

State of New York
Court of Appeals

Decisions

June 18, 2024

CASES

1 No. 60
In the Matter of Elizabeth Street Garden, Inc.,
et al.,
 Appellants,
 v.
City of New York, et al.,
 Respondents.

Order affirmed, with costs, and certified question not answered as unnecessary, in a memorandum. Chief Judge Wilson and Judges Garcia, Singas, Cannataro, Troutman and Halligan concur. Judge Rivera dissents in an opinion.

4 No. 64
The People &c.,
 Appellant,
 v.
Alvin King,
 Respondent.

Order reversed, defendant's motion to dismiss the indictment pursuant to CPL 30.30 denied, and case remitted to the Appellate Division, Fourth Department, for consideration of the facts and issues raised but not determined on appeal to that Court. Opinion by Judge Singas. Judges Garcia, Cannataro, Troutman and Halligan concur. Chief Judge Wilson concurs in result in an opinion. Judge Rivera dissents and votes to affirm in an opinion.

1 No. 19
The People &c.,
 Respondent,
 v.
Steven Sidbury,
 Appellant.

Order reversed and a new trial ordered. Opinion by Chief Judge Wilson. Judges Rivera, Troutman and Halligan concur. Judge Singas dissents in part and votes to affirm in an opinion, in which Judges Garcia and Cannataro concur.

3 No. 52
The People &c.,
 Respondent,
 v.
Kevin L. Thomas,
 Appellant.

Order reversed and case remitted to County Court,
Chemung County, for further proceedings in
accordance with the opinion herein.
Opinion by Judge Cannataro.
Chief Judge Wilson and Judges Garcia, Singas,
Troutman and Halligan concur.
Judge Rivera dissents and votes to affirm in an
opinion.

2 No. 55
The People &c.,
 Respondent,
 v.
Freddie T. Wright,
 Appellant.

Order affirmed.
Opinion by Judge Cannataro.
Judges Garcia, Singas and Pritzker concur.
Chief Judge Wilson dissents in an opinion, in which
Judges Rivera and Troutman concur.
Judge Halligan took no part.

MOTIONS

3 Mo. No. 2024-130
In the Matter of Buenos Hill, Inc. et al.,
Appellants,
v.
City of Saratoga Springs, et al.,
Respondents.

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

2 Mo. No. 2024-81
Jeffrey P. Falk, &c.,
Appellant,
v.
Nassau County et al.,
Respondents.

Motion for reargument of motion for leave to appeal denied.

1 Mo. No. 2024-198
In the Matter of Mindle Farca,
Appellant,
v.
Board of Education of the City School
District of the City of New York, et al.,
Respondents.

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

1 Mo. No. 2024-9
In the Matter of Janon Fisher,
Appellant,
v.
City of New York Office of the Mayor,
Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2024-113
Annette Gaffney,
Appellant,
v.
New York City Transit Authority et al.,
Respondents,
et al.,
Defendant.

Motion, insofar as it seeks leave to appeal as against defendant Alex Lamont Bankston, dismissed as untimely (*see* CPLR 5513 [b]); motion for leave to appeal otherwise denied.
Motion for poor person relief dismissed as academic.

2 Mo. No. 2024-108
The People &c.,
Respondent,
v.
Kenneth Holmes,
Appellant.

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

2 Mo. No. 2024-122
Jainarine Jasopersaud,
Appellant,
v.
David L. Lewis, et al.,
Respondents,
et al.,
Defendants.

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

2 SSD 18
In the Matter of State of New York,
Respondent,
v.
Kerry K.,
Appellant.

Appeal dismissed without costs, by the Court sua
sponte, upon the ground that no substantial
constitutional question is directly involved.

1 Mo. No. 2024-373
In the Matter of Kasowitz, Benson, Torres &
Friedman, LLP,
Petitioner,
v.
JPMorgan Chase Bank, N.A.,
Appellant,
The Dakota, Inc.,
Respondent,
Alphonse Fletcher, Jr.,
Respondent;
Fletcher International, Ltd., et al.,
Intervenors-Respondents.

Motion to dismiss appeal denied.
Judge Garcia took no part.

2 Mo. No. 2024-124
The People &c.,
Respondent,
v.
Kevin Little,
Appellant.

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

3 Mo. No. 2024-66
In the Matter of Lost Lake Resort, Inc.,
Respondent,
v.
Board of Assessors for the Town of
Forestburgh et al.,
Appellants.
(And Another Proceeding.)

