

State of New York
Court of Appeals

Decisions

January 16, 2024

CASES

3 No. 44 SSM 11

The People &c.,
 Respondent,

v.

Kwabena Appiah,
 Appellant.

On review of submissions pursuant to section 500.11 of the Rules, order reversed and case remitted to the Appellate Division, Third Department, for further proceedings in accordance with the memorandum herein.

Chief Judge Wilson and Judges Rivera, Garcia, Singas, Cannataro, Troutman and Halligan concur.

4 No. 8

Suzanne P., &c.,
 Appellant,

v.

Joint Board of Directors of Erie-Wyoming
County Soil Conservation District, &c., et al.,
 Respondents.

Order appealed from modified, without costs, by denying the CPLR 4401 motion by defendant Joint Board of Directors of Erie-Wyoming County Soil Conservation District and, as so modified, affirmed; prior Appellate Division orders insofar as brought up for review affirmed; and case remitted to Supreme Court, Erie County, for further proceedings in accordance with the opinion herein.

Opinion by Judge Cannataro.

Judges Garcia, Singas and Halligan concur.

Judge Troutman dissents in part in an opinion, in which Chief Judge Wilson and Judge Rivera concur.

MOTIONS

1 Mo. No. 2023-574
In the Matter of 330 West 34th SPE LLC,
Respondent,
v.
Vornado 330 West 34th Street L.L.C.,
Appellant.

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

1 Mo. No. 2023-575
In the Matter of Vornado 330 West 34th
Street L.L.C.,
Appellant,
v.
330 West 34th SPE LLC,
Respondent.

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

1 Mo. No. 2023-592
In the Matter of Brian Belfi, &c.,
Respondent,
v.
Gene B.,
Appellant,
District Attorney, Kings County,
Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2023-677
Adam Brook, &c. et al.,
Appellants,
v.
Peconic Bay Medical Center, et al.,
Respondents.

Motion for leave to appeal denied.

2 Mo. No. 2023-748
Colin Burdo,
Appellant,
v.
Cold Spring Harbor Central School District,
Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2023-464

Robert Connor,

Appellant,

v.

AMA Consulting Engineers PC et al.,

Defendants,

Jamestown Premier Chelsea Market, LP, et
al.,

Respondents.

(And a Third-Party Action.)

Motion, insofar as it seeks leave to appeal from that portion of the Appellate Division order that affirmed Supreme Court's denial of plaintiff's cross-motion to amend the bill of particulars, dismissed upon the ground that such portion of the order does not finally determine the action within the meaning of the Constitution; motion for leave to appeal otherwise denied.

1 Mo. No. 2023-672

In the Matter of Stuart Desser,

Appellant,

v.

Woody Pascal, &c.,

Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2023-713

Sidi Doumbia,

Appellant,

v.

Fatou Bamba,

Respondent.

Motion for reargument of motion for leave to appeal denied.

3 Mo. No. 2023-609
In the Matter of ENP Associates, LP,
 Appellant,
 v.
City of Ithaca Board of Zoning Appeals et al.,
 Respondents,
et al.,
 Respondents.
(And Two Other Related Proceedings.)

In the Matter of ENP Associates, LP,
 Appellant,
 v.
City of Ithaca Board of Zoning Appeals et al.,
 Respondents,
Lux Ithaca Holdings, LLC, et al.,
 Respondents.

3 Mo. No. 2023-612
EPG Associates, LP et al.,
 Appellants,
 v.
Cascadilla School et al.,
 Defendants,
Barbara Cheung, et al.,
 Respondents.

2 Mo. No. 2023-706
The People &c.,
 Respondent,
 v.
Jose Flores-Hernandez,
 Appellant.

1 Mo. No. 2023-654
Megan Griffith,
 Appellant,
 v.
The Daily Beast, et al.,
 Respondents.

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

Motion for leave to appeal denied.

Motion for leave to appeal denied.

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

1 Mo. No. 2023-732
The People &c.,
 Respondent,
 v.
Jermaine Hampton,
 Appellant.

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

4 Mo. No. 2023-577
In the Matter of Victor O. Ibhawa,
 Appellant,
 v.
New York State Division of Human Rights et
al.,
 Respondents.

Motion for leave to appeal denied as unnecessary
(*see* CPLR 5601 [b] [1]).

1 Mo. No. 2023-687
Samuel D. Isaly,
 Appellant,
 v.
Damian Garde,
 Respondent,
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. 2023-763
Samuel D. Isaly,
 Appellant,
 v.
Damian Garde,
 Respondent,
et al.,
 Defendant.

Motion by Rodney Smolla for leave to appear
amicus curiae on the motion for leave to appeal
granted and the brief is accepted as filed.

1 Mo. No. 2023-458
Dmitry Markov,
Appellant,
v.
Michael Barrows,
Respondent,
et al.,
Defendant.

Motion for reargument of motion for leave to appeal denied.

2 Mo. No. 2023-639
The People &c.,
Respondent,
v.
Malston Patrick,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2023-607
Thelma Pinkney,
Appellant,
v.
New York City Health and Hospitals
Corporation et al.,
Respondents.

Motion for leave to appeal denied.

1 Mo. No. 2023-695
In the Matter of the Estate of Alan Gerald
Prince, &c.
David Marc Prince,
Appellant,
v.
Roberto Machado,
Respondent.

On the Court's own motion, appeal dismissed, without costs, upon the ground that the order appealed from does not finally determine the proceeding 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 proceeding within the meaning of the Constitution.

3 Mo. No. 2023-719
In the Matter of Robert L. Schulz, et al.,
Appellants,
v.
State of New York, et al.,
Respondents.

Motion for reconsideration of this Court's October 19, 2023 dismissal order denied.

1 Mo. No. 2023-754
The People &c.,
Respondent,
v.
Kevan Seales,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2023-630
Walter Stipa Sprecase,
Respondent,
v.
Daniel Tenreiro,
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. 2023-851
In the Matter of Donald Trump, et al.,
Appellants,
v.
Arthur F. Engoron, &c., 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 a stay dismissed as academic.

1 Mo. No. 2023-847
The People &c.,
Respondent,
v.
Harvey Weinstein,
Appellant.

Motion by nonparty Gannett Satellite Information Network, LLC d/b/a The Journal News to "intervene for the limited purpose of unsealing Court records" denied upon the ground that movant neither abided by the victim notice requirement of Civil Rights Law § 50-b (2) (b), nor asked the district attorney for assistance if unable to fulfill its statutory duty. Judges Troutman and Halligan took no part.

1 Mo. No. 2023-596
Stephen Werther,
 Appellant,
et al.,
 Plaintiff,
 v.
Ellen Ressler Werther, &c.,
 Respondent.
(And Another Action.)

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

2 Mo. No. 2023-658
David J. Whelan, et al.,
 Plaintiffs,
 v.
John Busiello,
 Respondent;
Patricia Weiss,
 Nonparty-Appellant.

Motion, insofar as it seeks leave to appeal from the portion of the Appellate Division order dismissing appellant's appeal to that Court from so much of an order of Supreme Court as granted a motion to vacate a notice of pendency, dismissed upon the ground that appellant is not a party aggrieved (*see* CPLR 5511); motion for leave to appeal otherwise dismissed upon the ground that the remainder of the Appellate Division order does not finally determine the action within the meaning of the Constitution.