

State of New York
Court of Appeals

Decisions

January 8, 2026

CASES

1 No. 118
The People &c.,
 Respondent,
 v.
Roderick Collier,
 Appellant.

Order affirmed, without costs.
Opinion by Judge Garcia.
Judges Rivera, Singas, Cannataro and Troutman
concur.
Chief Judge Wilson concurs in result in an opinion,
in which Judge Halligan concurs.

 No. 36
In the Matter of the Hon. David M. Miller, a
Justice of the Wolcott Village Court, Wayne
County.

On consideration of the continuation of this Court's
December 18, 2025 suspension, with pay, of Hon.
David M. Miller from the office of Justice of the
Wolcott Village Court, Wayne County (*see* 2025 NY
Slip Op 07083), it is determined that the suspension
continue, with pay, effective immediately, pursuant
to New York Constitution, article VI, § 22 and
Judiciary Law § 44.
Chief Judge Wilson and Judges Garcia, Singas,
Cannataro, Troutman and Halligan concur.
Judge Rivera took no part.

MOTIONS

1 Mo. No. 2025-503
In the Matter of State of New York,
 Respondent,
 v.
A.A.,
 Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2025-453
In the Matter of Andrew Ansbro, &c., et al.,
 Appellants,
 v.
Daniel Nigro, et al.,
 Respondents.

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

2 Mo. No. 2025-443
Kevin Askari et al.,
 Appellants,
 v.
McDermott Will & Emery LLP 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.

1 Mo. No. 2025-422
BML Properties Ltd.,
 Respondent,
 v.
China Construction America, Inc., &c., et al.,
 Appellants,
et al.,
 Defendants.

Motion by Ethan J. Lieb for leave to appear amicus curiae on the motion for leave to appeal herein dismissed as academic.

1 Mo. No. 2025-423
BML Properties Ltd.,
Respondent,
v.
China Construction America, Inc., &c., et al.,
Appellants,
et al.,
Defendants.

Motion by Building Trades Employers Association of New York for leave to appear amicus curiae on the motion for leave to appeal herein dismissed as academic.

1 Mo. No. 2025-449
BML Properties Ltd.,
Respondent,
v.
China Construction America, Inc., &c., et al.,
Appellants,
et al.,
Defendants.

Motion by Business Council of New York State, Inc. for leave to appear amicus curiae on the motion for leave to appeal herein dismissed as academic.

2 Mo. No. 2026-5
The People &c.,
Respondent,
v.
Joshua Cheristin,
Appellant.

Motion for assignment of counsel granted and Patricia Pazner, Esq., Appellate Advocates, 111 John Street, 9th Floor, New York, NY 10038 assigned as counsel to the appellant on the appeal herein.

4 Mo. No. 2025-685
Concepcion T. Conway,
Respondent,
v.
Eugene C. Conway, &c.,
Defendant,
Nicole Lunder,
Appellant.
(App. Div. Nos. CA 24-00863 and CA 24-01763)

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.
Motion for a stay dismissed as academic.

4 Mo. No. 2026-26
The People &c.,
Respondent,
v.
Eugene Curry,
Appellant.

Motion by Daniel Rosero for leave to file a brief amicus curiae on the appeal herein granted and the proposed brief is accepted as filed. Two copies of the brief must be served, an original and nine copies filed, and the brief submitted in digital format within seven days.

3 Mo. No. 2025-607
In the Matter of Robert D.,
Appellant,
v.
Sarah E.,
Respondent.
(And Another Proceeding.)

Motion for leave to appeal denied.

1 Mo. No. 2025-736
In the Matter of Shainiska D.,
Respondent,
v.
Gage D.,
Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2025-885
The People &c.,
Respondent,
v.
Antrell Davis,
Appellant.

Motion for assignment of counsel granted and Julie A. Cianca, Esq., Monroe County Public Defender, 10 North Fitzhugh Street, Rochester, NY 14614 assigned as counsel to the appellant on the appeal herein.

3 Mo. No. 2025-606
In the Matter of A. DD.,
Respondent,
v.
B. EE.,
Appellant.
(And Other Proceedings.)

Motion for leave to appeal denied.

4 Mo. No. 2025-520
In the Matter of Paul F.,
Appellant,
v.
State of New York,
Respondent.

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

4 Mo. No. 2025-582
In the Matter of Ayden G.

Cayuga County Department of Social
Services,
Respondent;
Nicky C.,
Respondent,
Justin G.,
Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2026-12
The People &c.,
Respondent,
v.
Luke J. Gaffney,
Appellant.

Motion by District Attorneys Association of the State
of New York for leave to file a brief amicus curiae
on the appeal herein granted and the proposed brief
is accepted as filed. Two copies of the brief must be
served, an original and nine copies filed, and the
brief submitted in digital format within seven days.

