



*State of New York
Court of Appeals*

*John P. Ariello
Chief Clerk and
Legal Counsel to the Court*

*Clerk's Office
20 Eagle Street
Albany, New York 12207-1095*

November 7, 2019

Ms. Elena Ruth Sassower
10 Stewart Place, Apt. 2D-E
White Plains, NY 10603

Re: Center for Judicial Accountability v Cuomo

Dear Ms. Sassower:

I acknowledge receipt of your letter dated November 1, 2019.

As stated in this office's June 4, 2019 letter, please note that the Freedom of Information Law (Public Officers Law art 6), which governs agency records, does not apply to the Judiciary (see Public Officers Law § 86[3]). In addition, Part 124 of the Rules of the Chief Administrator does not apply to records possessed by this Court.

As a courtesy, enclosed are copies of all motion orders issued on October 24, 2019.

Very truly yours,

A handwritten signature in black ink, appearing to read "H. Davis".

Heather Davis
Deputy Clerk

RMM:mg
encl.

State of New York

Court of Appeals

*Decided and Entered on the
twenty-fourth day of October, 2019*

Present, Hon. Janet DiFiore, *Chief Judge, presiding.*

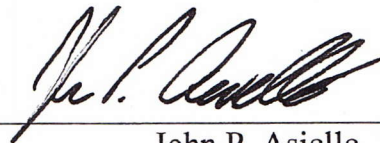
Mo. No. 2019-620
The People &c.,
Respondent,
v.
Jorge A. Alvarado,
Appellant.

Appellant having moved for leave to appeal to the Court of Appeals and for
poor person relief in the above cause;

Upon the papers filed and due deliberation, it is

ORDERED, that the motion for leave to appeal is denied; and it is further

ORDERED, that the motion for poor person relief is dismissed as academic.



John P. Asiello
Clerk of the Court

State of New York
Court of Appeals

*Decided and Entered on the
twenty-fourth day of October, 2019*

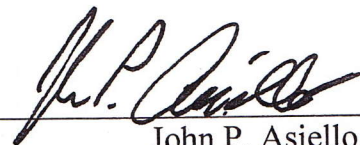
Present, Hon. Janet DiFiore, *Chief Judge, presiding.*

Mo. No. 2019-615
Edstan S. Balgobin,
Appellant,
v.
State of New York,
Respondent.

Appellant having moved for leave to appeal to the Court of Appeals in the
above cause;

Upon the papers filed and due deliberation, it is

ORDERED, that the motion is dismissed as untimely (see CPLR 5513[b]).



John P. Asiello
Clerk of the Court

State of New York

Court of Appeals

*Decided and Entered on the
twenty-fourth day of October, 2019*

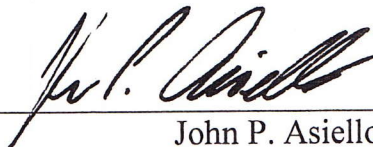
Present, Hon. Janet DiFiore, *Chief Judge, presiding.*

Mo. No. 2019-942
The People &c.,
Respondent,
v.
Everett D. Balkman,
Appellant.

Appellant having moved for the assignment of counsel;

Upon the papers filed and due deliberation, it is

ORDERED, that the motion is granted and the following is assigned as counsel to
the appellant on this appeal: Timothy P. Donaher, Esq., Monroe County Public Defender,
10 N. Fitzhugh Street, Rochester, NY 14614.



John P. Asiello
Clerk of the Court

State of New York
Court of Appeals

*Decided and Entered on the
twenty-fourth day of October, 2019*

Present, Hon. Janet DiFiore, *Chief Judge, presiding.*

Mo. No. 2019-592

Barklee 94 LLC,
Appellant,

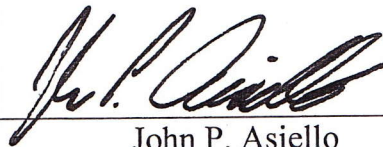
v.

Augustus Oliver et al.,
Respondents.

Appellant having moved for leave to appeal to the Court of Appeals in the
above cause;

Upon the papers filed and due deliberation, it is

ORDERED, that the motion is denied.



