

State of New York
Court of Appeals

Decisions

December 18, 2025

CASES

1 No. 104
Cortlandt Street Recovery Corp.,
 Plaintiff,
Wilmington Trust Company, &c.,
 Appellant,
 v.
David Bonderman et al.,
 Defendants,
TPG Capital-New York, Inc., et al.,
 Respondents,
et al.,
 Defendants.

Order insofar as appealed from affirmed, with costs,
in a memorandum.
Chief Judge Wilson and Judges Rivera, Garcia,
Singas, Cannataro, Troutman and Halligan concur,
Chief Judge Wilson in a concurring opinion, in which
Judges Rivera and Halligan concur.

1 No. 103
Dominick Dibrino, et al.,
 Respondents,
 v.
Rockefeller Center North, Inc., et al.,
 Appellants,
Turner Construction Company,
 Defendant,
DAL Electrical Corporation,
 Respondent.

Order insofar as appealed from affirmed, with costs,
and certified question answered in the affirmative.
Opinion by Chief Judge Wilson.
Judges Garcia, Singas, Cannataro and Halligan
concur.
Judge Rivera dissents in an opinion, in which Judge
Troutman concurs.

3 No. 102
Lazifa S. Gurbanova, &c.,
 Appellant,
 v.
City of Ithaca et al.,
 Respondents,
et al.,
 Defendant.

Order affirmed, with costs, in a memorandum.
Chief Judge Wilson and Judges Rivera, Garcia,
Singas, Cannataro, Troutman and Halligan concur.

2 No. 115
Hudson View Park Company,
 Appellant,
 v.
Town of Fishkill, et al.,
 Respondents.

Appeal taken as of right dismissed, without costs, upon the ground that no substantial constitutional question is directly involved.
On the Court's own motion, leave to appeal granted to plaintiff.
Order affirmed, with costs.
Opinion by Judge Singas.
Judges Garcia, Cannataro and Troutman concur.
Chief Judge Wilson concurs in result in an opinion, in which Judges Rivera and Halligan concur.

1 No. 111
In the Matter of Kermit Mantilla,
 Appellant,
 v.
New York City Department of Housing
Preservation and Development,
 Respondent,
et al.,
 Respondent.

Order affirmed, with costs.
Opinion by Judge Cannataro.
Chief Judge Wilson and Judges Garcia, Singas and Halligan concur.
Judge Rivera dissents in an opinion, in which Judge Troutman concurs.

 No. 131
In the Matter of the Hon. David M. Miller, a
Justice of the Wolcott Village Court, Wayne
County.

On the Court's own motion, it is determined that Honorable David M. Miller is suspended with pay, effective immediately, from the office of Justice of the Wolcott Village Court, Wayne 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.

4 No. 117
The People &c.,
 Respondent,
 v.
Mark A. Smith,
 Appellant.

Order affirmed.
Opinion by Judge Troutman.
Judges Rivera, Garcia and Cannataro concur.
Chief Judge Wilson dissents in an opinion, in which Judges Singas and Halligan concur.

1 No. 116
Johnte Smith,
 Appellant,
 v.
City of New York, et al.,
 Respondents,
et al.,
 Defendants.

Order affirmed, with costs, in a memorandum.
Chief Judge Wilson and Judges Rivera, Garcia,
Singas, Cannataro, Troutman and Halligan concur.

MOTIONS

1 Mo. No. 2025-870
Leisa Aras, et al.,
 Appellants,
Catherine Schwartz, et al.,
 Plaintiffs,
 v.
B-U Realty Corp. et al.,
 Respondents.

Motion by New York Apartment Association et al. for leave to appear amici curiae on the appeal herein granted to the extent that the proposed brief is accepted as filed. The brief must be submitted in digital format within seven days.

1 Mo. No. 2025-871
Leisa Aras, et al.,
 Appellants,
Catherine Schwartz, et al.,
 Plaintiffs,
 v.
B-U Realty Corp. et al.,
 Respondents.

Motion by Housing Rights Initiative, Inc. 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.

