

COURT OF APPEALS NEW FILINGS

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

December 7 through December 13, 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.

ALAMIN, MATTER OF, A LICENSED LEGAL CONSULTANT:

2ND Dept. App. Div. order of 9/19/18; sua sponte examination whether a substantial constitutional question is directly involved to support an appeal as of right;

Attorney and Client--Disciplinary Proceedings--Licensed legal consultant--revocation of license;

App. Div. in a disciplinary proceeding initiated by the Grievance Committee for the Second, Eleventh and Thirteenth Judicial Districts, granted petitioner's motion to confirm the Special Referee's report, revoked respondent's license to serve as a legal consultant, and declared his name stricken from the roll of licensed legal consultants, and denied respondent's motions to, among other things, dismiss the petition.

CONLEY (KAITLYN) (GATEHOUSE MEDIA), PEOPLE v:

4TH Dept. App. Div. orders of 10/5/18; dismissal; sua sponte examination whether a civil appeal lies from App. Div. orders entered in a criminal proceeding;

Parties--Intervention--Whether trial court properly denied nonparty newspaper reporter's request for juror identifying information, including voir dire questionnaires; whether nonparty may intervene or be joined in criminal case; alleged violation of the First Amendment right of access to judicial proceedings;

County Court, Oneida County, (order 11/9/17) denied the motion of GateHouse Media New York Holdings, Inc., and Jolene Cleaver for access to juror identifying information; and (order 12/19/17) denied the motion of GateHouse Media New York Holdings, Inc, and Jolene Cleaver for access to juror identifying information; App. Div. dismissed the appeals and vacated the 11/9/17 and 12/19/17 orders.

PREFERRED GROUP OF MANHATTAN, INC. v CITY OF POUGHKEEPSIE, et al.:

2ND Dept. App. Div. order of 11/21/18; affirmance; sua sponte examination whether a substantial constitutional question is directly involved to support an appeal as of right and whether the order appealed from finally determines the action within the meaning of the Constitution;

Taxation--Tax Liens, Tax Sales and Tax Titles--Validity of tax lien sale and tax deeds—claimed due process and other problems with City of Poughkeepsie collection and enforcement procedures for unpaid real property taxes;

Supreme Court, Dutchess County, granted defendant City's motion for summary judgment with respect to the amended complaint insofar as asserted against it, and denied those branches of plaintiff's cross motion which were for summary judgment on the first, second and third causes of action, and for severance of the fourth cause of action; App. Div. affirmed, and remitted the matter to Supreme court for the entry of a judgment, among other things, declaring that the subject 2013 tax lien sale and subject 2015 tax deeds are valid and enforceable against plaintiff.