



*State of New York
Court of Appeals*

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COURT OF APPEALS NEW FILINGS

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

June 9, 2023 through June 15, 2023

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.

PRINDLE v GUZY:

3rd Dept. App. Div. order of 5/18/23; affirmance; 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 the appeal;

Civil Service—Retirement and Pension Benefits—Whether plaintiff, crime victim who obtained judgment against defendant, was required to commence turnover proceeding to recover defendant's pension payments; applicability of Son of Sam Law (see Executive Law § 632-a); alleged constitutional violations;

Supreme Court Chenango County, among other things, granted plaintiff's motion to enforce a restraining notice, Supreme Court, Chenango County, among other things, denied defendant's motion to vacate the prior orders; App. Div. affirmed.

SUMMIT DEVELOPMENT v HUDSON MERIDIAN:

1st Dept. App. Div. order of 2/16/23; dismissal; 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 the appeal;

Appeal—Whether the appeal was properly dismissed; whether the dismissal was unconstitutional;

Supreme Court, New York County, awarded plaintiff the sum of \$3,576,781.85 against defendants Hudson Meridian Construction Group LLC and Federal Insurance Company; App. Div. dismissed appeal.