

State of New York
Court of Appeals

Decisions

October 25, 2022

CASES

2 No. 80
The People &c.,
 Respondent,
 v.
Tramel Cuencas,
 Appellant.

Reargument ordered for a future Court session.
Acting Chief Judge Cannataro and Judges Rivera,
Garcia, Wilson, Singas and Troutman concur.

2 No. 76
In the Matter of D.L.,
 Appellant,
 v.
S.B. et al.,
 Respondents.

Order reversed, without costs, and petitions
reinstated.
Opinion by Acting Chief Judge Cannataro.
Judges Rivera, Garcia, Wilson, Singas and Troutman
concur.

2 No. 70
In the Matter of City of Long Beach,
 Respondent,
 v.
New York State Public Employment
Relations Board,
 Appellant,
Long Beach Professional Firefighters
Association, IAFF, Local 287,
 Appellant.

Order reversed, with costs, and order and judgment
of Supreme Court, Nassau County, reinstated.
Opinion by Judge Troutman.
Acting Chief Judge Cannataro and Judges Rivera,
Garcia, Wilson and Singas concur.

MOTIONS

1 Mo. No. 2022-504
In the Matter of 150 E. Third St LLC,
 Appellant,
 v.
Taylor Ryan et al.,
 Respondents.

Motion for leave to appeal dismissed upon the ground that this Court does not have jurisdiction to entertain this motion for leave to appeal from the order of the Appellate Division entered in this proceeding commenced in the Civil Court of the City of New York (*see* NY Const, art VI, § 3 [b] [7]; CPLR 5602 [a]).

1 Mo. No. 2022-529
In the Matter of 475 Kent Owner, LLC,
 Appellant,
 v.
New York City Loft Board et al.,
 Respondents.

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

2 Mo. No. 2022-501
The People &c.,
 Respondent,
 v.
Amilcar Alvarado-Villavicencio,
 Appellant.

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

1 Mo. No. 2022-535
In the Matter of Amicus Associates LP,
 Appellant,
 v.
New York City Loft Board et al.,
 Respondents.

Motion for leave to appeal denied.

1 Mo. No. 2022-506
BGC Partners, Inc. et al.,
Appellants,
v.
Avison Young (Canada), Inc., et al.,
Respondents.

Motion, insofar as it seeks leave to appeal from the March 2021 Appellate Division order, dismissed upon the ground that it does not lie, appellants having previously moved in the Court of Appeals for leave to appeal (37 NY3d 1226) from the same Appellate Division order from which they currently seek leave to appeal (*see Selinger v Selinger*, 90 NY2d 842 [1997]); motion, insofar as it seeks leave to appeal from the May 2022 Appellate Division order, 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. 2022-509
Murray Birnbaum, &c.,
Appellant,
v.
Goldenberg Consulting Group, Inc.,
Respondent.

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

1 Mo. No. 2022-474
In the Matter of Glen Bolofsky, &c., et al.,
Appellants,
v.
City of New York, et al.,
Respondents.

Motion for leave to appeal, insofar as made by Glen Bolofsky, denied; motion for leave to appeal otherwise dismissed upon the ground that, as to the other appellants, 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).

1 Mo. No. 2022-499
Brasstacks Alliance LLC,
Respondent,
v.
Phoebe Lewis, &c., 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. 2022-511
The People &c.,
Respondent,
v.
Alonzo Brown,
Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2022-526
In the Matter of the Claim of Fausto Debora,
Respondent.
Legal Interpreting Services, Inc.,
Appellant.
Commissioner of Labor,
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.

1 Mo. No. 2022-510
The People &c.,
Respondent,
v.
Alberto DeLeon,
Appellant.

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

1 Mo. No. 2022-544
In the Matter of the Estate of Beatrice
Eisman, &c.

Gail Morris,
Respondent;
Clyde Eisman,
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.
Motion for a stay dismissed as academic.

1 Mo. No. 2022-517
Hilton Wiener, LLC,
Respondent,
v.
Lowell Anderson,
Appellant.

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

1 Mo. No. 2022-448
In the Matter of LandmarkWest! Inc.,
Appellant,
v.
New York City Board of Standards and
Appeals, et al.,
Respondents.

Motion, insofar as it seeks leave to appeal from that portion of the Appellate Division order as affirmed the Supreme Court order denying the motion to renew, dismissed upon the ground that such portion of the order does not finally determine the proceeding within the meaning of the Constitution; motion for leave to appeal otherwise denied.

2 Mo. No. 2022-515
Witold Opalinski,
Appellant,
v.
City of New York, 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.

3 Mo. No. 2022-497
In the Matter of Sarwat Parvaz et al.,
Appellants,
v.
Public Service Commission et al.,
Respondents.

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

4 Mo. No. 2022-537
In the Matter of Eve Shippens, et al.,
Appellants,
v.
Board of Education of City School District of
City of Buffalo,
Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2022-503
State of New York et al. ex rel. Robert
Solomon,
Plaintiffs,
Robert Solomon,
Appellant,
v.
Siemens Electrical, LLC, &c., et al.,
Respondents.

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

3 Mo. No. 2022-684
In the Matter of St. Lawrence County et al.,
 Appellants,
 v.
City of Ogdensburg et al.,
 Respondents,
et al.,
 Respondents.

Motion for a stay denied.

2 Mo. No. 2022-502
Davied Zvi Van Der Velde,
 Appellant,
 v.
New York Property Underwriting
Association,
 Respondent.

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