

State of New York
Court of Appeals

Decisions

January 14, 2025

CASES

1 No. 124
Richard Hobish, &c. et al.,
 Appellants,
 v.
AXA Equitable Life Insurance Company,
 Respondent.

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

4 No. 41 SSM 3
The People &c.,
 Respondent,
 v.
Donkavius D. Howard,
 Appellant.

On review of submissions pursuant to section 500.11
of the Rules, order affirmed, in a memorandum.
Judges Garcia, Singas, Cannataro, Troutman and
Halligan concur.
Judge Rivera dissents and votes to reverse and order
a new trial in an opinion, in which Chief Judge
Wilson concurs.

MOTIONS

3 Mo. No. 2024-635
In the Matter of Anthony H. Baptiste,
Appellant,
v.
Douglas E. Lentivech, &c.,
Respondent.

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

1 Mo. No. 2024-755
The People &c.,
Respondent,
v.
Anthony Blue,
Appellant.

Motion for reargument &c. denied.

4 Mo. No. 2024-586
In the Matter of Town of Cambria,
Appellant,
v.
New York Office of Renewable Energy
Siting, et al.,
Respondents.

Motion for leave to appeal denied.

2 Mo. No. 2024-584
The People &c.,
Respondent,
v.
Jerome Carrington,
Appellant.

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

1 Mo. No. 2024-671
In the Matter of Robert Castillo,
Appellant,
v.
Dermot Shea, &c., et al.,
Respondents.

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

1 Mo. No. 2024-294
Cortlandt Street Recovery Corp.,
Respondent,
Wilmington Trust Company, &c.,
Appellant,
v.
David Bonderman et al.,
Defendants,
TPG Capital-New York, Inc., et al.,
Respondents,
et al.,
Defendants.

Motion for leave to appeal granted.

1 Mo. No. 2024-592
Caf Dowlah,
Appellant,
v.
Professional Staff Congress (PSC-CUNY), et
al.,
Respondents.

Motion for leave to appeal denied with one hundred
dollars costs and necessary reproduction
disbursements.
Judge Rivera took no part.

1 Mo. No. 2024-706
Georgette Fleischer,
Appellant,
v.
John J. Zhang, &c., et al.,
Respondents.

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. 2024-579
Feifei Gu,
Appellant,
et al.,
Plaintiff,
v.
Yao Wen Lei, et al.,
Respondents.

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

4 Mo. No. 2024-562
Michael Hayes,
Respondent,
v.
Alec Rich et al.,
Appellants.

Motion for leave to appeal denied.

4 Mo. No. 2024-620
In the Matter of Daniel Jones,
Appellant,
v.
County of Erie, et al.,
Respondents.

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.
Motion for financial relief dismissed as academic.

1 Mo. No. 2024-552
Kal Tire,
Respondent,
v.
Alessandro Vitale,
Defendant,
Matteo Deninno,
Appellant.

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

1 Mo. No. 2024-557
In the Matter of Edgar V.L., &c.

Alison L.,
Respondent,
v.
Katherine Huang,
Respondent,
Rachida Naciri,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2024-634
Lehman Brothers International (Europe) (in
Administration),
Appellant,
v.
AG Financial Products, Inc.,
Respondent.

Motion for leave to appeal denied with one hundred
dollars costs and necessary reproduction
disbursements.
Judge Garcia took no part.

1 Mo. No. 2024-655
Lehman Brothers International (Europe) (in
Administration),
Appellant,
v.
AG Financial Products, Inc.,
Respondent.

Motion by Deutsche Bank AG for leave to appear
amicus curiae on the motion for leave to appeal
herein granted and the brief is accepted as filed.
Judge Garcia took no part.

1 Mo. No. 2024-656
Lehman Brothers International (Europe) (in
Administration),
Appellant,
v.
AG Financial Products, Inc.,
Respondent.

Motion by Clayton P. Gillette for leave to appear
amicus curiae on the motion for leave to appeal
herein granted and the brief is accepted as filed.
Judge Garcia took no part.

1 Mo. No. 2024-673
The People &c.,
Respondent,
v.
Richard Leslie,
Appellant.

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

1 Mo. No. 2024-689
Jeff Lucas,
Appellant,
v.
Verizon Communications, Inc. et al.,
Respondents.

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

3 Mo. No. 2024-633
In the Matter of Metro Enterprises Corp.,
Appellant,
v.
New York State Tax Appeals Tribunal et al.,
Respondents.

Motion for leave to appeal denied.

1 Mo. No. 2024-442
Needham & Company, LLC,
Respondent,
v.
UpHealth Holdings, Inc., et al.,
Appellants.

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

2 Mo. No. 2024-578
Victor Nieves-Schein,
et al.,
Appellants,
v.
Permitech, Inc., et al.,
Respondents,
et al.,
Defendant.

Motion for leave to appeal denied.

1 Mo. No. 2024-757
In the Matter of Christine O'Reilly,
Appellant,
v.
Board of Education of the City School
District of the City of New York, et al.,
Respondents.
(And Three Other Proceedings.)

Motion for reargument denied with one hundred dollars costs and necessary reproduction disbursements.

Judge Rivera took no part.

In the Matter of Athena Clarke,
Appellant,
v.
Board of Education of the City School
District of the City of New York, et al.,
Respondents.
(And Three Other Proceedings.)

3 Mo. No. 2024-685
In the Matter of Stoker Olukotun-Williams,
Appellant,
v.
Gerald Gardner, &c. et al.,
Respondents.

Motion for reargument of motion for leave to appeal denied.

1 Mo. No. 2024-558
Michele Rothman,
Appellant,
v.
Sandra Radna, P.C. et al.,
Respondents.

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

2 Mo. No. 2024-544
In the Matter of James C. Russell,
Respondent,
v.
Town of Mount Pleasant, New York,
Appellant.

Motion for leave to appeal granted.

1 Mo. No. 2024-695
U.S. Bank National Association, &c.,
Appellant,
v.
Cassandra Fox,
Respondent,
et al.,
Defendants.

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

2 Mo. No. 2024-694
Wells Fargo Bank, N.A.,
Respondent,
v.
James C. Dubarry,
Appellant,
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.

4 Mo. No. 2024-328
William Metrose Ltd. Builder/Developer,
Appellant,
v.
Waste Management of New York, LLC,
Respondent.

Motion for leave to appeal granted.

1 Mo. No. 2024-701
Jianhai Xu,
Appellant,
v.
Castleton Commodities International LLC,
Respondent.

Motion for reargument of motion for leave to appeal
denied.