

November 25, 2019

**CASES**

1                    No. 84  
Deutsche Bank National Trust Company, &c.,  
Appellant,  
v.  
Barclays Bank PLC,  
Respondent.

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Deutsche Bank National Trust Company, &c.,  
Appellant,  
v.  
HSBC Bank USA, National Association,  
Respondent.

Order affirmed, with costs.  
Opinion by Judge Fahey.  
Chief Judge DiFiore and Judges Stein and Feinman  
concur.  
Judge Wilson dissents in an opinion in which Judge  
Rivera concurs.  
Judge Garcia took no part.

2                    No. 85  
Gregg Lubonty,  
Appellant,  
v.  
U.S. Bank National Association, &c.,  
Respondent.

Order affirmed, with costs.  
Opinion by Judge Garcia.  
Chief Judge DiFiore and Judges Wilson and Feinman  
concur.  
Judge Stein dissents in an opinion in which Judges  
Rivera and Fahey concur.

4                    No. 92  
Jose Rivera,  
Appellant,  
v.  
State of New York,  
Respondent.

Order affirmed, with costs.  
Opinion by Chief Judge DiFiore.  
Judges Stein, Garcia and Feinman concur.  
Judge Rivera dissents in an opinion in which Judges  
Fahey and Wilson concur.

1                    No. 93  
The People &c.,  
Respondent,  
v.  
Clarence Rouse,  
Appellant.

Order reversed and a new trial ordered.  
Opinion by Judge Fahey.  
Chief Judge DiFiore and Judges Rivera, Stein,  
Garcia, Wilson and Feinman concur.

3                      No. 82  
In the Matter of Patricia Walsh,  
                    Appellant,  
                    v.  
New York State Comptroller et al.,  
                    Respondents.

Judgment reversed, with costs, and matter remitted to the Appellate Division, Third Department, with directions to remand to respondents for further proceedings in accordance with the opinion herein. Opinion by Judge Feinman.  
Judges Fahey, Garcia and Wilson concur, Judge Wilson in a concurring opinion.  
Judge Rivera dissents in an opinion in which Chief Judge DiFiore and Judge Stein concur.

## MOTIONS

3                    Mo. No. 2019-691  
In the Matter of 101CO, LLC, et al.,  
                    Respondents,  
                    v.  
New York State Department of  
Environmental Conservation,  
                    Defendant,  
Sand Land Corporation 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 proceeding within the meaning of the Constitution and is not an order of the type provided for in CPLR 5602(a)(2).

4                    Mo. No. 2019-701  
Town of Brighton, et al.,  
                    Respondents,  
                    v.  
West Brighton Fire Department, Inc.,  
                    Appellant.

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

1                    Mo. No. 2019-625  
Jennifer Cangro,  
                    Appellant,  
                    v.  
Park South Towers Associates et al.,  
                    Respondents.

On the Court's own motion, appeal, insofar as taken from that portion of the Appellate Division order that granted that branch of defendants' motion as sought to dismiss plaintiff's complaint in the fourth action, under Index No. 100909/18, dismissed, without costs, upon the ground that no substantial constitutional question is directly involved; appeal otherwise dismissed, without costs, upon the ground that the remainder of the order appealed from does not finally determine an action within the meaning of the Constitution.

Motion for leave to appeal, insofar as taken from that portion of the Appellate Division order that granted that branch of defendants' motion as sought to dismiss plaintiff's complaint in the fourth action, under Index No. 100909/18, denied; motion for leave to appeal otherwise dismissed upon the ground that the remainder of the order does not finally determine an action within the meaning of the Constitution.

Motion for sanctions denied.

Judge Feinman took no part.

4                    Mo. No. 2019-687  
In the Matter of Valoree A. Frumusa,  
                    Respondent,  
                    v.  
Lawrence Frumusa,  
                    Appellant.

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

4                    Mo. No. 2019-665  
Santina Gatto, &c.,  
                    Appellant,  
                    v.  
Allstate Indemnity Company,  
                    Defendant,  
Dionisio (Dion) Roman, Jr.,  
                    Respondent.

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

1                    Mo. No. 2019-608  
John Hon, et al.,  
                    Respondents,  
                    v.  
Prince Development Company LLC, et al.,  
                    Defendants.  
Roug Kang Wang et al.,  
                    Nonparty-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.

3                    Mo. No. 2019-587  
In the Matter of Marjorie E. Jones,  
                    Appellant,  
                    v.  
Town of Mayfield et al.,  
                    Respondents.

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

2                    Mo. No. 2019-684  
In the Matter of Fredline Jourdain, &c.,  
Respondent,  
v.  
New York State Department of Housing and  
Community Renewal,  
Respondent,  
Georgetown Leasing, LLC,  
Appellant.

