

**State of New York**  
**Court of Appeals**

**Decisions**

November 24, 2025

**CASES**

3                    No. 90  
In the Matter of the Claim of Melissa  
Anderson,  
                  Respondent,  
          v.  
City of Yonkers,  
                  Appellant.  
Workers' Compensation Board,  
                  Respondent.

Order reversed, with costs, and decision of the  
Workers' Compensation Board reinstated.  
Opinion by Judge Troutman.  
Judges Garcia, Singas and Cannataro concur.  
Judge Halligan dissents in part in an opinion, in  
which Chief Judge Wilson and Judge Rivera concur.

3                    No. 92  
In the Matter of the Claim of Frank Aungst,  
                  Respondent,  
          v.  
Family Dollar et al.,  
                  Appellants.  
Workers' Compensation Board,  
                  Respondent.

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

3                    No. 91  
In the Matter of the Claim of Bolot  
Djanuzakov,  
                  Respondent,  
          v.  
Manhattan & Bronx Surface Transit  
Operating Authority,  
                  Appellant.  
Workers' Compensation Board,  
                  Respondent.

Order reversed, with costs, and decision of the  
Workers' Compensation Board reinstated.  
Opinion by Judge Troutman.  
Judges Garcia, Singas and Cannataro concur.  
Judge Halligan dissents in part in an opinion, in  
which Chief Judge Wilson and Judge Rivera concur.

3                    No. 69  
In the Matter of First United Methodist  
Church in Flushing,  
                  Respondent,  
          v.  
Assessor, Town of Callicoon et al.,  
                  Appellants,  
et al.,  
                  Respondents.  
(And Another Proceeding.)

                  No. 83  
Government Employees Insurance Company,  
et al.,  
                  Respondents,  
          v.  
Igor Mayzenberg, et al.,  
                  Appellants,  
et al.,  
                  Defendants.

1                    No. 86  
The People &c.,  
                  Respondent,  
          v.  
Omar Johnson,  
                  Appellant.

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

Following certification of a question by the United  
States Court of Appeals for the Second Circuit and  
acceptance of the question by this Court pursuant to  
section 500.27 of this Court's Rules of Practice, and  
after hearing argument by counsel for the parties and  
consideration of the briefs and record submitted,  
certified question answered in accordance with the  
opinion herein.  
Opinion by Judge Rivera.  
Judges Garcia, Singas, Cannataro, Troutman and  
Halligan concur.  
Chief Judge Wilson dissents in an opinion.

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

3                    No. 89  
In the Matter of the Claim of Sheldon  
Matthews,  
                  Respondent,  
          v.  
New York City Transit Authority,  
          Appellant.  
Workers' Compensation Board,  
          Respondent.

Order reversed, with costs, and decision of the  
Workers' Compensation Board reinstated.  
Opinion by Judge Troutman.  
Judges Garcia, Singas and Cannataro concur.  
Judge Halligan dissents in part in an opinion, in  
which Chief Judge Wilson and Judge Rivera concur.

3                    No. 88  
In the Matter of the Claim of Kimberly  
McLaurin,  
                  Respondent,  
          v.  
New York City Transit Authority,  
          Appellant.  
Workers' Compensation Board,  
          Respondent.

Order reversed, with costs, and decision of the  
Workers' Compensation Board reinstated.  
Opinion by Judge Troutman.  
Judges Garcia, Singas and Cannataro concur.  
Judge Halligan dissents in part in an opinion, in  
which Chief Judge Wilson and Judge Rivera concur.

## MOTIONS

1                    Mo. No. 2025-304  
AL Infinity LLC,  
    Respondent,  
    v.  
Innovative Concepts and Design, LLC,  
    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. 2025-125  
In the Matter of E.B., &c.,  
    Appellant,  
    v.  
New York State Office for People with  
Developmental Disabilities, et al.,  
    Respondents.

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

2                    Mo. No. 2025-452  
In the Matter of Peyton Beehler,  
    Appellant,  
    v.  
Anthony S. Senft, Jr., &c.,  
et al.,  
    Respondents.

Motion for leave to appeal denied.  
Motion for a stay dismissed as academic.

