

COURT OF APPEALS NEW FILINGS

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

February 21, 2014 through February 27, 2014

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.

BOYLE, et al. v STARWOOD HOTELS & RESORTS WORLDWIDE, INC.:
2ND Dept. App. Div. order of 10/23/13; modification; leave to appeal granted by App. Div., 1/29/14; Rule 500.11 review pending; COURTS - FORUM NON CONVENIENS - WHETHER THE APPELLATE DIVISION ERRED AS A MATTER OF LAW IN AFFIRMING, WITH CONDITIONS, A SUPREME COURT ORDER GRANTING DEFENDANT'S MOTION TO DISMISS THIS PERSONAL INJURY ACTION ON THE GROUND OF FORUM NON CONVENIENS (CPLR 327[a]); Supreme Court, Westchester County, granted defendant's motion to dismiss the action on the ground of forum non conveniens, pursuant to CPLR 327(a); App. Div. modified by adding a provision conditioning the grant of the defendant's motion on the defendant

stipulating (1) to accept service of process in the new action commenced by the plaintiffs in the United Kingdom, France, or in the United Arab Emirates upon the same causes of action as those asserted in the instant complaint, or, in the alternative, at the choice of the individual plaintiffs, to accept service of process in a new action or actions commenced separately by the plaintiffs in the United Kingdom, France, or the United Arab Emirates upon the same causes of action as those asserted separately on behalf of the individual plaintiffs in the instant complaint, and (2) to waive any defenses, including that of the statute of limitations, provided that the new action or actions are commenced within 30 days after service of the stipulation upon the plaintiffs; and, in the event that defendant fails to stipulate within 60 days after service upon it of a copy of the App. Div. decision and order, then reversed the order and denied the motion.

DOERR v GOLDSMITH:

1ST Dept. App. Div. order of 10/3/13; affirmance; leave to appeal granted by App. Div., 2/6/14;

ANIMALS - LIABILITY FOR INJURIES - DOG COLLIDING WITH BICYCLIST - NEGLIGENCE CAUSE OF ACTION AGAINST DOG'S OWNER;

Supreme Court, New York County, denied defendant Smith's motion for summary judgment dismissing the complaint as against her; App. Div. affirmed.