

State of New York
Court of Appeals

Decisions

March 22, 2022

CASES

2 No. 50 SSM 35
In the Matter of Luis Alvarez,
 Appellant,
 v.
Anthony J. Annucci, &c.,
 Respondent.

On review of submissions pursuant to section 500.11 of the Rules, order insofar as appealed from as limited by the submissions affirmed, without costs, in a memorandum.
Chief Judge DiFiore and Judges Garcia, Singas, Cannataro and Troutman concur.
Judge Wilson dissents in an opinion, in which Judge Rivera concurs.

2 No. 18
The People &c.,
 Respondent,
 v.
Jeffery Bush,
 Appellant.

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

 No. 10
Jesus Ferreira,
 Appellant,
 v.
City of Binghamton et al.,
 Respondents.

Following certification of a question by the United States Court of Appeals for the Second Circuit and acceptance of the question by this Court pursuant to section 500.27 of this Court's Rules of Practice, and after hearing argument by counsel for the parties and consideration of the briefs and record submitted, certified question answered in accordance with the opinion herein.
Opinion by Judge Singas.
Chief Judge DiFiore and Judges Garcia, Cannataro and Troutman concur.
Judge Wilson dissents in an opinion, in which Judge Rivera concurs.

1 No. 16
Curby Toussaint,
 Respondent,
 v.
Port Authority of New York and New Jersey,
 Appellant,
et al.,
 Defendants.

Order reversed, with costs, motion by defendant Port Authority of New York and New Jersey for summary judgment dismissing the Labor Law § 241 (6) claim predicated on Industrial Code (12 NYCRR) § 23-9.9 (a) granted and certified question answered in the negative.
Opinion by Judge Garcia.
Chief Judge DiFiore and Judges Singas and Cannataro concur.
Judge Wilson dissents in an opinion, in which Judges Rivera and Troutman concur.

3 No. 12
Jennifer White, et al.,
 Respondents,
 v.
Andrew Cuomo, &c., et al.,
 Appellants.

Order insofar as appealed from reversed, with costs, and defendants' cross motion for summary judgment declaring that article 14 of the Racing, Pari-Mutuel Wagering and Breeding Law does not violate article I, § 9 of the New York Constitution granted.
Opinion by Chief Judge DiFiore.
Judges Singas, Cannataro and LaSalle concur.
Judge Wilson dissents in an opinion, in which Judges Rivera and Troutman concur.
Judge Garcia took no part.

MOTIONS

1 Mo. No. 2021-1008
Clifford A. Arrey,
 Appellant,
 v.
Tuck It Away-East Side, Inc., 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. 2021-1024
The People &c.,
 Respondent,
 v.
Demencio Baez,
 Appellant.

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

2 Mo. No. 2021-949
Danna Brown,
 Appellant,
 v.
City of New York et al.,
 Respondents,
et al.,
 Defendants.

Motion for leave to appeal denied.

1 Mo. No. 2021-946
Carol Commissiong,
 Appellant,
 v.
State of New York Division of Housing and
Community Renewal,
 Respondent.

Motion for leave to appeal denied.

1 SSD 6
Cortlandt Street Recovery Corp.,
Respondent,

v.

TPG Capital Management, L.P., et al.,
Respondents.

Basil Vasiliou,
Proposed Intervenor-Appellant.

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

3 Mo. No. 2021-958
Brenda Davies et al., &c.,
Appellants,

v.

S.A. Dunn & Company, LLC,
Respondent.

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

2 Mo. No. 2021-1006
The People &c.,
Respondent,

v.

Kevin Davis,
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2021-944
Village of Dobbs Ferry,
Respondent,

v.

Landing on the Water at Dobbs Ferry
Homeowners Association, Inc.,
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. 2021-999
In the Matter of Nestor Dominguez,
Appellant,

v.

James O'Neill, &c. et al.,
Respondents.

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

3 Mo. No. 2021-959
Jennifer Duncan,
Appellant,
v.
Capital Region Landfills, Inc.,
Respondent.

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

2 Mo. No. 2021-955
Friends of Wickers Creek Archeological Site,
Inc.,
Respondent,
v.
Landing on the Water at Dobbs Ferry
Homeowners Association, Inc.,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2021-899
Steven Hammond,
Appellant,
v.
Equinox Holdings LLC, &c. et al.,
Respondents,
et al.,
Defendant.

Motion for leave to appeal denied.

