



*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

April 8, 2022 through April 14, 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.

MATTER OF COREY O.:

3rd Dept. App. Div. order of 3/24/22; affirmance with two Justices dissenting; sua sponte examination of whether the dissent at the Appellate Division is on a question of law; **Judges--Disqualification--Whether the attorney for the children was disqualified under Judiciary Law §17 when the attorney was previously a judge who decided a prior custody case involving mother;**

Family Court, Broome County, among other things, granted petitioner's application, in proceeding No. 1 pursuant to Family Court Act article 6, for custody of the parties' child and granted petitioner's application in proceeding No. 2 pursuant to Family Court Act article 6, to modify a prior order of custody; App. Div. affirmed.

SCURRY v NYCHA:

2nd Dept. App. Div. order of 1/27/22; affirmance; leave granted by the Appellate Division with certified question 4/1/22;

Negligence--Maintenance of Premises--Whether defendant property owner's negligence was proximate cause of decedent's death and injuries to others; decedent killed in targeted attack at premises where front door lacked functioning door lock; Supreme Court, Kings County, denied defendant's motion for summary judgment dismissing the complaint; App. Div. affirmed.