

State of New York
Court of Appeals

Decisions

September 19, 2023

CASE

No. 97

In the Matter of Hon. Mitchell Q. Soules, Jr.,
a Justice of the Little Falls Town Court,
Herkimer County.

On consideration of the continuation of this Court's July 28, 2023 suspension, with pay, of Hon. Mitchell Q. Soules, Jr. from the office of Justice of the Little Falls Town Court, Herkimer County (*see* 2023 NY Slip Op 04094), it is determined that the suspension continue, with pay, effective immediately, pursuant to New York Constitution, article VI, § 22 and Judiciary Law § 44.

Chief Judge Wilson and Judges Garcia, Singas, Cannataro, Troutman and Halligan concur.
Judge Rivera took no part.

MOTIONS

1 Mo. No. 2023-282

300 Wadsworth LLC,
Appellant,

v.

New York State Division of Housing and
Community Renewal et al.,
Respondents.

Motion for leave to appeal denied.

3 Mo. No. 2023-331

In the Matter of Atlanticare Management,
LLC, &c.,
Appellant,

v.

Erin Ives, &c. et al.,
Respondents.

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

3 Mo. No. 2023-267

In the Matter of Andrew Blake,
Appellant,

v.

Inmate Records Clerk, Clinton Correctional
Facility, et al.,
Respondents.

Motion for leave to appeal &c. denied.

1 Mo. No. 2023-283

In the Matter of Alexandra Bonacarti,
Appellant,

v.

Mayor's Office of Criminal Justice et al.,
Respondents.

Motion for leave to appeal denied.

1 Mo. No. 2023-337

The People &c.,
Respondent,

v.

Harry Bonilla,
Appellant.

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

4 Mo. No. 2023-620
In the Matter of Bowers Development, LLC
et al.,
 Respondents,
 v.
Oneida County Industrial Development
Agency et al.,
 Appellants.

Motion by County of Oneida 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. 2023-344
The People &c.,
 Respondent,
 v.
Alex Bracero,
 Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2023-273
In the Matter of William H. Brennan,
 Appellant,
 v.
Power Authority of the State of New York,
 Respondent.

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

2 Mo. No. 2023-228
Hannah Buckstine,
 Appellant,
 v.
Jordan Schor, et al.,
 Respondents,
et al.,
 Defendants.
(And a Third-Party Action.)

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

1 Mo. No. 2023-319
In the Matter of Manuel Carvalho Calvelos,
 Appellant,
 v.
Cynthia Brann, &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 proceeding within the meaning of the Constitution.

2 Mo. No. 2023-311
The People &c.,
Respondent,
v.
Jesus Cortez-Moreno,
Appellant.

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

1 Mo. No. 2023-288
Mark Crispin Miller, &c.,
Appellant-Respondent,
v.
Arjun Appadurai, et al.,
Respondents-Appellants.

Motions for leave to appeal denied.

2 Mo. No. 2023-340
In the Matter of Nicholas L. D'Alessandro,
Appellant,
v.
Daniel A. Nigro, &c. et al.,
Respondents.

Motion for leave to appeal dismissed as untimely
(*see* CPLR 5513 [b]; 2103 [b] [2]).

3 Mo. No. 2023-286
In the Matter of the Claim of Charlene Davis,
Appellant,
v.
Hutchings Children Services et al.,
Respondents.
Workers' Compensation Board,
Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2023-323
Melvyn J. Davis,
Respondent,
v.
Graham Court Owners Corp.,
Appellant,
et al.,
Defendants.

Motion for leave to appeal denied.

1 Mo. No. 2023-334
Eagle Eye Collection Corp.,
Appellant,
v.
Susan E. Odery,
Defendant,
Laurie E. Palma,
Nonparty-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. 2023-281
Regina Farage,
Appellant,
v.
Associated Insurance Management Corp., et al.,
Defendants,
Tower Insurance Company of New York, et al.,
Respondents.

Motion for leave to appeal granted.

1 Mo. No. 2023-300
The People &c.,
Respondent,
v.
Adam Field,
Appellant.

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

1 Mo. No. 2023-312
Warren Gilder,
Respondent,
v.
Michael Stern 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.

3 Mo. No. 2023-257
Greg Beeche, Logistics, LLC,
Appellant,
v.
Cross Country Construction, LLC,
Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2023-309
The People &c.,
Respondent,
v.
Santino Guerra,
Appellant.

Motion for reargument denied.
Judge Halligan took no part.

1 Mo. No. 2023-266
Frieda Hamway, et al.,
Appellants,
v.
Isaac Sutton,
Respondent,
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.

1 Mo. No. 2023-301
The People &c.,
Respondent,
v.
Willie Hanford,
Appellant.

Motion for leave to appeal denied.
Motion for poor person relief dismissed as academic.
Judge Halligan took no part.

2 Mo. No. 2023-298
The People &c.,
Respondent,
v.
Joseph Harris,
Appellant.

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

3 Mo. No. 2023-600
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.

2 Mo. No. 2023-307
The People &c.,
Respondent,
v.
Jose R. Holguin,
Appellant.

1 Mo. No. 2023-314
The People &c.,
Respondent,
v.
Scott Holloway,
Appellant.

2 Mo. No. 2023-305
In the Matter of Donald Howard,
Appellant,
v.
Daniel A. Nigro, &c. et al.,
Respondents.

Motion, insofar as it seeks to vacate the CPLR 5519 (a) stay, denied; motion, insofar as it seeks clarification of the automatic stay, granted. The order of the Appellate Division directed the Independent Redistricting Commission (IRC) to "commence its duties forthwith" (217 AD3d 53, 62 [3d Dept 2023]). That order is automatically stayed pursuant to CPLR 5519 (a) (1), but the stay does not prohibit the IRC or its members from taking any actions.

