



*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

December 16, 2022 through December 22, 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.

BUCZEK v TOWN OF EVANS:

4th Dept. App. Div. order of 11/10/22; affirmance; sua sponte examination of whether any jurisdictional basis exists for an appeal as of right;

Torts—Malicious Prosecution; Civil Rights—Federal Civil Rights;

Supreme Court, Erie County, inter alia, dismissed plaintiff's complaint; App. Div. affirmed.

PEOPLE EX REL. HOLLOWAY v SUPERINTENDENT:

Supreme Court, Dutchess County order of 8/24/22; denial of application; sua sponte examination of whether a direct appeal lies from the Supreme Court judgment pursuant to CPLR 5601 (b)(2);

Habeas Corpus—When remedy available;

Supreme Court, Dutchess County denied the application for a writ of habeas corpus and

dismissed the petition.

MATTER OF KARLIN v STANFORD:

3rd Dept. App. Div. order of 10/27/22; affirmance; sua sponte examination of whether a substantial constitutional question is directly involved to support an appeal as of right; **Parole—Revocation—Whether condition of parole supervision, which required petitioner to refrain from viewing and accessing materials depicting sexual activity or nudity, is unconstitutionally overbroad and violates petitioner's First Amendment rights;**

Supreme Court, Albany County dismissed petitioner's CPLR article 78 application to review a determination of the Board of Parole finding that petitioner had violated the conditions of his postrelease supervision and imposing a 22-month hold; App. Div. affirmed.

MANKO v SHOREFRONT APARTMENTS:

2nd Dept. App. Div. order of 10/26/22; denied motion; sua sponte examination of whether the order appealed from finally determines the action within the meaning of the Constitution and of whether any jurisdictional basis exists for an appeal as of right; **Appeal—Matters Appealable;**

App. Div. denied a motion, inter alia, to vacate the dismissal of an appeal and, in effect, to enlarge the time to perfect the appeal from an order of Supreme Court, Kings County, dated April 29, 2011.

MATTER OF ORREGO v KNIPFING:

3rd Dept. App. Div. order of 11/10/22; denied motion; sua sponte examination of whether the order appealed from finally determines the proceeding within the meaning of the Constitution and of whether any jurisdictional basis exists for an appeal as of right; **Workers' Compensation—Denial of motion seeking preliminary injunction;** App. Div. denied a motion for a preliminary injunction and for further relief.

MATTER OF ROMINE v PSC:

3rd Dept. App. Div. order of 10/27/22; affirmance; sua sponte examination of whether the order appealed from finally determines the action within the meaning of the Constitution and of whether any jurisdictional basis exists for an appeal as of right;

Judgments—Vacatur of Judgment—Denial of motion to vacate judgment in proceeding challenging determination of Public Service Commission;

Supreme Court, Albany County, denied petitioner's motion to vacate a prior judgment of the court; App. Div. affirmed.

MATTER OF TAYLOR v TAYLOR:

Family Court, Suffolk County order of 8/30/22; dismissal; sua sponte examination of whether the order appealed from finally determines the action within the meaning of the Constitution and of whether any jurisdictional basis exists for an appeal as of right;

Parent, Child and Family;

Family Court, Suffolk County dismissed petition for failure to prosecute.

TAYLOR v TAYLOR:

2nd Dept. App. Div. order of 8/17/22; dismissal; sua sponte examination of whether the order appealed from finally determines the action within the meaning of the Constitution and of whether any jurisdictional basis exists for an appeal as of right;

Husband and Wife and Other Domestic Relationships;

Supreme Court, Suffolk County granted husband sole responsibility for transporting their two children to summer camp, temporarily granted husband decision-making authority regarding the health and education of the children "until further order of this Court" and enjoined both parties from making "further applications" within the pending litigation without obtaining prior permission from the court; App. Div. dismissed the appeal.