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

November 15, 2024 through November 21, 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.

ANGELINO v NYC DEPT. OF HEALTH:
APL-2024-00151
Supreme Court, New York County, order of 10/10/24; denial; sua sponte examination of whether any jurisdictional basis exists to support the appeal taken as of right;
Proceeding Against Body or Officer—When Remedy Appropriate;
Supreme Court, New York County, denied the CPLR article 78 petition.

DIBRINO v ROCKEFELLER CENTER NORTH:
APL-2024-00158
1st Dept. App. Div. order of 7/2/24; modification; leave granted by the Appellate Division with certified question 11/7/24;
Labor—Safe Place to Work—Whether there is an issue of fact as to whether DAL

Electrical Corporation launched a force or instrument of harm by leaving a defective ladder unattended at the work site because it was foreseeable that workers from other trades could take the ladder without permission and sustain injury while using the same; whether Rockefeller Center North, Inc. and JRM Construction Mgmt LLC are entitled to contractual indemnity from DAL Electrical Corporation because it agreed to indemnify for damages "arising out of" DAL's work and damages caused by or alleged to have been caused by DAL's negligence or any violations of law arising from its work;

Supreme Court, Bronx County, granted plaintiffs' motion for partial summary judgment as to liability on their Labor Law §240(1) claim as against defendants Rockefeller Center North, Inc. and JRM Construction Mgmt LLC, denied so much of defendant DAL Electrical Corporation's motion seeking summary judgment dismissing plaintiffs' Labor Law § 200 and common-law negligence claims and defendant Rockefeller Center North, Inc. and JRM Construction Mgmt LLC's contractual indemnification cross-claim as against it, and granted so much of defendants Rockefeller Center North, Inc. and JRM Construction Mgmt LLC's cross-motion seeking summary judgment on their contractual indemnification cross-claim against defendant DAL Electrical Corporation; App. Div. modified to grant DAL's motion as to the Labor Law § 200 and common-law negligence claims, and contractual indemnification cross-claim against it, and to deny Rockefeller and JRM's cross-motion as to their contractual indemnification cross-claim against DAL, and otherwise affirmed, and directed the Clerk to enter judgment dismissing the complaint and all cross-claims as against DAL.