

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

December 22, 2020

**Decisions**

**CASES**

2                    No. 89  
The People &c.,  
    Respondent,  
    v.  
Sergio Del Rosario,  
    Appellant.

Order affirmed, without costs, in a memorandum.  
Judges Rivera, Stein, Fahey, Garcia, Wilson and  
Feinman concur.  
Chief Judge DiFiore took no part.

1                    No. 84  
In the Matter of Part 60 Put-Back Litigation.  
  
Deutsche Bank National Trust Company, &c.,  
    Respondent,  
    v.  
Morgan Stanley Mortgage Capital Holdings  
LLC, &c., et al.,  
    Appellants.

Order reversed, with costs, order of Supreme Court,  
New York County, reinstated and certified question  
answered in the negative.  
Opinion by Judge Fahey.  
Judges Stein, Wilson and Feinman concur.  
Judge Rivera dissents in part in an opinion.  
Chief Judge DiFiore and Judge Garcia took no part.

4                    No. 90  
In the Matter of Town of Irondequoit et al.,  
    Appellants,  
    v.  
County of Monroe, et al.,  
    Respondents.

Order modified, without costs, by denying the motion  
to dismiss in part and granting the petition in  
accordance with the opinion herein and, as so  
modified, affirmed.  
Opinion by Chief Judge DiFiore.  
Judges Rivera, Stein, Fahey, Garcia, Wilson and  
Feinman concur.

2                    No. 107 SSM 25  
The People &c.,  
    Respondent,  
    v.  
David Robinson,  
    Appellant.

On review of submissions pursuant to section 500.11  
of the Rules, appeal dismissed upon the ground that  
the issues presented have become moot.  
Chief Judge DiFiore and Judges Rivera, Stein, Fahey,  
Garcia, Wilson and Feinman concur.

3                    No. 108 SSM 26  
The People &c.,  
    Appellant,  
    v.  
Zaquan Walley,  
    Respondent.

On review of submissions pursuant to section 500.11 of the Rules, order reversed and case remitted to the Appellate Division, Third Department, for consideration of facts and issues raised but not determined on the appeal to that Court. Chief Judge DiFiore and Judges Rivera, Stein, Fahey, Garcia, Wilson and Feinman concur.

## MOTIONS

2                    Mo. No. 2020-695  
Alpha Phi Alpha Senior Citizens Center, Inc.,  
Appellant,  
v.  
Zeta Zeta Lambda Company, Inc., et al.,  
Respondents.  
Kenyatta Andrews, &c.,  
Cross Claim Plaintiff-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.

2                    Mo. No. 2020-760  
The People &c.,  
Respondent,  
v.  
Tyrell Averhart,  
Appellant.

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

3                    Mo. No. 2020-713  
Mark A. Baskin,  
Appellant,  
v.  
Mabco Transit, Inc., et al.,  
Respondents,  
et al.,  
Defendant.

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

2                    Mo. No. 2020-730  
The People &c.,  
Respondent,  
v.  
John Bolan,  
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2020-726  
The People &c.,  
Respondent,  
v.  
Denzel Brown,  
Appellant.

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

2 Mo. No. 2020-721  
Christiana Trust, &c.,  
Appellant,  
v.  
NTK Realty, Inc.,  
Respondent,  
et al.,  
Defendants.

Motion for leave to appeal denied.

1 Mo. No. 2020-710  
Miguel Cintron,  
Appellant,  
v.  
City of New York,  
Respondent,  
et al.,  
Defendants.

Motion for leave to appeal denied.

2 Mo. No. 2020-749  
The People &c.,  
Respondent,  
v.  
Richenel Clark,  
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2020-736  
The People &c.,  
Respondent,  
v.  
Jose A. Colon,  
Appellant.

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

3 Mo. No. 2020-805  
In the Matter of the Claim of Robert J. Coyle,  
Appellant.  
Commissioner of Labor,  
Respondent.

Motion for reargument of motion for leave to appeal denied.

1 Mo. No. 2020-723  
Judy Craig, &c.,  
Appellant,  
v.  
TC Ambulance Corporation,  
Respondent,  
et al.,  
Defendant.

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

1 Mo. No. 2020-709  
In the Matter of Jessica Delgrange,  
Respondent,  
v.  
The RealReal, Inc.,  
Appellant,  
et al.,  
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.

2 Mo. No. 2020-725  
The People &c.,  
Respondent,  
v.  
Randy Fields,  
Appellant.

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

3 Mo. No. 2020-743  
In the Matter of Alvin Fulton,  
Appellant,  
v.  
A. Turner, &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.  
Motion for poor person relief dismissed as academic.

