

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

November 24, 2020

**Decisions**

**CASES**

1                    No. 77

Jin Ming Chen,  
Appellant,

v.

Insurance Company of the State of  
Pennsylvania,  
Respondent.

Order affirmed, with costs.

Opinion by Chief Judge DiFiore.

Judges Rivera, Stein, Garcia and Feinman concur.

Judge Fahey dissents in an opinion.

Judge Wilson dissents in a separate dissenting  
opinion.

3                    No. 96 SSM 27

The People &c.,  
Respondent,

v.

Michael Edwards,  
Appellant.

On review of submissions pursuant to section 500.11  
of the Rules, order affirmed, in a memorandum.

Chief Judge DiFiore and Judges Rivera, Stein, Fahey,  
Garcia and Feinman concur.

Judge Wilson dissents in an opinion.

4                    No. 81

The People &c.,  
Appellant,

v.

Benito Lendof-Gonzalez,  
Respondent.

Order, insofar as appealed from, affirmed.

Opinion by Judge Feinman.

Chief Judge DiFiore and Judges Stein and Wilson  
concur.

Judge Rivera dissents in an opinion in which Judges  
Fahey and Garcia concur.

1                    No. 80

Sutton 58 Associates LLC,  
Appellant,

v.

Philip Pilevsky, et al.,  
Respondents.

Order reversed, with costs, and case remitted to the  
Appellate Division, First Department, for  
consideration of issues raised but not determined on  
the appeal to that Court.

Opinion by Judge Stein.

Chief Judge DiFiore and Judges Wilson and Feinman  
concur.

Judge Rivera dissents and votes to affirm in an  
opinion in which Judges Fahey and Garcia concur.

1                    No. 40  
The Trustees of Columbia University in the  
City of New York,  
    Appellant,  
    v.  
D'Agostino Supermarkets, Inc.,  
    Respondent.

Order affirmed, with costs.  
Opinion by Judge Rivera.  
Judges Fahey, Garcia and Feinman concur.  
Chief Judge DiFiore dissents in an opinion in which  
Judges Stein and Wilson concur.

## MOTIONS

3                    Mo. No. 2020-630  
In the Matter of the Arbitration between  
Alliance Masonry Corp.,  
    Appellant;  
Corning Hospital,  
    Respondent.  
(And Another Proceeding.)

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

3                    Mo. No. 2020-640  
In the Matter of James H. Alverson,  
    Appellant,  
    v.  
Albany County et al.,  
    Respondents.

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

2                    Mo. No. 2020-646  
Donna Athenas,  
    Appellant,  
    v.  
Simon Property Group, LP, et al.,  
    Respondents,  
et al.,  
    Defendants.

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

2                    Mo. No. 2020-671  
The People &c.,  
    Respondent,  
    v.  
Hillary Best,  
    Appellant.

On the Court's own motion, appeal dismissed, without costs, upon the ground that no civil appeal lies from the order entered in this criminal action (*see* NY Const, art VI, § 3 [b]; CPLR 5601; CPL 450.90).  
Motion for poor person relief dismissed as academic.

4 Mo. No. 2020-624  
The People &c.,  
Respondent,  
v.  
Chellsie Blue,  
Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2020-593  
David M. Bonczar,  
Appellant,  
v.  
American Multi-Cinema, Inc., &c.,  
Respondent.

Motion for leave to appeal granted.

4 Mo. No. 2020-610  
Nancy J. Brady et al.,  
Appellants,  
v.  
Timothy J. Contangelo,  
Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2020-666  
Tracy Braithwaite, et al.,  
Plaintiffs,  
Kashan Robinson, et al.,  
Appellants,  
v.  
Greenhouse, et al.,  
Defendants,  
John Bakhshi,  
Respondent.  
(And Another Action.)

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.

3 Mo. No. 2020-648  
In the Matter of David A. Burr,  
Appellant,  
v.  
New York State Department of Corrections  
and Community Supervision et al.,  
Respondents.

Motion, insofar as it seeks leave to appeal from so much of the Appellate Division order as dismissed the appeal from the Supreme Court orders denying motions for reconsideration, dismissed upon the ground that such portion of the order does not finally determine the proceeding within the meaning of the Constitution; motion for leave to appeal otherwise denied.

3 Mo. No. 2020-650  
In the Matter of Prasad Chalasani,  
Appellant,  
v.  
MaryEllen Elia, &c., et al.,  
Respondents.

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

Mo. No. 2020-627  
The People &c.,  
Respondent,  
v.  
Marcos Correa,  
Appellant.

