

State of New York
Court of Appeals

Decisions

September 15, 2021

MOTIONS

1 Mo. No. 2021-381
In the Matter of 20 West Properties LLC,
 Appellant,
 v.
Steven Banks, &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 proceeding within the meaning of the Constitution.

2 Mo. No. 2021-520
Sarr Abdourahamane,
 Appellant,
 v.
Public Storage Institutional Fund III, &c.,
 Respondent.

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.

2 Mo. No. 2021-333
Ramin Abizadeh,
 Appellant,
 v.
Galit Abizadeh,
 Respondent.

Motion for leave to appeal dismissed upon the ground that it does not lie (*see* CPLR 5602 [a]; *see also* CPLR 5512 [a]).

4 Mo. No. 2021-531
Able Medical Transportation, Inc. et al.,
 Appellants,
 v.
Paragon Environmental Construction, Inc.,
 Respondent.

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

2 Mo. No. 2021-458
The People &c.,
 Respondent,
 v.
Todd Alvarez,
 Appellant.

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

2 Mo. No. 2021-321
The People &c.,
Respondent,
v.
Oscar Ayala Mejia,
Appellant.

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

2 Mo. No. 2021-436
The People &c.,
Respondent,
v.
Mark Battle,
Appellant.

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

1 Mo. No. 2021-462
The People &c.,
Respondent,
v.
Rafael Bayron,
Appellant.

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

1 Mo. No. 2021-541
The Burlington Insurance Company,
Respondent,
v.
Tour Central Park, Inc.,
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. 2021-346
The People &c.,
Respondent,
v.
Filberto Calix,
Appellant.

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

4 Mo. No. 2021-509
The People &c.,
Respondent,
v.
John R. Chrisley,
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2021-471
The People &c.,
Respondent,
v.
Shannon Colwell,
Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2021-539
The People &c.,
Respondent,
v.
Christopher Cremeans,
Appellant.

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

1 Mo. No. 2021-484
The People &c.,
Respondent,
v.
Theodore Dalton,
Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2021-331
The People &c.,
Respondent,
v.
Billy T. Davis,
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2021-454
Michael A. Deem,
Appellant,
v.
Lorna M. DiMella-Deem,
Respondent.

Motion for reconsideration of this Court's April 29,
2021 dismissal order denied.
Judges Singas and Cannataro took no part.

3 Mo. No. 2021-543
Pamela DeLap,
Appellant,
v.
Michaela M. Serseloudi et al.,
Defendants.
Jordan R. Pine,
Respondent.

Motion for reargument of motion for leave to appeal
dismissed as untimely (*see* Rules of Ct of Appeals
[22 NYCRR] § 500.24 [b]).
Judges Singas and Cannataro took no part.

2 Mo. No. 2021-526
The People &c.,
Appellant,
v.
Phylip Derival,
Respondent.

Motion for reconsideration of this Court's April 29,
2021 dismissal order denied.
Judges Singas and Cannataro took no part.

2 Mo. No. 2021-529
Deutsche Bank National Trust Company, &c.,
Respondent,
v.
Fern Ciraolo et al.,
Appellants,
et al.,
Defendants.

Motion for reargument of motion for leave to appeal
dismissed as untimely (*see* Rules of Ct of Appeals
[22 NYCRR] § 500.24 [b]).
Judges Singas and Cannataro took no part.

2 Mo. No. 2021-362
Deutsche Bank National Trust Company, &c.,
Respondent,
v.
Junior Lee,
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. 2021-307
In the Matter of Donald M. Dove,
 Appellant,
 v.
Anthony J. Annucci, &c., et al.,
 Respondents.

Motion for leave to appeal denied.

2 Mo. No. 2021-392
The People &c.,
 Respondent,
 v.
Michael Eason,
 Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2021-611
The People &c.,
 Respondent,
 v.
Luis Figueroa-Acuna,
 Appellant.

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

1 Mo. No. 2021-318
J.G. et al.,
 Respondents,
 v.
Myron Goldfinger et al.,
 Defendants,
Covecastles Development Corporation et al.,
 Appellants.

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. 2021-358
The People &c.,
 Respondent,
 v.
Adrian Garcia,
 Appellant.

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

2 Mo. No. 2021-424
Helen Gardner,
Appellant,
v.
New York Presbyterian Brooklyn Methodist
Hospital,
Respondent,
et al.,
Defendants.

Motion for reargument of motion for leave to appeal
denied.
Motion for other relief dismissed upon the ground
that this Court does not have jurisdiction to entertain
it (*see* NY Const, art VI, § 3).
Chief Judge DiFiore took no part.

1 Mo. No. 2021-408
The People &c.,
Respondent,
v.
Olivo Gomez,
Appellant.

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

2 Mo. No. 2021-393
The People &c.,
Respondent,
v.
Peter Green,
Appellant.

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

2 Mo. No. 2021-498
In the Matter of Grace Hanlon, &c.
Merlene Dinnal,
Appellant,
v.
David S. Sewell, 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 proceeding within the
meaning of the Constitution.

2 Mo. No. 2021-507
Hawthorne Funding, LLC,
Appellant,
v.
Karish Kapital, LLC,
Respondent.

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

1 Mo. No. 2021-522

Epifania Hichez, et al.,
Respondents,

v.

