

State of New York
Court of Appeals

Decisions

February 13, 2025

CASES

1 No. 4
Albert Behler,
 Appellant,
 v.
Kai-Shing Tao,
 Respondent.

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

2 No. 5
The People &c.,
 Respondent,
 v.
Charles Howard,
 Appellant.

Order affirmed, in a memorandum.
Chief Judge Wilson and Judges Rivera, Troutman
and Halligan concur.
Judge Garcia concurs in result in an opinion, in
which Judges Singas and Cannataro concur.

3 No. 6
In the Matter of Oceanview Home for Adults,
Inc., &c.,
 Appellant,
 v.
Howard Zucker, &c.,
 Respondent,
et al.,
 Respondent.

Order affirmed, with costs.
Opinion by Judge Halligan.
Chief Judge Wilson and Judges Rivera, Cannataro
and Troutman concur.
Judges Garcia and Singas concur in result and agree
with the conclusion in section II that plaintiffs have
not met their burden to show that, on their face, the
regulations violate the Fair Housing Act.

MOTIONS

1 SSD 4
Saheed O. Adebajo,
 Respondent,
 v.
Charles L. Johnson,
 Appellant.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that no substantial constitutional question is directly involved.

1 Mo. No. 2025-60
The People &c.,
 Respondent,
 v.
Darling Alba,
 Appellant.

Motion for assignment of counsel granted and Jenay Nurse Guilford, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, NY 10005 assigned as counsel to the appellant on the appeal herein.

4 Mo. No. 2025-99
The People &c.,
 Respondent,
 v.
Kelly L. Anderson,
 Appellant.

Motion for assignment of counsel granted and Melissa K. Swartz, Esq., c/o Cambareri & Brennek, 300 South State Street, 1st Floor, Syracuse, NY 13202 assigned as counsel to the appellant on the appeal herein.

 Mo. No. 2024-762
Eli Angelino,
 Appellant,
 v.
N.Y.C. Department of Health and Mental
Hygiene,
 Respondent.

On the Court's own motion, appeal transferred, without costs, to the Appellate Division, First Department, upon the ground that a direct appeal does not lie when questions other than the constitutional validity of a statutory provision are involved (*see* NY Const, art VI, §§ 3 [b] [2], 5 [b]; CPLR 5601 [b] [2]).

Motion for leave to appeal dismissed upon the ground that this Court does not have jurisdiction to entertain it (*see* NY Const, art VI, § 3; CPLR 5602).
Motion for financial relief dismissed as academic.
Motion for a stay dismissed as academic.

4 Mo. No. 2024-541
In the Matter of the Estate of Kathryn W.
Buck, &c.

Richard M. Buck, III,
 Respondent;
Michael G. Buck, &c.,
 Appellant;
Steven G. Buck et al.,
 Respondents.
(And 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.

4 Mo. No. 2024-560
Sreekrishna Cheruvu,
 Appellant,
 v.
HealthNow New York, Inc., &c., et al.,
 Respondents.

Motion for leave to appeal denied.

1 Mo. No. 2024-518
In the Matter of Desis Rising Up and Moving,
et al.,
 Appellants,
 v.
New York City Districting Commission, et
al.,
 Respondents.

Motion for leave to appeal denied.

2 Mo. No. 2024-828
In the Matter of Angelica M.E.,
 Appellant,
 v.
Delmy S. A.-H.,
 Respondent.

Motion for financial relief granted.

2 Mo. No. 2025-43
In the Matter of Angelica M.E.,
 Appellant,
 v.
Delmy S. A.-H.,
 Respondent.

Motion for financial relief granted.

 Mo. No. 2025-82
The People &c.,
 Respondent,
 v.
David Ehinmiakhena,
 Appellant.

Motion for assignment of counsel granted and Twyla Carter, Esq., The Legal Aid Society, 199 Water Street, New York, NY 10038 assigned as counsel to the appellant on the appeal herein.

4 Mo. No. 2024-484
In the Matter of John J. Flynn, &c.,
 Respondent,
 v.
Sheila A. DiTullio, &c.,
 Respondent,
Patrick Prim,
 Appellant.

Motion for leave to appeal denied.

