State of New York
Court of Appeals

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10/18/22

Lisa LeCours
Chief Clerk and
Legal Counsel to the Court

Clerk's Office
20 Eagle Street
Albany, New York 12207-1095

COURT OF APPEALS NEW FILINGS

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

September 30, 2022 through October 6, 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.

MATTER OF ANONYMOUS (AD Docket No. 2021-05514):
2nd Dept. App. Div. order of 7/28/22; denial of motion; sua sponte examination of whether the order appealed from finally determines the proceeding within the meaning of the Constitution and whether any jurisdictional basis exists for an appeal as of right;
Attorney and Client--Disciplinary Proceedings;
App. Div., inter alia, denied the motions to dismiss the disciplinary proceeding commenced by verified petition dated July 9, 2021.

MATTER OF ANONYMOUS (AD Docket No. 2021-08435):
2nd Dept. App. Div. order of 7/28/22; denial of motion; sua sponte examination of whether the order appealed from finally determines the proceeding within the meaning of the Constitution and whether any jurisdictional basis exists for an appeal as of right;

Attorney and Client--Disciplinary Proceedings;
App. Div., inter alia, denied the motions to dismiss the disciplinary proceeding commenced by verified petition dated September 21, 2021.

MATTER OF CELINETTE H.H. V MICHELLE R.:
1st Dept. App. Div. order of 3/1/22; dismissal; leave to appeal granted by the Court of Appeals, 9/13/22; sua sponte examination as to whether the issues presented have become moot;
Habeas Corpus--When remedy Available--Whether Appellate Division properly dismissed appeal on the ground that, without custody order in place, mother lacked standing to seek habeas relief;
Family Court, New York County, denied petitioner-mother's writ of habeas corpus and dismissed the petition against respondents grandmother and father without prejudice to mother filing a custody petition; App. Div., inter alia, granted the motion of respondent-respondent Michelle R. to dismiss the appeal.