

State of New York
Court of Appeals

Decisions

October 27, 2022

CASES

1 No. 81
34-06 73, LLC, et al.,
 Respondents,
 v.
Seneca Insurance Company,
 Appellant.

Order reversed, with costs, plaintiffs' motion to amend the complaint to include a reformation cause of action denied, and case remitted to Supreme Court, New York County, for entry of judgment in accordance with the opinion herein.
Opinion by Judge Rivera.
Acting Chief Judge Cannataro and Judges Garcia, Wilson, Singas and Troutman concur.

3 No. 78
In the Matter of the Claim of Kanye Khalid
Green,
 Respondent,
 v.
Dutchess County BOCES et al.,
 Appellants.
Workers' Compensation Board,
 Appellant.

The Workers' Compensation Board's 2021 decision and so much of the Appellate Division order brought up for review reversed, with costs, and the Workers' Compensation Board's 2019 decision reinstated.
Opinion by Judge Garcia.
Acting Chief Judge Cannataro and Judges Rivera, Wilson, Singas and Troutman concur.

3 No. 106 SSM 16
In the Matter of Rosa Rizzo,
 Appellant,
 v.
Thomas P. DiNapoli, &c. et al.,
 Respondents.

On review of submissions pursuant to section 500.11 of the Rules, judgment affirmed, with costs, in a memorandum.
Acting Chief Judge Cannataro and Judges Rivera, Garcia, Singas and Troutman concur.
Judge Wilson dissents in an opinion.

MOTIONS

1 Mo. No. 2022-536
In the Matter of 160 East 84th Street,
 Appellant,
 v.
New York State Division of Housing and
Community Renewal,
 Respondent,
Sherry Sado,
 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. 2022-693
Susan Aranoff,
 Respondent,
 v.
Gerald Aranoff,
 Appellant.

Motion for reargument of motion for leave to appeal denied.

1 Mo. No. 2022-570
Wanna Berry-Mayes, &c.,
 Appellant,
 v.
New York City Health and Hospitals
Corporation,
 Respondent.

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

3 Mo. No. 2022-550
Byung Choon Joe,
 Appellant,
 v.
State of New York,
 Respondent.

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

3 Mo. No. 2022-675
Byung Choon Joe,
Appellant,
v.
State of New York,
Respondent.

Motion by Asian American Bar Association of New York et al. for leave to appear amici curiae on the motion for leave to appeal herein granted and the proposed brief is accepted as filed.

1 Mo. No. 2022-553
Carol Commissiong,
Appellant,
v.
IH Preservation Partners LLP,
Respondent.
(Index No. 570503/16)

Motion for leave to appeal dismissed upon the ground that this Court does not have jurisdiction to entertain this motion for leave to appeal from orders of the Appellate Division entered in actions commenced in the Civil Court of the City of New York (*see* NY Const, art VI, § 3 [b] [7]; CPLR 5602 [a]).

Carol Commissiong,
Appellant,
v.
IH Preservation Partners LLC,
Respondent.
(Index No. 570080/20)

2 Mo. No. 2022-555
The People &c.,
Respondent,
v.
Grayson Cooper,
Appellant.

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

1 Mo. No. 2022-545
In the Matter of Robert L. Dickerson, &c.,
Appellant,
v.
New York State Department of State,
Division of Licensing Services, et al.,
Respondents.

Motion for leave to appeal dismissed upon the ground that the June 2022 order sought to be appealed from does not finally determine the proceeding within the meaning of the Constitution.

1 Mo. No. 2022-566
The Gap, Inc. et al.,
Appellants,
v.
44-45 Broadway Leasing Co. LLC,
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.

4 Mo. No. 2022-579
Allison Jacobson,
Appellant,
v.
Edward C. Purdue, et al.,
Respondents.

Motion for leave to appeal denied.
Judge Troutman took no part.

1 Mo. No. 2022-593
In the Matter of Patrick J. Lynch, &c. et al.,
Appellants,
et al.,
Petitioners,
v.
New York City Civilian Complaint Review
Board et al.,
Respondents.

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

2 Mo. No. 2022-531
Janice Patricia McPhaul-Guerrier, et al.,
Appellants,
v.
Keriann Leppla, et al.,
Defendants,
Zelda R. Simmons, et al.,
Respondents.

Motion for reargument of motion for leave to appeal denied.

4 Mo. No. 2022-560
In the Matter of Miranda Holdings, Inc.,
Respondent,
v.
Town Board of the Town of Orchard Park, 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 proceeding within the meaning of the Constitution.

3 Mo. No. 2022-563
In the Matter of New Team, LLC,
Appellant.
Commissioner of Labor,
Respondent.

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

4 Mo. No. 2022-558
The People &c.,
Respondent,
v.
Cory W. Paine,
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2022-587
The People &c.,
Respondent,
v.
Andrew Peaks,
Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2022-594
In the Matter of the Claim of Alex Ryan,
Appellant,
v.
City of Albany et al.,
Respondents.
Workers' Compensation Board,
Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2022-538
J.S., &c.,
Respondent,
v.
Ramapo Central School District,
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. 2022-518
The People &c.,
 Respondent,
 v.
Charles A. Thompson,
 Appellant.

Motion for leave to appeal denied.