

State of New York
Court of Appeals

Decisions

March 19, 2024

CASES

2 No. 22
The People &c.,
 Respondent,
 v.
Jason Bohn,
 Appellant.

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

1 No. 21
The People &c.,
 Appellant,
 v.
Jonaiki Martinez Estrella,
 Respondent.

Order insofar as appealed from affirmed.
Opinion by Judge Troutman.
Judges Rivera, Garcia, Cannataro and Halligan
concur.
Chief Judge Wilson concurs in result in an opinion.
Judge Singas concurs in result in a separate
concurring opinion.

1 No. 17
Favourite Limited, et al.,
 Appellants,
 v.
Benedetto Cico, et al.,
 Respondents,
et al.,
 Defendant.

Order insofar as appealed from reversed, with costs,
and case remitted to the Appellate Division, First
Department, for further proceedings in accordance
with the opinion herein.
Opinion by Chief Judge Wilson.
Judges Singas, Cannataro and Halligan concur.
Judge Rivera dissents and votes to affirm in an
opinion, in which Judges Garcia and Troutman
concur.

1 No. 1
Tax Equity Now NY LLC,
 Appellant,
 v.
City of New York et al.,
 Respondents,
State of New York et al.,
 Respondents.

Order modified, with costs awarded only to respondent State of New York, in accordance with the opinion herein and, as so modified, affirmed. Opinion by Judge Rivera. Chief Judge Wilson and Judges Troutman and Halligan concur. Judge Garcia dissents in part in an opinion, in which Judge Singas concurs. Judge Cannataro dissents in part in a separate dissenting opinion.

2 No. 18
Marta Urias, &c. et al.,
 Appellants,
 v.
Daniel P. Buttafuoco & Associates, PLLC, et
al.,
 Respondents.

Judgment appealed from and Appellate Division order insofar as brought up for review, affirmed, with costs. Opinion by Judge Halligan. Chief Judge Wilson and Judges Rivera, Garcia, Singas, Cannataro and Troutman concur.

MOTIONS

2 Mo. No. 2023-757
Lorena Alessina, et al.,
 Respondents,
 v.
El Gauchito II Corp., et al.,
 Appellants.

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

1 Mo. No. 2023-465
In the Matter of Atlantic Mutual Insurance
Company,
 Petitioner,
United Synagogue of Conservative Judaism,
 Appellant,
 v.
Superintendent of Financial Services of the
State of New York, &c.,
 Respondent.

Motion for reargument of motion for leave to appeal
granted and, upon reargument, motion for leave to
appeal denied.

1 Mo. No. 2023-750
The People &c.,
 Respondent,
 v.
Jesse Badillo,
 Appellant.

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

1 Mo. No. 2023-717
Bovis Lend Lease (LMB) Inc.,
 Plaintiff,
 v.
Lower Manhattan Development Corporation,
 Defendant.

Bovis Lend Lease (LMB) Inc.,
 Third-Party Appellant,
 v.
Arch Insurance Co.,
 Third-Party Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2023-758
Bovis Lend Lease (LMB) Inc.,
 Plaintiff,
 v.
Lower Manhattan Development Corporation,
 Defendant.

Bovis Lend Lease (LMB) Inc.,
 Third-Party Appellant,
 v.
Arch Insurance Co.,
 Third-Party Respondent.

Motion by Associated General Contractors of New York State, LLC for leave to appear amicus curiae on the motion for leave to appeal herein granted and the brief is accepted as filed.

2 Mo. No. 2023-813
The People &c.,
 Respondent,
 v.
Gary Dabney,
 Appellant.

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

1 Mo. No. 2023-751
The People &c.,
 Respondent,
 v.
Angel Diaz,
 Appellant.

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

3 Mo. No. 2023-559
Mark Dolgas,
 Appellant,
 v.
Donald Wales,
 Defendant,
Tri-Valley Elementary School et al.,
 Respondents.

Jeffrey Cloonan et al.,
 Appellants,
 v.
Donald Wales,
 Defendant,
Tri-Valley Elementary School et al.,
 Respondents.

1 Mo. No. 2023-697
Yuval Golan,
 Appellant,
 v.
Daily News, L.P. et al.,
 Respondents.

4 Mo. No. 2023-633
David Impellizzeri,
 Appellant,
 v.
Cindy Campagni, et al.,
 Respondents.

1 Mo. No. 2023-721
The People &c.,
 Respondent,
 v.
Terrence Jones,
 Appellant.

Motion for leave to appeal denied.

Motion, insofar as it seeks leave to appeal from the Appellate Division order, dismissed as untimely (*see* CPLR 5513 [b]); motion for leave to appeal from the 2023 Supreme Court judgment denied.

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

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

1 Mo. No. 2023-614
Susan Krembs,
Appellant,
v.
NYU Langone Hospitals, et al.,
Respondents,
et al.,
Defendants.
(And Another Action.)

Motion for leave to appeal dismissed upon the ground that the order sought to be appealed from does not finally determine the actions within the meaning of the Constitution.

4 Mo. No. 2023-584
In the Matter of the Intermediate Accounting
of Manufacturers and Traders Trust
Company, &c., for the Period Covering
September 7, 1983 to October 18, 2013.

Motion for leave to appeal dismissed upon the ground that the order sought to be appealed from does not finally determine the proceedings within the meaning of the Constitution.
Judge Rivera took no part.

In the Matter of the Intermediate Accounting
of Manufacturers and Traders Trust
Company, &c., for the Period Covering
October 19, 2013 to May 15, 2017.

Sue M. Williams, et al.,
Appellants.

2 Mo. No. 2024-20
Dmitry Markov et al.,
Appellants,
v.
Grecian Gardens Co., et al.,
Respondents.

Motion for reargument of motion for leave to appeal denied.

1 Mo. No. 2023-671
In the Matter of Patrick Marsteller,
Appellant,
v.
City of New York et al.,
Respondents.

On the Court's own motion, appeal dismissed, without costs, upon the ground that no substantial constitutional question is directly involved.
Motion for leave to appeal denied.

1 Mo. No. 2023-650
Vigilant Insurance Company, et al.,
 Plaintiffs,
AXIS Reinsurance Company, et al.,
 Respondents-Appellants,
 v.
MF Global Finance USA Inc.,
 Appellant-Respondent.

Motion for leave to appeal denied.
Cross-motion for leave to appeal dismissed as
untimely (*see* CPLR 5513 [b]).
Judge Halligan took no part.

2 Mo. No. 2023-692
In the Matter of Patricia Weiss,
 Appellant,
 v.
Steven A. Pilewski, &c. et al.,
 Respondents.

On the Court's own motion, appeal dismissed,
without costs, upon the ground that no substantial
constitutional question is directly involved.
Motion for leave to appeal denied.

2 Mo. No. 2023-766
Lisa Whitnum,
 Appellant,
 v.
Plastic & Reconstructive Surgery, P.C., 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 ancillary relief dismissed upon the
ground that this Court does not have jurisdiction to
entertain it (*see* NY Const, art VI, § 3).