

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

**Decisions**

September 13, 2022

**MOTIONS**

2                    Mo. No. 2022-302  
In the Matter of A. Ottavino Property Corp.,  
    Appellant,  
    v.  
Incorporated Village of Westbury, et al.,  
    Respondents.

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

1                    Mo. No. 2022-365  
Tanita Allen,  
    Appellant,  
    v.  
Consolidated Edison of New York, et al.,  
    Respondents.  
(And a Third-Party Action.)

Motion for leave to appeal denied.

1                    Mo. No. 2022-351  
Francisco Bielsa,  
    Appellant,  
    v.  
Maria Alejandra Kaufman Gonzalez et al.,  
    Respondents,  
et al.,  
    Defendant.

Motion for leave to appeal denied.

1                    Mo. No. 2022-303  
Xiyi Chen,  
    Respondent,  
    v.  
111 Mott LLC,  
    Appellant,  
H&M Contracting, Inc. et al.,  
    Defendants,  
H&M Contractors, 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.

1                    Mo. No. 2022-288  
The People &c.,  
    Respondent,  
    v.  
Albert Cotto,  
    Appellant.

Motion for leave to appeal granted.  
Motion for poor person relief granted.

2                    Mo. No. 2022-330  
Deutsche Bank National Trust Company, &c.,  
    Respondent,  
    v.  
Jose Quinones, et al.,  
    Defendants,  
Johnny Ferreira,  
    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.

4                    Mo. No. 2022-320  
Joseph A. Dowell et al.,  
    Appellants,  
    v.  
EST Trish, LLC, &c., et al.,  
    Respondents,  
et al.,  
    Defendants.

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

2                    Mo. No. 2022-348  
Elpa Builders, Inc.,  
    Appellant,  
    v.  
State of New York,  
    Respondent.

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

3                    Mo. No. 2022-483  
The People &c. ex rel. Michael Erber,  
Appellant,  
v.  
Superintendent John Rich,  
Respondent.

Motion, insofar as it seeks leave to appeal from the December 2021 Appellate Division order, dismissed as untimely (*see* CPLR 5513 [b]; *Eaton v State of New York*, 76 NY2d 824 [1990]); motion, insofar as it seeks leave to appeal from the March 2022 Appellate Division order, dismissed upon the ground that such order does not finally determine the proceeding within the meaning of the Constitution.

2                    Mo. No. 2022-217  
Globe Trade Capital, LLC,  
Respondent,  
v.  
Thomas J. Hoey, Jr., et al.,  
Appellants,  
et al.,  
Defendants.  
(Index No. 8495/14)

Motion, insofar as appellants seek leave to appeal in the second-captioned action from so much of the November 2021 Appellate Division order as affirmed the award of a judgment in the action, denied; motion for leave to appeal otherwise dismissed upon the ground that it does not lie (*see* CPLR 5602).

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Globe Trade Capital, LLC,  
Respondent,  
v.  
Thomas J. Hoey, Jr., et al.,  
Appellants,  
et al.,  
Defendants.  
(Index No. 70272/14)

1                    Mo. No. 2022-269  
In the Matter of Celinette H.H.,  
Appellant,  
v.  
Michelle R. et al.,  
Respondents.

Motion for leave to appeal granted.  
Motion for poor person relief granted.

2                    Mo. No. 2022-324  
Joseph Herskowitz,  
Appellant,  
v.  
Wesley Hills Center, LLC,  
Respondent.

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

4                    Mo. No. 2022-472  
In the Matter of Daniel J.,  
Appellant,  
v.  
State of New York, et al.,  
Respondents.

Motion for leave to appeal denied.  
Motion for poor person relief dismissed as academic.

3                    Mo. No. 2022-565  
The People &c. ex rel. Michael N. Kelsey,  
Appellant,  
v.  
Donna Lewin, &c.,  
Respondent.

Motion for reconsideration of this Court's June 14, 2022 dismissal order denied.

1                    Mo. No. 2022-352  
Elizabeth Melohn,  
Respondent,  
v.  
Alfons Melohn,  
Appellant.

Motion, insofar as it seeks leave to appeal from that portion of the Appellate Division order that affirmed the denial of appellant's motion to discontinue the action, dismissed upon the ground that such portion of the order does not finally determine the action within the meaning on the Constitution; motion for leave to appeal otherwise denied.

2                    Mo. No. 2022-376  
The People &c.,  
Respondent,  
v.  
Luis Ortiz,  
Appellant.

Motion for leave to appeal denied.

