State of New York
Court of Appeals

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5/31/24

Lisa LeCours
Chief Clerk and
Legal Counsel to the Court

Clerk's Office
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COURT OF APPEALS NEW FILINGS

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

May 24, 2024 through May 30, 2024

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.

JP MORGAN v NEWTON:
APL-2024-00069
Supreme Court, Orange County, judgment of 5/20/24; sua sponte examination of whether any jurisdictional basis exists for an appeal as of right;
Mortgages—Foreclosure—Whether the courts below contravened law, precedent, discretion, and due process; whether appellants' due process rights were violated;
Supreme Court, Orange County, granted plaintiff's motion to confirm the Referee's Report, for a Judgment of Foreclosure and Sale, and directed the distribution of the sale proceeds.

MATTER OF TRUMP v MERCHAN:
APL-2024-00062

1st Dept. App. Div. judgment of 5/14/24; dismissal; sua sponte examination of whether a substantial constitutional question is directly involved to support an appeal as of right; **Proceeding Against Body or Officer—Prohibition—Whether petitioner was entitled to extraordinary remedy of writ of prohibition; petitioner contends that continued enforcement of restraining order issued in pending criminal case violates the First Amendment**;

App. Div. (1) denied the petition pursuant to CPLR article 7803 challenging orders of Supreme Court, NY Co., entered March 26, 2024, and amended on or about April 1, 2024, which, to the extent challenged by petitioner, (a) prohibited him from responding to purported "attacks" by two witnesses, Michael Cohen and Stephanie Clifford (a/k/a Stormy Daniels), (b) limited his ability to make public statements about senior prosecutor Matthew Colangelo, and (c) limited his ability to make public statements about Justice Merchan's daughter; and (2) dismissed the proceeding.