United Jewish Council of the East Side,
Home Attendant Service Corp.,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2021-609

Himmelstein, McConnell, Gribben,
Donoghue & Joseph, LLP, et al.,
Appellants,

v.

Matthew Bender & Company, Inc., &c.,
Respondent.

Motion for reargument denied with one hundred
dollars costs and necessary reproduction
disbursements.

Judges Singas and Cannataro took no part.

2 Mo. No. 2021-461

The People &c.,
Respondent,

v.

Tommie Holloway,
Appellant.

Motion for leave to appeal denied.

Motion for poor person relief dismissed as academic.

1 Mo. No. 2021-508

iPayment, Inc.,
Respondent,

v.

Andrew Silverman et al.,
Appellants.

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. 2021-341
J-K Apparel Sales Co., Inc., et al.,
Respondents,
v.
Irwin Jacobs,
Appellant;
J-K Apparel Sales Co., Inc., et al.,
Third-Party Appellants;
Steve Kenger,
Third-Party Respondent,
et al.,
Third-Party 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. 2021-344
In the Matter of Johnathan Johnson,
Appellant,
v.
Timothy J. Dufficy, &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 proceeding within the meaning of the Constitution.
Motion for poor person relief dismissed as academic.

1 Mo. No. 2021-405
The People &c.,
Respondent,
v.
Jamal Johnson,
Appellant.

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

2 Mo. No. 2021-455
JPMorgan Chase Bank, National Association,
Respondent,
v.
Kenneth Lee,
Appellant,
et al.,
Defendants.

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.

2 Mo. No. 2021-324
The People &c.,
Respondent,
v.
Kevin Leung,
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2021-338
The People &c.,
Respondent,
v.
Michael Levy,
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2021-394
The People &c.,
Respondent,
v.
Edgar Lopez Lopez,
Appellant.

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

2 Mo. No. 2021-517
The People &c.,
Respondent,
v.
Erwin Lopez,
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2021-452
Nella Manko,
Appellant,
v.
Lenox Hill Hospital,
Respondent.

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

1 Mo. No. 2021-406
In the Matter of Nella Manko,
Appellant,
v.
William F. Mastro, &c., et al.,
Respondents.

Motion for reargument of so much of this Court's
February 18, 2021 order as decided a motion for
leave to appeal dismissed as untimely (*see* Rules of
Ct of Appeals [22 NYCRR] § 500.24 [b]).
Motion for poor person relief dismissed as academic.
Chief Judge DiFiore took no part.

4 Mo. No. 2021-534
The People &c.,
Respondent,
v.
Eric X. Martinez,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2021-326
The People &c.,
Respondent,
v.
Robert McClain,
Appellant.

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

1 Mo. No. 2021-404
The People &c.,
Respondent,
v.
Baudillo Morales, &c.,
Appellant.

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

2 Mo. No. 2021-437
The People &c.,
Respondent,
v.
Warren Ortega,
Appellant.

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

2 Mo. No. 2021-337

Usman Oyibo,
Appellant,
v.
Huntington Hospital Medical Center, 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 poor person relief dismissed as academic.

2 Mo. No. 2021-550

Vassilis Panagouloupoulos et al.,
Appellants,
v.
Carlos Ortiz Jr. MD, P.C., et al.,
Respondents.

Motion, insofar as it seeks leave to appeal from so much of the Appellate Division order as affirmed the part of the Supreme Court order awarding post-judgment sanctions, denied; motion for leave to appeal otherwise dismissed upon the ground that the remaining portion of the Appellate Division order does not finally determine the action within the meaning of the Constitution.

3 Mo. No. 2021-330

In the Matter of the Claim of Deirdre Price,
Appellant,
v.
Roslyn Union Free School District et al.,
Respondents.
Workers' Compensation Board,
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 &c. dismissed as academic.

1 Mo. No. 2021-433

Donte Price,
Appellant,
v.
City of New York, et al.,
Respondents.

Motion for reconsideration of this Court's November 21, 2019 dismissal order denied.
Judges Singas and Cannataro took no part.

2 Mo. No. 2021-400

The People &c.,
Respondent,
v.
David Putland,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2021-304
The People &c.,
 Respondent,
 v.
Cosme Rivera,
 Appellant.

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

3 Mo. No. 2021-472
George Rockman,
 Respondent,
 v.
Ana Rockman, &c.,
 Appellant.

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.

2 Mo. No. 2021-540
The People &c.,
 Respondent,
 v.
Ismael Rodriguez,
 Appellant.

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

1 Mo. No. 2021-388
The People &c.,
 Respondent,
 v.
Clefrantz Romulus,
 Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2021-501
The People &c.,
 Respondent,
 v.
Joseph A. Sanfilippo,
 Appellant.

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

2 Mo. No. 2021-444
Pat Pashka Shkreli,
Respondent,
v.
John Shkreli,
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. 2021-366
The People &c.,
Respondent,
v.
George Smith,
Appellant.

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

1 Mo. No. 2021-402
The People &c.,
Respondent,
v.
Mario Solano,
Appellant.

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

1 Mo. No. 2021-488
The People &c.,
Respondent,
v.
Jonathan Then,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2021-503
The People &c.,
Respondent,
v.
Stephen Wanko,
Appellant.

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