1 Mo. No. 2025-470
Ram Avrahami,
 Appellant,
et al.,
 Plaintiff,
 v.
235 West 108th Street Owners Corporation,
 Respondent.

Motion for leave to appeal denied.

3 Mo. No. 2025-653
In the Matter of New York State Office of
Victim Services, &c.,
 Respondent,
 v.
Anthony Blue,
 Appellant.

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.

2 Mo. No. 2025-616
In the Matter of Raymond Delio,
 Appellant,
 v.
County of Suffolk,
 Respondent,
Town of Huntington,
 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. 2025-466
Celeste Fernandez, et al.,
 Appellants,
 v.
Nationstar Mortgage LLC, &c.,
 Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2025-450
The People &c.,
 Respondent,
 v.
Torrey Gibbs,
 Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2025-502
The People &c.,
 Respondent,
 v.
Aundray Harris,
 Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2025-514
In the Matter of Atik Hossain,
 Appellant,
 v.
City of New York, et al.,
 Respondents.

Motion for leave to appeal denied.

4 Mo. No. 2025-643
Elise V. Hunt et al.,
Respondents,
v.
County of Ontario,
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.

2 Mo. No. 2025-498
The People &c.,
Respondent,
v.
Ethan Jimenez-Colon,
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2025-622
JPMorgan Chase Bank, National Association,
Respondent,
v.
Marie Sander, et al.,
Defendants;
Patrick Sander,
Nonparty-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.

4 Mo. No. 2025-697
In the Matter of Travis M. Killian,
Appellant,
v.
Claudette Stern,
Respondent.

Motion for leave to appeal dismissed upon the ground that the orders sought to be appealed from do not finally determine the proceeding within the meaning of the Constitution.

2 Mo. No. 2025-433
Mary Langton,
Appellant,
v.
Sussman & Watkins, et al.,
Respondents.

On the Court's own motion, appeal, insofar as taken against defendants Sussman & Watkins and Michael H. Sussman, dismissed, without costs, upon the ground that as to those defendants the order appealed from does not finally determine the action within the meaning of the Constitution; appeal otherwise 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, insofar as it seeks leave to appeal as against defendants Sussman & Watkins and Michael H. Sussman, dismissed upon the ground that as to those defendants the order sought to be appealed from does not finally determine the action within the meaning of the Constitution; motion for leave to appeal otherwise denied.

2 Mo. No. 2025-525
The People &c.,
Respondent,
v.
Victor Marryshow,
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2025-557
The People &c.,
Respondent,
v.
Chad Musarra,
Appellant.

Motion for leave to appeal denied.
Motion for financial relief dismissed as academic.

1 Mo. No. 2025-586
Museum Building Holdings, LLC,
Respondent,
v.
Joel Schreiber,
Appellant.

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

3 Mo. No. 2025-500
Stoker Olukotun-Williams,
Appellant,
v.
Correction Officer Garvilla, et al.,
Respondents.

Motion for reargument of motion for leave to appeal
&c. denied.
Motion for ancillary relief dismissed upon the
ground that the Court does not have jurisdiction to
entertain it (*see* NY Const, art VI, § 3).

2 Mo. No. 2025-483
The People &c.,
Respondent,
v.
Jose A. Polanco-Lopez,
Appellant.

Motion for leave to appeal denied.
Motion for financial relief dismissed as academic.

2 Mo. No. 2025-642
Patrick Rosato, &c.,
Respondent,
v.
Jeanne Rosato Avalos, &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.
Motion for ancillary relief dismissed upon the
ground that this Court does not have jurisdiction to
entertain it (*see* NY Const, art VI, § 3).

1 Mo. No. 2025-703
Jia Wang et al.,
Appellants,
v.
Anthony T.J. Marano, et al.,
Respondents,
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.

1 Mo. No. 2025-672
West 18th Street Venture, LLC,
Respondent,
v.
Marcie Allen,
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. 2025-563
Wilmington Savings Fund Society, FSB, &c.,
Appellant,
v.
AmTrust Title Insurance Company,
Respondent.

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