Motion for leave to appeal dismissed upon the ground that this Court does not have jurisdiction to entertain the motion from the order of the Appellate Term (*see* CPLR 5602 [a]).  
Motion for poor person relief dismissed as academic.

3 Mo. No. 2020-625  
In the Matter of Dry Harbor Nursing Home, et al.,  
Appellants,  
v.  
Howard Zucker, &c., et al.,  
Respondents.

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

1 Mo. No. 2020-615  
East of Hudson Rail Freight Task Force, Inc.,  
Appellant,  
v.  
Port Authority of New York and New Jersey,  
Respondent.

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

3                    Mo. No. 2020-622  
The People &c.,  
    Respondent,  
    v.  
Richard Henry,  
    Appellant.

Motion for leave to appeal denied.

2                    Mo. No. 2020-613  
In the Matter of Rawl A. Jones,  
    Appellant,  
    v.  
New York City Transit Authority,  
    Respondent.

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

                      Mo. No. 2020-678  
Carlos Jule,  
    Appellant,  
    v.  
Orseck Law Offices, PLLC, et al.,  
    Respondents.

Motion for leave to appeal dismissed upon the ground that it does not lie (*see* CPLR 5602 [a]).

1                    Mo. No. 2020-634  
In the Matter of Yu Chan Li,  
    Appellant,  
    v.  
New York City Landmarks Preservation  
Commission,  
    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. 2020-617  
In the Matter of Patrick J. Lynch, &c. et al.,  
    Appellants,  
    v.  
New York City Civilian Complaint Review  
Board et al.,  
    Respondents.

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

2 Mo. No. 2020-737  
Nella Manko,  
Appellant,  
v.  
Lenox Hill Hospital,  
Respondent.

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

2 Mo. No. 2020-667  
Kevin McCarthy et al.,  
Appellants,  
v.  
City of New York, et al.,  
Respondents.

Motion for leave to appeal denied.

4 Mo. No. 2020-636  
The People &c.,  
Respondent,  
v.  
Gerald J. Ortiz,  
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2020-626  
The People &c.,  
Respondent,  
v.  
Melvin Patterson,  
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2020-675  
The People &c.,  
Respondent,  
v.  
John Ramos,  
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2020-720  
G. Steven Reingold,  
Respondent,  
v.  
Barbara Bowins,  
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. 2020-701  
In the Matter of Yon Renee Woodson  
Awoonor Renner,  
Appellant,  
v.  
Ernest Awoonor Renner,  
Respondent.  
(And Other Proceedings.)

Motion for reargument of motion for leave to appeal denied.

2 Mo. No. 2020-619  
In the Matter of Elijah Rivera,  
Respondent,  
v.  
Miguel Diaz,  
Appellant.

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

3 Mo. No. 2020-549  
Roman Catholic Diocese of Albany, et al.,  
Appellants,  
v.  
Maria T. Vullo, &c. et al.,  
Respondents,  
et al.,  
Defendants.  
(And Another Related Action.)

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 with one hundred dollars costs and necessary reproduction disbursements. Chief Judge DiFiore and Judges Rivera, Stein, Garcia, Wilson and Feinman concur. Judge Fahey dissents and votes to retain the appeal.

2 Mo. No. 2020-691  
The People &c.,  
Respondent,  
v.  
Marcelo Sanchez Del-Carmen,  
Appellant.

Motion for leave to appeal denied.



4 Mo. No. 2020-674  
The People &c.,  
Respondent,  
v.  
Richard L. Scott,  
Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2020-618  
The People &c.,  
Respondent,  
v.  
Hector Serrano,  
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2020-680  
Charlene Smoot,  
Respondent,  
v.  
Rite Aid, et al.,  
Appellants,  
et al.,  
Defendants.  
(And Third-Party Actions.)

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. 2020-638  
The People &c.,  
Respondent,  
v.  
Luis Soto,  
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2020-649  
The People &c.,  
Respondent,  
v.  
Ferdinand Taylor,  
Appellant.

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

4                    Mo. No. 2020-689  
The People &c.,  
    Respondent,  
    v.  
Chester J. Thomas,  
    Appellant.

Motion for leave to appeal denied.

4                    Mo. No. 2020-635  
The People &c.,  
    Respondent,  
    v.  
Wilbert Wilson, Jr.,  
    Appellant.

Motion for leave to appeal denied.

2                    Mo. No. 2020-665  
The People &c.,  
    Respondent,  
    v.  
Osvin Zapata,  
    Appellant.

Motion for leave to appeal denied.