



*State of New York
Court of Appeals*

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COURT OF APPEALS NEW FILINGS

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

January 21, 2022 through January 27, 2022

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.

CORTLANDT STREET v TPG CAPTIAL:

1st Dept. App. Div. order of 11/4/21; dismissal; sua sponte examination of 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--Dismissal--Whether the Appellate Division properly dismissed the appeal; Supreme Court, New York County, inter alia, denied a motion to intervene; App. Div. dismissed proposed intervenor-appellant-respondent's appeal as academic.

WORTHY LENDING v NEW STYLE CONTRACTORS:

1st Dept. App. Div. order of 7/6/21; affirmance; leave to appeal granted by the Court of Appeals 1/11/22;

Pleading--Sufficiency of Pleading--Whether plaintiff stated a cause of action against defendant pursuant to UCC 9-607; whether a secured creditor who does not acquire an assignment may invoke UCC 9-406 to trigger account debtor's obligation to pay the secured party rather than debtor;

Supreme Court, New York County, granted defendant's motion to dismiss the complaint; App. Div. affirmed.