

October 29, 2019

**CASES**

No. 114

In the Matter of the Hon. Sylvia G. Ash, a  
Justice of the Supreme Court, Kings County.

On consideration of the continuation of this Court's suspension, with pay, of Honorable Sylvia G. Ash from the office of Justice of the Supreme Court, Kings County, it is determined that the suspension continue, with pay, effective immediately. Chief Judge DiFiore and Judges Rivera, Stein, Fahey, Garcia, Wilson and Feinman concur.

4                    No. 70  
Cayuga Nation, &c.,  
Respondent,  
v.  
Samuel Campbell, et al.,  
Appellants,  
County of Seneca,  
Intervenor.

Order reversed, with costs, defendants-appellants' motion to dismiss the complaint granted and certified question answered in the negative.  
Opinion by Judge Feinman.  
Chief Judge DiFiore and Judges Rivera and Stein concur.  
Judge Garcia dissents in an opinion.  
Judge Wilson dissents in a separate dissenting opinion.  
Judge Fahey took no part.

1                    No. 113 SSM 21  
Wayne Roberts,  
Appellant,  
v.  
City of New York, et al.,  
Respondents.

On review of submissions pursuant to section 500.11 of the Rules, order affirmed, with costs, in a memorandum.  
Chief Judge DiFiore and Judges Stein, Fahey, Garcia and Feinman concur.  
Judge Rivera dissents in an opinion in which Judge Wilson concurs.

No. 115

In the Matter of the Hon. Paul H. Senzer, a  
Justice of the Northport Village Court,  
Suffolk County.

On the Court's own motion, it is determined that  
Honorable Paul H. Senzer is suspended, with pay,  
effective immediately, from the office of Justice of  
the Northport Village Court, Suffolk County,  
pursuant to New York Constitution, article VI, § 22  
and Judiciary Law § 44.  
Chief Judge DiFiore and Judges Rivera, Stein, Fahey,  
Garcia, Wilson and Feinman concur.

No. 74

The People &c.,  
Appellant,  
v.  
Mouhamed Thiam,  
Respondent.

Order affirmed, in a memorandum.  
Chief Judge DiFiore and Judges Rivera, Fahey and  
Wilson concur, Chief Judge DiFiore in a concurring  
opinion in which Judge Wilson concurs and Judge  
Fahey in a concurring opinion in which Judge Rivera  
concurs.  
Judge Stein dissents in an opinion in which Judges  
Garcia and Feinman concur.

## MOTIONS

3                    Mo. No. 2019-694  
In the Matter of Richard A. Ball, &c.,  
    Respondent,  
    v.  
Town of Ballston et al.,  
    Respondents,  
Thomas J. Benuscak et al.,  
    Intervenors-Respondents,  
The Spinney at Ballston Lake, LLC,  
    Intervenor-Appellant.

Motion for leave to appeal denied.

3                    Mo. No. 2019-695  
In the Matter of Richard A. Ball, &c.,  
    Respondent,  
    v.  
Town of Ballston et al.,  
    Respondents,  
Thomas J. Benuscak,  
    Intervenor-Appellant,  
Katz Construction & Excavation, LLC et al.,  
    Intervenors-Respondents.

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

4                    Mo. No. 2019-692  
The People &c.,  
    Respondent,  
    v.  
Tyrone Barber,  
    Appellant.

Motion for leave to appeal denied.

4                    Mo. No. 2019-476  
Diana Beechler et al.,  
    Appellants,  
    v.  
Kill Brothers Company, &c., et al.,  
    Respondents.

Motion, insofar as it seeks leave to appeal as against defendants Kill Brothers Company, &c. and Unverferth Manufacturing Company, Inc., denied; motion for leave to appeal otherwise dismissed upon the ground that the order sought to be appealed from does not finally determine the action as to the remaining parties within the meaning of the Constitution.

1 Mo. No. 2019-690  
Brothers Pac Four, LLC, &c.,  
Respondent,  
v.  
War Entertainment, LLC, &c. et al.,  
Appellants.

Motion for leave to appeal denied.

