

COURT OF APPEALS NEW FILINGS

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

**February 26, 2016 through March 3, 2016**

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.**

MATTER OF BRANDES, A DISBARRED ATTORNEY:

2<sup>ND</sup> Dept. App. Div. order of 6/3/15; denial of motion for reinstatement; leave to appeal granted by Court of Appeals, 2/23/16;

ATTORNEY AND CLIENT - REINSTATEMENT - WHETHER THE APPELLATE DIVISION, IN DENYING REINSTATEMENT, ERRED IN CONCLUDING THAT DISBARRED ATTORNEY ENGAGED IN THE PRACTICE OF LAW IN VIOLATION OF JUDICIARY LAW § 90(2); CLAIMED CONSTITUTIONAL VIOLATIONS; App. Div. denied Brandes's motion for reinstatement to the Bar as an attorney and counselor-at-law.

RIVERA v DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT OF  
THE CITY OF NEW YORK:

2<sup>ND</sup> Dept. App. Div. order of 7/15/15; affirmance; leave to appeal granted by Court of Appeals, 2/18/16;

LIENS - MECHANIC'S LIEN - VACATUR OR DISCHARGE - LIEN FOR LIVING EXPENSES OF RELOCATED TENANTS - WHETHER A COURT MAY SUMMARILY DETERMINE IF ASSERTEDLY UNREASONABLE CLAIMED EXPENSES RENDER A LIEN FACIALLY INVALID, OR WHETHER A FORECLOSURE TRIAL IS REQUIRED;

Supreme Court, Kings County, granted defendant Department of Housing Preservation and Development of City of New York's motion to dismiss the complaint and denied plaintiff's cross motion for summary judgment on the complaint; App. Div. affirmed.