John P. Asiello
Clerk of the Court

State of New York

Court of Appeals

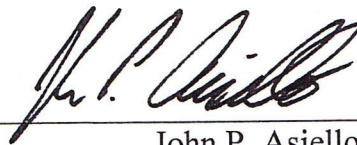
*Decided and Entered on the
twenty-fourth day of October, 2019*

Present, Hon. Janet DiFiore, *Chief Judge, presiding.*

Mo. No. 2019-614
In the Matter of Robert Bond,
Appellant,
v.
Tina M. Stanford, &c.,
Respondent.

Appellant having moved for leave to appeal to the Court of Appeals in the
above cause;

Upon the papers filed and due deliberation, it is
ORDERED, that the motion is denied.



John P. Asiello
Clerk of the Court

State of New York

Court of Appeals

*Decided and Entered on the
twenty-fourth day of October, 2019*

Present, Hon. Janet DiFiore, *Chief Judge, presiding.*

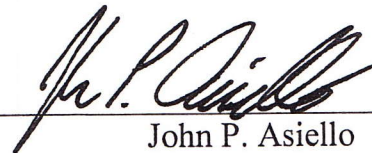
Mo. No. 2019-583
The People &c.,
Respondent,
v.
Keith Braithwaite,
Appellant.

Appellant having moved for leave to appeal to the Court of Appeals and for poor person relief in the above cause;

Upon the papers filed and due deliberation, it is

ORDERED, that the motion for leave to appeal is denied; and it is further

ORDERED, that the motion for poor person relief is dismissed as academic.



John P. Asiello
Clerk of the Court

State of New York
Court of Appeals

*Decided and Entered on the
twenty-fourth day of October, 2019*

Present, Hon. Janet DiFiore, *Chief Judge, presiding.*

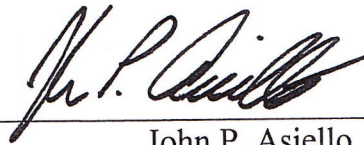
Mo. No. 2019-637
The People &c.,
Respondent,
v.
Robert Briscoe,
Appellant.

Appellant having moved for leave to appeal to the Court of Appeals and for poor person relief in the above cause;

Upon the papers filed and due deliberation, it is

ORDERED, that the motion for leave to appeal is denied; and it is further

ORDERED, that the motion for poor person relief is dismissed as academic.



John P. Asiello
Clerk of the Court

State of New York

Court of Appeals

*Decided and Entered on the
twenty-fourth day of October, 2019*

Present, Hon. Janet DiFiore, *Chief Judge, presiding.*

Mo. No. 2019-613

In the Matter of David A. Burr,
Appellant,

v.

New York State Department of
Corrections and Community Supervision
et al.,

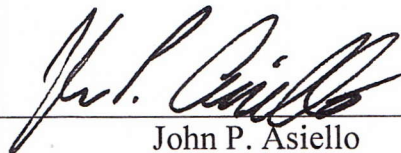
Respondents.

Appellant having moved for leave to appeal to the Court of Appeals and for poor person relief in the above cause;

Upon the papers filed and due deliberation, it is

ORDERED, that the motion for leave to appeal is dismissed upon the ground that the order sought to be appealed from does not finally determine the proceeding within the meaning of the Constitution; and it is further

ORDERED, that the motion for poor person relief is dismissed as academic.



John P. Asiello
Clerk of the Court

State of New York

Court of Appeals

*Decided and Entered on the
twenty-fourth day of October, 2019*

Present, Hon. Jenny Rivera, *Senior Associate Judge, presiding.*

Mo. No. 2019-645
Center for Judicial Accountability, Inc. et al.,
Appellants,
v.
Andrew M. Cuomo &c., et al.,
Respondents.

