



*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 24, 2022 through June 30, 2022

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.

POLICE BENEVOLENT ASSOCIATION v CITY OF NEW YORK:

1st Dept. App. Div. order of 5/19/22; reversal; sua sponte examination of whether a substantial constitutional question is directly involved to support an appeal as of right; **Constitutional Law--Validity of Statute--Whether the Administrative Code of the City of New York § 10-181, which makes it a criminal misdemeanor to use certain methods of restraint in the course of effecting or attempting to affect an arrest, is unconstitutionally vague or preempted by New York State Law;** Supreme Court, New York County, among other things, denied defendant's motion for summary judgment dismissing the complaint and granted plaintiff's cross motion for summary judgment to the extent of declaring Administrative Code of the City of New York § 10-181 void as unconstitutionally vague and permanently enjoining its enforcement; App. Div. reversed, granted defendant's motion, denied plaintiff's cross

motion, dismissed the complaint, declared the provision as challenged constitutional, and directed entry of judgement.

TWIN BAY VILLAGE, MATTER OF (CHOMIAK; KASIAN):

3rd Dept. App. Div. order of 3/31/22; modification; sua sponte examination of whether the order appealed from finally determines the proceeding within the meaning of the Constitution and whether a substantial constitutional question is directly involved to support an appeal as of right;

Receivers--Accounting--Whether the courts below erred in concluding that the receiver properly denied credit card claims and a claim for handler's fee with respect to the sale of a resort;

Supreme Court, Warren County, in a proceeding pursuant to Business Corporation Law article 11, among other things, granted the receiver's motion to confirm his final account for Twin Bay Village, Inc.; App. Div. modified by reversing so much of the order as confirmed that portion of the receiver's account that deducted all of the receiver's disbursements against the parties' distributive share, remitted the matter to Supreme Court for further proceedings, and, as so modified affirmed.