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COURT OF APPEALS NEW FILINGS

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

March 29 through April 4, 2019

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.

HEWITT v PALMER VETERINARY CLINIC, P.C.:
3RD Dept. App. Div. order of 12/6/18; affirmance; leave to appeal granted by Court of Appeals, 3/26/19;
Animals--Knowledge of Vicious Propensity--Whether strict liability rule applies where plaintiff seeks to recover from a defendant who maintained the premises where the injury occurred but did not own the animal that caused the injury; plaintiff attacked by another patron's dog at defendant veterinarian's office;
Supreme Court, Clinton County, granted a motion by defendant Palmer Veterinary Clinic, PC for summary judgment dismissing the complaint against it; App. Div. affirmed.

MYERS v STATE FARM INSURANCE:
3RD Dept. App. Div. order of 3/8/19; denial of motion; 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;
Appeal--Appealable Paper--Order denying a motion to reargue and renew;
App. Div. denied a motion to reargue and renew.

WILLIAMS v STATE OF NEW YORK:
3RD Dept. App. Div. order of 3/14/19; denial of motion; sua sponte examination 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;
Appeal--Appealable Paper--Appellate Division order denying motion for reversal of a prior order of that court;
App. Div. denied a motion for reversal of an order of that court dated 10/25/18; and thereafter, denied a motion for permission to file a late timely filed claim appeal.