3                    Mo. No. 2022-554  
In the Matter of Farideh P.,  
                        Respondent,  
                        v.  
Ahmed Q.,  
                        Appellant.

Motion for reargument of motion for leave to appeal denied.

1                    Mo. No. 2022-360  
In the Matter of Gil V. Perez,  
                        Appellant,  
                        v.  
New York City Civil Service Commission, et  
al.,  
                        Respondents,  
et al.,  
                        Respondent.

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

1                    Mo. No. 2022-379  
In the Matter of Charlene Thompson,  
                        Petitioner,  
                        v.  
Board of Directors, et al.,  
                        Respondents.  
James Pettus,  
                        Nonparty-Appellant.

Motion for leave to appeal dismissed upon the ground that appellant is not a party aggrieved (*see* CPLR 5511).  
Motion for poor person relief dismissed as academic.

1                    Mo. No. 2022-412  
In the Matter of Charlene Thompson,  
                        Petitioner,  
                        v.  
Board of Directors, et al.,  
                        Respondents.  
James Pettus,  
                        Nonparty-Appellant.

Motion by respondents for the imposition of sanctions denied.

1 Mo. No. 2022-438  
James Pettus,  
Appellant,  
v.  
Board of Directors et al.,  
Respondents.  
(Index No. 260012/2018)

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 poor person relief dismissed as academic.

1 Mo. No. 2022-437  
James Pettus,  
Appellant,  
v.  
Board of Directors, Owners 800 Grand  
Concourse,  
Respondent.  
(Index No. 260040/2018)

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 poor person relief dismissed as academic.

1 Mo. No. 2022-382  
Stavros Polygenis,  
Respondent,  
v.  
Stone Lounge Press, Inc. et al.,  
Defendants,  
Zeus Enterprises of Cortland, Inc.,  
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.

2 Mo. No. 2022-263  
The People &c. ex rel. Douglas G. Rankin, on  
behalf of Tyrone Waller,  
Respondent,  
v.  
Cynthia Brann, &c.,  
Appellant.

Motion for leave to appeal granted.

2 Mo. No. 2022-350  
The People &c.,  
Respondent,  
v.  
Bernard Robinson,  
Appellant.

Motion for leave to appeal denied.  
Motion for poor person relief dismissed as academic.

4 Mo. No. 2022-461  
In the Matter of Tariq S.,  
Respondent,  
v.  
Ashlee B.,  
Appellant.  
(And Another Proceeding.)

Motion for leave to appeal dismissed upon the ground that appellant is not a party aggrieved (*see* CPLR 5511).  
Judge Troutman took no part.

3 Mo. No. 2022-322  
In the Matter of Elijah S.  
  
Victor Krawec, &c.,  
Respondent;  
Elijah S.,  
Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2022-363  
In the Matter of Michael Lee Schrock,  
Appellant,  
v.  
Ronald D. Ploetz, &c.,  
Respondent.

Motion, insofar as it seeks leave to appeal from that portion of the Appellate Division order that denied appellant's motion for poor person relief, dismissed upon the ground that such portion of the order does not finally determine the proceeding within the meaning of the Constitution; motion for leave to appeal otherwise denied.

4 Mo. No. 2022-381  
St. Joseph's Hospital Health Center et al.,  
Appellants,  
v.  
Patrick Adcock, &c., et al.,  
Respondents,  
et al.,  
Defendants.

Motion for leave to appeal denied.

1 Mo. No. 2022-371  
Teliman Holding Corporation,  
Appellant,  
v.  
VCW Associates,  
Respondent.

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

1 Mo. No. 2022-349  
Haldun Tihan,  
Appellant,  
v.  
Apollo Management Holdings, L.P., et al.,  
Respondents.

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

1 Mo. No. 2022-316  
U.S. Bank National Association, &c.,  
Appellant,  
v.  
Lightstone Holdings LLC et al.,  
Defendants,  
Line Trust Corporation Ltd. et al.,  
Respondents.  
Cadwalader, Wickersham & Taft LLP,  
Nonparty-Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2022-362  
Warwick St Partners LLC,  
Respondent,  
v.  
Ingrid Harris,  
Defendant,  
861E215, 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. 2022-359  
Stephen Winiarski,  
Appellant,  
v.  
John E. Butler, Jr., et al.,  
Respondents.

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



3                    Mo. No. 2022-388  
In the Matter of Riley XX., &c.

Motion for leave to appeal denied.

Renee XX. et al.,  
    Respondents;  
Sierra YY.,  
    Appellant.