

State of New York
Court of Appeals

Decisions

October 24, 2023

CASES

1 No. 68
The People &c.,
 Respondent,
 v.
Rakeem Douglas,
 Appellant.

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

 No. 100 SSM 7
The People &c.,
 Appellant,
 v.
Nikolas Lovett,
 Respondent.

On review of submissions pursuant to section 500.11
of the Rules, order affirmed, in a memorandum.
Chief Judge Wilson and Judges Garcia, Singas,
Cannataro, Troutman and Halligan concur.
Judge Rivera dissents in an opinion.

3 No. 48
In the Matter of Joseph Nemeth, et al.,
 Appellants,
 v.
K-Tooling, et al.,
 Respondents.

Order reversed, with costs, and motions to dismiss
the amended petition denied.
Opinion by Judge Rivera.
Chief Judge Wilson and Judges Garcia, Singas,
Cannataro, Troutman and Halligan concur.

4 No. 98 SSM 6
Skaneateles Country Club,
 Appellant,
 v.
Olivia Cambs,
 Respondent.

On review of submissions pursuant to section 500.11
of the Rules, order and judgment reversed, with costs,
and judgment of Supreme Court, Onondaga County,
reinstated, in a memorandum.
Judges Garcia, Singas, Cannataro, Troutman and
Halligan concur.
Judge Rivera dissents and votes to affirm in an
opinion, in which Chief Judge Wilson concurs.

1 No. 70
In the Matter of Terrence Stevens et al.,
 Respondents,
 v.
New York State Division of Criminal Justice
Services, et al.,
 Appellants.

Order reversed, with costs, and petition dismissed.
Opinion by Chief Judge Wilson.
Judges Garcia, Singas and Cannataro concur.
Judge Lindley dissents in an opinion, in which Judges
Troutman and Lynch concur.
Judges Rivera and Halligan took no part.

MOTIONS

3 Mo. No. 2023-416
Robert Barnhardt,
Respondent,
v.
Richard G. Rosetti, 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. 2023-481
Rochel Bernstein,
Appellant,
v.
Israel Shimon Benchemoun,
Respondent.

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

3 Mo. No. 2023-411
In the Matter of Jerry Bowens,
Appellant,
v.
Nancy K. Fernandez, &c.,
Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2023-429
Paul Brathwaite et al.,
Appellants,
v.
Shaun Francois, &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.

3 Mo. No. 2023-510
In the Matter of The Brightonian Nursing Home, Inc., et al.,
Appellants,
v.
Howard Zucker, &c.,
Respondent.
(And Another Related Proceeding.)

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

2 Mo. No. 2023-522
The People &c.,
Respondent,
v.
Terrance Bullock,
Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2023-483
John D. Cadore,
Appellant,
v.
State of New York,
Respondent.
(Claim No. 135656)

Motion for reargument denied.

4 Mo. No. 2023-484
John D. Cadore,
Appellant,
v.
State of New York,
Respondent.
(Claim No. 129681)

Motion for reargument denied.

2 Mo. No. 2023-489
Deutsche Bank National Trust Company, &c.,
Respondent,
v.
Claudia Beckford,
Appellant,
et al.,
Defendants.

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. 2023-475
The People &c.,
Respondent,
v.
Terrence Downes,
Appellant.

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

Mo. No. 2023-471

The People &c.,
Respondent,
v.
Angel Garcia,
Appellant.

Motion for leave to appeal dismissed upon the ground that the Court of Appeals does not have jurisdiction to entertain this motion for leave to appeal from the order of County Court entered in this proceeding commenced in Town Court (*see* NY Const, art VI, § 3 [b]; CPLR 5602).

2 Mo. No. 2023-441
JPMorgan Chase Bank, National Association,
&c.,
Respondent,
v.
Doina Almazon, &c.,
Appellant,
et al.,
Defendants.

