [3d ed rev 2005]).

1 Mo. No. 2020-919
Juan Vargas,
 Respondent,
 v.
Deutsche Bank National Trust Company,
 Appellant.

Motion by Norma Vitolo for leave to file a brief
amicus curiae on the appeal herein denied.

3 Mo. No. 2020-891
The People &c.,
 Respondent,
 v.
John Wakefield,
 Appellant.

Motion for assignment of counsel granted and
Matthew C. Hug, Esq., c/o Hug Law, PLLC, 21
Everett Road Extension, Albany, NY 12205 assigned
as counsel to the appellant on the appeal herein.