

**State of New York**  
**Court of Appeals**

**Decisions**

January 11, 2022

**CASES**

4                    No. 22 SSM 21  
In the Matter of Sophie Peter Kotsones, &c.

James Kotsones,  
    Appellant,  
    v.  
Alexander Kreopolides, &c., et al.,  
    Respondents.

On review of submissions pursuant to section 500.11 of the Rules, order affirmed, with costs, in a memorandum.  
Chief Judge DiFiore and Judges Garcia, Wilson, Singas and Cannataro concur.  
Judge Rivera dissents and votes to reverse and reinstate the order of Surrogate's Court, in an opinion.

1                    No. 23 SSM 33  
The People &c.,  
    Respondent,

    v.  
Guillermo Ortiz,  
    Appellant.

On review of submissions pursuant to section 500.11 of the Rules, order affirmed, in a memorandum.  
Chief Judge DiFiore and Judges Rivera, Garcia, Wilson, Singas, and Cannataro concur.

## MOTIONS

1                    Mo. No. 2021-806  
American Transit Insurance Company,  
Appellant,  
v.  
Health Plus Surgery Center, LLC, et al.,  
Defendants,  
CitiMed Services, PA,  
Respondent.

Motion for leave to appeal denied.

2                    Mo. No. 2021-981  
Susan Aranoff,  
Respondent,  
v.  
Gerald Aranoff,  
Appellant.

Motion for reargument of motion for leave to appeal denied.

1                    Mo. No. 2021-813  
In the Matter of Hawa B.,  
Respondent,  
v.  
Unusu B.,  
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. 2021-803  
Matthew Caldara, &c., et al.,  
Appellants,  
James Clarke,  
Appellant,  
v.  
County of Westchester et al.,  
Respondents.

Motions for leave to appeal denied.

1                    Mo. No. 2021-791  
James Edstrom et al.,  
Appellants,  
v.  
St. Nicks Alliance Corp. et al.,  
Respondents.

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. 2021-856  
Ezra Huber & Associates, P.C.,  
Respondent,  
v.  
Genevieve Lane LoPresti, &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.

1                    Mo. No. 2021-929  
In the Matter of Tracie Goldman,  
Appellant,  
v.  
City of New York, et al.,  
Respondents,  
Peter Ianniello,  
Respondent.

Motion for reconsideration of this Court's October 7, 2021 dismissal order denied.

3                    Mo. No. 2021-864  
Anthony Grimaldi,  
Appellant,  
v.  
Joseph Sangi,  
Respondent.

Motion for reargument of motion for leave to appeal denied.

3                    Mo. No. 2021-734  
In the Matter of the James H. Supplemental  
Needs Trust.

Motion for leave to appeal dismissed as untimely (*see* CPLR 5513 [b]; CPLR 5514).

Kathleen Toombs, &c.,  
Respondent;  
John H.,  
Appellant.  
(And Another Related Proceeding.)

2                    Mo. No. 2021-871  
Ignis Development, Inc.,  
    Appellant,  
    v.  
Long Island College Hospital, et al.,  
    Respondents.

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Long Island College Hospital,  
    Third-Party Respondent,  
    v.  
Stanly NY Enterprises, Inc., et al.,  
    Third-Party Appellants.

Motion for reargument denied.

4                    Mo. No. 2021-979  
The People &c.,  
    Appellant,  
    v.  
Jermaine Jennings,  
    Respondent.

Motion for reargument denied.

2                    Mo. No. 2021-762  
Wells Fargo Bank, N.A.,  
    Respondent,  
    v.  
Simon Khan et al.,  
    Appellants,  
et al.,  
    Defendants.

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.  
Motion for a stay dismissed as academic.

3                    Mo. No. 2021-788  
In the Matter of the Claim of Richard Love,  
    Appellant,  
    v.  
Village of Pleasantville et al.,  
    Respondents.  
Workers' Compensation Board,  
    Respondent.

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

2                    Mo. No. 2021-769  
The People &c.,  
    Respondent,  
    v.  
Sylvester McGee,  
    Appellant.

Motion for leave to appeal denied.

