

State of New York

Court of Appeals

*Decided and Entered on the
twelfth day of September, 2017*

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

Mo. No. 2017-725

Theresa Odejimi,
Appellant,

v.

Town of Windsor,
Respondent.

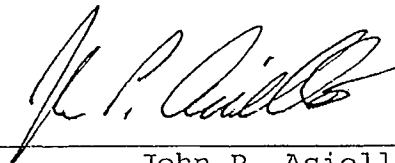
Appellant having moved for reargument of a motion for leave to appeal to the Court of Appeals and for poor person relief in the above cause;

Upon the papers filed and due deliberation, it is

ORDERED, that the motion for reargue motion is denied;
and it is further

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

Judge Feinman took no part.



John P. Asiello
Clerk of the Court



*State of New York
Court of Appeals*

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

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

Decided September 12, 2017

Mo. No. 2017-725

Theresa Odejimi,
Appellant,

v.

Town of Windsor,
Respondent.

Motion for reargument of motion for leave to appeal denied.
Motion for poor person relief dismissed as academic.
Judge Feinman took no part.

COPY

State of New York
Court of Appeals

*Decided and Entered on the
eighth day of June, 2017*

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

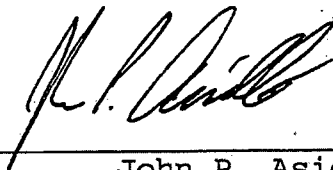
Mo. No. 2017-432
Theresa Odejimi,
Appellant,
v.
Town of Windsor,
Respondent.

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

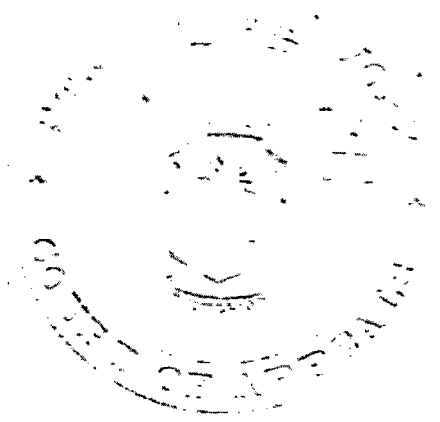
Upon the papers filed and due deliberation, it is

ORDERED, that the motion for leave to appeal is dismissed upon the ground that this Court does not have jurisdiction to entertain it (see NY Const, art VI, § 3 [b]; CPLR 5602); 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
Supreme Court, Appellate Division
Third Judicial Department

Decided and Entered: January 19, 2017

523549

THERESA ODEJIMI,

Appellant,

v

DECISION AND ORDER
ON MOTION

TOWN OF WINDSOR,

Respondent.

Motions for oral reconsideration and for further relief.

Upon the papers filed in support of the motions and the papers filed in opposition thereto, it is

ORDERED that the motions are denied, without costs.

Peters, P.J., McCarthy, Egan Jr. and Clark, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "Robert D. Mayberger". The signature is written in a cursive, flowing style with a large, stylized "R" and "M".

Robert D. Mayberger
Clerk of the Court



State of New York
Supreme Court, Appellate Division
Third Judicial Department
Motion Department
P.O. Box 7288, Capitol Station
Albany, NY 12224-0288

Robert D. Mayberger
Clerk of the Court

(518) 471-4779
fax (518) 471-4747
<http://www.nycourts.gov/ad3>

Edward J. Carey
Chief Motion Attorney

February 3, 2017

Theresa A. Logan, f/k/a Theresa A. Odejimi
50 Williams Road
Windsor, New York 13865

Re: #523549 - **Odejimi v. Town of Windsor**

Dear Ms. Logan:

This office is in receipt of your papers in support of a motion for "reversible error" in the above-referenced matter. This office is also in receipt of papers in response filed by Coughlin & Gerhart LLP.

Please be advised that your motion has been marked returnable before the Court on February 14, 2017.

Very truly yours,

Edward J. Carey
Chief Motion Attorney

/jlc

cc: James P. O'Brien, Esq.

State of New York
Supreme Court, Appellate Division
Third Judicial Department

Decided and Entered: October 6, 2016

523549

THERESA ODEJIMI,

Appellant,

v

DECISION AND ORDER
ON MOTION

TOWN OF WINDSOR,

Respondent.

Motion for permission to proceed as poor person.

Motion to dismiss appeal.

