

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

**Decisions**

April 15, 2025

**CASES**

4                    No. 36  
The People &c.,  
    Respondent,  
    v.  
Kevin Cleveland,  
    Appellant.

Order affirmed.  
Opinion by Judge Singas.  
Chief Judge Wilson and Judges Rivera, Garcia,  
Cannataro, Troutman and Halligan concur.

4                    No. 62 SSM 4  
Mary E. Galante,  
    Appellant,  
    v.  
Robert G. Karlis, et al.,  
    Defendants,  
County of Erie,  
    Respondent.

On review of submissions pursuant to section 500.11  
of the Rules, order reversed, with costs, plaintiff's  
motion insofar as sought to dismiss the 11th  
affirmative defense on behalf of the County granted,  
and case remitted to the Appellate Division, Fourth  
Department, for consideration of issues raised but not  
determined on appeal to that Court.  
Opinion by Judge Cannataro.  
Chief Judge Wilson and Judges Rivera, Garcia,  
Singas, Troutman and Halligan concur.

3                    No. 33  
David Katleski,  
    Appellant,  
    v.  
Cazenovia Golf Club, Inc.,  
    Respondent,  
et al.,  
    Defendants.

Order affirmed, with costs.  
Opinion by Judge Cannataro.  
Chief Judge Wilson and Judges Rivera, Garcia,  
Singas, Troutman and Halligan concur.

2                    No. 34  
Parnand Maharaj,  
    Appellant,  
    v.  
City of New York, et al.,  
    Respondents.

Order affirmed, with costs, and certified question  
answered in the affirmative, in a memorandum.  
Chief Judge Wilson and Judges Garcia, Singas,  
Cannataro, Troutman and Halligan concur.  
Judge Rivera dissents in an opinion.

## MOTIONS

1                    Mo. No. 2024-637  
In the Matter of 16 Cypress Ave Realty LLC,  
    Appellant,  
    v.  
New York City Loft Board et al.,  
    Respondents.  
Hailey Desjardins,  
    Nonparty-Respondent.

Motion for leave to appeal denied.

1                    Mo. No. 2024-772  
The People &c.,  
    Respondent,  
    v.  
Sammi Artist,  
    Appellant.

Motion for leave to appeal denied.

1                    Mo. No. 2024-666  
Virginia Beadell et al.,  
    Appellants,  
    v.  
Eros Management Realty LLC, et al.,  
    Respondents,  
et al.,  
    Defendants.

Motion for leave to appeal, insofar as taken from so much of the May 2024 Appellate Division order as dismissed plaintiffs' appeal from the June 2023 Supreme Court order, dismissed upon the ground that it does not finally determine the action within the meaning of the Constitution; motion for leave to appeal otherwise granted.

1                    Mo. No. 2024-781  
The People &c.,  
    Respondent,  
    v.  
Alexander Carno,  
    Appellant.

Motion for leave to appeal denied.

1                   Mo. No. 2024-682  
Century 21 Department Stores, LLC, et al.,  
Appellants,  
v.  
Starr Surplus Lines Insurance Co., et al.,  
Respondents.

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

3                   SSD 12  
In the Matter of Keionzie Clements,  
Appellant,  
et al.,  
Petitioners,  
v.  
New York Secretary of State,  
Respondent.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that the issues presented have become moot.

1                   Mo. No. 2024-624  
In the Matter of Gerald DeCock,  
Appellant,  
v.  
State of New York Division of Housing and  
Community Renewal et al.,  
Respondents.

Motion for leave to appeal denied.

3                   Mo. No. 2024-832  
In the Matter of the Claim of Andrew P.  
DeWolf,  
Appellant,  
v.  
Wayne County et al.,  
Respondents.  
Workers' Compensation Board,  
Respondent.

Motion to vacate this Court's September 23, 2024 dismissal order granted.  
On the Court's own motion, appeal dismissed, without costs, upon the ground that no appeal lies from the unanimous June 2024 order of the Appellate Division absent the direct involvement of a substantial constitutional question (*see* CPLR 5601).

3                    Mo. No. 2024-798  
In the Matter of the Claim of Andrew P.  
DeWolf,  
                  Appellant,  
          v.  
Wayne County et al.,  
          Respondents.  
Workers' Compensation Board,  
          Respondent.

On the Court's own motion, appeal from the November 2024 Appellate Division order dismissed, without costs, upon the ground that such order does not finally determine the proceeding within the meaning of the Constitution.  
Motion, insofar as it seeks leave to appeal from the November 2024 Appellate Division order, dismissed upon the ground that such order does not finally determine the proceeding within the meaning of the Constitution; motion for leave to appeal from the June 2024 Appellate Division order denied.  
Motion for financial relief dismissed as academic.

1                    Mo. No. 2024-720  
Mali Fuks, &c.,  
                  Respondent,  
          v.  
Rakia Assocs., et al.,  
          Appellants,  
et al.,  
          Defendants.

