

State of New York
Court of Appeals

Decisions

March 18, 2025

CASES

2 No. 25

In the Matter of P.C.,

Respondent,

v.

Stony Brook University, et al.,

Appellants.

Order reversed, with costs, and petition dismissed.

Opinion by Judge Cannataro.

Chief Judge Wilson and Judges Rivera, Garcia,

Singas, Troutman and Halligan concur.

1 No. 23

Gibson, Dunn & Crutcher LLP,

Appellant,

v.

Efthalia Koukis, &c.,

Respondent,

et al.,

Defendants.

Order insofar as appealed from reversed, with costs,
and case remitted to Supreme Court, New York
County, for further proceedings in accordance with
the opinion herein.

Opinion by Chief Judge Wilson.

Judges Rivera, Garcia, Singas, Cannataro, Troutman
and Fisher concur.

Judge Halligan took no part.

2 No. 19

The People &c.,

Respondent,

v.

Juan Padilla-Zuniga,

Appellant.

Order reversed and case remitted to Supreme Court,
Nassau County, for further proceedings in accordance
with the memorandum herein.

Chief Judge Wilson and Judges Rivera, Garcia,

Cannataro, Troutman, Halligan and Webber concur.

Judge Singas took no part.

4 No. 18

The People &c.,

Respondent,

v.

Marquese Scott,

Appellant.

Order reversed and case remitted to Supreme Court,
Erie County, for further proceedings in accordance
with the opinion herein.

Opinion by Judge Rivera.

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

Judge Singas dissents and votes to affirm in an
opinion, in which Judge Garcia concurs.

3 No. 20
Chi Bartram Wright,
Respondent,
v.
State of New York,
Appellant.

Order reversed, with costs, defendant's motion to
dismiss the claim granted and certified question
answered in the affirmative.
Opinion by Judge Halligan.
Chief Judge Wilson and Judges Rivera, Garcia,
Singas, Cannataro and Troutman concur.

MOTIONS

1 Mo. No. 2024-727
In the Matter of Albert Aflalo, &c.

Arik Aflalo,
 Respondent,
 v.
Simona Aflalo Baitner, &c.,
 Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2025-21
In the Matter of James Bordonaro et al.,
 Appellants,
 v.
Vincent J. Martorana, &c. et al.,
 Respondents.

Motion for leave to appeal dismissed upon the
ground that no appeal lies to this Court from the
decision of an individual Justice of the Appellate
Division.
Motion for a stay dismissed as academic.
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. 2025-22
Wilmington Savings Fund Society, &c.,
 Respondent,
 v.
James J. Bordonaro,
 Appellant.

Motion for leave to appeal dismissed upon the
ground that it does not lie (*see* CPLR 5602).
Motion for a stay dismissed as academic.

1 Mo. No. 2024-721
The People &c.,
 Respondent,
 v.
Darryl Brown,
 Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2024-644
Keith Caras,
 Plaintiff,
 v.
George Comfort & Sons, Inc., et al.,
 Defendants.

George Comfort & Sons, Inc., et al.,
 Third-Party Appellants,
 v.
Forest Electric Corp.,
 Third-Party Respondent.

3 Mo. No. 2024-723
Cedar Development East, LLC,
 Appellant,
 v.
Board of Education of the Oteora Central
School District,
 Respondent.

Motion for leave to appeal denied.

Motion, insofar as it seeks leave to appeal from that portion of the Appellate Division order that granted defendant's motion to strike portions of plaintiff's reply brief, dismissed upon the ground that such portion of the order does not finally determine the action within the meaning of the Constitution; motion for leave to appeal otherwise denied.

