

COURT OF APPEALS NEW FILINGS

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

September 25, 2020 through October 1, 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.

ANDERSON v ANDERSON:

4TH Dept. App. Div. order of 8/20/20; reversal; sua sponte examination of whether the order appealed from finally determines the action within the meaning of the Constitution; **Marriage--Nuptial agreement--Where nuptial agreement is not contemporaneously acknowledged by both parties at the time they sign the agreement, whether the parties must reaffirm agreement for it to be valid;** Supreme Court, Chautauqua County, denied that part of the motion of plaintiff seeking summary judgment on the complaint; App. Div. reversed and granted the motion seeking summary judgment on the complaint.

THE MOORE CHARITABLE FOUNDATION, et al. v PJT PARTNERS, INC., et al.:
1ST Dept. App. Div. order of 12/3/19; modification; leave to appeal granted by Court of Appeals, 9/15/20;

Negligence--Negligent--Supervision--Whether the complaint states a cause of action for negligent supervision;

Supreme Court, New York County, granted the corporate defendants' motion to dismiss the causes of action for fraud based on respondent superior and negligence, and denied the motion as to the cause of action for fraud based on apparent authority, and denied plaintiff's request to amend the complaint; App. Div. modified to dismiss the cause of action for fraud based on apparent authority, otherwise affirmed and directed entry of judgment dismissing the complaint as against the corporate defendants.