1                    Mo. No. 2025-325  
Nachum Borek,  
    Appellant,  
    v.  
Stuart Seidman,  
    Respondent,  
et al.,  
    Defendants.

Motion for leave to appeal denied.

2                    Mo. No. 2025-330  
In the Matter of Dave Richard Britton,  
                          Appellant,  
                          v.  
Milio Cousins Inc.,  
                          Respondent.

Motion for leave to appeal denied.

1                    Mo. No. 2025-86  
Cantor Fitzgerald & Co.,  
                          Appellant,  
                          v.  
ObvioHealth Pte Ltd. et al.,  
                          Respondents.

Motion for leave to appeal denied.

4                    Mo. No. 2025-336  
The People &c.,  
                          Respondent,  
                          v.  
Kirk Cottom,  
                          Appellant.

Motion for leave to appeal denied.

4                    Mo. No. 2025-400  
Fresh Air for the Eastside, Inc.,  
                          Appellant,  
                          v.  
State of New York, et al.,  
                          Respondents.

Motion for leave to appeal denied.

1                    Mo. No. 2025-204  
Walter Gilchrist,  
                          Respondent,  
                          v.  
Your First Home, LLC,  
                          Defendant,  
Mitchell Cohen,  
                          Appellant.

Motion, insofar as it seeks leave to appeal from that portion of the Appellate Division order that affirmed the June 2019 Supreme Court order, 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.

1 Mo. No. 2025-253  
The People &c.,  
Respondent,  
v.  
Nicholas Martell,  
Appellant.

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

3 Mo. No. 2025-386  
In the Matter of the Claim of Miosotis Peralta,  
Claimant,  
v.  
Supreme Court, 1st Judicial Dept. et al.,  
Appellants.  
Workers' Compensation Board,  
Respondent.

Motion for leave to appeal denied.

3 Mo. No. 2025-182  
In the Matter of John Willis Richard,  
Appellant,  
v.  
Chan Woo Lee, &c. et al.,  
Respondents.

Motion for leave to appeal dismissed upon the  
ground that the issues presented have become moot.

4 Mo. No. 2025-376  
The People &c.,  
Respondent,  
v.  
Robert R. Richmond,  
Appellant.

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

2 Mo. No. 2025-263  
The People &c.,  
Respondent,  
v.  
Moishe Rosenbaum,  
Appellant.

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

1                    Mo. No. 2025-323  
The People &c.,  
    Respondent,  
    v.  
Melvin Santiago,  
    Appellant.

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

3                    Mo. No. 2025-159  
In the Matter of Vernon Sharp III,  
    Appellant,  
    v.  
Anthony Rodriguez, &c.,  
    Respondent.

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

1                    Mo. No. 2025-346  
South Shore D'Lites, LLC, et al.,  
    Respondents,  
    v.  
First Class Products Group, LLC, 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.

3                    Mo. No. 2025-233  
Ben Gary Treistman,  
    Appellant,  
    v.  
Ulster County Society for Prevention of  
Cruelty to Animals et al.,  
    Respondents.

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

2                    Mo. No. 2025-474  
In the Matter of Edna Catalina Ruiz Trevino,  
    Appellant,  
    v.  
Franklin Lee Pray,  
    Respondent.

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

1                    Mo. No. 2025-354  
The People &c.,  
    Respondent,  
    v.  
Efrain Vazque,  
    Appellant.

Motion for leave to appeal denied.

2                    Mo. No. 2025-364  
The People &c.,  
    Respondent,  
    v.  
Russell Wallace,  
    Appellant.

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

2                    Mo. No. 2025-296  
In the Matter of Ralph T. Warren, Jr.,  
    Appellant,  
    v.  
Kathleen Brandofino,  
    Respondent.

Motion for leave to appeal denied.

1                    Mo. No. 2025-208  
Wesco Insurance Company,  
    Appellant,  
    v.  
Jewelers Mutual Insurance Company,  
    Respondent.

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

3                    Mo. No. 2025-408  
In the Matter of Christopher Z.,  
    Appellant,  
    v.  
Jessica AA.,  
    Respondent.  
(And Four Other Related Proceedings.)

Motion for leave to appeal denied.