

**State of New York**  
**Court of Appeals**

**Decisions**

February 15, 2024

**CASES**

- |   |        |   |
|---|--------|---|
| 3<br>In the Matter of Clifton Park Apartments,<br>LLC, &c., et al.,<br>Respondents,<br>v.<br>New York State Division of Human Rights,<br>Appellant,<br>et al.,<br>Respondents.<br>(And Another Related Proceeding.) | No. 2  | Judgment reversed, with costs, and matter remitted to the Appellate Division, Third Department, with directions to remand to the New York State Division of Human Rights for further proceedings in accordance with the opinion herein.<br>Opinion by Judge Singas.<br>Chief Judge Wilson and Judges Rivera, Garcia, Cannataro, Troutman and Halligan concur.   |
| 1<br>Consolidated Restaurant Operations, Inc.,<br>Appellant,<br>v.<br>Westport Insurance Corporation,<br>Respondent.  | No. 7  | Order insofar as appealed from affirmed, with costs.<br>Opinion by Judge Halligan.<br>Judges Rivera, Garcia, Singas, Cannataro, Troutman and Connolly concur.<br>Chief Judge Wilson took no part.   |
| 1<br>The People &c.,<br>Respondent,<br>v.<br>Danny Novas,<br>Appellant.   | No. 12 | Order affirmed. Viewing the evidence in the light most favorable to the People, "there is a valid line of reasoning and permissible inferences from which a rational jury could have found" that the defendant violated Vehicle and Traffic Law § 600 (2) (a) ( <i>People v Rouse</i> , 34 NY3d 269, 274 [2019]).<br>Chief Judge Wilson and Judges Rivera, Garcia, Singas, Cannataro, Troutman and Halligan concur. |

1                    No. 59 SSM 12  
Alison Regan,  
    Appellant,  
    v.  
W Associates, LLC, et al.,  
    Respondents.

On review of submissions pursuant to section 500.11 of the Rules, appeal from that portion of the Appellate Division order that denied plaintiff's cross-motion to amend the bill of particulars dismissed, without costs, upon the ground that such portion of the order does not finally determine the action within the meaning of the Constitution; order otherwise affirmed, without costs. On this record, plaintiff's own conduct was the sole proximate cause of the accident. Plaintiff's remaining arguments are academic.

Chief Judge Wilson and Judges Rivera, Garcia, Singas, Cannataro, Troutman and Halligan concur.

## MOTIONS

2                    Mo. No. 2023-742  
In the Matter of State of New York,  
                        Respondent,  
                        v.  
Anthony A.,  
                        Appellant.

Motion for leave to appeal denied.

3                    Mo. No. 2024-126  
In the Matter of Aaron Manor Rehabilitation  
and Nursing Center, LLC, et al.,  
                        Appellants-Respondents,  
                        v.  
Howard A. Zucker, &c., et al.,  
                        Respondents-Appellants.

Motion by New York State Health Facilities  
Association, Inc. 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. 2024-62  
In the Matter of Edwin Agramonte, et al.,  
                        Appellants,  
                        v.  
Local 461, District Council 37, American  
Federation of State, County and Municipal  
Employees, &c.,  
                        Respondent.

Motion by Service Employees International Union,  
Local 32BJ et al. for leave to file a brief amici 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.

4                    Mo. No. 2023-737  
In the Matter of Carter B.  
  
Monroe County Department of Human  
Services,  
                        Respondent;  
Heather B.,  
                        Appellant.

Motion for leave to appeal denied.

3                    Mo. No. 2023-738  
In the Matter of Autumn B.,  
                        Respondent,  
                        v.  
Jasmine A.,  
                        Respondent,  
Glenn ZZ.,  
                        Appellant.  
(And Related Proceedings.)

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

1                    Mo. No. 2023-806  
In the Matter of Jorge R.C.,  
                        Respondent,  
                        v.  
Julieta A.C., &c.,  
                        Appellant.

