

State of New York
Court of Appeals

Decisions

April 25, 2023

CASES

No. 21

Lujerio Cordero,
Appellant,
v.
Transamerica Annuity Service Corporation,
&c.,
Respondent,
Transamerica Life Insurance Company,
Respondent,
et al.,
Third-Party Defendants-
Cross Defendants.

Following certification of a question by the United States Court of Appeals for the Eleventh Circuit and acceptance of the question by this Court pursuant to section 500.27 of this Court's Rules of Practice, and after hearing argument by counsel for the parties and consideration of the briefs and record submitted, certified question, as reformulated, answered in the negative.
Opinion by Judge Troutman.
Chief Judge Wilson and Judges Garcia and Singas concur.
Judge Rivera dissents in an opinion.
Judges Cannataro and Halligan took no part.

4 No. 26

In the Matter of the Estate of Frank I. Maika,
Deceased.

Cora A. Alsante, &c.,
Appellant;
Anne Maika et al.,
Respondents.

Order affirmed, with costs, in a memorandum.
Chief Judge Wilson and Judges Garcia, Singas and Cannataro concur.
Judge Troutman dissents in an opinion, in which Judge Rivera concurs.
Judge Halligan took no part.

No. 53

In the Matter of Hon. Jeremy L. Persons, a
Justice of the Guilford Town Court, Chenango
County.

On the Court's own motion, it is determined that Hon. Jeremy L. Persons is suspended, with pay, effective immediately, from the office of Justice of the Guilford Town Court, Chenango County, pursuant to New York Constitution, article VI, § 22 and Judiciary Law § 44 (8).
Chief Judge Wilson and Judges Garcia, Singas, Cannataro, Troutman and Halligan concur.
Judge Rivera took no part.

1 No. 13
In the Matter of TCR Sports Broadcasting
Holding, LLP,
 Appellant,
 v.
WN Partner, LLC, et al.,
 Respondents,
Washington Nationals Baseball Club, LLC,
 Respondent,
Baltimore Orioles Baseball Club, et al.,
 Appellants.

Order appealed from and so much of the 2017
Appellate Division order brought up for review
modified, without costs, in accordance with the
opinion herein and, as so modified, affirmed.
Opinion by Judge Singas.
Chief Judge Wilson and Judges Rivera, Garcia,
Cannataro and Troutman concur.
Judge Halligan took no part.

MOTIONS

1 Mo. No. 2023-65
John Aloisio, &c.,
 Appellant,
 v.
New York-Presbyterian/Weill Cornell
Medical Center et al.,
 Respondents,
et al.,
 Defendants,
Bayerische Stammzellbank gGMBH,
 Respondent.

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

2 Mo. No. 2023-135
In the Matter of Roman Brik,
 Appellant,
 v.
Ilana Stroutsovsky,
 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.
Judges Cannataro and Halligan took no part.

2 Mo. No. 2023-21
The People &c.,
 Respondent,
 v.
Cruz Camacho-Gutierrez,
 Appellant.

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

2 Mo. No. 2023-9
The People &c.,
 Respondent,
 v.
Herbert Cousin,
 Appellant.

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

2 Mo. No. 2023-55
In the Matter of the Incorporated Village of
Floral Park,
Appellant,
v.
Floral Park Police Benevolent Association,
Respondent.

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

2 Mo. No. 2023-54
The People &c.,
Respondent,
v.
Kenneth Goodwin,
Appellant.

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

3 Mo. No. 2023-3
In the Matter of the Claim of Thomas Hogan,
Appellant,
v.
CBS Television Stations, &c.,
Respondent.
Workers' Compensation Board,
Respondent.

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

4 Mo. No. 2023-56
Hospitality Concepts, LLC,
Respondent,
v.
Jay Bernhardt, et al.,
Appellants,
et al.,
Defendant.

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

2 Mo. No. 2023-16
Chao-Yu C. Huang,
Appellant,
v.
Harry An-Ling Shih 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.
Judge Halligan took no part.

3 Mo. No. 2023-32
In the Matter of the Claim of Hope J.
Jennings,
 Respondent,
 v.
Stop & Shop et al.,
 Appellants.
Workers' Compensation Board,
 Respondent.

