

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

**Decisions**

January 14, 2025

**CASES**

1                    No. 124  
Richard Hobish, &c. et al.,  
    Appellants,  
    v.  
AXA Equitable Life Insurance Company,  
    Respondent.

Order insofar as appealed from affirmed, with costs,  
and certified question answered in the affirmative.  
Opinion by Judge Troutman.  
Judges Garcia, Singas and Cannataro concur.  
Judge Halligan concurs in result in an opinion, in  
which Chief Judge Wilson and Judge Rivera concur.

4                    No. 41 SSM 3  
The People &c.,  
    Respondent,  
    v.  
Donkavius D. Howard,  
    Appellant.

On review of submissions pursuant to section 500.11  
of the Rules, order affirmed, in a memorandum.  
Judges Garcia, Singas, Cannataro, Troutman and  
Halligan concur.  
Judge Rivera dissents and votes to reverse and order  
a new trial in an opinion, in which Chief Judge  
Wilson concurs.

## MOTIONS

3                    Mo. No. 2024-635  
In the Matter of Anthony H. Baptiste,  
    Appellant,  
    v.  
Douglas E. Lentivech, &c.,  
    Respondent.

Motion for leave to appeal denied.  
Motion for financial relief dismissed as academic.

1                    Mo. No. 2024-755  
The People &c.,  
    Respondent,  
    v.  
Anthony Blue,  
    Appellant.

Motion for reargument &c. denied.

4                    Mo. No. 2024-586  
In the Matter of Town of Cambria,  
    Appellant,  
    v.  
New York Office of Renewable Energy  
Siting, et al.,  
    Respondents.

Motion for leave to appeal denied.

2                    Mo. No. 2024-584  
The People &c.,  
    Respondent,  
    v.  
Jerome Carrington,  
    Appellant.

Motion for leave to appeal denied.  
Motion for financial relief dismissed as academic.

1                    Mo. No. 2024-671  
In the Matter of Robert Castillo,  
    Appellant,  
    v.  
Dermot Shea, &c., et al.,  
    Respondents.

Motion for leave to appeal dismissed for failure to  
demonstrate timeliness as required by the Rules of  
the Court of Appeals (*see* Rules of Ct of Appeals [22  
NYCRR] § 500.22 [b] [2]).

1 Mo. No. 2024-294  
Cortlandt Street Recovery Corp.,  
Respondent,  
Wilmington Trust Company, &c.,  
Appellant,  
v.  
David Bonderman et al.,  
Defendants,  
TPG Capital-New York, Inc., et al.,  
Respondents,  
et al.,  
Defendants.

Motion for leave to appeal granted.

1 Mo. No. 2024-592  
Caf Dowlah,  
Appellant,  
v.  
Professional Staff Congress (PSC-CUNY), et  
al.,  
Respondents.

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

1 Mo. No. 2024-706  
Georgette Fleischer,  
Appellant,  
v.  
John J. Zhang, &c., 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.

2 Mo. No. 2024-579  
Feifei Gu,  
Appellant,  
et al.,  
Plaintiff,  
v.  
Yao Wen Lei, et al.,  
Respondents.

Motion for leave to appeal denied.  
Motion for financial relief dismissed as academic.

4 Mo. No. 2024-562  
Michael Hayes,  
Respondent,  
v.  
Alec Rich et al.,  
Appellants.

Motion for leave to appeal denied.

4 Mo. No. 2024-620  
In the Matter of Daniel Jones,  
Appellant,  
v.  
County of Erie, 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 proceeding within the  
meaning of the Constitution.  
Motion for financial relief dismissed as academic.

1 Mo. No. 2024-552  
Kal Tire,  
Respondent,  
v.  
Alessandro Vitale,  
Defendant,  
Matteo Deninno,  
Appellant.

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

1 Mo. No. 2024-557  
In the Matter of Edgar V.L., &c.  
  
Alison L.,  
Respondent,  
v.  
Katherine Huang,  
Respondent,  
Rachida Naciri,  
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2024-634  
Lehman Brothers International (Europe) (in  
Administration),  
Appellant,  
v.  
AG Financial Products, Inc.,  
Respondent.

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

1 Mo. No. 2024-655  
Lehman Brothers International (Europe) (in  
Administration),  
Appellant,  
v.  
AG Financial Products, Inc.,  
Respondent.

Motion by Deutsche Bank AG for leave to appear  
amicus curiae on the motion for leave to appeal  
herein granted and the brief is accepted as filed.  
Judge Garcia took no part.

1 Mo. No. 2024-656  
Lehman Brothers International (Europe) (in  
Administration),  
Appellant,  
v.  
AG Financial Products, Inc.,  
Respondent.

Motion by Clayton P. Gillette for leave to appear  
amicus curiae on the motion for leave to appeal  
herein granted and the brief is accepted as filed.  
Judge Garcia took no part.

1 Mo. No. 2024-673  
The People &c.,  
Respondent,  
v.  
Richard Leslie,  
Appellant.

Motion for leave to appeal denied.  
Motion for financial relief dismissed as academic.

1 Mo. No. 2024-689  
Jeff Lucas,  
Appellant,  
v.  
Verizon Communications, Inc. et al.,  
Respondents.

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

3                    Mo. No. 2024-633  
In the Matter of Metro Enterprises Corp.,  
Appellant,  
v.  
New York State Tax Appeals Tribunal et al.,  
Respondents.

Motion for leave to appeal denied.

1                    Mo. No. 2024-442  
Needham & Company, LLC,  
Respondent,  
v.  
UpHealth Holdings, Inc., et al.,  
Appellants.

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

2                    Mo. No. 2024-578  
Victor Nieves-Schein,  
et al.,  
Appellants,  
v.  
Permitech, Inc., et al.,  
Respondents,  
et al.,  
Defendant.

Motion for leave to appeal denied.

1                    Mo. No. 2024-757  
In the Matter of Christine O'Reilly,  
Appellant,  
v.  
Board of Education of the City School  
District of the City of New York, et al.,  
Respondents.  
(And Three Other Proceedings.)

Motion for reargument denied with one hundred dollars costs and necessary reproduction disbursements.

Judge Rivera took no part.

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In the Matter of Athena Clarke,  
Appellant,  
v.  
Board of Education of the City School  
District of the City of New York, et al.,  
Respondents.  
(And Three Other Proceedings.)

3 Mo. No. 2024-685  
In the Matter of Stoker Olukotun-Williams,  
Appellant,  
v.  
Gerald Gardner, &c. et al.,  
Respondents.

Motion for reargument of motion for leave to appeal denied.

1 Mo. No. 2024-558  
Michele Rothman,  
Appellant,  
v.  
Sandra Radna, P.C. et al.,  
Respondents.

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

2 Mo. No. 2024-544  
In the Matter of James C. Russell,  
Respondent,  
v.  
Town of Mount Pleasant, New York,  
Appellant.

Motion for leave to appeal granted.

1 Mo. No. 2024-695  
U.S. Bank National Association, &c.,  
Appellant,  
v.  
Cassandra Fox,  
Respondent,  
et al.,  
Defendants.

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

2 Mo. No. 2024-694  
Wells Fargo Bank, N.A.,  
Respondent,  
v.  
James C. Dubarry,  
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.

4                    Mo. No. 2024-328  
William Metrose Ltd. Builder/Developer,  
Appellant,  
v.  
Waste Management of New York, LLC,  
Respondent.

Motion for leave to appeal granted.

1                    Mo. No. 2024-701  
Jianhai Xu,  
Appellant,  
v.  
Castleton Commodities International LLC,  
Respondent.

Motion for reargument of motion for leave to appeal  
denied.