

State of New York
Court of Appeals

Decisions

April 27, 2023

CASES

3 No. 23
Kevin Grady,
 Appellant,
 v.
Chenango Valley Central School District et
al.,
 Respondents.

Order reversed, with costs, and defendants' motion
for summary judgment denied.
Opinion by Judge Garcia.
Chief Judge Wilson and Judges Cannataro and
Troutman concur.
Judge Rivera concurs in result in an opinion.
Judge Singas dissents in an opinion.
Judge Halligan took no part.

3 No. 24
Joanne Secky, &c.,
 Appellant,
 v.
New Paltz Central School District et al.,
 Respondents.

Order affirmed, with costs.
Opinion by Judge Garcia.
Chief Judge Wilson and Judges Singas, Cannataro
and Troutman concur, Judge Singas in a concurring
opinion.
Judge Rivera dissents in an opinion.
Judge Halligan took no part.

2 No. 22
Daler Singh, &c., et al.,
 Appellants,
 v.
City of New York, et al.,
 Respondents.

Order affirmed, with costs.
Opinion by Judge Cannataro.
Chief Judge Wilson and Judges Garcia, Singas and
Troutman concur.
Judges Rivera and Halligan took no part.

MOTIONS

2 Mo. No. 2023-207
Susan Aranoff,
Respondent,
v.
Gerald Aranoff,
Appellant.

Motion for reargument of motion for leave to appeal denied.
Judge Halligan took no part.

1 Mo. No. 2023-69
In the Matter of the Estate of Minda S.
Bikman, &c.,
Appellant,
v.
New York City Loft Board, et al.,
Respondents,
et al.,
Respondent.

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

1 Mo. No. 2023-93
The People &c.,
Respondent,
v.
Luis Bonnet,
Appellant.

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

2 Mo. No. 2023-74
Denise M. Buckley et al.,
Appellants,
v.
Nicholas S. McAteer 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.
Judge Halligan took no part.

2 Mo. No. 2023-89
The People &c.,
Respondent,
v.
John Capuano,
Appellant.

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

1 Mo. No. 2023-68
The People &c.,
Respondent,
v.
Victor Castillo,
Appellant.

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

1 Mo. No. 2023-118
The People &c.,
Respondent,
v.
Kevin Fuller,
Appellant.

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

3 Mo. No. 2023-85
In the Matter of the Claim of Nicole Gisser,
Respondent.
iTutor.com, Inc.,
Appellant.
Commissioner of Labor,
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.

1 Mo. No. 2023-132
John Golobe,
Respondent,
v.
Ira Altchek, &c.,
Appellant.

Motion for leave to appeal granted.
Judge Halligan took no part.

1 Mo. No. 2023-86
The People &c.,
Respondent,
v.
Timothy Harnett,
Appellant.

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

1 Mo. No. 2023-72
The People &c.,
Respondent,
v.
Dameon Harris,
Appellant.

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

1 Mo. No. 2023-98
The People &c.,
Respondent,
v.
Vonte Johnson,
Appellant.

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

1 Mo. No. 2023-96
Vikram Kuriyan,
Appellant,
v.
Joel Schreiber et al.,
Respondents.

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

1 Mo. No. 2023-116
The People &c.,
Respondent,
v.
Mark Lewis,
Appellant.

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

3 Mo. No. 2022-910
In the Matter of Long Island Pure Water, Ltd.,
Appellant,
v.
New York State Department of Health, et al.,
Respondents.

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

3 Mo. No. 2023-39
In the Matter of Long Island Pure Water, Ltd.,
Appellant,
v.
New York State Department of Health, et al.,
Respondents.

Motion by Chamber of Commerce of the United States of America for leave to appear amicus curiae on the motion for leave to appeal herein granted and the proposed brief is accepted as filed.
Judge Halligan took no part.

2 Mo. No. 2023-75
Patricia A. McAteer,
Respondent,
v.
Nicholas S. McAteer,
Respondent.
Denise M. Buckley et al.,
Nonparty-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.
Judge Halligan took no part.

2 Mo. No. 2023-97
The People &c.,
Respondent,
v.
Rafael Mizhquiri-Duarte,
Appellant.

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

3 Mo. No. 2023-115
In the Matter of the Claim of John Molnar,
Appellant,
v.
JRL South Hampton, LLC, et al.,
Respondents.
Workers' Compensation Board,
Respondent.

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

2 Mo. No. 2023-70
In the Matter of Janet Monroe, &c.,
Respondent,
v.
Warren T.,
Appellant.

Motion for leave to appeal dismissed upon the ground that appellant is not a party aggrieved (*see* CPLR 5511).
Judge Halligan took no part.

3 Mo. No. 2023-138
In the Matter of the Claim of Andris Y. Mota
Reyes,
Respondent.
American Paraprofessional Systems of NYC,
Inc.,
Appellant.
Commissioner of Labor,
Respondent.
(And Two Related Proceedings.)

Motion, insofar as it seeks leave to appeal from that portion of the Appellate Division order affirming the decision of the Unemployment Insurance Appeal Board assessing appellant for additional unemployment insurance contributions, denied; motion for leave to appeal otherwise dismissed upon the ground that the remaining portions of the Appellate Division order do not finally determine the proceedings within the meaning of the Constitution. Judge Halligan took no part.

2 Mo. No. 2023-109
The People &c.,
Respondent,
v.
Frank E. Ortiz,
Appellant.

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

4 Mo. No. 2023-82
Farid Popal,
Appellant,
v.
Zachary Margulis-Ohnuma,
Respondent.

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

1 Mo. No. 2023-107
The People &c.,
Respondent,
v.
Edwin Rivera,
Appellant.

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

2 Mo. No. 2023-123
Abdus Shahid,
Appellant,
v.
City of New York,
Respondent.

Motion for reargument of motion for leave to appeal denied.
Judge Halligan took no part.

1 Mo. No. 2023-117
The People &c.,
 Respondent,
 v.
Pedro Torres,
 Appellant.

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

1 Mo. No. 2023-83
Uchenna Ugo-Alum et al.,
 Appellants,
 v.
New York State Department of Motor
Vehicles,
 Respondent.

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

2 Mo. No. 2023-67
Timothy Wall,
 Appellant,
 v.
Starbucks Corporation,
 Respondent.

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

4 Mo. No. 2023-102
In the Matter of Williamsville Residents
Opposed to Blocher Redevelopment, LLC, et
al.,
 Appellants,
 v.
Village of Williamsville Planning and
Architectural Review Board, et al.,
 Respondents.

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