

COURT OF APPEALS NEW FILINGS

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

November 13, 2020 through November 19, 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.

MANKO v MANNOR, et al.:

1ST Dept. App. Div. order of 11/19/19; denied motions; sua sponte examination of whether the order appealed from finally determines the action within the meaning of the Constitution and whether any jurisdictional basis exists for an appeal as of right;

Motions and Orders;

App. Div. denied motions to vacate and to reconsider two decisions of the court, entered October 28, 2008 (Appeal No. 445, Index 113306/06), and December 10, 2009 (Appeal No. 1720-1721, Index No. 109296/07) and for poor person relief.

WEST 58TH STREET COALITION, INC. et al., MATTER OF v CITY OF NEW YORK, et al.:

1ST Dept. App. Div. order of 8/13/20; modification; leave to appeal granted by App. Div., 10/27/20;

Municipal Corporations--Unsafe Buildings--Whether respondents rationally determined that the building was a class A multiple dwelling “apartment hotel” and properly classified in the “R-2” occupancy group under the current New York City Building Code (Administrative Code of City of NY, title 28, ch 7, § BC 310.1.2); whether competing evidence raises a question of fact necessitating a hearing on the issue of whether the building's use is consistent with general safety and public welfare;

Supreme Court, New York County, denied the petition to annul a determination of respondents to open a shelter at 158 West 58th Street in Manhattan, and dismissed the proceeding brought pursuant to CPLR article 78; App. Div. modified, to direct a hearing on whether the subject building's use is consistent with general safety and welfare standards, and otherwise affirmed.