Appellants having moved for reconsideration of this Court's May 2, 2019 dismissal order and other relief in the above cause;

Upon the papers filed and due deliberation, it is

ORDERED, that the motion, on behalf of Center for Judicial Accountability, Inc. by Elena Ruth Sassower, is dismissed upon the ground that Sassower is not Center for Judicial Accountability, Inc.'s authorized legal representative (see CPLR 321[a]); and it is further

ORDERED, that the motion, by Elena Ruth Sassower on her own behalf, seeking reconsideration of this Court's May 2, 2019 dismissal order, is denied; and it is further

ORDERED, that the motion, by Elena Ruth Sassower on her own behalf, insofar as it seeks disqualification of Judge Garcia on nonstatutory grounds, is dismissed upon the ground that the Court has no authority to entertain it; and it is further

ORDERED, that the motion, by Elena Ruth Sassower on her own behalf, seeking disqualification of the Associate Judges of this Court &c. is otherwise denied.

The application seeking recusal of Judge Garcia on nonstatutory grounds is referred to Judge Garcia for individual consideration and determination.

Judge Garcia denies the referred motion for recusal.

Chief Judge DiFiore took no part.



Heather Davis
Deputy Clerk of the Court

State of New York

Court of Appeals

*Decided and Entered on the
twenty-fourth day of October, 2019*

Present, Hon. Jenny Rivera, *Senior Associate Judge, presiding.*

Mo. No. 2019-646

Center for Judicial Accountability, Inc. et al.,

Appellants,

v.

Andrew M. Cuomo &c., et al.,

Respondents.

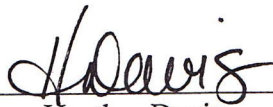
Appellants having moved for leave to appeal to the Court of Appeals in the above cause;

Upon the papers filed and due deliberation, it is

ORDERED, that the motion, on behalf of Center for Judicial Accountability, Inc. by Elena Ruth Sassower, is dismissed upon the ground that Sassower is not Center for Judicial Accountability, Inc.'s authorized legal representative (see CPLR 321[a]); and it is further

ORDERED, that the motion, by Elena Ruth Sassower on her own behalf, for leave to appeal from the December 27, 2018 Appellate Division order, is denied and, from the remaining Appellate Division orders, is dismissed upon the ground that such orders do not finally determine the action within the meaning of the Constitution.

Chief Judge DiFiore took no part.



Heather Davis
Deputy Clerk of the Court

State of New York

Court of Appeals

*Decided and Entered on the
twenty-fourth day of October, 2019*

Present, Hon. Jenny Rivera, *Senior Associate Judge, presiding.*

Mo. No. 2019-799

Center for Judicial Accountability, Inc. et al.,
Appellants,

v.

Andrew M. Cuomo &c., et al.,
Respondents.

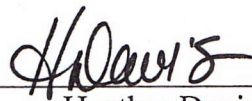
Appellants having moved to strike and for other relief in the above cause;

Upon the papers filed and due deliberation, it is

ORDERED, that the motion, on behalf of Center for Judicial Accountability, Inc. by Elena Ruth Sassower, is dismissed upon the ground that Sassower is not Center for Judicial Accountability, Inc.'s authorized legal representative (see CPLR 321[a]); and it is further

ORDERED, that the motion, by Elena Ruth Sassower on her own behalf, to strike respondents' memorandum of law &c. is denied.

Chief Judge DiFiore took no part.



Heather Davis
Deputy Clerk of the Court

State of New York

Court of Appeals

*Decided and Entered on the
twenty-fourth day of October, 2019*

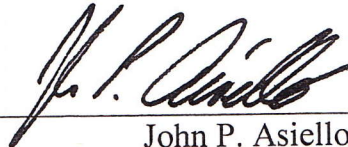
Present, Hon. Janet DiFiore, *Chief Judge, presiding.*

Mo. No. 2019-571
In the Matter of Dennis M. Creegan,
Appellant,
v.
Thomas P. DiNapoli, &c.,
Respondent.

Appellant having moved for leave to appeal to the Court of Appeals in the
above cause;

Upon the papers filed and due deliberation, it is

ORDERED, that the motion is denied with one hundred dollars costs and
necessary reproduction disbursements.



