

State of New York
Court of Appeals

Decisions

October 21, 2025

CASES

1 No. 72
1995 CAM LLC,
 Respondent,
 v.
West Side Advisors, LLC et al.,
 Appellants.

Judgment insofar as appealed from and so much of the Appellate Division order sought to be reviewed reversed, with costs, and plaintiff's motion for judgment under CPLR 3211 (c) and for summary judgment as against Gary Lieberman for post-vacatur damages denied.
Opinion by Chief Judge Wilson.
Judges Rivera, Cannataro, Troutman and Halligan concur.
Judge Singas dissents and votes to affirm in an opinion, in which Judge Garcia concurs.

2 No. 76
The People &c. ex rel. Hannah Kon, &c.,
 Appellant,
 v.
Lynelle Maginley-Liddie, &c.,
 Respondent.

Judgment reversed, without costs, and matter remitted to the Appellate Division, Second Department, for further proceedings in accordance with the opinion herein.
Opinion by Judge Halligan.
Chief Judge Wilson and Judges Garcia, Singas and Cannataro concur.
Judge Rivera concurs in result in an opinion, in which Judge Troutman concurs.

1 No. 74
In the Matter of New York Civil Liberties
Union,
 Appellant,
 v.
New York State Office of Court
Administration,
 Respondent,
et al.,
 Defendant.

Order reversed, with costs, and matter remitted to Supreme Court, New York County, for further proceedings in accordance with the opinion herein.
Opinion by Judge Halligan.
Judges Garcia, Singas, Cannataro, Troutman and Powers concur.
Judge Rivera dissents in part in an opinion.
Chief Judge Wilson took no part.

1 No. 67
Veronica SanMiguel, &c. et al.,
 Respondents,
 v.
Meryl Y. Grimaldi, &c. et al.,
 Appellants,
et al.,
 Defendant.

Order insofar as appealed from reversed, with costs, plaintiffs' fourth cause of action for lack of informed consent against defendant Meryl Y. Grimaldi dismissed and certified question answered in the negative.

Opinion by Judge Singas.
Judges Garcia, Cannataro and Halligan concur.
Judge Rivera dissents and votes to affirm in an opinion, in which Judge Troutman concurs.
Chief Judge Wilson dissents in a separate dissenting opinion.

1 No. 73
In the Matter of Jimmy Wagner,
 Appellant,
 v.
New York City Department of Education,
 Respondent.

Order reversed, with costs, and matter remitted to the Appellate Division, First Department, with directions to remand to respondent New York City Department of Education for further proceedings in accordance with the opinion herein.

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

1 No. 68
In the Matter of K.Y.Z.

W.Z.,
 Appellant,
et al.,
 Respondent;
Good Shepherd Services,
 Respondent.

Order reversed, without costs, and petition dismissed.
Opinion by Judge Rivera.

Chief Judge Wilson and Judges Troutman and Halligan concur.
Judge Cannataro dissents and votes to affirm in an opinion, in which Judges Garcia and Singas concur.

MOTIONS

1 Mo. No. 2025-232
Saheed O. Adebajo,
Respondent,
v.
Charles L. Johnson,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2025-303
Teresa Agnesini,
Appellant,
v.
Skechers USA Retail, LLC
et al.,
Respondents.

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

1 Mo. No. 2025-213
Anonymous,
Appellant,
v.
Anonymous, et al.,
Respondents.

Motion for leave to appeal denied.
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. 2025-178
Bank of New York Mellon, &c.,
Appellant,
v.
Daniel Santos,
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.

4 Mo. No. 2025-302
James R. Caputo, &c.,
Appellant,
v.
Richard S. Tubiolo, &c., et al.,
Respondents.

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

2 Mo. No. 2025-48
Melissa Flatow,
 Appellant,
 v.
Goddess Sanctuary & Spa Corporation et al.,
 Respondents,
et al.,
 Defendants.

Motion for leave to appeal denied.

2 Mo. No. 2025-252
The People &c.,
 Respondent,
 v.
Antonio Hernandez,
 Appellant.

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

4 Mo. No. 2025-215
The People &c.,
 Respondent,
 v.
Raymond Holman,
 Appellant.

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

4 Mo. No. 2025-292
In the Matter of Tony Kirik,
 Appellant,
 v.
Debra A. Martin, &c., et al.,
 Respondents.

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

1 Mo. No. 2025-240
In the Matter of Chris Kosachuk,
 Appellant,
 v.
9197-5904 Quebec, Inc. et al.,
 Respondents.

On the Court's own motion, appeal, insofar as taken from the March 2025 Appellate Division order, dismissed, without costs, upon the ground that such order does not finally determine the proceeding within the meaning of the Constitution; appeal, insofar as taken from the November 2024 Appellate Division order, dismissed, without costs, upon the ground that no appeal lies as of right from the unanimous order of the Appellate Division absent the direct involvement of a substantial constitutional question (*see* CPLR 5601).
Motion for leave to appeal denied.

1 Mo. No. 2025-281
In the Matter of New York City Asbestos
Litigation.

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

Romeo Maffei,
 Respondent,
et al.,
 Plaintiff,
 v.
A.O. Smith Water Products Co., et al.,
 Defendants,
Burnham LLC,
 Appellant.

Motion by Coalition for Litigation Justice, Inc. for leave to appear amicus curiae on the motion for leave to appeal herein granted and the brief is accepted as filed.

1 Mo. No. 2025-359
In the Matter of New York City Asbestos
Litigation.

Romeo Maffei,
 Respondent,
et al.,
 Plaintiff,
 v.
A.O. Smith Water Products Co., et al.,
 Defendants,
Burnham LLC,
 Appellant.

2 Mo. No. 2025-283
The People &c.,
Respondent,
v.
Julio C. Marte,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2025-172
In the Matter of Robert E. Mungiguerra,
Appellant,
v.
Daniel A. Nigro, &c., et al.,
Respondents.

Motion for leave to appeal denied.

4 Mo. No. 2025-155
Donald F. Murray,
Appellant,
v.
National Collegiate Athletic Association,
Respondent.
(App. Div. Nos. CA 23-01483 and CA 24-
00796)

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

1 Mo. No. 2025-187
The People &c.,
Respondent,
v.
Jorge Parra,
Appellant.

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

2 Mo. No. 2025-295
Joyce Pierre,
Respondent,
v.
Nicholas Damion Weir,
Appellant.

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

2 Mo. No. 2025-267
The People &c.,
Respondent,
v.
Angel Quinones,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2025-250
Samsung Electronics Co., Ltd.,
Respondent,
v.
MPEG LA, L.L.C.,
Appellant.

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

1 Mo. No. 2025-146
Arthur W. Williams, &c.,
Appellant,
v.
Mount Sinai Health System, Inc.,
Respondent.

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

4 Mo. No. 2025-411
Thomas C. Wilmot, Sr., et al.,
Respondents,
v.
Tony Kirik,
Appellant,
et al.,
Defendant.

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. 2025-294
Wayne Wong, et al.,
Appellants,
v.
New York City Employees' Retirement
System, et al.,
Respondents.

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

1 Mo. No. 2025-382
Wayne Wong, et al.,
 Appellants,
 v.
New York City Employees' Retirement
System, et al.,
 Respondents.

Motion by Alliance for Prosperity & a Secure
Retirement for leave to appear amicus curiae on the
motion for leave to appeal herein granted and the
brief is accepted as filed.
Judge Halligan took no part.