

State of New York
Court of Appeals

Decisions

February 18, 2025

CASES

3 No. 1

Andrew M. Cuomo,
Respondent,

v.

New York State Commission on Ethics and
Lobbying in Government,
Appellant.

Order reversed, with costs, judgment declared in accordance with the opinion herein and certified question answered in the affirmative.

Opinion by Judge Rivera.

Chief Judge Wilson and Judges Troutman and Halligan concur.

Judge Garcia dissents and votes to affirm in an opinion, in which Judges Singas and Scarpulla concur.

Judge Cannataro took no part.

1 No. 9

The People &c.,
Respondent,

v.

Mitchell Hernandez,
Appellant.

Order insofar as appealed from affirmed.

Opinion by Judge Garcia.

Judges Singas, Cannataro, Troutman and Genovesi concur.

Judge Rivera dissents in an opinion, in which Chief Judge Wilson concurs.

Judge Halligan took no part.

4 No. 7

Jackie Weisbrod-Moore,
Appellant,

v.

Cayuga County,
Respondent,

et al.,

Defendants.

Order reversed, with costs, and motion by defendant Cayuga County to dismiss the complaint denied.

Opinion by Judge Troutman.

Chief Judge Wilson and Judges Rivera, Cannataro and Halligan concur.

Judge Singas dissents in an opinion, in which Judge Garcia concurs.

1 No. 10
The People &c.,
 Respondent,
 v.
Raymond Williams,
 Appellant.

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

MOTIONS

1 Mo. No. 2024-674
In the Matter of 101 East 16th Street Realty
LLC, et al.,
Appellants,
v.
New York State Division of Housing and
Community Renewal,
Respondent.

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

1 Mo. No. 2024-534
111 West 57th Investment LLC, et al.,
Appellants,
v.
111 W57 Mezz Investment LLC, et al.,
Defendants,
ACREFI Mortgage Lending, LLC, et al.,
Respondents,
et al.,
Defendants.

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

3 Mo. No. 2024-601
Jennifer Aesch,
Appellant,
v.
David Lambariski et al.,
Respondents.

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

3 Mo. No. 2024-658
Richard A. Ball, &c.,
Respondent,
v.
Moon Convenience & Deli Inc., &c.,
Defendant.
Sarwat Parvaz,
Appellant.

Motion, insofar as Sarwat Parvaz seeks leave to
appeal purportedly on behalf of Moon Convenience
& Deli Inc., dismissed upon the ground that Moon
Convenience & Deli Inc. must appear by an attorney
(*see* CPLR 321 [a]); motion for leave to appeal
otherwise 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. 2024-641
In the Matter of Sunny Barkats, &c.

Grievance Committee for the Second,
Eleventh, and Thirteenth Judicial Districts,
Respondent;
Sunny Barkats,
Appellant.

Motion for leave to appeal dismissed upon the
ground that no appeal lies from an order entered
upon default (*see* CPLR 5511).

3 Mo. No. 2024-595
In the Matter of Michael Bellarosa,
Appellant,

v.
New York State Teachers' Retirement
System,
Respondent.

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

2 Mo. No. 2024-630
Bronxville Scout Committee,
Appellant,

v.
County of Westchester,
Respondent.

Motion for leave to appeal denied.

4 Mo. No. 2024-572
In the Matter of Darryl Carr et al.,
Appellants,

v.
City of Buffalo,
Respondent.

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

3 Mo. No. 2024-642
In the Matter of Hung-Haw Chern,
Appellant,

v.
Thomas P. DiNapoli, &c.,
Respondent.

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

4 Mo. No. 2024-631
Roderick E. Coe,
Appellant,
v.
Village of Waterloo et al.,
Respondents.

Motion for leave to appeal denied.

1 Mo. No. 2024-676
Sylvia E. DiPietro,
Respondent,
v.
Joel Vatsky,
Appellant.

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

1 Mo. No. 2024-636
Dragons 516 Limited,
Appellant,
v.
Knights Genesis Investment Limited, et al.,
Defendants,
Shanghai Municipal Investment (Group)
Corporation, &c. et al.,
Respondents.

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

4 Mo. No. 2024-513
Rebecca M. Flanders,
Appellant,
v.
Stephen F. Goodfellow et al.,
Respondents.

Order on motion for amicus curiae relief dated September 12, 2024 vacated, sua sponte, and motion by New York State Academy of Trial Lawyers for leave to file a brief amicus curiae on the appeal herein denied (*see* Rules of Ct of Appeals [22 NYCRR] § 500.23 ["Amicus curiae relief will be denied where acceptance of the amicus curiae submission may cause the recusal or disqualification of one or more Judges of the Court"]).
Judge Troutman took no part.

1 Mo. No. 2024-679
In the Matter of Isabelle Irani,
 Appellant,
 v.
City of New York et al.,
 Respondents.

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

4 Mo. No. 2024-609
Gary J. Lavine,
 Appellant,
 v.
State of New York, et al.,
 Respondents.

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

4 Mo. No. 2024-622
Gary J. Lavine,
 Respondent,
 v.
State of New York, et al.,
 Respondents,
Robert Ort, &c. et al.,
 Appellants.

Motion for leave to appeal dismissed upon the ground that appellants are not parties aggrieved (*see* CPLR 5511).
Judge Cannataro took no part.

1 Mo. No. 2024-563
Lea Lee, &c.,
 Appellant,
 v.
Elisabeth Royer Grimblat, et al.,
 Respondents.

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

3 Mo. No. 2024-580
In the Matter of the Claim of Gayle Leonard,
 Claimant,
 v.
David's Bridal, Inc., et al.,
 Appellants.
Workers' Compensation Board,
 Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2024-667
Patricia Madigan,
Appellant,
v.
Putnam County,
Respondent.

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

1 Mo. No. 2024-605
MUFG Union Bank, N.A., &c.,
Respondent-Appellant,
v.
Axos Bank, &c., et al.,
Appellants-Respondents.

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

4 Mo. No. 2024-648
In the Matter of Dakota Smith,
Appellant,
v.
Anthony Annucci, &c.,
Respondent.

Motion for leave to appeal dismissed as untimely
(*see* CPLR 5513 [b]).

2 Mo. No. 2024-611
The People &c.,
Respondent,
v.
Angelo Trovato,
Appellant.

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

4 Mo. No. 2024-608
In the Matter of Nushawn W.,
Appellant,
v.
State of New York,
Respondent.

Motion for leave to appeal dismissed upon the ground that no motion for leave to appeal lies from an Appellate Division order dismissing an appeal from a decision (*see* CPLR 5602).

3 Mo. No. 2024-606
Stanton E. Weaver Jr.,
 Appellant,
 v.
Mary E. Weaver,
 Respondent.

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.

3 Mo. No. 2024-758
Stanton E. Weaver Jr.,
 Appellant,
 v.
Mary E. Weaver,
 Respondent.

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.

3 Mo. No. 2024-598
In the Matter of the Claim of Edward Wolff,
 Respondent.
Industrial Medicine Associates, P.C.,
 Appellant,
Commissioner of Labor,
 Respondent.

Motion for leave to appeal denied.