Motion, insofar as it seeks leave to appeal from the portion of the Appellate Division order that affirmed the December 2018 judgment of foreclosure and sale, denied; motion for leave to appeal otherwise dismissed upon the ground that the remaining portions of the Appellate Division order do not finally determine the action within the meaning of the Constitution.
Motion for a stay dismissed as academic.
Judge Cannataro took no part.

2 Mo. No. 2023-491
The People &c.,
Respondent,
v.
Matthew Lee,
Appellant.

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

2 Mo. No. 2023-482
The People &c.,
Respondent,
v.
Christopher Lynch,
Appellant.

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

2 Mo. No. 2023-526
Faye T. Madigan, &c.,
 Plaintiff,
 v.
Berkeley Capital LLC, et al.,
 Defendants,
Rosa Bronstein, et al.,
 Respondents,
Oceana Holding Corp.,
 Respondent.
Joseph Paukman,
 Appellant.

Motion for reargument denied.

3 Mo. No. 2023-513
In the Matter of Jonathan Mena,
 Appellant,
 v.
Eric Gutwein, &c., et al.,
 Respondents.

Motion for leave to appeal denied.

2 Mo. No. 2023-422
The People &c.,
 Respondent,
 v.
Alberto Ojeda,
 Appellant.

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

1 Mo. No. 2023-459
In the Matter of New York City Asbestos
Litigation.

Robert Olson, &c.,
 Appellant,
Brenntag North America, Inc., et al.,
 Defendants,
Johnson & Johnson et al.,
 Respondents.

Motion for reargument of motion for leave to appeal
denied.
Chief Judge Wilson took no part.

1 Mo. No. 2023-529
In the Matter of Hamidur Rashid,
Appellant,
v.
Kelly O'Neill-Levy, &c.,
Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2023-440
Roberto Restaurant Inc. et al.,
Appellants,
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 and is not an order of the type provided for in CPLR 5602 (a) (2).

1 Mo. No. 2023-448
The People &c.,
Respondent,
v.
Michael Roman,
Appellant.

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

2 Mo. No. 2023-329
In the Matter of Maria S.,
Appellant,
v.
Jane Tully, &c. et al.,
Respondents.

On the Court's own motion, appeal dismissed, without costs, upon the ground that the issues presented have become moot.
Motion for leave to appeal dismissed upon the ground that the issues presented have become moot.

1 Mo. No. 2023-404
Gabriel Suarez,
Appellant,
v.
Yves Ades et al.,
Respondents.

Motion for leave to appeal denied.

1 Mo. No. 2023-426
Summit Development Corp., &c.,
 Respondent,
 v.
Hudson Meridian Construction Group LLC,
et al.,
 Appellants.
(And Other Actions.)

On the Court's own motion, appeal dismissed, without costs, upon the ground that the order appealed from is not the final paper from which an appeal may be taken (*see* CPLR 5611). Motion for leave to appeal dismissed upon the ground that the order sought to be appealed from is not the final paper from which leave to appeal may be sought (*see* CPLR 5611).

4 Mo. No. 2023-453
The People &c.,
 Respondent,
 v.
Jeffrey T. Swartz,
 Appellant.
(App. Div. No. KA 21-00987)

Motion for leave to appeal denied.

4 Mo. No. 2023-454
The People &c.,
 Respondent,
 v.
Jeffrey T. Swartz,
 Appellant.
(App. Div. No. KA 21-00988)

Motion for leave to appeal denied.

2 Mo. No. 2023-427
In the Matter of Anna Taylor,
 Appellant,
 v.
Randolph J. Taylor Sr.,
 Respondent.

Motion for leave to appeal denied. Motion for ancillary relief dismissed upon the ground that this Court does not have jurisdiction to entertain it (*see* NY Const, art VI, § 3).

2 Mo. No. 2023-476
Randolph J. Taylor,
 Respondent,
 v.
Anna Taylor,
 Appellant.

Motion for leave to appeal &c. 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. 2023-591
In the Matter of Samuel Walton,
 Appellant,
 v.
Anthony J. Annucci, &c.,
 Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2023-443
Michael J. Wang,
 Appellant,
 v.
State of New York,
 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.