Motion for leave to appeal dismissed upon the  
ground that the proceeding and the motion have  
abated because of the death of the petitioner.

2                    Mo. No. 2019-725  
Eugene Kverel et al.,  
Appellants,  
v.  
Philip Silverman,  
Respondent.

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

2                    Mo. No. 2019-713  
Diane Milone,  
Appellant,  
v.  
US Bank National Association, &c.,  
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.

2                    Mo. No. 2019-621  
Eugenio Morocho,  
Respondent,  
v.  
Irma Monterroza,  
Appellant.

Motion for leave to appeal denied.

1                    Mo. No. 2019-661  
MTGLQ Investors, LP,  
Appellant,  
v.  
Steven Wozencraft,  
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.  
Judge Wilson took no part.

1                    Mo. No. 2019-653  
In the Matter of Nicole Phillips,  
                    Appellant,  
                    v.  
New York Citywide Administrative Services,  
et al.,  
                    Respondents.

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

1                    Mo. No. 2019-724  
In the Matter of Yvonne Porter,  
                    Respondent,  
et al.,  
                    Petitioner,  
                    v.  
New York City Housing Authority,  
                    Appellant.

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 and is not an order of the type provided for in CPLR 5602(a)(2).

4                    Mo. No. 2019-604  
Donna Powell,  
                    Appellant,  
                    v.  
Central New York Regional Transportation  
Authority,  
                    Respondent,  
et al.,  
                    Respondent.

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

3                    Mo. No. 2019-733  
In the Matter of Bridje Rangasammy,  
                    Appellant,  
                    v.  
Philips Healthcare et al.,  
                    Respondents.  
Workers' Compensation Board,  
                    Respondent.

Motion for leave to appeal denied.

3                    Mo. No. 2019-718  
John C. Scott, &c.,  
Appellant,  
v.  
County of Albany,  
Respondent.

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

3                    Mo. No. 2019-651  
In the Matter of the Claim of Theresa Scott,  
Appellant,  
v.  
Visiting Nurses Home Care et al.,  
Respondents.  
Workers' Compensation Board,  
Respondent.

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.

2                    Mo. No. 2019-654  
Charles Simon, &c.,  
Respondent,  
v.  
Granite Building 2, LLC,  
Appellant,  
Kulka Contracting, LLC,  
Respondent,  
FXR Construction, Inc.,  
Respondent,  
et al.,  
Defendants.

Motion for leave to appeal denied.

2                    Mo. No. 2019-666  
Charles Simon, &c.,  
Respondent,  
v.  
Granite Building 2, LLC,  
Respondent,  
Kulka Contracting, LLC,  
Appellant,  
FXR Construction, Inc.,  
Respondent,  
et al.,  
Defendants.

Motion for leave to appeal denied.

3                    Mo. No. 2019-641  
In the Matter of the Claim of Robert Stone,  
Respondent,  
v.  
Saulsbury/Federal Signal et al.,  
Appellants,  
et al.,  
Respondent.  
Workers' Compensation Board,  
Respondent.

Motion for leave to appeal denied.

1                    Mo. No. 2019-545  
In the Matter of TCR Sports Broadcasting  
Holding, LLP,  
Appellant,  
v.  
WN Partner, LLC, et al.  
Respondents,  
The Baltimore Orioles Baseball Club, et al.,  
Appellants.

Motion to dismiss appeal granted and appeal  
dismissed, with four hundred dollars costs and one  
hundred dollars costs of motion, upon the ground  
that the arbitration award appealed from does not  
finally determine the proceeding within the meaning  
of the Constitution.  
Chief Judge DiFiore and Judge Garcia took no part.

1                    Mo. No. 2019-677  
Telx-New York, LLC,  
Appellant,  
v.  
60 Hudson Owner, LLC,  
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. 2019-730  
Rudranauth O. Toolasprashad,  
Appellant,  
v.  
City of New York, et al.,  
Respondents.

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



1                    Mo. No. 2019-731  
Dervanna H.A. Troy-McKoy,  
                    Appellant,  
                    v.  
City of New York Parks and Recreation  
Department,  
                    Respondent.

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

3                    Mo. No. 2019-693  
In the Matter of Montgomery County  
Department of Social Services, on Behalf of  
Melissa W.,  
                    Respondent,  
                    v.  
Jose Y.,  
                    Respondent,  
Daniel X.,  
                    Appellant.

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.

2                    Mo. No. 2019-723  
In the Matter of Juanita Wilson, et al.,  
                    Appellants,  
                    v.  
Incorporated Village of Hempstead, et al.,  
                    Respondents.

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