

COURT OF APPEALS NEW FILINGS

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

June 19, 2020 through June 25, 2020

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.

LIPIN v DANSKE BANK, et al.:

1ST Dept. App. Div. order of 6/11/20; affirmance; sua sponte examination of 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;

Appeal;

Supreme Court, New York County, among other things, denied plaintiff's motions to renew a January 2018 motion to vacate prior orders, for a default judgment against defendants, for a cease and desist order, and to hold certain defendants and others in a criminal and civil contempt, granted defendants' motion for sanctions and attorneys' fees, referred the issue to a special referee, and imposed a fine of \$250 on plaintiff for contempt, and granted defendants' motion to confirm a special referee's report awarding them attorneys' fees; and thereafter, granted defendants' motions to hear and report, and ordered plaintiff to pay reasonable attorneys' fees and expenses to certain defendants; App. Div. affirmed, imposed litigation injunction, and granted motion for further sanctions.

LIPIN, et al., ESTATE OF v LIPIN:

1ST Dept. App. Div. order of 6/11/20; affirmance and dismissal; sua sponte examination of 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;

Appeal;

Supreme Court, New York County; among other things, denied defendant's motion to dismiss the litigation and granted plaintiffs' motion for summary judgment in lieu of complaint renewing the 2008 money judgment; and thereafter, renewed 2008 money judgment in favor of plaintiffs against defendant; App. Div. affirmed the judgment and dismissed the appeals from prior orders as subsumed in the appeal from the judgment.

ORTIZ, PEOPLE ex rel. v BRESLIN &c. et al.:

2ND Dept. App. Div. order of 5/6/20; affirmance;

Crimes–Sex Offender–Whether Department of Corrections and Community Supervision's placement of petitioner in a residential treatment facility during his period of post release supervision until petitioner was able to locate housing that complied with the Sexual Assault Reform Act violated his right to substantive due process and constituted cruel and unusual punishment;

Supreme Court, Queens County, denied the habeas corpus petition and dismissed the proceeding; App. Div. affirmed.