



*State of New York*  
*Court of Appeals*

Vol. 45 - No. 11  
3/21/25

*Heather Davis, Esq.*  
*Chief Clerk and*  
*Legal Counsel to the Court*

*Clerk's Office*  
*20 Eagle Street*  
*Albany, New York 12207-1095*  
*518-455-7700*

COURT OF APPEALS NEW FILINGS

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

**March 14, 2025 through March 20, 2025**

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.**

SMITH v CITY OF NEW YORK:

APL-2025-00055

1st Dept App. Div. order of 3/4/25; reversal;

**Release—Scope of Release—Whether the Appellate Division properly held that a general release executed in a another action barred plaintiff's claims in this action;** Supreme Court, Bronx County, denied defendants City of New York and New York City Police Department's motion for summary judgment dismissing the complaint; App. Div.,

with two Justices dissenting, reversed and granted the motion for summary judgment dismissing the complaint.

SOLOMON v AMAZON.COM:

APL-2025-00053

1st Dept App. Div. order of 2/18/25; affirmance; sua sponte examination of whether the order appealed from 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;

**Dismissal and Nonsuit—Dismissal of Complaint—Whether the courts below properly dismissed plaintiff’s complaint as against certain defendants that purported to assert a claim under 42 USC § 1983 and 1985 for deprivation of his constitutional rights to cross-examine underlying anonymous complainants in a discrimination proceeding he initiated with the New York State Division of Human Rights;**

Supreme Court, Bronx County, granted the motion of defendants The Chartwell Law Offices LLP, Amazon.com, Whole Foods Market Group Inc., Carmen Nicolaou, individually and as lawyer employed by The Chartwell Law Offices LLP, and Jay Warren, individually (WFM/Chartwell defendants) to dismiss the complaint; Supreme Court, Bronx County, denied as moot nine motions brought by plaintiff; App. Div. affirmed.

US NATIONAL BANK ASSOCIATION v LAWTONE-BOWLES:

APL-2025-00049

2nd Dept. App. Div. order of 2/10/25; dismissal; sua sponte examination of whether the order appealed from finally determines the action within the meaning of the Constitution and whether any jurisdictional basis exists for an appeal as of right;

**Appeal—Dismissal—Whether the Appellate Division properly dismissed appeals on the ground that the right of direct appeal of the orders terminated upon entry of judgment;**

Supreme Court, Orange County, granting plaintiff’s application for appointment of a referee to effectuate a sale of the premises; Supreme Court, Orange County, vacated satisfaction of mortgage, and ordered that plaintiff’s mortgage lien was valid and had priority over the lien of co-defendant Hudson Valley Federal Credit Union, and that plaintiff was entitled to an order of reference; App. Div. on the Court’s own motion, dismissed appeals, and denied as academic motions by appellant and application of respondent.