

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

**Decisions**

December 12, 2023

**CASES**

3                    No. 90  
In the Matter of Anthony S. Hoffmann, et al.,  
    Respondents,  
    v.  
New York State Independent Redistricting  
Commission, et al.,  
    Respondents,  
Independent Redistricting Commissioner Ross  
Brady, et al.,  
    Appellants,  
Tim Harkenrider, et al.,  
    Appellants.

Order affirmed, with costs.  
Opinion by Chief Judge Wilson.  
Judges Rivera, Troutman and Renwick concur.  
Judge Cannataro dissents in an opinion, in which  
Judges Garcia and Singas concur.  
Judge Halligan took no part.

3                    No. 87  
In the Matter of the Claim of Thomas Lazalee,  
    Respondent,  
    v.  
Wegman's Food Markets, Inc.,  
    Appellant.  
Workers' Compensation Board,  
    Respondent.

Order reversed, with costs, and matter remitted to the  
Appellate Division, Third Department, with  
directions to remand to the New York State Workers'  
Compensation Board for further proceedings in  
accordance with the opinion herein.  
Opinion by Judge Troutman.  
Chief Judge Wilson and Judges Rivera, Garcia,  
Singas, Cannataro and Halligan concur.

## MOTIONS

1                    Mo. No. 2023-788  
Srecko Bazdaric et al.,  
                        Appellants,  
                        v.  
Almah Partners LLC, et al.,  
                        Respondents.

Motion by New York State Academy of Trial Lawyers 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. 2023-781  
Consolidated Restaurant Operations, Inc.,  
                        Appellant,  
                        v.  
Westport Insurance Corporation,  
                        Respondent.

Motion by New York State Trial Lawyers Association for leave to file a brief amicus 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. Chief Judge Wilson took no part.

1                    Mo. No. 2023-787  
Consolidated Restaurant Operations, Inc.,  
                        Appellant,  
                        v.  
Westport Insurance Corporation,  
                        Respondent.

Motion by Metropolitan Transportation Authority, et al. for leave to appear amici curiae on the appeal herein granted to the extent that the proposed brief is accepted as filed. The brief must be submitted in digital format within seven days. Chief Judge Wilson took no part.

1                    Mo. No. 2023-801  
Consolidated Restaurant Operations, Inc.,  
                        Appellant,  
                        v.  
Westport Insurance Corporation,  
                        Respondent.

Motion by Chefs' Warehouse, Inc., et al. for leave to file a brief amici 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. Chief Judge Wilson took no part.

1                    Mo. No. 2023-802  
Consolidated Restaurant Operations, Inc.,  
Appellant,  
v.  
Westport Insurance Corporation,  
Respondent.

Motion by United Policyholders 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.  
Chief Judge Wilson took no part.

1                    Mo. No. 2023-804  
Consolidated Restaurant Operations, Inc.,  
Appellant,  
v.  
Westport Insurance Corporation,  
Respondent.

Motion by Medical Society of the County of Erie for leave to appear amicus curiae on the appeal herein granted to the extent that the proposed brief is accepted as filed. The brief must be submitted in digital format within seven days.  
Chief Judge Wilson took no part.

1                    Mo. No. 2023-805  
Consolidated Restaurant Operations, Inc.,  
Appellant,  
v.  
Westport Insurance Corporation,  
Respondent.

Motion by Envision Healthcare Operating, Inc. for leave to file a brief amicus 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.  
Chief Judge Wilson took no part.

1                    Mo. No. 2023-807  
Consolidated Restaurant Operations, Inc.,  
Appellant,  
v.  
Westport Insurance Corporation,  
Respondent.

Motion by American Museum of Natural History 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.  
Chief Judge Wilson took no part.

1                    Mo. No. 2023-810  
Consolidated Restaurant Operations, Inc.,  
    Appellant,  
    v.  
Westport Insurance Corporation,  
    Respondent.

Motion by Caesars Entertainment, Inc. for leave to file a brief amicus 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.  
Chief Judge Wilson took no part.

1                    Mo. No. 2023-783  
The People &c.,  
    Respondent,  
    v.  
Albert Cotto,  
    Appellant.

Motion by Kelly M. Socia, et al. for leave to appear amici curiae on the appeal herein granted to the extent that 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.  
Judge Halligan took no part.

1                    Mo. No. 2023-780  
In the Matter of NYC Organization of Public  
Service Retirees, Inc., et al.,  
    Respondents,  
    v.  
Renee Campion, et al.,  
    Appellants.

Motion by New York City Municipal Labor Committee 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.

                    Mo. No. 2023-755  
Petróleos de Venezuela S.A., et al.,  
    Appellants,  
    v.  
MUFG Union Bank, N.A. et al.,  
    Respondents.

Motion by Chamber of Commerce of the United States of America et al. for leave to file a brief amici curiae on consideration of the certified questions herein granted and the proposed brief is accepted as filed. The brief must be submitted in digital format within seven days.  
Judge Halligan took no part.

Mo. No. 2023-785  
Petróleos de Venezuela S.A., et al.,  
Appellants,  
v.  
MUFG Union Bank, N.A. et al.,  
Respondents.

Motion by Bolivarian Republic of Venezuela for leave to appear amicus curiae on consideration of the certified questions herein granted to the extent that the proposed brief is accepted as filed. The brief must be submitted in digital format within seven days.  
Judge Halligan took no part.

Mo. No. 2023-786  
Petróleos de Venezuela S.A., et al.,  
Appellants,  
v.  
MUFG Union Bank, N.A. et al.,  
Respondents.

Motion by George A. Bermann, et al. for leave to appear amici curiae on consideration of the certified questions herein granted to the extent that 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.  
Judge Halligan took no part.

Mo. No. 2023-798  
Petróleos de Venezuela S.A., et al.,  
Appellants,  
v.  
MUFG Union Bank, N.A. et al.,  
Respondents.

Motion by Kermit Roosevelt III for leave to appear amicus curiae on consideration of the certified questions herein granted to the extent that the proposed brief is accepted as filed. The brief must be submitted in digital format within seven days.  
Judge Halligan took no part.

2 Mo. No. 2023-811  
The People &c. ex rel. Douglas G. Rankin, on  
behalf of Tyrone Waller,  
Respondent,  
v.  
Cynthia Brann, &c.,  
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.

Mo. No. 2023-784  
The People &c.,  
Respondent,  
v.  
Kevin Sullivan,  
Appellant.

On the Court's own motion, appeal dismissed upon the ground that the criminal prosecution abated by reason of defendant's death (*see People v Mintz*, 20 NY2d 753 [1967]; *see also People v Mason*, 29 NY3d 972 [2017]).

1 Mo. No. 2023-808  
Tax Equity Now NY LLC,  
Appellant,  
v.  
City of New York et al.,  
Respondents,  
State of New York et al.,  
Respondents.

Motion by National Association for the Advancement of Colored People New York State Conference 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. 2023-782  
The People &c.,  
Respondent,  
v.  
Darryl Watts,  
Appellant.

Motion by Mental Hygiene Legal Service 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.