

COURT OF APPEALS NEW FILINGS

Preliminary Appeal Statements processed
by the Court of Appeals Clerk's Office

January 5, 2018 through January 11, 2018

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. For those appeals that proceed to briefing in the normal course, the briefing schedule generally will be: appellant's brief to be filed within 60 days after the appeal was taken; respondent's brief to be filed within 45 days after the due date for the filing of appellant's brief; and a reply brief, if any, to be filed within 15 days after the due date for the filing of respondent's brief.

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.

MANUEL P. A., MATTER OF v EMILIE B.:

1ST Dept. App. Div. order of 12/14/17; denial of motion; sua sponte examination whether the order appealed from finally determines the proceeding within the meaning of the Constitution and whether a substantial constitutional question is directly involved to support an appeal as of right;
Appeal--Appellate Division--Motion for leave to appeal to the Appellate Division;
App. Div. denied petitioner's motion for leave to appeal to the App. Div. from a 6/30/17 interim order of Family Court, New York County, and for a stay of all proceedings pending hearing and determination of a pro se CPLR article 78 proceeding petitioner has filed against a certain Family Court Judge.

ASENSIO, MATTER OF v BANNON (A.D. NO. 124/17):

1st Dept. App. Div. order of 11/28/17; dismissal of petition; sua sponte examination whether a substantial constitutional question is directly involved to support an appeal as of right and whether any other basis exists for an appeal as of right; Proceeding Against Body or Officer--Various claims arising out of Family Court custody proceeding; App. Div. denied petitioner's CPLR article 78 application and dismissed the petition.

ASENSIO, MATTER OF v BANNON (A.D. NO. 125/17):

1st Dept. App. Div. order of 11/28/17; dismissal of petition; sua sponte examination whether a substantial constitutional question is directly involved to support an appeal as of right and whether any other basis exists for an appeal as of right; Proceeding Against Body or Officer--Various claims arising out of Family Court custody proceeding; App. Div. denied petitioner's CPLR article 78 application and dismissed the petition.

ASENSIO, MATTER OF v FASANYA:

1st Dept. App. Div. order of 12/21/17; denial of motions; sua sponte examination whether the order appealed from finally determines the proceeding within the meaning of the Constitution and whether a substantial constitutional question is directly involved to support an appeal as of right; Appeal--Appellate Division--Motion to the Appellate Division for a stay and certain other relief; App. Div. denied petitioner's motions for certain relief denied by a Justice of Supreme Court, New York County on 9/20/17, and for a stay of all proceedings in connection with certain matters before the Family Court, New York County.