John P. Asiello
Clerk of the Court

State of New York

Court of Appeals

*Decided and Entered on the
twenty-fourth day of October, 2019*

Present, Hon. Janet DiFiore, *Chief Judge, presiding.*

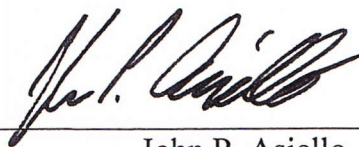
Mo. No. 2019-648
The People &c.,
Respondent,
v.
Samuel Cuspert,
Appellant.

Appellant having moved for leave to appeal to the Court of Appeals and for poor person relief in the above cause;

Upon the papers filed and due deliberation, it is

ORDERED, that the motion for leave to appeal is denied; and it is further

ORDERED, that the motion for poor person relief is dismissed as academic.



John P. Asiello
Clerk of the Court

State of New York

Court of Appeals

*Decided and Entered on the
twenty-fourth day of October, 2019*

Present, Hon. Janet DiFiore, *Chief Judge, presiding.*

Mo. No. 2019-660
The People &c.,
Respondent,
v.
Enrique Falcon,
Appellant.

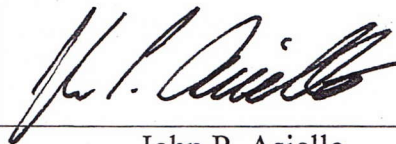
Appellant having moved for leave to appeal to the Court of Appeals and for poor person relief in the above cause;

Upon the papers filed and due deliberation, it is

ORDERED, that the motion for leave to appeal is denied; and it is further

ORDERED, that the motion for poor person relief is dismissed as academic.

Judge Rivera took no part.



John P. Asiello
Clerk of the Court

State of New York

Court of Appeals

*Decided and Entered on the
twenty-fourth day of October, 2019*

Present, Hon. Janet DiFiore, *Chief Judge, presiding.*

Mo. No. 2019-643

In the Matter of Kareem Fauntleroy,
Appellant,

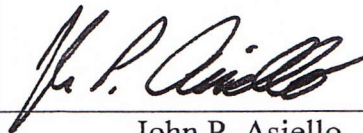
v.

Deborah Dowling,
Respondent.

Appellant having moved for leave to appeal to the Court of Appeals in the above
cause;

Upon the papers filed and due deliberation, it is

ORDERED, that the motion is dismissed upon the ground that no appeal lies to
this Court from the decision of an individual Justice of the Appellate Division.



John P. Asiello
Clerk of the Court

State of New York

Court of Appeals

*Decided and Entered on the
twenty-fourth day of October, 2019*

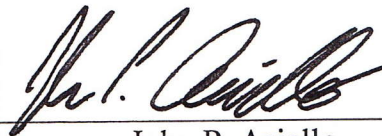
Present, Hon. Janet DiFiore, *Chief Judge, presiding.*

Mo. No. 2019-610
The People &c.,
Respondent,
v.
Steven J. Foerster,
Appellant.

Appellant having moved for leave to appeal to the Court of Appeals in the
above cause;

Upon the papers filed and due deliberation, it is

ORDERED, that the motion is denied.



John P. Asiello
Clerk of the Court

State of New York

Court of Appeals

*Decided and Entered on the
twenty-fourth day of October, 2019*

Present, Hon. Janet DiFiore, *Chief Judge, presiding.*

Mo. No. 2019-635

Glenn C. Kleiber,
Appellant,

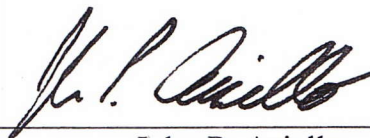
v.

Robert P. Fichtel et al.,
Respondents.

Appellant having moved for leave to appeal to the Court of Appeals in the
above cause;

Upon the papers filed and due deliberation, it is

ORDERED, that the motion is dismissed upon the ground that the order sought
to be appealed from does not finally determine the action within the meaning of the
Constitution (see *Cuadrado v New York City Tr. Auth.*, lv dismissed 14 NY3d 748
[2010]).



John P. Asiello
Clerk of the Court

State of New York

Court of Appeals

*Decided and Entered on the
twenty-fourth day of October, 2019*

Present, Hon. Janet DiFiore, *Chief Judge, presiding.*

Mo. No. 2019-945
The People &c.,
Respondent,
v.
Darryl Hemphill,
Appellant.