4 SSD 5
Fresh Air for the Eastside, Inc.,
 Appellant,
 v.
State of New York et al.,
 Respondents,
City of New York,
 Respondent,
Waste Management of New York, L.L.C.,
 Respondent.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that no substantial constitutional question is directly involved.

1 Mo. No. 2025-49
Glen Oaks Village Owners, Inc., et al.,
 Respondents,
 v.
City of New York, et al.,
 Appellants.

Motion by Richard Ellenbogen, et al. for leave to file a brief amici curiae on the appeal herein granted and 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. 2025-66
Glen Oaks Village Owners, Inc., et al.,
 Respondents,
 v.
City of New York, et al.,
 Appellants.

Motion by Steven Englebright, et al. for leave to file a brief amici curiae on the appeal herein granted and the proposed brief is accepted as filed. The brief must be submitted in digital format within seven days.

2 Mo. No. 2025-50
In the Matter of Joshua J.

Westchester County Department of Social
Services,
 Respondent;
Tameka J.,
 Appellant.
(And a Related Proceeding.)

Motion by Lawyers for Children et al. for leave to file a brief amici curiae on the appeal herein granted and the proposed brief is accepted as filed. The brief must be submitted in digital format within seven days.

2 Mo. No. 2025-51
In the Matter of Joshua J.

Westchester County Department of Social
Services,
 Respondent;
Tameka J.,
 Appellant.
(And a Related Proceeding.)

Motion by The Children's Law Center for leave to appear amicus 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.

2 Mo. No. 2025-69
In the Matter of Joshua J.

Westchester County Department of Social
Services,
 Respondent;
Tameka J.,
 Appellant.
(And a Related Proceeding.)

Motion by Brooklyn Defender Services, 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 SSD 2
Kimberly A. Kopko,
 Respondent,
 v.
Edward E. Kopko,
 Appellant.

Appeal from the November 2024 Appellate Division
order denying reargument or leave to appeal
dismissed without costs, by the Court sua sponte,
upon the ground that the order appealed from does
not finally determine the action within the meaning
of the Constitution; appeal, insofar as also treated as
taken from the July 2024 Appellate Division order,
dismissed without costs, by the Court sua sponte,
upon the ground that no substantial constitutional
question is directly involved.

1 Mo. No. 2024-308
In the Matter of N.L.-G. et al., &c.

V.G.,
 Appellant;
Mercy First,
 Respondent.

Motion for leave to appeal dismissed for failure to
demonstrate timeliness as required by Rules of the
Court of Appeals (*see* Rules of Ct of Appeals [22
NYCRR] § 500.22 [b] [2]).

1 Mo. No. 2024-699
In the Matter of Sheila M.,

 Appellant,
 v.
Jodeci S.,
 Respondent.

Motion for leave to appeal denied.

4 Mo. No. 2024-715
In the Matter of Tyshawn P., Jr.

Monroe County Department of Human
Services,
Respondent;
Tyshawn P., Sr.,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2024-567
In the Matter of Laura Ann Sachs, et al.,
Petitioners,
Allan Preston Sachs-Ambia,
Respondent;
H.M., &c.,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2025-39
Veronica SanMiguel, &c. et al.,
Respondents,
v.
Meryl Y. Grimaldi, &c. et al.,
Appellants,
et al.,
Defendant.

Motion by New York State Trial Lawyers'
Association for leave to file a brief amicus curiae on
the appeal herein granted and 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.

4 Mo. No. 2025-55
The People &c.,
Respondent,
v.
Mark A. Smith,
Appellant.

Motion for assignment of counsel granted and Sarah
J. Holt, Esq., Monroe County Conflict Defender, 16
East Main Street, Suite 600, Rochester, NY 14614
assigned as counsel to the appellant on the appeal
herein.

1 Mo. No. 2024-452
The People &c.,
 Respondent,
 v.
D.T.,
 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, insofar as it seeks leave to appeal from the 2018 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 otherwise denied. Motion for financial relief dismissed as academic.

3 Mo. No. 2024-645
In the Matter of Quannie T., &c.

Schenectady County Department of Social
Services,
 Respondent;
Miayjah R.,
 Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2025-62
The People &c.,
 Respondent,
 v.
Christopher I. Williams,
 Appellant.

Motion for an extension of the time within which to apply for permission to appeal pursuant to CPL 460.20 granted and motion papers treated as a timely CPL 460.20 application.