

State of New York
Court of Appeals

Decisions

October 12, 2021

CASES

3 No. 81 SSM 16
JPMorgan Chase Bank National Association,
 Appellant,
 v.
Barbara J. Kelleher,
 Respondent,
et al.,
 Defendants.

On review of submissions pursuant to section 500.11 of the Rules, order affirmed, with costs. Under these circumstances, Supreme Court did not abuse its discretion in denying plaintiff an extension of time to serve defendant Barbara J. Kelleher in the interest of justice pursuant to CPLR 306-b.
Chief Judge DiFiore and Judges Rivera, Fahey, Garcia, Wilson, Singas and Cannataro concur.

 No. 53
The People &c.,
 Respondent,
 v.
Dave Lewis,
 Appellant.

Order affirmed.
Opinion by Judge Garcia.
Chief Judge DiFiore and Judges Rivera, Fahey, Wilson, Singas and Cannataro concur, Judge Wilson in a concurring opinion.

2 No. 55
Richard J. Sassi II,
 Appellant,
 v.
Mobile Life Support Services, Inc.,
 Respondent.

Order reversed, with costs, and defendant's motion to dismiss the complaint pursuant to CPLR 3211 (a) (7) denied.
Opinion by Chief Judge DiFiore.
Judges Rivera, Fahey, Garcia, Wilson, Singas and Cannataro concur, Judge Garcia in a concurring opinion.

3 No. 58
The People &c.,
 Respondent,
 v.
Bradford L. Shanks,
 Appellant.

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

No. 52

The People &c.,
Respondent,
v.
Carlos Torres,
Appellant.

Order affirmed.

Opinion by Judge Garcia.

Chief Judge DiFiore and Judges Rivera, Fahey,
Wilson, Singas and Cannataro concur, Judge Wilson
in a concurring opinion.

MOTIONS

1 Mo. No. 2021-573
558 Seventh Ave. Corp., et al.,
 Respondents,
 v.
Times Square Photo, Inc. et al.,
 Appellants.

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.

1 Mo. No. 2021-464
Tatiana Akhmedova,
 Respondent,
 v.
Farkhad Akhmedov,
 Appellant,
et al.,
 Defendants.

Motion for leave to appeal denied.

1 Mo. No. 2021-555
American Empire Surplus Lines Insurance
Company,
 Appellant,
 v.
L&G Masonry Corp., 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.

2 Mo. No. 2021-456
The People &c.,
 Respondent,
 v.
Martimiano Berdejo,
 Appellant.

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

2 Mo. No. 2021-781
In the Matter of Roman Brik,
Appellant,
v.
Ilana Stroutsovsky,
Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2021-782
In the Matter of Roman Brik,
Appellant,
v.
Ilana Stroutsovsky,
Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2021-562
In the Matter of Gila D.

Administration for Children's Services,
Respondent;
Daniele D.
Appellant,
et al.,
Respondent.
(And Four Other Proceedings.)

Motion for leave to appeal denied.

1 Mo. No. 2021-466
Carol DePalma,
Appellant,
v.
Vincent DePalma,
Respondent.

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.

2 Mo. No. 2021-499
Deutsche Bank National Trust Company, &c.,
Respondent,
v.
Carol Fitzsimmons,
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.

3 Mo. No. 2021-577
Richard J. Doyle, et al.,
Appellants,
v.
Goodnow Flow Association, Inc.,
Respondent.

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

1 Mo. No. 2021-527
Jennifer Estrella,
Appellant,
v.
Montefiore Medical Center,
Respondent,
et al.,
Defendants.

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

3 Mo. No. 2021-443
F.F., &c., et al.,
Appellants,
v.
State of New York, et al.,
Respondents.

On the Court's own motion, appeal dismissed, without costs, upon the ground that no substantial constitutional question is directly involved.
Motion for leave to appeal denied.

2 Mo. No. 2021-514
The People &c.,
Respondent,
v.
Patrick Gil,
Appellant.

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

2 Mo. No. 2021-490
In the Matter of State of New York,
Respondent,
v.
Robert H.,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2021-548
Michael Hedges, &c., et al.,
Respondents,
v.
Planned Security Service Inc.,
Respondent,
Tiago Holding, LLC, et al.,
Appellants,
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.

2 Mo. No. 2021-547
The People &c.,
Respondent,
v.
Oswaldo Jacinto-Ordonez,
Appellant.

Motion for leave to appeal denied.
Motion for poor person relief dismissed as academic.
Chief Judge DiFiore took no part.

1 Mo. No. 2021-560
San Lim,
Respondent,
v.
MTA Bus Company,
Appellant,
et al.,
Defendant.

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.

2 Mo. No. 2021-473
In the Matter of State of New York,
Respondent,
v.
Karl M.,
Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2021-252
William D. Maldovan, &c.,
Appellant,
v.
County of Erie et al.,
Respondents.

Motion for leave to appeal granted.

1 Mo. No. 2021-552
Joseph Mendler, &c.,
 Appellant,
 v.
Jane-Horatio LLC, et al.,
 Respondents,
et al.,
 Defendant.

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

2 Mo. No. 2021-533
O'Donnell & Sons, Inc., &c.,
 Appellant,
 v.
New York State Department of Taxation and Finance, et al.,
 Respondents.

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

3 Mo. No. 2021-579
In the Matter of the Claim of Marie R. Rho,
 Appellant,
 v.
Beth Israel Medical et al.,
 Respondents.
Workers' Compensation Board,
 Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2021-557
Alroy Richards,
 Appellant,
 v.
Security Resources,
 Respondent,
et al.,
 Defendant.

Motion for reargument of motion for leave to appeal denied.
Judges Singas and Cannataro took no part.

2 Mo. No. 2021-482
In the Matter of Christopher Servedio,
Appellant,
v.
Thomas K. Lee, &c., et al.,
Respondents.

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

2 Mo. No. 2021-549
Daler Singh, &c., et al.,
Appellants,
v.
City of New York, et al.,
Respondents.

Motion for leave to appeal granted.
Judge Rivera took no part.

1 Mo. No. 2021-580
Steven R. Sutton,
Appellant,
v.
Donette Mathews et al.,
Respondents,
et al.,
Defendant.

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. 2021-544
Steven Thaler et al.,
Appellants,
v.
Gerard P. Varlotta, &c. et al.,
Respondents.

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

1 Mo. No. 2021-530
Trimasa Restaurant Partners, LLC,
Appellant,
v.
Global Coverage, Inc., et al.,
Respondents.

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

1 Mo. No. 2021-587
German Valbuena et al.,
Plaintiffs,
v.
650 Madison Avenue Owner, LLC et al.,
Respondents,
Americon Construction, Inc.,
Appellant,
et al.,
Defendant.

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. 2021-546
Gia Wang et al.,
Appellants,
v.
Patrick B. LaFrieda, 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. 2021-559
Nicholas Weir,
Appellant,
v.
State of New York, 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 ancillary relief denied.
Judge Rivera took no part.

3 Mo. No. 2021-630
The People &c. ex rel. Glasco Wright,
Appellant,
v.
Raymond Coveny, &c.,
Respondent.

Motion to vacate this Court's June 22, 2021 dismissal order denied.

3 Mo. No. 2021-583
Lisa M. Young,
Appellant,
v.
Khalid Sethi, et al.,
Respondents.

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