Motion for leave to appeal denied.

4                    Mo. No. 2023-794  
In the Matter of Trevor D. Castle,  
                        Respondent,  
                        v.  
Stephani M. Barnes,  
                        Appellant.

Motion for leave to appeal denied.

4                    Mo. No. 2023-551  
In the Matter of Mariateresa Ceravolo,  
                        Respondent,  
                        v.  
David Lefebvre,  
                        Respondent.  
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In the Matter of Mitchel Lichtman,  
                        Appellant,  
                        v.  
Mariateresa Ceravolo,  
                        Respondent,  
David Lefebvre,  
                        Respondent.

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

1 Mo. No. 2024-83  
Jeffrey Colt et al.,  
Respondents,  
v.  
New Jersey Transit Corporation, et al.,  
Appellants.

Motion by New York State Trial Lawyers Association 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.

2 Mo. No. 2024-92  
The People &c.,  
Respondent,  
v.  
Matthew Corr,  
Appellant.

Motion by New York City Bar Association for leave to appear amicus curiae on the appeals herein granted to the extent that 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.

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The People &c.,  
Respondent,  
v.  
Bryan McDonald,  
Appellant.

1 Mo. No. 2024-121  
The People &c.,  
Appellant,  
v.  
Corey Dunton,  
Respondent.

Motion by Center for Appellate Litigation for leave to appear amicus curiae on the appeal herein granted to the extent that 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.  
Judges Garcia and Halligan took no part.

1 Mo. No. 2024-93  
Nigel John Eccles, et al.,  
Appellants,  
v.  
Shamrock Capital Advisors, LLC, et al.,  
Respondents.

Motion by Business Council of New York State, Inc. for leave to file a brief amicus curiae on the appeal herein granted and the proposed brief is accepted as filed. The brief must be submitted in digital format within seven days.  
Judges Garcia and Halligan took no part.

1 Mo. No. 2023-723  
In the Matter of C.F., &c.

Carlos F.,  
Appellant;  
Administration for Children's Services,  
Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2023-444  
In the Matter of Diana Figueroa,  
Respondent,

v.  
Luis R. Figueroa,  
Appellant.

Motion for leave to appeal denied.

Mo. No. 2024-64  
The People &c.,  
Respondent,  
v.  
Mark Fugate,  
Appellant.

Motion for an extension of the time within which to  
apply for permission to appeal pursuant to CPL  
460.20 granted and motion papers treated as a timely  
CPL 460.20 application.

2 Mo. No. 2023-686  
In the Matter of Jill P. Hefetz,  
Appellant,

v.  
Michael A. Rosenblatt,  
Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2023-761  
In the Matter of Joshua J.

Westchester County Department of Social  
Services,  
Respondent;  
Tameka J.,  
Appellant.  
(And a Related Proceeding.)

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

4 Mo. No. 2023-735  
In the Matter of LaTisha Keyes,  
Appellant,  
v.  
Mister Wahabbi Halton et al.,  
Respondents.

Motion for leave to appeal denied.

3 Mo. No. 2024-112  
The People &c.,  
Respondent,  
v.  
John Tyler Kuhn,  
Appellant.

Motion for an extension of the time within which to apply for permission to appeal pursuant to CPL 460.20 granted and motion papers treated as a timely CPL 460.20 application.

2 Mo. No. 2024-10  
The People &c.,  
Respondent,  
v.  
Laquawn Lewis,  
Appellant.

Motion for assignment of counsel granted and Patricia Pazner, Esq., Appellate Advocates, 111 John Street, 9th Floor, New York, NY 10038 assigned as counsel to the appellant on the appeal herein.

4 Mo. No. 2023-756  
In the Matter of Steven M., &c.,  
Appellant,  
v.  
State of New York, et al.,  
Respondents.

Motion for leave to appeal denied.

2 SSD 2  
In the Matter of Master Built Homes II Corp.,  
et al.,  
Appellants,  
v.  
New York City Department of Buildings et  
al.,  
Respondents.

