

COURT OF APPEALS NEW FILINGS

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

June 15, 2018 through June 21, 2018

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.

NEW YORK CITY ASBESTOS LITIGATION, MATTER OF (ALL NYCAL):

1ST Dept. App. Div. order of 3/22/18 (corrected 4/6/18); affirmance; sua sponte examination 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;

Actions--Case administration--modification of case management order--claimed separation of powers, due process, and equal protection violations; punitive damages claims;

Case Management Order (CMO), Supreme Court, New York County, modified the then-existing CMO with respect to, among other things, bankruptcy trust filings, creation of an accelerated docket, and the filing of punitive damage claims; App. Div. affirmed.

ROSA v DELACRUZ et al.:

1ST Dept. App. Div. order of 2/22/18; affirmance; leave to appeal granted by Court of Appeals, 6/12/18; Rule 500.11 review pending;

Insurance--No-Fault Automobile Insurance--Whether plaintiff raised an issue of fact as to whether his injuries were causally related to automobile accident; Insurance Law § 5102(d);

Supreme Court, Bronx County, granted defendants' motions for summary judgment dismissing plaintiff Rosa's complaint; App. Div. affirmed.