Mo. No. 2025-25
In the Matter of Center for Judicial
Accountability, Inc. et al.,
Appellants,
v.
New York State Joint Commission on Public
Ethics, et al.,
Respondents.
(Index No. 904235-22)
(APL-2024-150)

In the Matter of Center for Judicial
Accountability, Inc. et al.,
Appellants,
v.
New York State Commission on Legislative,
Judicial, and Executive Compensation, et al.,
Respondents.
(Index No. 902654-24)
(APL-2024-149 and APL-2024-175)

On the Court's own motion, appeals, insofar as taken on behalf of Center for Judicial Accountability, Inc. by Elena Ruth Sassower, dismissed, without costs, upon the ground that Elena Ruth Sassower is not Center for Judicial Accountability, Inc.'s authorized legal representative (*see* CPLR 321 [a]); appeal in the first captioned matter insofar as taken by Elena Ruth Sassower on her own behalf, from the October 2024 Appellate Division order, dismissed, without costs, upon the ground that the order appealed from does not finally determine the proceeding/action within the meaning of the Constitution and appeal insofar as also treated as taken from the June 2024 Appellate Division order dismissed, without costs, upon the grounds that (1) as to the portion of the order that affirmed the dismissal of the petition and the denial of sanctions, no substantial constitutional question is directly involved and (2) the order does not otherwise finally determine the proceeding/action within the meaning of the Constitution; appeals in the second captioned matter insofar as taken by Elena Ruth Sassower on her own behalf, from the August 2024 Supreme Court orders and November 2024 Supreme Court order, transferred, without costs, to the Appellate Division, Third Department, upon the ground that direct appeals do not lie when questions other than the constitutional validity of a statute are involved (*see* NY Const, art VI, §§ 3 [b] [2], 5 [b]; CPLR 5601 [b] [2]).

Motion, on behalf of Center for Judicial Accountability, Inc. by Elena Ruth Sassower, for sanctions &c. dismissed upon the ground that Elena Ruth Sassower is not Center for Judicial Accountability, Inc.'s authorized legal representative (*see* CPLR 321 [a]); motion, by Elena Ruth Sassower on her own behalf, for sanctions &c. denied. Chief Judge Wilson took no part.

2 Mo. No. 2024-612
Maria Errazuri,
 Plaintiff,
 v.
E Food Supermarket Inc.,
 Respondent,
Cude Wu,
 Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2024-652
In the Matter of the Claim of Craig
Herskowitz,
 Appellant.
Commissioner of Labor,
 Respondent.

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

2 Mo. No. 2024-672
Nifa Hodzic,
 Appellant,
 v.
M. Cary, Inc. et al.,
 Respondents,
et al.,
 Defendant.

Motion for leave to appeal denied.

3 Mo. No. 2024-698
In the Matter of Brandon J.,
 Respondent,
 v.
Leola K.,
 Respondent.
Aaron L.,
 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.
Motion for financial relief dismissed as academic.

3 Mo. No. 2024-782
In the Matter of Brandon J.,
Respondent,
v.
Leola K.,
Appellant.
Aaron L.,
Respondent.

Motion for leave to appeal dismissed upon the ground that appellant, having taken no appeal to the Appellate Division, may not appeal to this Court from the Appellate Division order of affirmance.

4 Mo. No. 2024-722
Gary J. Lavine,
Appellant,
v.
Rita M. Glavin,
Respondent.

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

1 Mo. No. 2024-548
In the Matter of Deborah Martin, et al.,
Appellants,
v.
Melanie La Rocca, &c., et al.,
Respondents.

Motion for leave to appeal denied.

SSD 3
County of Onondaga, et al.,
Respondents,
v.
State of New York, et al.,
Appellants,
et al.,
Defendant.
(And Other Actions.)

Appeals transferred without costs, by the Court sua sponte, to the Appellate Division, Fourth 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]).

3 Mo. No. 2024-621
In the Matter of Sunsea Energy LLC,
Appellant,
v.
New York State Public Service Commission,
Respondent.

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

4 Mo. No. 2024-726
Utica First Insurance Company,
 Respondent,
 v.
Cote Agency Inc. et al.,
 Defendants,
Baldes Protection Agency, Inc., et al.,
 Appellants.

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.

 Mo. No. 2025-26
Vicky Ware Bey,
 Appellant,
 v.
City of New York, et al.,
 Respondents.

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 financial relief dismissed as academic.
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. 2024-568
In the Matter of Margo Woodley,
 Appellant,
 v.
Sheila J. Poole, &c. et al.,
 Respondents.

Motion for leave to appeal granted.
Motion for financial relief granted.