



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

December 13, 2024 through December 19, 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.

ADEBANJO v JOHNSON:

APL-2024-00170

1st Dept. App. Div. order of 10/31/24; affirmance; sua sponte examination of whether a substantial constitutional question is directly involved to support an appeal as of right;

Appeal—Whether the entry of the judgment of divorce renders certain prior orders nonappealable;

Supreme Court, New York County, granted a divorce; App. Div. affirmed.

MATTER OF CENTER FOR JUDICIAL ACCOUNTABILITY:

APL-2024-00175

Supreme Court, Albany County order of 11/13/24; denied motion; sua sponte examination of whether the order appealed from finally determines the proceeding within the meaning

of the Constitution and whether a direct appeal lies pursuant to CPLR 5601 (b)(2);
Constitutional Law—Constitutionality of Chapter 60, Part E, of the Laws of 2015;
Supreme Court, Albany County, denied the motion seeking, inter alia, reargument and renewal.

GEICO v MAYZENBERG:

CTQ-2024-00003

United States Court of Appeals for the Second Circuit order of 11/12/24; certification of question;

Insurance—No-Fault Automobile Insurance—If an insurer determines a healthcare provider has improperly paid others for patient referrals, in violation of New York Education Law § 6530 (18) and 8 NYCRR § 29.1 (b) (3), can the insurer deny payment for no-fault benefits on the ground that the provider 'fail[ed] to meet' a 'necessary' State or local licensing requirement under 11 NYCRR § 65-3.16(a)(12)?;
District Court, Southern District of New York, granted summary judgment in favor of plaintiffs; United States Court of Appeals reserved decision and certified question to the Court of Appeals.

MATTER OF PINA v CITY OF NY:

APL-2024-00165

1st Dept. App. Div. order of 11/19/24; denied petition; sua sponte examination of whether any jurisdictional basis exists for an appeal as of right;

Proceeding Against Body or Officer—Alleged constitutional violations;

App. Div. denied petitioner's application praying for an order pursuant to CPLR article 78 and dismissed the petition.