1 Mo. No. 2025-447
Golden Nugget Atlantic City LLC,
Respondent,
v.
Wayne C. Chan,
Appellant.

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

2 Mo. No. 2025-455
The People &c.,
Respondent,
v.
Isidro Gonzalez,
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2026-4
The People &c.,
Respondent,
v.
Rahmel Howard,
Appellant.

Motion for assignment of counsel granted and Patricia Pazner, Esq., Appellate Advocates, 111 John Street, 9th Floor, New York, NY 10038 assigned as counsel to the appellant on the appeal herein.

3 Mo. No. 2025-717
In the Matter of Amy K.,
Respondent,
v.
Jeffrey L.,
Appellant.
(And Another Proceeding.)

Motion for leave to appeal denied.

2 Mo. No. 2025-548
The People &c. ex rel. Giuseppe Lubrano,
Appellant,
v.
Ekaterina Lubrano et al.,
Respondents.

Motion for leave to appeal denied.
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. 2025-848
The People &c.,
Respondent,
v.
Tyshawn Morris,
Appellant.

Motion for assignment of counsel granted and Caprice R. Jenerson, Esq., Office of the Appellate Defender, 11 Park Place, Suite 1601, New York, NY 10007 assigned as counsel to the appellant on the appeal herein.

2 Mo. No. 2025-444
Onco360 Holdings 1, Inc., et al.,
Appellants,
v.
McDermott Will & Emery LLP, et al.,
Respondents.

Motion, insofar as it seeks leave to appeal from that portion of the Appellate Division order that affirmed Supreme Court's denial of plaintiffs' cross-motion for leave to serve and file a second amended complaint, 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.

4 Mo. No. 2025-333
In the Matter of Pedro Osorio,
Appellant,
v.
New York State Division of Human Rights et
al.,
Respondents.

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

2 Mo. No. 2025-511
The People &c. ex rel. Maurice Pratt,
Appellant,
v.
Michael Capra,
Respondent.

Motion for leave to appeal dismissed upon the ground that this Court does not have jurisdiction to entertain it.

1 Mo. No. 2025-445
Riverdale Jewish Center, &c.,
Appellant,
v.
Consolidated Edison Company of New York,
Inc.,
Respondent.

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

3 Mo. No. 2025-385
In the Matter of Leonard Robinson,
Appellant,
v.
Daniel F. Martuscello III, &c.,
Respondent.

Motion for leave to appeal denied.
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).

3 Mo. No. 2025-436
Kathleen Sardino et al.,
Respondents,
v.
Scholet Family Irrevocable Trust, et al.,
Appellants,
Peter Williamson,
Respondent.

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

1 Mo. No. 2025-876
Second Child et al.,
 Appellants,
 v.
Edge Auto, Inc. et al.,
 Respondents.

Motion by American Financial Services Association for leave to file a brief amicus curiae on the appeal herein granted and the proposed brief is accepted as filed. Two copies of the brief must be served, an original and nine copies filed, and the brief submitted in digital format within seven days.

1 Mo. No. 2025-877
Second Child et al.,
 Appellants,
 v.
Edge Auto, Inc. et al.,
 Respondents.

Motion by Allstate Fire and Casualty Insurance Company, et al. for leave to file a brief amici curiae on the appeal herein granted and the proposed brief is accepted as filed. The brief must be submitted in digital format within seven days.

1 Mo. No. 2025-878
Second Child et al.,
 Appellants,
 v.
Edge Auto, Inc. et al.,
 Respondents.

Motion by American Car Rental Association et al. for leave to file a brief amici curiae on the appeal herein granted and the proposed brief is accepted as filed. The brief must be submitted in digital format within seven days.

1 Mo. No. 2025-407
In the Matter of Catherine M. Sullivan,
 Appellant,
 v.
New York State Division of Human Rights et
al.,
 Respondents.

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

3 Mo. No. 2025-580
In the Matter of A.T., et al.

Montgomery County Department of Social
Services,
 Respondent;
T.T.,
 Respondent,
D.T.,
 Appellant,
et al.,
 Respondent.

Motion for leave to appeal denied.

4 Mo. No. 2025-527
In the Matter of Tianna Thomas,
 Appellant,
 v.
Joseph Osinski,
 Respondent.
(And Another Proceeding.)

Motion for leave to appeal denied.

1 Mo. No. 2025-874
The People &c.,
 Respondent,
 v.
Jamarly Williams,
 Appellant.

Motion for assignment of counsel granted and Jenay Nurse Guilford, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, NY 10005 assigned as counsel to the appellant on the appeal herein.

2 Mo. No. 2025-728
Robert Wilson,
 Appellant,
 v.
Unique Logistics International, Inc.,
 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.
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).