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

1 Mo. No. 2022-907
In the Matter of Shani Jeter,
 Appellant,
 v.
Sheila Poole, &c. et al.,
 Respondents.

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

3 Mo. No. 2023-30
Carlos Jule,
 Appellant,
 v.
Kiamesha Shores Property Owners
Association Inc., &c. et al.,
 Respondents.

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.
Judge Halligan took no part.

3 Mo. No. 2022-874
In the Matter of Daniel Karlin,
 Appellant,
 v.
Tina M. Stanford, &c.,
 Respondent.

Motion for leave to appeal denied as unnecessary (*see* CPLR 5601 [b] [1]).
Motion for poor person relief granted.
Judge Halligan took no part.

2 Mo. No. 2023-79
Eric Keefer,
Respondent,
v.
Pamela Keefer,
Appellant.

Motion, insofar as it seeks leave to appeal from so much of the Appellate Division order as affirmed the January 2021 judgment of divorce, denied; motion otherwise dismissed upon the ground that the portion of the separate Appellate Division order sought to be appealed from does not finally determine the action within the meaning of the Constitution.
Judge Halligan took no part.

4 Mo. No. 2022-912
Deborah A. Little,
Appellant,
v.
Steelcase, Inc.,
Respondent,
et al.,
Defendant.

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

2 Mo. No. 2023-64
The People &c.,
Respondent,
v.
Joseph Martin,
Appellant.

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

2 Mo. No. 2022-881
The People &c.,
Respondent,
v.
Francisco Marxuach,
Appellant.

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

3 Mo. No. 2023-24
In the Matter of the Claim of Fernando
Nunez,
Appellant,
v.
Young Men's Christian Association of
Greater New York et al.,
Respondents.
Workers' Compensation Board,
Respondent.

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

3 Mo. No. 2023-62
In the Matter of the Claim of James
O'Donnell,
Appellant,
v.
Grow Kiewi T. Catapano 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.
Judge Halligan took no part.

2 Mo. No. 2023-53
Ilana Rigwan,
Appellant,
v.
Jordan Neus,
Respondent.

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

2 Mo. No. 2022-895
Roger Rowe,
Appellant,
v.
U.S. Bank National Association, &c., et al.,
Respondents,
et al.,
Defendants.

Motion for reconsideration of this Court's October
20, 2022 dismissal order denied.
Motion, insofar as it seeks leave to appeal from that
portion of the April 2022 Appellate Division order
resolving the appeal from the May 2021 Supreme
Court order, denied; motion for leave to appeal
otherwise dismissed upon the ground that the
remaining portions of the orders sought to be
appealed from do not finally determine the action
within the meaning of the Constitution.
Judge Halligan took no part.

2 Mo. No. 2022-896
The People &c.,
Respondent,
v.
Hallie Saunders,
Appellant.

Motion for leave to appeal dismissed as untimely
(*see* CPLR 5513 [b]).
Motion for poor person relief dismissed as academic.
Judge Halligan took no part.

1 Mo. No. 2023-1
Lillian F. Schwartz,
Appellant,
v.
A. Michael Noll et al.,
Respondents.

Motion for reargument of motion for leave to appeal
denied.
Judge Halligan took no part.

2 Mo. No. 2023-45
Shamila Seegopaul,
Appellant,
v.
MTA Bus Company, 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.
Judge Halligan took no part.

2 Mo. No. 2023-157
In the Matter of Ilana Stroutsovsky,
Respondent,
v.
Roman Brik,
Appellant.

Motion for leave to appeal denied.
Judges Cannataro and Halligan took no part.

1 Mo. No. 2023-6
The People &c.,
Respondent,
v.
Leon Tugwell,
Appellant.

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

1 Mo. No. 2023-52
Nicholas Weir,
 Appellant,
 v.
Montefiore Medical Center, et al.,
 Respondents.

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

2 Mo. No. 2023-13
The People &c.,
 Respondent,
 v.
Elton Williams,
 Appellant.

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

1 Mo. No. 2023-31
The People &c.,
 Respondent,
 v.
Herbert Williams,
 Appellant.

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

 Mo. No. 2023-25
The People &c.,
 Respondent,
 v.
Lazar Yushubiyev,
 Appellant.

Motion for leave to appeal dismissed upon the
ground that this Court does not have jurisdiction to
entertain the motion from the order of the Appellate
Term (*see* CPLR 5602 [a] [1]).
Judge Halligan took no part.