

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

**Decisions**

May 4, 2021

**CASES**

2                    No. 23

The People &c.,  
Respondent,

v.

Kathon Anderson,  
Appellant.

Order affirmed, in a memorandum.  
Chief Judge DiFiore and Judges Rivera, Stein, Fahey,  
Garcia and Wilson concur.

3                    No. 21

Protect the Adirondacks! Inc.,  
Respondent-Appellant,

v.

New York State Department of  
Environmental Conservation et al.,  
Appellants-Respondents.

Order affirmed, without costs.  
Opinion by Judge Rivera.  
Judges Fahey, Garcia and Wilson concur.  
Judge Stein dissents in an opinion, in which Chief  
Judge DiFiore concurs.

## MOTIONS

2 Mo. No. 2021-19  
In the Matter of Luis Alvarez,  
Appellant,  
v.  
Anthony J. Annucci, &c.,  
Respondent.

Motion for leave to appeal granted.

1 Mo. No. 2021-110  
In the Matter of Ahmad Awad, et al.,  
Appellants,  
v.  
Fordham University,  
Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2021-204  
In the Matter of Ahmad Awad, et al.,  
Appellants,  
v.  
Fordham University,  
Respondent.

Motion by Foundation for Individual Rights in Education for leave to appear amicus curiae on the motion for leave to appeal herein granted and the brief is accepted as filed.

3 Mo. No. 2021-94  
In the Matter of Thomas Bond,  
Appellant,  
v.  
Anthony J. Annucci, &c.,  
Respondent.

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

2 Mo. No. 2021-63  
BT Holdings, LLC,  
Appellant,  
v.  
Village of Chester, et al.,  
Respondents.

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

2                    Mo. No. 2021-107  
Cencore Properties, Inc.,  
    Appellant,  
    v.  
Jacob Spitzer,  
    Defendant,  
Schunneunk Holdings, LLC, et al.,  
    Respondents.

Motion for leave to appeal denied.

2                    Mo. No. 2021-86  
In the Matter of CIP Physical Therapy, P.C. et  
al.,  
    Appellants,  
    v.  
Benjamin M. Lawskey, &c. et al.,  
    Respondents.

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

2                    Mo. No. 2021-146  
Citimortgage, Inc.,  
    Respondent,  
    v.  
Mary Awodoye,  
    Appellant,  
et al.,  
    Defendants.

Motion for leave to appeal denied.

2                    Mo. No. 2021-88  
The People &c.,  
    Respondent,  
    v.  
Shawn Collins,  
    Appellant.

Motion for leave to appeal denied.

4                    Mo. No. 2021-116  
Geoffrey Dubey,  
    Appellant,  
    v.  
Ronen Zour et al.,  
    Respondents.

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

1                    Mo. No. 2021-114  
Alceu Antimo Vezozzo Filho, et al.,  
Appellants,  
v.  
Raquel Moura Borges, et al.,  
Respondents.

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

3                    Mo. No. 2021-125  
In the Matter of the Claim of Paul Gaspard,  
Appellant,  
v.  
Queens Party Hall Inc. et al.,  
Respondents.  
Workers' Compensation Board,  
Respondent.

Motion for leave to appeal denied.

3                    Mo. No. 2020-941  
In the Matter of the Acquisition of Real  
Property by the State of New York.  
  
State of New York,  
Respondent;  
KKS Properties, LLC,  
Appellant.

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

2                    Mo. No. 2021-152  
Landmark Plaza Properties Corp.,  
Appellant,  
v.  
H2M Architects, Engineers, Land Surveying  
and Landscape Architecture, D.P.C., &c., et  
al.,  
Respondents.

Motion for leave to appeal denied.

2                    Mo. No. 2021-192  
In the Matter of Feng Li, a suspended  
attorney.

Grievance Committee for the Ninth Judicial  
District,  
                  Respondent;  
Feng Li,  
                  Appellant.

Motion for leave to appeal denied.

1                    Mo. No. 2021-52  
Jianming Lyu, &c.,  
                  Appellant,  
                  v.  
Ruhnn Holdings Limited et al.,  
                  Respondents,  
et al.,  
                  Defendants.

Motion for leave to appeal denied.

4                    Mo. No. 2021-16  
James Martingano, &c.,  
                  Appellant,  
                  v.  
Walter A. Hall, &c., et al.,  
                  Respondents,  
et al.,  
                  Defendants.

