

COURT OF APPEALS NEW FILINGS

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

August 28, 2020 through September 3, 2020

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.

ACE SECURITIES CORP., &c. v DB STRUCTURED PRODUCTS, INC.:

1st Dept. App. Div. order of 11/19/19; affirmance; leave to appeal granted by Court of Appeals, 9/1/20;

Limitation of Actions--Commencement of Action after Termination of Prior Action--Whether the trustee of a residential mortgage-backed securities trust is a "plaintiff" within the meaning of CPLR 205(a) when the prior action was commenced by the trust's certificate holders;

Supreme Court, New York County, granted defendant's motion to dismiss the complaint with prejudice; App. Div. affirmed.

BEST (HILLARY), PEOPLE v:

2ND Dept. App. Div. order of 1/29/20; affirmance; sua sponte examination of whether any jurisdictional basis exists for an appeal as of right;

Crimes--Appeal;

Supreme Court, Queens County, convicted defendant of assault in the second degree, upon his guilty plea, and imposed sentence; App. Div. affirmed.

ANN C. (ANONYMOUS), MATTER OF:

2ND Dept. App. Div. order of 7/22/20; affirmance; sua sponte examination of whether there is any basis for an appeal as of right and whether appellant is a party aggrieved;

Parent, Child and Family--Custody--Whether the courts below properly denied the paternal grandfather's petition for custody of the subject child;

Family Court, Westchester County, among other things, after a hearing, denied the paternal grandfather's petition for custody of the subject child; App. Div. affirmed.

CENTER ON PRIVACY & TECHNOLOGY, MATTER OF v NEW YORK CITY
POLICE DEPARTMENT:

1ST Dept. App. Div. order of 3/12/20; affirmance; leave to appeal granted by App. Div., 8/27/20;

Constitutional Law--Freedom of Speech--Whether Supreme Court imposed an unconstitutional prior restraint by precluding petitioner from referring to the source of unredacted documents inadvertently disclosed by respondent in response to petitioner's Freedom of Information Law request;

Supreme Court, New York County, precluded petitioner from referring to certain unredacted documents inadvertently disclosed by respondent New York City Police Department in response to petitioner's request for documents pursuant to the Freedom of Information Law; App. Div. affirmed.