



*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

October 15, 2021 through October 21, 2021

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.

HOWELL v CITY OF NY:

2nd Dept. App. Div. order of 2/10/21; reversal;

Municipal Corporations--Tort Liability--Special Relationship--Whether the Appellate Division properly granted summary judgment in favor of defendants on the ground that defendants established their prima facie entitlement to judgment as a matter of law by establishing the lack of a special relationship between them and plaintiff and plaintiff failed to raise a triable issue in opposition; whether the Appellate Division properly held that plaintiff's alternative contention that defendants violated a statutory duty owed to plaintiff was without merit; Supreme Court, Kings County, in effect, denied that branch of the motion of defendants City of New York, P.O. Mosely-Lawrence, and P.O. Meran, which was pursuant to CPLR 3211(a)(7) to dismiss the complaint insofar as asserted against them and denied, as premature, that branch of those defendants' motion which was for summary judgment

dismissing the complaint insofar as asserted against them; App. Div. reversed, granted that branch of the motion of defendants City of New York, P.O. Mosely-Lawrence, and P.O. Meran, which was for summary judgment dismissing the complaint insofar as asserted against them, and denied as academic that branch of those defendants' motion which was pursuant to CPLR 3211(a)(7) to dismiss the complaint insofar as asserted against them.

STATE OF NEW YORK v VAYU:

3rd Dept. App. Div. order of 6/24/21; affirmance with two Justices dissenting;

Courts--Jurisdiction--Long-Arm-Jurisdiction--Whether the courts below erred in holding plaintiff failed to make a prima facie showing of personal jurisdiction over defendant under CPLR 302(a)(1);

Supreme Court, Albany County, granted defendants' motion to dismiss the complaint; App Div. affirmed.