

State of New York
Court of Appeals

Decisions

March 21, 2024

CASES

1 No. 5
In the Matter of Brookdale Physicians'
Dialysis Associates, Inc., &c.,
 Respondent,
et al.,
 Petitioner,
 v.
Department of Finance of the City of New
York,
 Appellant.

Order reversed, with costs, petition denied and proceeding dismissed.
Opinion by Judge Rivera.
Chief Judge Wilson and Judges Troutman and Brathwaite Nelson concur.
Judge Cannataro dissents and votes to affirm in an opinion, in which Judges Garcia and Singas concur.
Judge Halligan took no part.

1 No. 15
In the Matter of Luis Jaime,
 Respondent,
 v.
City of New York,
 Appellant.

Order reversed, with costs, and petition to file a late notice of claim denied.
Opinion by Judge Troutman.
Judges Garcia, Singas, Cannataro and Halligan concur.
Judge Rivera dissents in an opinion, in which Chief Judge Wilson concurs.

 No. 28
The People &c.,
 Appellant,
 v.
Patrick Labate,
 Respondent.

Order affirmed.
Opinion by Chief Judge Wilson.
Judges Rivera, Cannataro and Halligan concur.
Judge Troutman dissents in an opinion, in which Judges Garcia and Singas concur.

1 No. 16
In the Matter of Adan Orozco,
 Respondent,
 v.
City of New York,
 Appellant.

Order reversed, with costs, and petition to file a late notice of claim denied.
Opinion by Judge Troutman.
Chief Judge Wilson and Judges Garcia, Singas, Cannataro and Halligan concur.
Judge Rivera concurs in result in an opinion.

MOTIONS

1 Mo. No. 2023-834
1995 CAM LLC,
Respondent,
v.
West Side Advisors, LLC et al.,
Appellants.

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. 2024-116
Susan Aranoff,
Respondent,
v.
Gerald Aranoff,
Appellant.

Motion for reargument of motion for leave to appeal dismissed as untimely (*see* Rules of Ct of Appeals [22 NYCRR] § 500.24 [b]).

1 Mo. No. 2023-848
The People &c.,
Respondent,
v.
Boubacar Barry,
Appellant.

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

3 Mo. No. 2024-18
Amin Booker,
Appellant,
v.
Scott McMIndes, &c., et al.,
Respondents.

On the Court's own motion, appeal dismissed, without costs, upon the ground that the order appealed from does not finally determine the action within the meaning of the Constitution.
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. 2023-831
Jennifer Cardenas,
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. 2023-830
Robert Bruce Carroll,
Appellant,
v.
Rondout Yacht Basin, Inc.,
Respondent.

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

1 Mo. No. 2023-812
Five Star Electric Corp.,
Respondent,
v.
A.J. Pegno Construction Co., Inc./Tully
Construction Co., Inc., et al.,
Appellants.

Motion for leave to appeal denied.

1 Mo. No. 2023-819
The People &c.,
Respondent,
v.
Jose Gamarra-Mendoza,
Appellant.

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

1 Mo. No. 2023-822
Salvatore Manfredonia,
Respondent,
v.
750 Astor, LLC,
Respondent,
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.

750 Astor, LLC,
Third-Party Respondent,
v.
Jewish Board of Family and Children's
Services, Inc.,
Third-Party Appellant.

2 Mo. No. 2023-839
The People &c.,
Respondent,
v.
Aharon McGhee,
Appellant.

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

1 Mo. No. 2024-12
The People &c.,
Respondent,
v.
Zhakariyya Muhammad,
Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2024-36
In the Matter of the Claim of Lidia M.
Orrego,
Appellant,
v.
Kevin Knipfing, et al.,
Respondents.
Workers' Compensation Board,
Respondent.

On the Court's own motion, appeal dismissed, without costs, upon the ground that the order appealed from does not finally determine the proceeding within the meaning of the Constitution. Motion for leave to appeal dismissed upon the ground that the order sought to be appealed from does not finally determine the proceeding 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).

1 Mo. No. 2024-56
Juan Ponce et al.,
Respondents,
v.
City of New York et al.,
Defendants,
Dormitory Authority of the State of New
York,
Appellant.
(And a Third-Party Action.)

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. 2023-728
Ramaquois Real Estate Co., LLC,
Appellant,
v.
Town of Haverstraw,
Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2023-845
The People &c.,
Respondent,
v.
Gregory Shackelford,
Appellant.

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

2 Mo. No. 2024-1
Michael J. Wang,
Appellant,
v.
State of New York,
Respondent.

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

1 Mo. No. 2024-14
The People &c.,
Respondent,
v.
Anderson Worrell,
Appellant.

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