Cross-motion for a stay pursuant to CPLR 5519 (c) dismissed as academic.

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

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

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.

4 Mo. No. 2023-320
Theresa M. Johnson,
 Appellant,
 v.
Arnim P. Amadorzabala, &c.,
 Respondent,
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. 2023-338
The People &c.,
 Respondent,
 v.
Adeola Koiki,
 Appellant.

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

1 Mo. No. 2023-293
In the Matter of Lambros Lambrou,
 Appellant,
 v.
New York City,
 Respondent,
New York County District Attorney's Office
et al.,
 Respondents.

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

1 Mo. No. 2023-350
The People &c.,
 Respondent,
 v.
Nelson Lendeborg,
 Appellant.

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

2 Mo. No. 2023-248
In the Matter of Lewis Homes of New York,
Inc. et al.,
 Appellants,
 v.
Board of Site Plan Review of the Town of
Smithtown, et al.,
 Respondents.

Motion for leave to appeal denied.

2 Mo. No. 2023-317
The People &c.,
 Respondent,
 v.
Baudilio Lopez Ramirez,
 Appellant.

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

2 Mo. No. 2023-313
The People &c.,
 Respondent,
 v.
Jose Mandes,
 Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2023-322
Nella Manko,
 Appellant,
 v.
Lenox Hill Anesthesiology, PLLC, et al.,
 Respondents.

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

3 Mo. No. 2023-275
NCRNC, &c.,
 Appellant,
 v.
Douglas Angona, &c.,
 Defendant,
Robert Gibson, &c.,
 Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2023-347
In the Matter of Jane H. O'Keeffe,
Respondent,
v.
Brice D. O'Keeffe,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2023-345
In the Matter of Ofek Rachel LTD., et al.,
Respondents,
v.
Ben Zion Suky, &c.,
Appellant,
Meital Suky,
Appellant.

Motions, insofar as they seek leave to appeal from the portion of the Appellate Division order that dismissed the appeals from Supreme Court's March 2022 order, dismissed upon the ground that such portion of the order does not finally determine the proceeding within the meaning of the Constitution; motions for leave to appeal otherwise denied.

1 Mo. No. 2023-292
Oliver 889 LLC,
Respondent,
v.
889 Realty Inc.,
Appellant,
et al.,
Counterclaim 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.

4 Mo. No. 2023-343
In the Matter of Onondaga Center for
Rehabilitation and Healthcare,
Appellant,
v.
New York State Department of Health, et al.,
Respondents.

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

1 Mo. No. 2023-233
The People &c.,
Respondent,
v.
William Parker,
Appellant.

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

1 Mo. No. 2023-316
In the Matter of Juan Ramirez, Jr.,
Appellant,
v.
Selective Advisors Group, LLC,
Respondent.

Motion for leave to appeal dismissed upon the ground that the orders sought to be appealed from do not finally determine the proceeding within the meaning of the Constitution.

1 Mo. No. 2023-330
Alison Regan,
Appellant,
v.
W Associates, LLC, et al.,
Respondents.

Motion for leave to appeal granted.

3 Mo. No. 2023-410
In the Matter of Darrell RR.,
Respondent,
v.
Donaisha SS.,
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.

1 Mo. No. 2023-294
RSR Corporation,
Plaintiff,
Howard Meyers,
Appellant,
v.
Leg Q LLC, et al.,
Respondents.

Motion for leave to appeal denied.

2 Mo. No. 2023-328
S & H Clinton Associates, LLC,
Respondent,
v.
Tyrone Cherry,
Appellant.

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

1 Mo. No. 2023-315
The People &c.,
 Respondent,
 v.
Torkieh Sadagheh,
 Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2023-285
Bhupendra K. Shah,
 Appellant,
 v.
N.Y. State Office of Mental Health, 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.

2 Mo. No. 2023-333
John J. Shaia,
 Appellant,
 v.
Saw Mill Capital, LLC,
 Respondent,
et al.,
 Defendants.

Motion for leave to appeal denied.

3 Mo. No. 2023-272
Lawrence Sloane, et al.,
 Appellants,
 v.
Power Authority of the State of New York,
 Respondent,
et al.,
 Defendants.

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

4 Mo. No. 2023-278
Richard Stacey, II,
 Appellant,
 v.
State of New York,
 Respondent.

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

3 Mo. No. 2023-325
Meredith Szypula,
Appellant,
v.
John Szypula,
Respondent.

Motion for leave to appeal granted.

3 Mo. No. 2023-348
In the Matter of the Claim of Elizabeth
Wilber,
Respondent,
v.
Hamister Group, LLC, et al.,
Appellants.
Workers' Compensation Board,
Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2023-299
Wolf Haldenstein Adler Freeman & Herz
LLP,
Respondent,
v.
270 Madison Avenue Associates LLC et al.,
Appellants.

Motion for leave to appeal denied.

1 Mo. No. 2023-371
Wolf Haldenstein Adler Freeman & Herz
LLP,
Appellant,
v.
270 Madison Avenue Associates LLC et al.,
Respondents.

Motion for leave to appeal denied.

3 Mo. No. 2023-326
In the Matter of the Claim of Edward Wolff,
Respondent.
Industrial Medicine Associates, P.C.,
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.