Appellant having moved for the assignment of counsel;

Upon the papers filed and due deliberation, it is

ORDERED, that the motion is granted and the following is assigned as counsel
to the appellant on this appeal: Robert S. Dean, Esq., Center for Appellate Litigation,
120 Wall Street, 28th Floor, New York, NY 10005.



John P. Asiello
Clerk of the Court

State of New York

Court of Appeals

*Decided and Entered on the
twenty-fourth day of October, 2019*

Present, Hon. Janet DiFiore, *Chief Judge, presiding.*

Mo. No. 2019-638
In the Matter of Jarrett P.

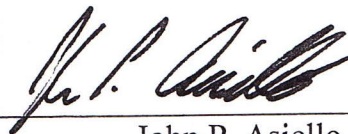
Ontario County Department of Social
Services,
Respondent;
Jeremy P.,
Appellant.

Appellant having moved for leave to appeal to the Court of Appeals and for
poor person relief in the above cause;

Upon the papers filed and due deliberation, it is

ORDERED, that the motion for leave to appeal is denied; and it is further

ORDERED, that the motion for poor person relief is dismissed as academic.



John P. Asiello
Clerk of the Court

State of New York

Court of Appeals

*Decided and Entered on the
twenty-fourth day of October, 2019*

Present, Hon. Janet DiFiore, *Chief Judge, presiding.*

Mo. No. 2019-561

P.B. #7, LLC,
Respondent,

v.

231 Fourth Avenue Lyceum, LLC, et al.,
Defendants,

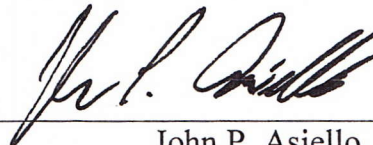
Eric Richmond,
Appellant.

(App. Div. Nos. 2013-02106, 2013-02107,
2013-02108)

Appellant having moved for leave to appeal to the Court of Appeals in the
above cause;

Upon the papers filed and due deliberation, it is

ORDERED, that the motion is dismissed upon the ground that the order sought
to be appealed from does not finally determine the action within the meaning of the
Constitution.



John P. Asiello
Clerk of the Court

State of New York

Court of Appeals

*Decided and Entered on the
twenty-fourth day of October, 2019*

Present, Hon. Janet DiFiore, *Chief Judge, presiding.*

Mo. No. 2019-562

P.B. #7, LLC,
Respondent,

v.

231 Fourth Avenue Lyceum, LLC, et al.,
Defendants,

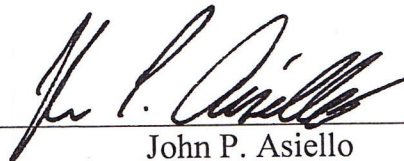
Eric Richmond,
Appellant.

(App. Div. No. 2015-06192)

Appellant having moved for leave to appeal to the Court of Appeals in the
above cause;

Upon the papers filed and due deliberation, it is

ORDERED, that the motion is dismissed upon the ground that the order sought
to be appealed from does not finally determine the action within the meaning of the
Constitution.



John P. Asiello
Clerk of the Court

State of New York

Court of Appeals

*Decided and Entered on the
twenty-fourth day of October, 2019*

Present, Hon. Janet DiFiore, *Chief Judge, presiding.*

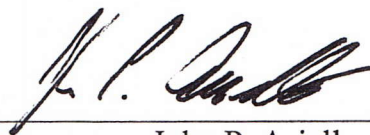
Mo. No. 2019-640
The People &c.,
Respondent,
v.
Francisco Sostenes,
Appellant.

Appellant having moved for leave to appeal to the Court of Appeals and for poor person relief in the above cause;

Upon the papers filed and due deliberation, it is

ORDERED, that the motion for leave to appeal is denied; and it is further

ORDERED, that the motion for poor person relief is dismissed as academic.