1                    Mo. No. 2021-838  
In the Matter of Robert Moco,  
    Appellant,  
    v.  
New York County District Attorney,  
    Respondent.

Motion for leave to appeal dismissed upon the ground that no appeal lies from the order of an individual Justice of the Appellate Division (*see* NY Const art VI, § 3 [b]; CPLR 5602).

4                    Mo. No. 2021-923  
In the Matter of Arnold R. Petralia,  
    Appellant,  
    v.  
New York State Department of Labor,  
    Respondent.

Motion for reconsideration of this Court's October 7, 2021 dismissal order denied.

1                    Mo. No. 2021-907  
James Pettus,  
    Appellant,  
    v.  
Board of Directors, Owners 800 Grand  
Concourse et al.,  
    Respondents.

On the Court's own motion, appeal dismissed, without costs, upon the ground that no appeal lies from the order of an individual Justice of the Appellate Division (*see* NY Const, art VI, § 3 [b]; CPLR 5601).

Motion for leave to appeal dismissed upon the ground that no appeal lies from the order of an individual Justice of the Appellate Division (*see* NY Const, art VI, § 3 [b]; CPLR 5602).  
Motion for poor person relief dismissed as academic.

1                    Mo. No. 2021-763  
In the Matter of New York City Asbestos  
Litigation.

William E. Robaey, &c., et al.,  
Respondents,

v.

Air & Liquid Systems Corporation, &c., et  
al.,

Defendants,

Federal-Mogul Asbestos Personal Injury  
Trust, &c.,

Appellant.

Motion for leave to appeal dismissed upon the  
ground that the Appellate Division order sought to be  
appealed from does not finally determine the action  
within the meaning of the Constitution (*see Whitfield  
v City of New York*, 90 NY2d 777, 780-781 [1997]).

3                    Mo. No. 2021-723

Joanne Secky, &c.,  
Appellant,

v.

New Paltz Central School District et al.,  
Respondents.

Motion for leave to appeal granted.

3                    Mo. No. 2021-794

In the Matter of William Shruballs,  
Appellant,

v.

Donald Venettozzi, &c.,  
Respondent.

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

2                    Mo. No. 2021-773

The People &c.,  
Respondent,

v.

James Strong,  
Appellant.

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

1                    Mo. No. 2021-742  
In the Matter of The Jewish Press,  
                         Appellant,

v.

Metropolitan Transportation Authority of the  
State of New York,  
                         Respondent.

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

3                    Mo. No. 2021-807  
In the Matter of Anthony Vertucci, &c.,  
                         Respondent,

v.

New York State Department of  
Transportation,  
                         Appellant,  
et al.,  
                         Respondent.

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

3                    Mo. No. 2021-756  
In the Matter of Cresandra Weishar, &c.,  
                         Appellant,

v.

Dan Tait Inc. 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.

2                    Mo. No. 2021-819  
Westchester County Correction Officers  
Benevolent Association, Inc., et al.,  
                         Appellants,

v.

County of Westchester, et al.,  
                         Respondents.  
(Index No. 13295/10)

Motion for leave to appeal denied.

2                    Mo. No. 2021-820  
Westchester County Correction Officers  
Benevolent Association, Inc., et al.,  
                  Appellants,  
          v.  
County of Westchester, et al.,  
                  Respondents.  
(Index No. 26982/10)

Motion for leave to appeal denied.

2                    Mo. No. 2021-761  
In the Matter of Norman Whitehead,  
                  Appellant,  
          v.  
Jamie Lamanna, &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.

1                    Mo. No. 2021-740  
Worthy Lending LLC,  
                  Appellant,  
          v.  
New Style Contractors, Inc.,  
                  Respondent.

Motion for leave to appeal granted.

1                    Mo. No. 2021-764  
Worthy Lending LLC,  
                  Appellant,  
          v.  
New Style Contractors, Inc.,  
                  Respondent.

Motion by The Secured Finance Network, Inc. for leave to appear amicus curiae on the motion for leave to appeal granted and the brief is accepted as filed.

2                    Mo. No. 2021-800  
X&Y Development Group, LLC,  
                  Appellant,  
          v.  
Epic Tower, LLC,  
                  Respondent,  
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.