Appeal dismissed without costs, by the Court *sua sponte*, upon the ground that the order appealed from does not finally determine the action/proceeding within the meaning of the Constitution.

2 Mo. No. 2023-616  
The People &c. ex rel. Lisa Napoli, on behalf  
of Amin Laboriel,  
Appellant,  
v.  
Anthony J. Annucci, &c., et al.,  
Respondents.

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

1 Mo. No. 2024-99  
In the Matter of NYC Organization of Public  
Service Retirees, Inc., et al.,  
Respondents,  
v.  
Renee Campion, et al.,  
Appellants.

Motion by Donald Berwick for leave to file a brief  
amicus curiae on the appeal herein granted and the  
proposed brief is accepted as filed. The brief must  
be submitted in digital format within seven days.

1 Mo. No. 2024-103  
In the Matter of NYC Organization of Public  
Service Retirees, Inc., et al.,  
Respondents,  
v.  
Renee Campion, et al.,  
Appellants.

Motion by New York City Correction Captains  
Association, et al. for leave to file a brief amici  
curiae on the appeal herein granted and the proposed  
brief is accepted as filed. The brief must be  
submitted in digital format within seven days.

1 Mo. No. 2024-104  
In the Matter of NYC Organization of Public  
Service Retirees, Inc., et al.,  
Respondents,  
v.  
Renee Campion, et al.,  
Appellants.

Motion by Physicians for a National Health  
Program—New York Metro for leave to file a brief  
amicus curiae on the appeal herein granted and the  
proposed brief is accepted as filed. The brief must be  
submitted in digital format within seven days.

3 Mo. No. 2023-736  
In the Matter of Faea OO.,  
Respondent,  
v.  
Isaiah PP.,  
Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2023-700  
In the Matter of Vialma Ramos-O'Neal,  
Respondent,  
v.  
Mayra Ramos,  
Appellant.

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

2 Mo. No. 2023-602  
In the Matter of Joel K.S.

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

Nassau County Department of Social  
Services,  
Respondent;  
Duane S.,  
Appellant.

3 Mo. No. 2023-789  
In the Matter of Y. SS., &c.

Motion for leave to appeal denied.

Tompkins County Department of Social  
Services,  
Respondent;  
E. SS.,  
Appellant.

4 Mo. No. 2023-793  
In the Matter of Zakiyyah T.

Motion for leave to appeal denied.

Erie County Department of Social Services,  
Respondent;  
Lamar R.,  
Appellant.

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In the Matter of Shaymari R.

Erie County Department of Social Services,  
Respondent;  
Lamar R.,  
Appellant,  
et al.,  
Respondent.

1 Mo. No. 2024-68  
The People &c.,  
Respondent,  
v.  
Harvey Weinstein,  
Appellant.

Motion by Daily News, L.P. et al. for leave to file a brief amici curiae in support of nonparty Gannett Satellite Information Network, LLC d/b/a The Journal News granted and the proposed brief is accepted as filed.  
Judges Troutman and Halligan took no part.

1 Mo. No. 2024-86  
The People &c.,  
Respondent,  
v.  
Harvey Weinstein,  
Appellant.

Motion by nonparty Gannett Satellite Information Network, LLC d/b/a The Journal News for reargument of motion to "intervene for the limited purpose of unsealing court records" denied.  
Judges Troutman and Halligan took no part.

1 SSD 3  
Randall Wiltz,  
Appellant,  
v.  
New York University, et al.,  
Respondents.

Appeal dismissed without costs, by the Court *sua sponte*, upon the ground that no appeal lies from the unanimous order of the Appellate Division absent the direct involvement of a substantial constitutional question.

4 Mo. No. 2023-791  
In the Matter of Lil' Brian J.Z.  
  
Orleans County Department of Social Services,  
Respondent;  
Jessica J.,  
Appellant.

Motion for leave to appeal denied.