Upon the papers filed in support of the motions and the papers filed in opposition to the motion for permission to proceed as a poor person, it is

ORDERED that the motion to dismiss is granted, without costs, upon default, and it is further

ORDERED that the motion for permission to proceed as a poor person is denied, without costs, as academic.

Peters, P.J., McCarthy, Egan Jr. and Clark, JJ., concur.

ENTER:



Robert D. Mayberger
Clerk of the Court



State of New York
Supreme Court, Appellate Division
Third Judicial Department
Motion Department
P.O. Box 7288, Capitol Station
Albany, NY 12224-0288

Robert D. Mayberger
Clerk of the Court

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Edward J. Carey
Chief Motion Attorney

December 15, 2016

Theresa Logan
50 Williams Road
Windsor, NY 13865

Re: #523549 – Odejimi (n/k/a Logan) v Town of Windsor

Dear Madam:

This office was previously in receipt of two sets of motion papers, each denominated "a formal motion for an 'oral reconsideration'" in the above-referenced matter. One was addressed to Presiding Justice Peters while the other was addressed to the Clerk of this Court. Insofar as it appeared that the papers you served upon your adversary's attorney, James P. O'Brien, Esq., were not the same as those filed with this office, you were requested, by letter dated December 2, 2016, to provide a new set of motion papers for whatever relief you deemed appropriate.

This office is now in receipt of two new sets of motion papers, again each denominated as a "formal motion for an 'oral reconsideration'". Both are addressed to Presiding Justice Peters. One is dated December 4, 2016. The second motion, sworn to November 28, 2017, appears to be a complete copy of your first motion for oral reconsideration that was also addressed to Presiding Justice Peters.

This office is also in receipt of an affidavit by Mr. O'Brien in opposition to your two most recent motions. The affidavit is also in opposition to your prior oral reconsideration motion that was addressed to the Clerk of this Court.

In light of the above set forth, please be advised that your two most recent motions addressed to Presiding Justice Peters as well as your prior motion for oral reconsideration addressed to the Clerk of the Court have been marked returnable before the Court on December 27, 2016. You will be informed of the determination thereon in due course.

Very truly yours,

Linda Gallo
Principal Attorney

/jlc
cc: James P. O'Brien, Esq.



State of New York
Supreme Court, Appellate Division
Third Judicial Department
P.O. Box 7288, Capital Station
Albany, NY 12224-0288

Robert D. Mayberger
Clerk of the Court

(518) 471-4777
fax (518) 471-4750
<http://www.nycourts.gov/ad3>

Erica Putnam Little
Managing Attorney

September 14, 2016

Theresa Logan
50 Williams Road
Windsor, NY 13865

Re: #523549 – Odejimi v Town of Windsor

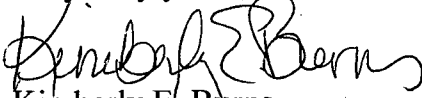
Dear Ms. Logan:

Returned herewith is the single copy of your proposed appellant's brief received by this office. Please be advised it is necessary to have your papers in the proper format to be accepted by the court.

In order to perfect an appeal, it is required for you to file a stipulated record on appeal. You may file a single copy of a stipulated record on appeal along with an original signed brief and appendix and nine copies or an original and nine copies of a stipulated record on appeal along with an original signed brief and nine copies. If you choose to file a single copy of a stipulated record on appeal you must file an appendix to accompany each copy of your appellant's brief. All cites in your brief must be to the pages of the appendix and not to the pages of the record. ?

Also included is an informational packet with instructions on how to perfect an appeal to this court.

Very truly yours,


Kimberly E. Burns
Appellate Court Clerk

cc: James P. O'Brien, Esq.



Supreme Court
State of New York

Ferris D. Lebous
Justice

Broome County Courthouse
P.O. Box 1766
Binghamton, N.Y. 13902
Telephone: 607-240-5807
Fax: 607-240-5936

August 31, 2016

James P. O'Brien, Esq.
Coughlin & Gerhart, LLP
P.O. Box 2039
Binghamton, NY 13902

Theresa Odejimi
50 Williams Road
Windsor, NY 13865

RE: Theresa Odejimi vs. Town of Windsor
Index No. CA2011-2394; RJ1 No. 2015-0073

Counselor and Ms. Odejimi:

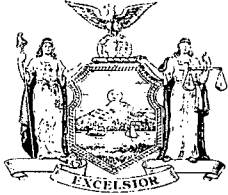
This letter will acknowledge the filing by defendant Town of Windsor of a motion scheduled for September 16, 2016. Please be advised that the motion will be determined on submission only. Personal appearances are not permitted.

