State of New York
Court of Appeals
Clerk's Office
20 Eagle Street
Albany, New York 12207-1095
(518) 455-7700

Vol. 44 - No. 42
10/28/24

COURT OF APPEALS NEW FILINGS

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

October 18, 2024 through October 24, 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.

AL 557 DOE v CENTRAL VALLEY CSD:
APL-2024-00136
4th Dept. App. Div. order of 5/10/24; affirmance; leave granted by the Appellate Division with certified question 9/27/24;
Schools—Annexation of School District—Whether, pursuant to Education Law §§ 1517, 1518, and/or 1804, a plaintiff may maintain an action for damages against a centralized school district based on tortious conduct allegedly attributable to a former component school district, where the statute of limitations applicable to the plaintiff's claims had expired as of the date of the merger and/or consolidation which formed the newly centralized school district but was subsequently revived pursuant to the Child Victims Act (see CPLR 214-g);
Supreme Court, Herkimer County, inter alia, denied in part the motion of defendants to dismiss the amended complaint; App. Div. affirmed.

ROBINSON v FASHION DISTRICT DENTAL et al.:
APL-2024-00139
1st Dept. App. Div. order of 9/26/24; granted motion; sua sponte examination of whether the order appealed finally determines the action within the meaning of the Constitution and whether a substantial constitutional question is directly involved to support an appeal as of right;

Appeal—Dismissal—Whether plaintiff's appeal was properly dismissed; alleged constitutional violations;

Supreme Court, New York County, granted plaintiff's motions to the extent that plaintiff is entitled to summary judgment against defendants Dr. Justin Rashbaum, DMD, Dr. David Stein, DMD, Dr. Jay Rashbaum, DMD on her third cause of action for breach of contract and a default judgment against Fashion District Dental on her third cause of action; ordered plaintiff to designate in writing the name of an orthodontist licensed in New York and deliver such designation to certain defendants and upon such designation, defendants shall deliver the retainer to the orthodontist selected by plaintiff; otherwise denied plaintiff's motion for summary judgment; granted the cross-motion by defendant Dr. Michael Abrams, DDS and severed and dismissed plaintiff's claims against Dr. Michael Abrams, DDS; granted the cross-motion by defendants Dr. Justin Rashbaum, DMD, Dr. David Stein, DMD, Dr. Jay Rashbaum, DMD, to the extent of severing and dismissing all but plaintiff's third cause of action; App. Div. denied plaintiff's motion to accept filing of affidavits of service, and granted motions by defendants-respondents and defendants-respondents-appellants to the extent of striking the amended record and brief filed by plaintiff on June 20, 2024, and dismissing plaintiff's appeal, sua sponte extended the time to perfect defendants-respondents-appellants' cross-appeal, designated the direct appeal, to the February 2025 Term.