1 Mo. No. 2021-962
The People &c.,
Respondent,
v.
Ishri Harripersaud,
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2021-943
The People &c.,
Respondent,
v.
Philip S. Hunter,
Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2021-1000
Jeda Capital-56, LLC,
Appellant,
v.
Village of Potsdam,
Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2021-1013
In the Matter of Kathryn K., &c.,
Respondent,
v.
Derek S.,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2021-964
In the Matter of Joseph Todd Lerner et al.,
Appellants,
v.
Credit Suisse Securities (USA) LLC,
Respondent.

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

1 Mo. No. 2021-1011
In the Matter of Joseph Todd Lerner et al.,
Appellants,
v.
Credit Suisse Securities (USA) LLC,
Respondent.

Motion by National Employment Lawyers Association/New York et al. for leave to appear amici curiae on the motion for leave to appeal herein granted and the proposed brief is accepted as filed.
Judge Wilson took no part.

2 Mo. No. 2021-1018
The People &c.,
Respondent,
v.
Bruce Lezama,
Appellant.

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

1 Mo. No. 2022-93
Nella Manko,
 Appellant,
 v.
Dr. Dana Mannor, et al.,
 Respondents,
Lenox Hill Hospital, &c. et al.,
 Defendants.

Nella Manko,
 Appellant,
 v.
Dana Mannor, et al.,
 Respondents,
"Anesthesiologist" (a fictitious name), et al.,
 Defendants.

2 Mo. No. 2021-1012
The People &c.,
 Respondent,
 v.
John Martin,
 Appellant.

1 Mo. No. 2021-963
Valeria McMillan et al.,
 Appellants,
 v.
Christopher Marengo, &c.,
 Respondent.

2 Mo. No. 2021-1033
Salvatore Mistretta,
 Appellant,
 v.
Newsday Media Group,
 Respondent.

Motion for leave to appeal dismissed upon the ground that the order sought to be appealed from does not finally determine the actions within the meaning of the Constitution.
Motion for poor person relief dismissed as academic.
Chief Judge DiFiore took no part.

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

Motion for leave to appeal denied.

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

2 Mo. No. 2021-924
In the Matter of Town of Oyster Bay,
 Respondent,
 v.
55 Motor Avenue Company, LLC, et al.,
 Appellants.

Motion for leave to appeal denied.

1 Mo. No. 2021-884
Manuel D. Paulino,
 Appellant,
 v.
Menachem Braun,
 Respondent.

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

3 Mo. No. 2021-990
Richard Price et al.,
 Appellants,
 v.
Emily Sarasene,
 Respondent.
(And a Related Action.)

Motion for leave to appeal denied.

2 Mo. No. 2021-988
The People &c.,
 Respondent,
 v.
Arthur Pryor,
 Appellant.

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

1 Mo. No. 2021-997
The People &c.,
 Respondent,
 v.
Carlos Ramos,
 Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2021-940
Charles Rochester,
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.
Motion for poor person relief dismissed as academic.

3 Mo. No. 2021-935
The People &c.,
Respondent,
v.
David Ross,
Appellant.

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

1 Mo. No. 2021-977
Sajust, LLC,
Appellant,
v.
Cara Mendelow, et al.,
Respondents.

Motion for leave to appeal denied.

1 Mo. No. 2021-951
Timothy Spicer, et al.,
Respondents,
v.
GardaWorld Consulting (UK) Limited,
Appellant.

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

2 Mo. No. 2021-986
Sam Stathis,
Appellant,
v.
Estate of Donald Karas, &c., et al.,
Respondents,
Aries, LLC, et al.,
Third-Party Defendants.

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

1 Mo. No. 2022-31
The People &c.,
Respondent,
v.
Rondelle T.,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2021-1017
Roy Taylor,
Appellant,
v.
NYPD Property Clerk, et al.,
Respondents.

Motion for reargument of motion for leave to appeal denied.
Motion for poor person relief dismissed as academic.
Judge Troutman took no part.

1 Mo. No. 2021-913
Joseph Torres,
Appellant,
v.
Triborough Bridge and Tunnel Authority, et al.,
Respondents.

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

1 Mo. No. 2021-971
Dervanna H.A. Troy-McKoy,
Appellant,
v.
Mount Sinai Beth Israel,
Respondent.

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

2 Mo. No. 2021-872
In the Matter of Tutor Perini Corporation,
Appellant,
v.
City of New York Office of Administrative
Trials and Hearings Contract Dispute
Resolution Board et al.,
Respondents.

Motion for leave to appeal denied.

4 Mo. No. 2022-26
The People &c.,
 Respondent,
 v.
Robert Wester,
 Appellant.

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

2 Mo. No. 2021-1032
Xin Zheng Zhan 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.

1 Mo. No. 2022-40
Haim Zitman,
 Appellant,
 v.
Sutton LLC, et al.,
 Respondents.

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