2                    Mo. No. 2020-729  
The People &c.,  
    Respondent,  
    v.  
David Greer,  
    Appellant.

Motion for leave to appeal denied.

3                    Mo. No. 2020-748  
In the Matter of the Claim of James K. Horn,  
    Appellant,  
    v.  
New York City Transit Authority,  
    Respondent.  
Workers' Compensation Board,  
    Respondent.

Motion for leave to appeal denied.

2                    Mo. No. 2020-758  
In the Matter of Law Offices of Cory H.  
Morris, &c.,  
    Appellant,  
    v.  
County of Nassau, et al.,  
    Respondents.

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

3                    Mo. No. 2020-704  
In the Matter of the Claim of Wen Liu,  
    Appellant,  
    v.  
Division of General Internal Medicine, Mount  
Sinai School of Medicine, et al.,  
    Respondents.  
Workers' Compensation Board,  
    Respondent.

Motion for leave to appeal denied.

1                    Mo. No. 2020-735  
Yahaira Lugo,  
    Appellant,  
    v.  
Daytona Auto Sales, Inc.,  
    Defendant,  
Ramy A. Alsadi,  
    Respondent,  
Evergreen Mechanical Corp. et al.,  
    Respondents.

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

2                    SSD 68  
Nella Manko,  
    Appellant,  
    v.  
Lenox Hill Anesthesiology, PLLC, 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 within the meaning of the Constitution.  
Chief Judge DiFiore took no part.

2                    SSD 69  
Nella Manko,  
    Appellant,  
    v.  
David A. Gabay, &c., et al.,  
    Respondents,  
et al.,  
    Defendants.  
(App. Div. No. 2016-13181)

Appeal dismissed without costs, by the Court *sua sponte*, upon the ground that the order appealed from does not finally determine the action within the meaning of the Constitution.  
Chief Judge DiFiore took no part.

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Nella Manko,  
    Appellant,  
    v.  
David A. Gabay, &c., et al.,  
    Respondents.  
(App. Div. No. 2017-07541)

2                    Mo. No. 2020-752  
The People &c.,  
    Respondent,  
    v.  
Kevin McKenna,  
    Appellant.

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

4                    Mo. No. 2020-702  
The People &c.,  
    Respondent,  
    v.  
Jeffrey Miller,  
    Appellant.

Motion for leave to appeal denied.

1                    Mo. No. 2020-741  
David James Murphy,  
    Appellant,  
    v.  
Citigroup Global Markets, Inc., et al.,  
    Respondents.

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

2                    Mo. No. 2020-698  
In the Matter of Brian Noonan,  
    Appellant,  
    v.  
David E. Chong, &c., et al.,  
    Respondents.

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

2                    Mo. No. 2020-703  
The People &c.,  
    Respondent,  
    v.  
Nnaemeka Odiari,  
    Appellant.

Motion for leave to appeal denied.

3                    Mo. No. 2020-753  
In the Matter of the Claim of Mikhail  
Pinkhasov,  
    Appellant,  
    v.  
Auto One Insurance,  
    Respondent,  
Fidelity & Deposit Company of Maryland,  
&c.,  
    Respondent.  
Workers' Compensation Board,  
    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.

1 Mo. No. 2020-734  
R&R Capital LLC, et al.,  
Respondents,  
v.  
Linda Merritt,  
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.  
Cross motion for the imposition of sanctions denied.

1 Mo. No. 2020-696  
Seeking Valhalla Trust, &c., et al.,  
Appellants,  
v.  
Carol Deane, et al.,  
Respondents.

Motion for leave to appeal denied.

2 Mo. No. 2020-761  
The People &c.,  
Respondent,  
v.  
Tyler Sick,  
Appellant.

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

1 Mo. No. 2020-754  
Monte Stephens,  
Appellant,  
v.  
Isabella Geriatric Center, Inc., et al.,  
Respondents.

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

2 Mo. No. 2020-756  
The People &c.,  
Respondent,  
v.  
Lamar Thompson,  
Appellant.

Motion for leave to appeal denied.

2                    Mo. No. 2020-715  
The People &c.,  
    Respondent,  
    v.  
Eri Washington,  
    Appellant.

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

2                    Mo. No. 2020-740  
The People &c.,  
    Respondent,  
    v.  
Anthony D. Williams,  
    Appellant.

Motion for leave to appeal denied.

3                    Mo. No. 2020-742  
In the Matter of the Claim of Zulma Zuniga,  
    Respondent,  
    v.  
Aliah Home Care Inc.,  
    Appellant,  
County Agency,  
    Respondent.  
Workers' Compensation Board,  
    Respondent.

Motion for leave to appeal denied.