4 Mo. No. 2019-662  
The People &c.,  
Respondent,  
v.  
David L. Castaneda,  
Appellant.

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

1 Mo. No. 2019-697  
Citibank, N.A.,  
Appellant,  
v.  
Soccer for a Cause, LLC et al.,  
Respondents,  
Gordon V. Hartman,  
Defendant.

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

3 Mo. No. 2019-680  
Donna Clark,  
Appellant,  
v.  
State of New York,  
Respondent.

Motion for reargument of motion for leave to appeal  
denied.

2 Mo. No. 2019-698  
The People &c.,  
Respondent,  
v.  
Thomas D. Cox,  
Appellant.

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

2 Mo. No. 2019-709  
The People &c.,  
Respondent,  
v.  
Alyster Guadeloupe,  
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2019-716  
Dean Hart,  
Appellant,  
v.  
Deborah Rosenthal,  
Respondent.

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

1 Mo. No. 2019-674  
The People &c.,  
Respondent,  
v.  
John Horn,  
Defendant,  
Financial Casualty & Surety, Inc.,  
Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2019-702  
Johnathan Johnson,  
Appellant,  
v.  
David Bilow, &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 poor person relief dismissed as academic.

4 Mo. No. 2019-711  
In the Matter of State of New York,  
Respondent,  
v.  
Leslie L.,  
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2019-673  
The People &c.,  
Respondent,  
v.  
Timothy Lewis,  
Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2019-668  
In the Matter of Chang Liu, et al.,  
Appellants,  
v.  
State of New York, et al.,  
Respondents.

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

3 Mo. No. 2019-774  
In the Matter of Mid Island Therapy  
Associates, LLC, &c.,  
Appellant,  
v.  
Thomas P. DiNapoli, &c., et al.,  
Respondents.

Motion for reconsideration of this Court's June 25, 2019 dismissal order denied.

1 Mo. No. 2019-786  
Montefiore Medical Center,  
Respondent,  
v.  
Sherri Jefferson,  
Appellant.

Motion to vacate this Court's July 25, 2019 dismissal order denied.  
Motion for poor person relief dismissed as academic.

2 Mo. No. 2019-704  
Jeffrey Oppenheim,  
Respondent,  
v.  
Ann Oppenheim,  
Appellant.

Motion for leave to appeal dismissed as untimely (see CPLR 5513[b]; Eaton v State of New York, 76 NY2d 824 [1990]).

3                    Mo. No. 2019-667  
In the Matter of Jose Perez,  
                  Appellant,  
          v.  
New York State Justice Center for the  
Protection of People with Special Needs et al.,  
                  Respondents.

Motion for leave to appeal denied.

1                    Mo. No. 2019-762  
In the Matter of Randy Peyton, &c.,  
                  Respondent,  
Hillel Hoffman, et al.,  
          Intervenors-Respondents,  
          v.  
New York City Board of Standards and  
Appeals, et al.,  
                  Appellants.

Motion to dismiss appeal denied.

1                    Mo. No. 2019-671  
In the Matter of Ruth Pickholz,  
                  Appellant,  
          v.  
New York City Department of Housing  
Preservation & Development,  
                  Respondent.

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

2                    Mo. No. 2019-688  
The People &c.,  
                  Respondent,  
          v.  
Raughn R. Sandy,  
                  Appellant.

Motion for leave to appeal denied.

3                    Mo. No. 2019-760  
In the Matter of Paul Solomon,  
                  Appellant,  
          v.  
New York State Office of Children and  
Family Services,  
                  Respondent.

Motion for reargument of motion for leave to appeal  
denied.

1                    Mo. No. 2019-663  
Split Rail Holdings LLC,  
    Respondent,  
    v.  
176 Grand St. Corp.,  
    Appellant.

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. 2019-744  
Jacqueline Shabot Svatovic,  
    Respondent,  
    v.  
Zarko Svatovic,  
    Appellant.  
(And Another Action.)

Motion for reargument of motion for leave to appeal denied.

1                    Mo. No. 2019-683  
In the Matter of U.S. Specialty Insurance  
Company,  
    Respondent,  
    v.  
C. Lee Navarro,  
    Appellant.

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