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

1                    Mo. No. 2021-71  
Jairo Mazo,  
                  Respondent,  
                  v.  
DCBE Contracting, Inc.,  
                  Appellant,  
Iconic Mechanical LLC,  
                  Respondent.  
(And a Third-Party Action.)

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. 2021-90  
MBF Clearing Corp.,  
Appellant,  
v.  
JPMorgan Chase Bank, N.A., et al.,  
Respondents.

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

1 Mo. No. 2021-79  
The People &c.,  
Respondent,  
v.  
Lloyd McFadden,  
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2021-97  
In the Matter of New Brunswick Theological  
Seminary,  
Respondent,  
v.  
Victoria Anne Van Dyke,  
Appellant.

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

1 Mo. No. 2021-136  
In the Matter of Nonhuman Rights Project,  
Inc., &c.,  
Appellant,  
v.  
James J. Breheny, &c., et al.,  
Respondents.

Motion for leave to appeal granted.

1 Mo. No. 2021-153  
In the Matter of Nonhuman Rights Project,  
Inc., &c.,  
Appellant,  
v.  
James J. Breheny, &c., et al.,  
Respondents.

Motion by John Berkman, &c., et al. for leave to appear amici curiae on the motion for leave to appeal herein granted and the brief is accepted as filed.

1 Mo. No. 2021-186  
In the Matter of Nonhuman Rights Project,  
Inc., &c.,  
Appellant,  
v.  
James J. Breheny, &c., et al.,  
Respondents.

Motion to strike portions of respondents' affirmation  
in opposition to the motion for leave to appeal  
denied.

1 Mo. No. 2021-295  
In the Matter of Nonhuman Rights Project,  
Inc., &c.,  
Appellant,  
v.  
James J. Breheny, &c., et al.,  
Respondents.

Motion by Matthew Liebman, et al. for leave to  
appear amici curiae on the motion for leave to appeal  
herein granted and the brief is accepted as filed.

2 Mo. No. 2021-92  
The People &c.,  
Respondent,  
v.  
Rodrigo Ocean,  
Appellant.

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

2 Mo. No. 2021-62  
John E. Parauda et al.,  
Appellants,  
v.  
Encompass Insurance Company of America,  
Respondent.

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

2 Mo. No. 2021-61  
The People &c.,  
Respondent,  
v.  
David Pierre,  
Appellant.

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

1                    Mo. No. 2021-178  
In the Matter of Jaquel Pullins,  
                  Appellant,  
          v.  
New York City Housing Authority, et al.,  
                  Respondents.

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

2                    Mo. No. 2021-85  
Stonewall Contracting Corp.,  
                  Appellant,  
          v.  
Long Island Rail Road Company,  
                  Respondent.

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

1                    Mo. No. 2020-938  
Robert Toussie,  
                  Appellant,  
          v.  
SFIV SS-1, LLC, et al.,  
                  Respondents.

Motion for leave to appeal from so much of the Appellate Division order as affirmed the July 2020 Supreme Court order entered in the second-captioned proceeding dismissed upon the ground that it does not finally determine the proceeding within the meaning of the Constitution; motion for leave to appeal otherwise denied.

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In the Matter of Robert Toussie,  
                  Appellant,  
et al.,  
                  Petitioner,  
          v.  
Coastal Development, LLC, et al.,  
                  Respondents.  
Stabilis Fund IV, LP, et al.,  
                  Nonparty-Respondents.

2                    Mo. No. 2021-60  
The People &c.,  
                  Respondent,  
          v.  
Jaime Umanzor,  
                  Appellant.

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



1                    Mo. No. 2021-67  
VA Management, LP,  
                  Appellant,  
          v.  
Odeon Capital Group, LLC, et al.,  
                  Respondents.

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

2                    Mo. No. 2021-65  
The People &c.,  
                  Respondent,  
          v.  
Selvin M. Vasquez,  
                  Appellant.

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

2                    Mo. No. 2021-57  
In the Matter of Sherry Wiggs,  
                  Respondent,  
          v.  
Christopher Basile,  
                  Appellant.

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. 2021-95  
In the Matter of James Yue,  
                  Appellant,  
          v.  
James P. O'Neill, &c., et al.,  
                  Respondents.

Motion for leave to appeal denied.