



State of New York
Court of Appeals

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1/24/25

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COURT OF APPEALS NEW FILINGS

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

January 17, 2025 through January 23, 2025

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.

CHEN v GU:

APL-2025-00020

Supreme Court, Kings County, order of 12/18/24; granted motion; 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;

Supreme Court, Kings County, marked submitted plaintiffs' motion by order to show cause to hold defendants in contempt and, in the interim, ordered that a temporary restraining order will remain in effect.

PEOPLE v EHINMIAKHENA (DAVID):

APL-2025-00014

1st Dept. App. Term order of 5/21/24; affirmance; leave to appeal granted by Troutman, J., 1/8/25;

Crimes—Unlawful Search and Seizure—Whether defendant’s identity, his Department of Motor Vehicles records and police officer’s post-stop observations of defendant were suppressible as fruit of unlawful police conduct;

Criminal Court, City of New York, New York County, convicted defendant of facilitating aggravated unlicensed operation of a motor vehicle in the third degree, and imposed sentence; App. Div. affirmed.

MATTER OF MUSER:

APL-2025-00019

1st Dept. App. Div. order of 12/17/24; affirmance; sua sponte examination of whether the order appealed from finally determines the proceeding within the meaning of the Constitution and whether there is any jurisdictional basis for an appeal as of right;

Guardian and Ward—Whether it is unconstitutional to require an incapacitated person’s estate to pay reasonable fees associated with a guardianship proceeding;

Supreme Court, New York County, among other things, awarded the sum of \$56,240, plus disbursements, to Joseph Ruotolo for services rendered as guardian of the person and property of J.B., to be paid by the Estate of J.B. (Estate); awarded the estate of Margaret Crowley the sum of \$5,000 for services rendered as court evaluator, to be paid by the Estate; awarded Ira Salzman the sum of \$19,910, plus disbursements, for services rendered as successor court evaluator, to be paid by the Estate; awarded Kenneth Barocas the sum of \$4,218.75 for services rendered as successor appointed attorney for J.B, to be paid by the Estate; awarded Huth Reynolds LLP the sum of \$37,380, plus disbursements, and The Shainbrown Firm LLC the sum of \$46,070, plus disbursements, for their services as attorneys for petitioner Howard Muser, to be paid by the Estate; awarded the sum of \$36,120, plus disbursements, to Referee Lewis Fishlin, to be paid by the Estate; and awarded the sum of \$3,375 to Richard Guilfoyle, CPA, to be paid by the Estate, in connection with preparing the schedules for the final accounting; App. Div. affirmed.

SIBLEY v MERIDIAN WILDLIFE:

APL-2025-00021

3rd Dept. App. Div. order of 1/2/25; affirmance; sua sponte examination of whether any jurisdictional basis exists for an appeal taken as of right;

Dismissal and Nonsuit—Dismissal of Complaint—Whether plaintiff stated a cause of action for defamation; alleged defamation by compelled self-publication;

Supreme Court, Schuylar County, granted defendant’s motion to dismiss the complaint; App. Div. affirmed.