Opposing papers and reply papers, if any, should be filed in the Broome County Clerk's Office in accordance with CPLR §2214 (b) and the time provisions set forth in the Notice of Motion. The court will issue a written decision on the motion within sixty days of the return date.

Very truly yours,

A handwritten signature in black ink, reading "Ferris D. Lebous". The signature is stylized with large, flowing loops.

HON. FERRIS D. LEBOUS
JUSTICE, SUPREME COURT



State of New York
Supreme Court, Appellate Division
Third Judicial Department
Motion Department
P.O. Box 7288, Capitol Station
Albany, NY 12224-0288

Robert D. Mayberger
Clerk of the Court

(518) 471-4779
fax (518) 471-4747
<http://www.nycourts.gov/ad3>

Edward J. Carey
Chief Motion Attorney

August 29, 2016

Theresa A. Logan
50 Williams Road
Windsor, New York 13865

Re: #523549 - Odejimi (n/k/a Logan) v. Town of Windsor

Dear Ms. Logan:

This office is in receipt of your papers in support of a motion for permission to proceed as a poor person on appeal in the above-referenced matter.

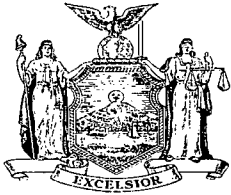
Please be advised that your motion has been marked returnable before the Court on September 12, 2016. You will be further advised of the Court's determination thereon in due course.

Very truly yours,

Edward J. Carey
Chief Motion Attorney

/jlc

cc: James P. O'Brien, Esq.
Broome County Attorney



State of New York
Supreme Court, Appellate Division
Third Judicial Department
Clerk's Office
P.O. Box 7288, Capitol Station
Albany, NY 12224-0288

Robert D. Mayberger
Clerk of the Court

(518) 471-4777
fax (518) 471-4750
<http://www.nycourts.gov/ad3>

Erica Putnam Little
Managing Attorney

June 24, 2016

Theresa Logan
50 Williams Road
Windsor, NY 13865

Re: LOGAN v TOWN OF WINDSOR

Dear Ms. Logan:

Returned herewith are papers received on June 14th by this office. Please be advised, in order to have a matter scheduled for a term of the court, it is necessary for you to file a stipulated record on appeal and appellant's briefs. Enclosed is an instructional packet of information along with sample forms for perfecting an appeal to the Appellate Division, Third Department.

*Spoke E
DeVane
8/11/16*

Very truly yours,

Kimberly E. Burns
Kimberly E. Burns
Appellate Court Clerk



Supreme Court
State of New York

Ferris D. Lebous
Justice

Broome County Courthouse
P.O. Box 1766
Binghamton, N.Y. 13902
Telephone: 607-240-5807
Fax: 607-240-5936

March 22, 2016

Theresa Odejimi
50 Williams Road
Windsor, NY 13865

James P. O'Brien, Esq.
Coughlin & Gerhart, LLP
P.O. Box 2039
Binghamton, NY 13902

Re: Odejimi vs. Town of Windsor
Broome County Index No. 2011-2394; RJI No. 2015-0073

Ms. Odejimi and Counselor:

A pre-trial conference has been scheduled in the above-entitled matter on **MAY 13, 2016 AT 11:00 A.M. AT THE BROOME COUNTY COURTHOUSE, 92 COURT STREET, BINGHAMTON, NY.** Judge Lebous requests that the attorneys actually handling the trial be present and are required to have immediate access to their calendars and availability as a trial date will be scheduled at this conference.

Additionally, please note that the rules for the Sixth Judicial District state: "The plaintiff must and defendant may supply a brief, typewritten statement of facts giving rise to the action, the contested issues, ① ② special and general damages, foreseeable legal and evidentiary problems, and any other relevant matter." ③ ④

Judge Lebous requires a brief, typewritten statement about the case to be submitted prior to the conference date. Opposing counsel should be sent a copy at that time. If you have not already done so, please submit the statement to chambers at the above address.

If I can be of any further assistance, do not hesitate to contact me.

Very truly yours,

Suzanne B. Tripp
Secretary to the Hon. Ferris D. Lebous

**Additional material
from this filing is
available in the
Clerk's Office.**