

State of New York
Court of Appeals

Decisions

February 22, 2024

CASES

1 No. 8
The People &c.,
 Respondent,
 v.
Nathaniel Boone,
 Appellant.

Order affirmed, without costs.
Opinion by Judge Curran.
Judges Garcia, Singas, Cannataro and Troutman
concur.
Chief Judge Wilson dissents in an opinion, in which
Judge Rivera concurs.
Judge Halligan took no part.

1 No. 9
The People &c.,
 Respondent,
 v.
Albert Cotto,
 Appellant.

Order affirmed, without costs.
Opinion by Judge Curran.
Judges Garcia, Singas, Cannataro and Troutman
concur.
Chief Judge Wilson dissents in an opinion, in which
Judge Rivera concurs.
Judge Halligan took no part.

1 No. 14
The People &c.,
 Appellant,
 v.
Jayquaine Seignious,
 Respondent.

Order insofar as appealed from reversed, defendant's
conviction of burglary in the second degree and
sentence thereon reinstated, and case remitted to the
Appellate Division, First Department, for
consideration of defendant's excessive sentence claim
regarding that conviction.
Opinion by Judge Garcia.
Chief Judge Wilson and Judges Rivera, Singas,
Cannataro, Troutman and Halligan concur.

1 No. 10
The People &c.,
 Respondent,
 v.
Darryl Watts,
 Appellant.

Order affirmed, without costs.
Opinion by Judge Cannataro.
Judges Garcia, Singas and Troutman concur.
Judge Rivera dissents in an opinion, in which Chief
Judge Wilson concurs.
Judge Halligan dissents, would apply the *Mathews v
Eldridge* (424 US 319 [1976]) balancing test and,
doing so, reverse for reasons stated in Part III of the
dissenting opinion.

MOTIONS

2 Mo. No. 2023-776
The People &c.,
 Respondent,
 v.
Jerry Adams,
 Appellant.

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

1 Mo. No. 2023-744
In the Matter of Jason Borrero,
 Appellant,
 v.
Steven Banks, &c., et al.,
 Respondents,
et al.,
 Respondents.

Motion for reargument of motion for leave to appeal
denied.

3 Mo. No. 2023-694
In the Matter of the Foreclosure of Tax Liens
by County of Broome.

County of Broome,
 Respondent;
John Cadore et al.,
 Appellants.

Motion for reconsideration of this Court's September
14, 2023 dismissal order denied.

1 Mo. No. 2023-733
The People &c.,
 Respondent,
 v.
James Bulwer,
 Appellant.

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

2 Mo. No. 2023-699
The People &c.,
Respondent,
v.
Henry Bustillo,
Appellant.

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

4 Mo. No. 2023-741
In the Matter of Cellino Law, LLP et al.,
Respondents,
v.
Looney Injury Law PLLC et al.,
Appellants.

Motion for leave to appeal denied with one hundred dollars costs and necessary reproduction disbursements.
Judge Rivera took no part.

3 Mo. No. 2023-747
In the Matter of Devon Chan,
Appellant,
v.
Anthony J. Annucci, &c.,
Respondent.

Motion for leave to appeal denied.

4 Mo. No. 2023-724
Citibank, N.A., &c.,
Appellant,
v.
Arthur Bailey, &c.,
Respondent,
et al.,
Defendants.

Motion, insofar as it seeks leave to appeal from the February 2023 Appellate Division order, dismissed as untimely (*see* CPLR 5513 [b]); motion, insofar as it seeks leave to appeal from the September 2023 Appellate Division order, dismissed upon the ground that such order does not finally determine the action within the meaning of the Constitution.

2 Mo. No. 2023-769
Vincent Scott Collins,
Appellant,
v.
Lizette Wajah 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.
Motion for poor person relief &c. dismissed as academic.

1 Mo. No. 2023-818
DoorDash, Inc. et al.,
 Appellants,
 v.
New York City Department of Consumer and
Worker Protection, et al.,
 Respondents.

Motion for leave to appeal dismissed upon the
ground that no appeal lies from the order of an
individual Justice of the Appellate Division (*see* NY
Const, art VI, § 3 [b]; CPLR 5602).
Judge Halligan took no part.

3 Mo. No. 2023-707
In the Matter of David Dunlap,
 Appellant,
 v.
Jetblue Airways Corporation et al.,
 Respondents.
Workers' Compensation Board,
 Respondent.

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

2 Mo. No. 2023-710
In the Matter of Robert Edelen, Jr., &c.

Donna King-Edelen,
 Respondent;
Kathy May Edelen,
 Appellant.

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

1 Mo. No. 2023-502
Ezrasons, Inc., &c.,
 Appellant,
 v.
Sir Nigel Rudd, et al.,
 Respondents,
Barclays PLC,
 Nominal Defendant.

Motion for leave to appeal granted.

1 Mo. No. 2023-727
The People &c.,
 Respondent,
 v.
Luis Galarza,
 Appellant.

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

3 Mo. No. 2023-740
In the Matter of the Claim of Vincent
Gambardella,
 Respondent,
 v.
New York City Transit Authority,
 Appellant.
Workers' Compensation Board,
 Respondent.

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

1 Mo. No. 2023-560
Rebecca R. Haussmann, &c., et al.,
 Appellants,
 v.
Werner Baumann, et al.,
 Respondents,
et al.,
 Defendants,
Bayer AG,
 Nominal Respondent.

Motion, insofar as it seeks leave to appeal from that portion of the Appellate Division order resolving an appeal from the October 2022 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 granted.

1 Mo. No. 2023-711
In the Matter of John L. Haverty,
 Appellant,
 v.
City of New York, et al.,
 Respondents.

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

2 Mo. No. 2023-772
In the Matter of Hillside Park 168, LLC,
 Appellant,
 v.
New York State Division of Housing and
Community Renewal,
 Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2023-759
In the Matter of Honeedew Investing LLC,
Appellant,
v.
JP Morgan Chase Bank, N.A., et al.,
Respondents,
et al.,
Respondent.

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

2 Mo. No. 2023-749
The People &c.,
Respondent,
v.
Shaun Johnson,
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2023-773
In the Matter of Kings Park 8809, LLC,
Appellant,
v.
New York State Division of Housing and
Community Renewal,
Respondent.

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

2 Mo. No. 2023-752
The People &c.,
Respondent,
v.
David Korzeniowski,
Appellant.

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

1 Mo. No. 2023-764
The People &c.,
Respondent,
v.
William McNeill,
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2023-767
In the Matter of One Ninety Sixth St, LLC,
Appellant,
v.
New York State Division of Housing and
Community Renewal,
Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2023-770
The People &c.,
Respondent,
v.
Ramon Rosario,
Appellant.

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

1 Mo. No. 2022-489
The People &c.,
Appellant,
v.
Jayquaine Seignious,
Respondent.

Motion to dismiss appeal denied.

1 Mo. No. 2023-816
Uber Technologies, Inc.,
Appellant,
v.
New York City Department of Consumer and
Worker Protection, et al.,
Respondents.

Motion for leave to appeal dismissed upon the
ground that no appeal lies from the order of an
individual Justice of the Appellate Division (*see* NY
Const, art VI, § 3 [b]; CPLR 5602).
Judge Halligan took no part.

2 Mo. No. 2023-712
The People &c.,
Respondent,
v.
Louis P. Wolbert,
Appellant.

Motion for leave to appeal dismissed as untimely
(*see* CPLR 5513 [b]; 2103 [b] [2]).