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

                  Mo. No. 2025-118  
The People &c.,  
                  Respondent,  
          v.  
Carlos Galindo,  
          Appellant.

Motion to dismiss appeal denied.

1                    Mo. No. 2024-709  
Charles Hall,  
                  Respondent,  
          v.  
Reggie Middleton, et al.,  
          Appellants.

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

1 Mo. No. 2024-591  
In the Matter of Reuben Hoppenstein, &c.

Joel Hoppenstein,  
Respondent,  
v.  
Cheryl Lynne Hoppenstein,  
et al.,  
Appellants,  
Ava Hoppenstein Shore,  
et al.,  
Respondents.

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

2 Mo. No. 2024-663  
In the Matter of John Lepper,  
Appellant,  
v.  
Village of Babylon, et al.,  
Respondents.  
(App. Div. Nos. 2021-09033 and 2022-05581)

Motion, insofar as it seeks leave to appeal from the Appellate Division order that affirmed Supreme Court's October 2021 judgment denying the portion of the petition for an award of attorneys' fees and litigation costs, denied; motion for leave to appeal otherwise dismissed upon the ground that such order does not finally determine the proceeding within the meaning of the Constitution.

3 Mo. No. 2024-716  
In the Matter of Ethan LL.,  
Appellant,  
v.  
Veronica LL.,  
Respondent.  
(And 14 Other Related Proceedings.)

Motion for leave to appeal dismissed upon the ground that the order sought to be appealed from does not finally determine the proceedings within the meaning of the Constitution.  
Motion for ancillary relief dismissed upon the ground that this Court does not have jurisdiction to entertain it (*see* NY Const, art VI, § 3).

2 Mo. No. 2024-741  
In the Matter of Newsday LLC,  
Respondent,  
v.  
Suffolk County Police Department,  
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.

3                    Mo. No. 2025-95  
In the Matter of the Claim of Lidia M.  
Orrego,  
                  Appellant,  
          v.  
Kevin Knipfing, et al.,  
                  Respondents.  
Workers' Compensation Board,  
                  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.

1                    Mo. No. 2024-785  
In the Matter of Oved & Oved LLP,  
                  Appellant,  
          v.  
Google, LLC,  
                  Respondent.

Motion for leave to appeal denied.

2                    Mo. No. 2024-835  
The People &c.,  
                  Respondent,  
          v.  
Clifford Pahlitzsch,  
                  Appellant.

Motion for leave to appeal denied.

1                    Mo. No. 2024-707  
In the Matter of Police Benevolent  
Association of the City of New York, Inc.,  
et al.,  
                  Appellants,  
Sergeants Benevolent Association of the City  
of New York et al.,  
                  Petitioners,  
          v.  
New York City Civilian Complaint Review  
Board et al.,  
                  Respondents.

Motion for leave to appeal denied.

2 Mo. No. 2024-745  
Farid Popal,  
Appellant,  
v.  
Stephen DiLorenzo,  
Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2024-728  
In the Matter of Miguel Rijos,  
Respondent,  
v.  
New York City Transit Authority,  
Appellant,  
et al.,  
Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2024-638  
Suba Sakthivel,  
Appellant,  
v.  
Industrious Staffing Company, LLC,  
Respondent.

Motion to vacate this Court's May 1, 2024 dismissal order granted.  
On the Court's own motion, appeal dismissed, without costs, upon the ground that no appeal lies as of right from the unanimous order of the Appellate Division absent the direct involvement of a substantial constitutional question (*see* CPLR 5601).  
Motion for leave to appeal denied.

3 Mo. No. 2024-753  
Maureen Sasscer,  
Appellant,  
v.  
Jonathan Marshall Vesey et al.,  
Respondents.

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

1 Mo. No. 2024-700  
Herbert Schlager et al.,  
Appellants,  
v.  
Hospital for Special Surgery,  
Respondent.

Motion for leave to appeal denied.

4 Mo. No. 2024-711

Terri Viglietta, &c.,  
Respondent,

v.

Asbestos Corporation Limited, et al.,  
Defendants,

Hedman Resources Limited,  
Appellant.

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

3 Mo. No. 2025-211

The People &c.,  
Respondent,

v.

Angela VV.,  
Appellant.

Motion by Lisa Goodman et al. for leave to appear amici curiae on the appeal herein granted to the extent that the proposed brief is accepted as filed. Two copies of the brief must be served, an original and nine copies filed, and the brief submitted in digital format within seven days.

3 Mo. No. 2025-231

The People &c.,  
Respondent,

v.

Angela VV.,  
Appellant.

Motion by Roxanne J. Persaud, et al. for leave to file a brief amici curiae on the appeal herein denied.

1 Mo. No. 2024-738

Bei Yang,  
Appellant,

v.

The Pagan Law Firm, P.C., et al.,  
Respondents.

Motion for leave to appeal denied.