John P. Asiello
Clerk of the Court

State of New York
Court of Appeals

*Decided and Entered on the
twenty-fourth day of October, 2019*

Present, Hon. Janet DiFiore, *Chief Judge, presiding.*

Mo. No. 2019-633

Chad Turgeon,
Appellant,

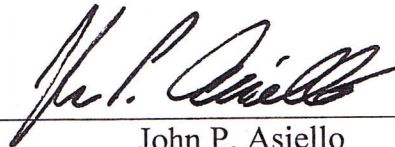
v.

Vassar College et al.,
Respondents.

Appellant having moved for leave to appeal to the Court of Appeals in the
above cause;

Upon the papers filed and due deliberation, it is

ORDERED, that the motion is denied with one hundred dollars costs and
necessary reproduction disbursements.



John P. Asiello
Clerk of the Court

State of New York

Court of Appeals

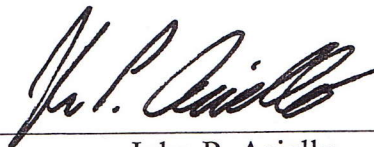
*Decided and Entered on the
twenty-fourth day of October, 2019*

Present, Hon. Janet DiFiore, *Chief Judge, presiding.*

Mo. No. 2019-597
Veronica Udeogalanya,
Appellant,
v.
Kim Kiho, et al.,
Respondents.

Appellant having moved for leave to appeal to the Court of Appeals in the
above cause;

Upon the papers filed and due deliberation, it is
ORDERED, that the motion is denied with one hundred dollars costs and
necessary reproduction disbursements.



John P. Asiello
Clerk of the Court

State of New York

Court of Appeals

*Decided and Entered on the
twenty-fourth day of October, 2019*

Present, Hon. Janet DiFiore, *Chief Judge, presiding.*

Mo. No. 2019-568

Unclaimed Property Recovery Service, Inc.

et al.,

Appellants,

v.

Credit Suisse First Boston Corporation

et al.,

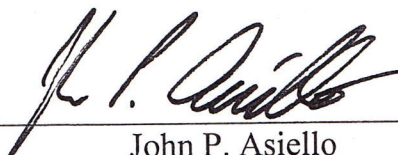
Respondents.

Appellants having moved for leave to appeal to the Court of Appeals in the above cause;

Upon the papers filed and due deliberation, it is

ORDERED, that the motion is denied with one hundred dollars costs and necessary reproduction disbursements.

Judges Garcia and Wilson took no part.



John P. Asiello
Clerk of the Court

State of New York

Court of Appeals

*Decided and Entered on the
twenty-fourth day of October, 2019*

Present, Hon. Janet DiFiore, *Chief Judge, presiding.*

Mo. No. 2019-656

Christina Villavicencio,
Appellant,

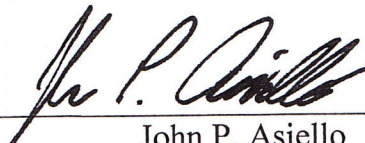
v.

Erie Insurance Company,
Respondent.

Appellant having moved for leave to appeal to the Court of Appeals in the
above cause;

Upon the papers filed and due deliberation, it is

ORDERED, that the motion is denied with one hundred dollars costs and
necessary reproduction disbursements.



John P. Asiello
Clerk of the Court

State of New York

Court of Appeals

*Decided and Entered on the
twenty-fourth day of October, 2019*

Present, Hon. Janet DiFiore, *Chief Judge, presiding.*

Mo. No. 2019-658

Wilmington Savings Fund Society, FSB, &c.,
Respondent,

v.

Sharay Hayes,
Appellant,

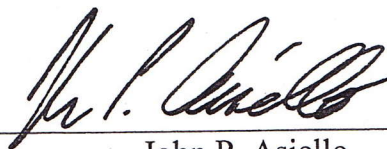
et al.,

Defendants.

Appellant having moved for reargument of a motion for leave to appeal to
the Court of Appeals in the above cause;

Upon the papers filed and due deliberation, it is

ORDERED, that the motion is denied with one hundred dollars costs and
necessary reproduction disbursements.



John P. Asiello
Clerk of the Court