

COURT OF APPEALS NEW FILINGS

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

May 26, 2017 through June 1, 2017

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.

DIRECTIONAL LENDING, LLC v GUERRERA &c., et al.:

2ND Dept. App. Div. order of 2/15/17; affirmance; sua sponte examination whether the order appealed from finally determines the action within the meaning of the Constitution and whether a substantial constitutional question is directly involved to support an appeal as of right;

Mortgages--Foreclosure--Claimed lack of jurisdiction to enter judgment of foreclosure and subsequent orders; alleged fraud; judges--recusal;

Supreme Court, Suffolk County, denied defendant's motion pursuant to CPLR 5015 to vacate a 6/28/11 judgment of foreclosure and sale of the same court, 6/28/11 and 8/10/12 deficiency judgment of the same court, and denied defendant's separate motion seeking the same relief; App. Div. affirmed.