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

3 Mo. No. 2024-132
Shashi Mehrotra,
Appellant,
v.
General Electric Company et al.,
Respondents.

Motion for leave to appeal denied with one hundred
dollars costs and necessary reproduction
disbursements.
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. 2024-143
Claire Paré, &c.,
Appellant,
et al.,
Plaintiff,
v.
Paul Paré, et al.,
Respondents.

Motion for leave to appeal denied.

3 Mo. No. 2024-22
In the Matter of the Claim of Bryant Parks,
Appellant.
Commissioner of Labor,
Respondent.

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

2 Mo. No. 2024-71
In the Matter of Felix Procacci,
Appellant,
v.
Town of Hempstead,
Respondent.

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

1 Mo. No. 2024-106
The People &c.,
Respondent,
v.
Danny Rivera,
Appellant.

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

2 Mo. No. 2024-80
The People &c.,
Respondent,
v.
Artic Rogers,
Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2024-380
In the Matter of Lewis B. Rosbaugh et al.,
Appellants,
Town of Lodi,
Respondent,
et al.,
Respondent-Defendant.

Motion for leave to appeal denied.

3 Mo. No. 2024-47
In the Matter of the Claim of Leonore Salvia,
Appellant,
v.
Nutritional Frontiers LLC et al.,
Respondents.
Workers' Compensation Board,
Respondent.

Motion for leave to appeal denied.

3 Mo. No. 2024-61
In the Matter of Saratoga Economic
Development Corporation,
 Appellant,
 v.
State of New York Authorities Budget Office,
 Respondent.

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

2 Mo. No. 2024-173
The People &c.,
 Respondent,
 v.
Daniel Sherlock,
 Appellant.

Motion for leave to appeal granted.
Motion for poor person relief granted.

1 Mo. No. 2024-117
The People &c.,
 Respondent,
 v.
Robert Story,
 Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2024-123
Silene Matulis Teixeira,
 Appellant,
 v.
Alvaro Luis Teixeira,
 Respondent.

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

1 Mo. No. 2024-109
Ari Teman,
 Appellant,
 v.
Eric Braverman, &c., et al.,
 Respondents,
et al.,
 Defendants.

Motion for leave to appeal dismissed upon the
ground that no appeal lies from an Appellate
Division order dismissing an appeal from an order
entered upon default (*see* CPLR 5511).

1 SSD 22
In the Matter of Donald J. Trump,
Appellant,
v.
Juan M. Merchan, &c., et al.,
Respondents.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that no substantial constitutional question is directly involved. Chief Judge Wilson and Judge Halligan took no part.

3 Mo. No. 2024-88
In the Matter of Brian Tully,
Appellant,
v.
Colleen C. Gardener, et al.,
Respondents.

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

1 Mo. No. 2024-45
In the Matter of Tabitha Ward,
Appellant,
v.
New York Police Department Headquarters
License Division,
Respondent.

On the Court's own motion, appeal dismissed, without costs, upon the ground that no substantial constitutional question is directly involved. Motion for leave to appeal denied. Motion for poor person relief dismissed as academic.

2 Mo. No. 2024-299
The People &c. ex rel. Danielle Welch, &c.,
Appellant,
v.
Lynelle Maginley-Liddie, &c.,
Respondent.

Motion for leave to appeal granted.
Motion for poor person relief granted.

1 Mo. No. 2024-50
In the Matter of Wells Fargo Bank, et al.,
 Petitioners,
 v.
Aegon USA Investment Management, LLC,
et al.,
 Respondents,
U.S. Bank National Association, &c.,
 Appellant,
Tilden Park Investment Master Fund, &c.,
 Respondent,
Nover Ventures LLC, 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.
Judge Halligan took no part.

1 Mo. No. 2024-131
In the Matter of Wells Fargo Bank, et al.,
 Petitioners,
 v.
Aegon USA Investment Management, LLC,
et al.,
 Respondents,
U.S. Bank National Association, &c.,
 Appellant,
Tilden Park Investment Master Fund, &c.,
 Appellant,
Nover Ventures LLC, et al.,
 Respondents.

Motions for leave to appeal denied.
Judge Halligan took no part.

2 Mo. No. 2024-55
In the Matter of Edward Wydra, et al.,
 Respondents,
 v.
Mendel Brach,
 Appellant,
et al.,
 Respondents.

Motion for leave to appeal denied.