State of New York
Court of Appeals

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John P. Asiello
Chief Clerk and
Legal Counsel to the Court

Clerk's Office
20 Eagle Street
Albany, New York 12207-1095

COURT OF APPEALS NEW FILINGS

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

October 29, 2021 through November 4, 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.

ESTATE OF LIPIN v LIPIN:
1st Dept. App. Div. order of 6/11/20; affirmance; sua sponte examination of whether an appeal lies to the Court of Appeals;
Appeal;
Supreme Court, New York County, renewed 2008 money judgment in favor of plaintiffs against defendant; App. Div. affirmed; Supreme Court, New York County, among other things, denied defendant's motions to dismiss the litigation and granted plaintiff's motion for summary judgment in lieu of complaint renewing the 2008 money judgment; App. Div. dismissed appeals from prior orders as subsumed in appeal from the judgment.

ROSE v DIFFERENT TWIST PRETZEL INC.:
2nd Dept. App. Div. order of 8/21/19; affirmance; sua sponte examination of whether the order appealed from finally determines the action within the meaning of the Constitution

and whether any basis exists for an appeal as of right;

Contracts--Breach or Performance of Contract;

Supreme Court, Kings County, denied that branch of plaintiff's motion which was, among other things, for leave to amend complaint and to add a new cause of action for fraud against defendants August Peter Maggio and Joan Maggio, and to add Different Twist Pretzel Company--Global LLC as a defendant in the action, and to amend his cause of action alleging tortious interference with contract; App. Div. affirmed.