

State of New York
Court of Appeals

Decisions

January 5, 2023

MOTIONS

1 Mo. No. 2022-773 Motion for leave to appeal denied.
The People &c.,
 Respondent,
 v.
Harry Artis,
 Appellant.

2 Mo. No. 2022-890 Motion for leave to appeal denied.
In the Matter of Alicia Boyd, et al.,
 Appellants,
 v.
Laurie Cumbo, &c., et al.,
 Respondents.

1 Mo. No. 2022-721 Motion for leave to appeal dismissed upon the
In the Matter of Clarissa C., ground that the order sought to be appealed from
 Respondent, does not finally determine the proceeding within the
 v. meaning of the Constitution.
Alexei G.,
 Appellant.

1 Mo. No. 2022-889 Motion for leave to appeal denied.
In the Matter of Darcel D. Clark, &c., Motion for a stay dismissed as academic.
 Appellant,
 v.
Denis J. Boyle, &c., et al.,
 Respondents.

2 Mo. No. 2022-586 Motion for leave to appeal granted.
The People &c.,
 Respondent,
 v.
Matthew Corr,
 Appellant.

2 Mo. No. 2022-655
The People &c.,
Respondent,
v.
Matthew Corr,
Appellant.

Motion by Restorative Action Alliance, Inc. for leave to appear amicus curiae on the motion for leave to appeal herein granted and the brief is accepted as filed.

2 Mo. No. 2022-663
The People &c.,
Respondent,
v.
Danny Davila,
Appellant.

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

Mo. No. 2023-48
The People &c.,
Respondent,
v.
Richard E. Dobson,
Appellant.

Motion for an extension of the time within which to apply for permission to appeal pursuant to CPL 460.20 granted and motion papers treated as a timely CPL 460.20 application.

3 Mo. No. 2022-757
In the Matter of Joanne Fuller-Astarita,
Appellant,
v.
ABA Transportation Holding Company,
Respondent.
Workers' Compensation Board,
Respondent.

Motion for reargument of motion for leave to appeal denied.

2 Mo. No. 2022-760
The People &c.,
Respondent,
v.
Gilberto Galeana,
Appellant.

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

1 Mo. No. 2023-5
Lukasz Gottwald, &c., et al.,
 Respondents,
 v.
Kesha Rose Sebert, &c.,
 Appellant,
et al.,
 Defendants.

Motion by Legal Momentum, et al. for leave to file a brief amici curiae on the appeal herein granted and the proposed brief is accepted as filed. The brief must be submitted in digital format within seven days.

3 SSD 51
James F. Kelly,
 Appellant,
 v.
State of New York,
 Respondent.

Appeal dismissed without costs, by the Court *sua sponte*, upon the ground that no substantial constitutional question is directly involved.

4 Mo. No. 2022-772
The People &c.,
 Respondent,
 v.
Nicholas B. Mahar,
 Appellant.

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

4 Mo. No. 2022-695
In the Matter of Donald Mazzullo, &c. et al.,
 Respondents,
 v.
Ted Barnett, et al.,
 Appellants,
et al.,
 Respondents.

Motion for leave to appeal denied.

2 Mo. No. 2022-585
The People &c.,
 Respondent,
 v.
Bryan McDonald,
 Appellant.

Motion for leave to appeal granted.

2 Mo. No. 2022-711
Nationstar Mortgage, LLC,
Respondent,
v.
Arthur H. Chase III, et al.,
Defendants,
Maurice Oparaji,
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.
Motion for a stay dismissed as academic.

1 Mo. No. 2023-23
The People &c.,
Respondent,
v.
Yoselyn Ortega,
Appellant.

Motion by The Innocence Project for leave to file a brief amicus curiae on the appeal herein granted and the proposed brief is accepted as filed. The brief must be submitted in digital format within seven days.

2 Mo. No. 2022-577
Pacific Carlton Development Corp. et al.,
Appellants,
v.
New York State Urban Development Corporation,
Respondent.

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

2 Mo. No. 2022-727
The People &c.,
Respondent,
v.
Barrington Permenter,
Appellant.

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

1 Mo. No. 2022-697
In the Matter of PricewaterhouseCoopers, LLP,
Respondent,
v.
John Cahill,
Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2023-19
The People &c.,
Respondent,
v.
Jose M. Rivera,
Appellant.

Motion for assignment of counsel granted and Julie A. Cianca, Esq., Monroe County Public Defender, 10 N. Fitzhugh Street, Rochester, NY 14614 assigned as counsel to the appellant on the appeal herein.

2 Mo. No. 2022-719
Christina Selvaggio,
Appellant,
v.
City of New York,
Respondent,
et al.,
Defendants;
Milber Makris Plousado & Seiden,
Nonparty-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.
Motion for poor person relief dismissed as academic.

1 Mo. No. 2022-853
In the Matter of Terrence Stevens et al.,
Respondents,
v.
New York State Division of Criminal Justice Services, et al.,
Appellants.

Motion by District Attorneys Association of the State of New York, Inc. for leave to appear amicus curiae on the appeal herein granted only to the extent that the proposed brief is accepted as filed. Two copies of the brief must be served, an original and nine copies filed, and the brief submitted in digital format within seven days.

1 Mo. No. 2023-34
In the Matter of TCR Sports Broadcasting Holding, LLP,
Appellant,
v.
WN Partner, LLC, et al.,
Respondents,
Washington Nationals Baseball Club, LLC,
Respondent,
Baltimore Orioles Baseball Club, et al.,
Appellants.

Motion by Kenneth R. Feinberg for leave to file a brief amicus curiae on the appeal herein granted and the proposed brief is accepted as filed. Two copies of the brief must be served, an original and nine copies filed, and the brief submitted in digital format within seven days.

1 Mo. No. 2023-35
In the Matter of TCR Sports Broadcasting
Holding, LLP,
 Appellant,
 v.
WN Partner, LLC, et al.,
 Respondents,
Washington Nationals Baseball Club, LLC,
 Respondent,
Baltimore Orioles Baseball Club, et al.,
 Appellants.

Motion by Mayor of Baltimore et al. for leave to file a brief amici curiae on the appeal herein granted and the proposed brief is accepted as filed. The brief must be submitted in digital format within seven days.

2 Mo. No. 2022-883
The People &c.,
 Respondent,
 v.
Sebastian Telfair,
 Appellant.

Motion, pursuant to CPL 460.60 (3), to extend the time for argument or submission of the appeal and to continue the stay granted and stay continued pending determination of the appeal.

1 Mo. No. 2022-611
Wells Fargo Bank, N.A., &c.,
 Respondent,
 v.
Carol Hayden,
 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.