



*State of New York
Court of Appeals*

Vol. 41 - No. 50
3/10/22

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COURT OF APPEALS NEW FILINGS

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

December 24, 2021 through December 30, 2021

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.

DAWSON v NYU:

1st Dept. App. Div. order of 4/19/18; affirmance; leave to appeal granted by the Court of appeals, 12/16/21;

Limitation of Actions--Four-Month Statute of Limitation--Whether plaintiff's complaint, which alleged unlawful discrimination by university, was time-barred by four-month statute of limitations applicable to CPLR article 78 proceedings; Supreme Court, New York County, granted defendants' motion to dismiss the complaint as time-barred and denied plaintiff's cross motion to amend the complaint; App Div. affirmed.

PEOPLE ex rel. MOLINARO v WARDEN:

2nd Dept. App. Div. order of 6/16/21; reversal; leave to appeal granted by the Court of

Appeals, 12/14/21;

Habeas Corpus--When Remedy Appropriate--Whether the criminal court erred in ordering that realtor who was statutorily entitled to release under CPL articles 510 and 530 remain confined in jail pending the outcome of a CPL article 730 competency examination;

Supreme Court, Kings County, denied petition for writ of habeas corpus and, in effect, dismissed the proceeding; App. Div. reversed, granted petition, sustained the writ, and directed relator's immediate release.

ESTATE OF MURPHY v NYCHA:

1st Dept. App. Div. order of 4/13/21; affirmance; leave to appeal granted by the Court of Appeals, 11/18/21;

Negligence--Maintenance of Premises--Whether defendant's negligence was a proximate cause of decedent's death; complaint alleged that defendant negligently maintained premises and provided inadequate security at building where decedent was shot and killed;

Supreme Court, New York County, granted defendant New York City Housing Authority's motion for summary judgment dismissing the complaint as against it; App. Div. affirmed.