

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

**Decisions**

March 14, 2024

**CASES**

1                    No. 26  
In the Matter of Edwin Agramonte, et al.,  
                  Appellants,  
                  v.  
Local 461, District Council 37, American  
Federation of State, County and Municipal  
Employees, &c.,  
                  Respondent.

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

1                    No. 25  
In the Matter of Anne Marie R. Colon,  
                  Appellant,  
                  v.  
Teachers' Retirement System of the City of  
New York,  
                  Respondent,  
Yvonne Davalos, &c.,  
                  Respondent.

Order affirmed, with costs, in a memorandum.  
Chief Judge Wilson and Judges Rivera, Garcia,  
Singas, Cannataro, Troutman and Halligan concur.

                          No. 20  
Nafeesa Syeed,  
                  Appellant,  
                  v.  
Bloomberg L.P.,  
                  Respondent.

Following certification of a question by the United  
States Court of Appeals for the Second Circuit and  
acceptance of the question by this Court pursuant to  
section 500.27 of this Court's Rules of Practice, and  
after hearing argument by counsel for the parties and  
consideration of the briefs and record submitted,  
certified question answered in the affirmative.  
Opinion by Judge Singas.  
Chief Judge Wilson and Judges Rivera, Garcia,  
Cannataro, Troutman and Halligan concur.

1                    No. 27

Taxi Tours Inc.,  
Plaintiff,

v.

Go New York Tours, Inc.,  
Appellant.

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Go New York Tours, Inc.,  
Appellant,

v.

Big Bus Tours Limited, et al.,  
Respondents.

Order insofar as appealed from reversed, with costs,  
and motion by Gray Line New York Tours, Inc.,  
Twin America, LLC and Sightseeing Pass LLC to  
dismiss as against them the first and second  
counterclaims denied, in a memorandum.  
Chief Judge Wilson and Judges Rivera, Garcia,  
Singas, Cannataro, Troutman and Halligan concur.

## MOTIONS

1 Mo. No. 2023-778  
In the Matter of Alisha B.,  
Respondent,  
v.  
Dominique S.,  
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2023-828  
In the Matter of J.C. et al., &c.  
New Alternatives for Children,  
Respondent;  
Joycelyn L.,  
Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2023-779  
In the Matter of Kimberly DD., &c.  
Brooke Daley, &c.,  
Petitioner;  
Kimberly DD.,  
Respondent.  
Washington County Department of Social  
Services,  
Respondent,  
Saratoga County Department of Social  
Services,  
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2024-189  
Nigel John Eccles, et al.,  
Appellants,  
v.  
Shamrock Capital Advisors, LLC, et al.,  
Respondents.

Motion by Securities Industry and Financial Markets Association for leave to appear amicus curiae on the appeal herein granted 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.  
Judges Garcia and Halligan took no part.

1 Mo. No. 2024-190  
Nigel John Eccles, et al.,  
Appellants,  
v.  
Shamrock Capital Advisors, LLC, et al.,  
Respondents.

Motion by Patrick M. Connors for leave to appear amicus curiae on the appeal herein granted 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. Judges Garcia and Halligan took no part.

1 Mo. No. 2024-194  
Nigel John Eccles, et al.,  
Appellants,  
v.  
Shamrock Capital Advisors, LLC, et al.,  
Respondents.

Motion by New York State Trial Lawyers Association to join the amicus curiae brief by Patrick M. Connors on the appeal herein granted. Judges Garcia and Halligan took no part.

1 Mo. No. 2024-196  
Nigel John Eccles, et al.,  
Appellants,  
v.  
Shamrock Capital Advisors, LLC, et al.,  
Respondents.

Motion by Dominican Bar Association to join the amicus curiae brief of Business Council of New York State, Inc. on the appeal herein granted. Judges Garcia and Halligan took no part.

1 Mo. No. 2024-202  
Nigel John Eccles, et al.,  
Appellants,  
v.  
Shamrock Capital Advisors, LLC, et al.,  
Respondents.

Motion by Charles K. Whitehead, et al. for leave to appear amici curiae on the appeal herein granted 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. Judges Garcia and Halligan took no part.

2 Mo. No. 2024-171  
The People &c.,  
Respondent,  
v.  
Dwane Estwick,  
Appellant.

Motion by Center on Race, Inequality, and the Law et al. for leave to appear amici curiae on the appeal herein granted 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. Judge Halligan took no part.

2 Mo. No. 2024-195  
The People &c.,  
Appellant,  
v.  
Cid C. Franklin,  
Respondent.

Motion by University at Buffalo School of Law Amicus Brief Practicum for leave to file a brief amicus curiae on the appeal herein granted and proposed brief is accepted as filed. The brief must be submitted in digital format within seven days. Judges Rivera and Troutman took no part.

1 Mo. No. 2024-160  
The People &c.,  
Respondent,  
v.  
Mitchell Hernandez,  
Appellant.

Motion by Ethan J. Leib 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. 2024-167  
The People &c.,  
Respondent,  
v.  
Mitchell Hernandez,  
Appellant.

Motion by The Bronx Defenders, et al. for leave to appear amici curiae on the appeal herein granted 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.

3                    Mo. No. 2023-795  
In the Matter of Nevaeh N., &c.

Cortland County Department of Social  
Services,  
    Respondent;  
Heidi O.,  
    Appellant.

Motion for leave to appeal denied.

                          Mo. No. 2024-200  
The People &c.,  
    Respondent,  
    v.  
Samual Nektalov,  
    Appellant.

Motion by Center for Appellate Litigation for leave to appear amicus curiae on the appeal herein granted to the extent that the proposed brief is accepted as filed. The brief must be submitted in digital format within seven days.

4                    Mo. No. 2024-163  
In the Matter of New York Civil Liberties  
Union,  
    Respondent,  
    v.  
City of Rochester et al.,  
    Appellants.

Motion by Association of the Bar of the City of New York for leave to appear amicus curiae on the appeal herein granted 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. Judge Halligan took no part.

4                    Mo. No. 2023-731  
In the Matter of Mark O'Brien, &c.,  
    Respondent,  
    v.  
Brenda H.,  
    Appellant.

Motion for leave to appeal denied.

3                    Mo. No. 2024-166  
Roman Catholic Diocese of Albany, et al.,  
    Appellants,  
    v.  
Maria T. Vullo, &c. et al.,  
    Respondents,  
et al.,  
    Defendants.  
(And Another Related Action.)

Motion by Notre Dame Law School Religious Liberty Clinic for leave to appear amicus curiae on the appeal herein granted to the extent that the proposed brief is accepted as filed. The brief must be submitted in digital format within seven days. Judge Halligan took no part.

3                    Mo. No. 2024-192  
Roman Catholic Diocese of Albany, et al.,  
    Appellants,  
    v.  
Maria T. Vullo, &c. et al.,  
    Respondents,  
et al.,  
    Defendants.  
(And Another Related Action.)

Motion by New York Civil Liberties Union et al. for leave to appear amici curiae on the appeal herein granted to the extent that the proposed brief is accepted as filed. The brief must be submitted in digital format within seven days. Judge Halligan took no part.

2                    Mo. No. 2024-172  
The People &c.,  
    Respondent,  
    v.  
Freddie T. Wright,  
    Appellant.

Motion by Center on Race, Inequality, and the Law et al. for leave to appear amici curiae on the appeal herein granted 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. Judge Halligan took no part.