

COURT OF APPEALS NEW FILINGS

Preliminary Appeal Statements processed  
by the Court of Appeals Clerk's Office  
**December 5, through December 11, 2008**

Each week, the Clerk's Office prepares a list of recently-filed appeals, indicating short title, jurisdictional predicate, subject matter and key issues. Some of these appeals may not reach decision on the merits because of dismissal, on motion or sua sponte, or because the parties stipulate to withdrawal. Some appeals may be selected for review pursuant to the alternative procedure of Rule 500.11.

**The Court welcomes motions for amicus curiae participation from those qualified and interested in the subject matter of these newly filed appeals. Please refer to Rule 500.23 and direct any questions to the Clerk's Office.**

CUOMO &c., PEOPLE &c., v COVENTRY FIRST, LLC, et al:  
1<sup>ST</sup> Dept. App. Div. order of 6/25/08; modification and affirmance; leave to appeal granted by App. Div., 11/25/08;  
ATTORNEY GENERAL - STANDING UNDER PARENS PATRIAE DOCTRINE TO BRING CERTAIN CLAIMS - NECESSITY TO ARBITRATE VICTIM-SPECIFIC CLAIMS - EXISTENCE OF FIDUCIARY DUTIES BY LIFE SETTLEMENT BROKERS TO SELLERS OF INSURANCE POLICIES;  
Supreme Court, New York County granted defendants' motion to dismiss the complaint as it pertains to life settlement transactions by non-New York brokers or to non-New York misconduct, granted the motion with respect to, among other things, the securities fraud and common-law fraud causes of action, and denied their motion to compel arbitration; App. Div. modified the order by reinstating the common-law fraud cause of action and otherwise affirmed.

ST. LAWRENCE FACTORY STORES v OGDENSBURG BRIDGE AND PORT  
AUTHORITY:

3<sup>RD</sup> Dept. App. Div. order of 3/20/08, bringing up for review 3<sup>RD</sup>  
Dept. App. Div. order of 2/23/06; affirmance; leave to appeal  
granted by Court of Appeals, 12/2/08;

VENDOR AND PURCHASER - CONTRACT FOR THE SALE OF REAL PROPERTY -  
BREACH - DAMAGES - WHETHER, UNDER A RELIANCE DAMAGES THEORY,  
PLAINTIFF MAY RECOVER COMPENSATION FOR EXPENSES INCURRED IN  
DEVELOPING COMMERCIAL REAL PROPERTY ON WHICH IT INTENDED TO  
CONSTRUCT A RETAIL FACTORY OUTLET;

App. Div. affirmed a 3/28/05 Supreme Court, St. Lawrence County  
order that, as relevant here, partially granted defendant's  
motion for summary judgment; thereafter the App. Div. affirmed a  
11/8/06 Supreme Court, St. Lawrence County judgment in  
plaintiff's favor.

