

State of New York
Court of Appeals

Decisions

April 25, 2024

CASES

3 No. 32
Richard Alcantara, et al.,
 Appellants,
 v.
Anthony J. Annucci, &c., et al.,
 Respondents.

Order insofar as appealed from modified, without costs, in accordance with the opinion herein and, as so modified, affirmed.
Opinion by Judge Troutman.
Chief Judge Wilson and Judges Rivera and Halligan concur.
Judge Garcia dissents in part and votes to affirm in an opinion, in which Judge Singas concurs.
Judge Cannataro dissents in part and votes to affirm in a separate dissenting opinion.

1 No. 30
Audthan LLC,
 Appellant-Respondent,
 v.
Nick & Duke, LLC,
 Respondent-Appellant.

Order modified, without costs, by denying defendant's motion to dismiss in part in accordance with the opinion herein, as so modified, affirmed, and certified question answered in the negative.
Opinion by Chief Judge Wilson.
Judges Rivera, Garcia, Singas, Cannataro, Troutman and Halligan concur.

2 No. 33
The People &c.,
 Respondent,
 v.
Melvin Baez,
 Appellant.

Order insofar as appealed from affirmed.
Opinion by Judge Cannataro.
Judges Garcia, Singas, Troutman and Halligan concur.
Judge Rivera dissents in an opinion, in which Chief Judge Wilson concurs.

2 No. 39
The People &c.,
 Appellant,
 v.
Cid C. Franklin,
 Respondent.

Order reversed and case remitted to the Appellate Division, Second Department, for consideration of the facts and issues raised but not determined on appeal to that Court.
Opinion by Judge Halligan.
Chief Judge Wilson and Judges Garcia, Singas and Cannataro concur.
Judge Aarons dissents in an opinion, in which Judge Bannister concurs.
Judges Rivera and Troutman took no part.

1 No. 37
Suzan Russell,
 Appellant,
 v.
New York University, et al.,
 Respondents.

Order affirmed, with costs.
Opinion by Judge Garcia.
Chief Judge Wilson and Judges Singas, Cannataro, Troutman and Halligan concur.
Judge Rivera dissents in part in an opinion.

1 No. 24
The People &c.,
 Respondent,
 v.
Harvey Weinstein,
 Appellant.

Order reversed and a new trial ordered.
Opinion by Judge Rivera.
Chief Judge Wilson and Judges Barros and Clark concur.
Judge Singas dissents in an opinion, in which Judges Garcia and Cannataro concur.
Judge Cannataro dissents in a separate dissenting opinion, in which Judges Garcia and Singas concur.
Judges Troutman and Halligan took no part.

MOTIONS

1 Mo. No. 2024-38
Kim Blackstock,
 Appellant,
 v.
Accede Inc., et al.,
 Defendants,
BP America Inc., et al.,
 Respondents.

Motion for leave to appeal denied.

1 Mo. No. 2024-53
Brian Burrows, et al.,
 Appellants,
 v.
75-25 153rd Street, LLC,
 Respondent.

Motion for leave to appeal granted.

2 Mo. No. 2024-6
The People &c.,
 Respondent,
 v.
Claudio Coatl,
 Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2023-843
EPAC Technologies Ltd.,
 Respondent,
 v.
Interforum S.A. et al.,
 Defendants,
Vivendi S.E. et al.,
 Appellants.

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. 2024-69
EPAC Technologies Ltd.,
Respondent,
v.
Interforum S.A. et al.,
Defendants,
Vivendi S.E. et al.,
Appellants.

Motion by John Coyle, 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.

2 Mo. No. 2024-78
Fuoco Group, LLP,
Respondent,
v.
Weisman & Co., CPAs, et al.,
Appellants.

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. 2024-58
The People &c.,
Respondent,
v.
Raul Godoy,
Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2024-48
In the Matter of Vanessa M. Gronbach, et al.,
Appellants,
v.
New York State Education Department, et al.,
Respondents.

Motion for leave to appeal denied.

2 Mo. No. 2023-844
The People &c.,
Respondent,
v.
Keith Jackson,
Appellant.

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

1 Mo. No. 2024-5
The People &c.,
Respondent,
v.
Carl Johnson,
Appellant.

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

1 Mo. No. 2024-72
The People &c.,
Respondent,
v.
Larry Johnson,
Appellant.

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

4 Mo. No. 2023-833
Gary J. Lavine,
Appellant,
v.
Rita M. Glavin,
Respondent.

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.

3 Mo. No. 2024-74
In the Matter of the Claim of Sylvia Leroy,
Respondent,
v.
Brookdale Hospital Medical Center et al.,
Appellants.
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.
Judge Halligan took no part.

2 Mo. No. 2024-46
Nella Manko,
Appellant,
v.
Shorefront Apartments, LLC,
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.
Chief Judge Wilson took no part.

1 Mo. No. 2023-836
The People &c.,
Respondent,
v.
Rudolph Moore,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2023-825
In the Matter of NYRCA Affiliates, LLC, et
al.,
Appellants,
v.
Letitia James, &c., et al.,
Respondents,
City of New York,
Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2024-57
Frank Ring,
Appellant,
v.
The Elizabeth Foundation for the Arts et al.,
Respondents.

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

1 Mo. No. 2023-835
The People &c.,
Respondent,
v.
Michael Shaia,
Appellant.

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

4 Mo. No. 2024-19
The People &c.,
Respondent,
v.
Willie Singleton,
Appellant.

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

2 Mo. No. 2024-98
US Bank National Association, &c.,
Respondent,
v.
Kasem Chkifati,
Appellant,
et al.,
Defendants.

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.
Judge Halligan took no part.

4 Mo. No. 2024-33
The People &c.,
Respondent,
v.
Eric Watson,
Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2024-82
Wells Fargo Bank, National Association, &c.,
Respondent,
v.
Rodney C. Newhouse,
Appellant,
et al.,
Defendants.

Motion for leave to appeal dismissed upon the ground that the orders sought to be appealed from do not finally determine the action within the meaning of the Constitution.

1 Mo. No. 2024-95
The People &c.,
Respondent,
v.
Russell West,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2023-826
Victoria Wong,
Appellant,
v.
Ricky Wong,
Respondent.

Motion for leave to appeal dismissed as untimely (*see* CPLR 5513 [b]).