

COURT OF APPEALS NEW FILINGS

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

January 22, 2021 through January 28, 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.

COLUMBIA MEMORIAL HOSPITAL v HINDS:

3RD Dept. App. Div. order of 11/5/20; affirmance; leave to appeal granted by Court of Appeals, 1/7/21;

Insurance--Liability Insurance--Whether employer hospital was entitled to receive cash consideration resulting from the demutualization of an insurance fund where the employer purchased the insurance policy and paid all the premiums but were the employee is named as the sole insured on the policy; whether employee is unjustly enriched by the receipt of the cash consideration resulting from demutualization of insurance fund;

Supreme Court, Columbia County, inter alia, granted defendant's motion to dismiss the complaint; App. Div. affirmed.

REVIS et al. v SCHWARTZ, et al.:

2ND Dept. App. Div. order of 12/30/20; affirmance with two-Justice dissent;

Arbitration--Matters Arbitrable--Whether plaintiff Darrelle Revis and defendant Neil Schwartz agreed to arbitrate the threshold question of the arbitrability of their dispute; whether the nonsignatory defendants are entitled to compel arbitration; Supreme Court, Westchester County, granted defendants' motion to compel arbitration and to stay the action pending completion of arbitration; App. Div. affirmed.