



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

May 2, 2025 through May 8, 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.

BEADELL v EROS MANAGEMENT:

APL-2025-00073

1st Dept. App. Div. order of 5/7/24; reversal; leave to appeal granted by the Court of Appeals, 4/15/25;

Negligence—Duty—Whether a hotel owner and operator can be held liable for failing to prevent a guest's suicide under a theory of assumed duty where the hotel did not immediately call the police at a family member's request;

Supreme Court, New York County, among other things, denied the motion of defendants Eros Management Realty, LLC, Wyndham Hotel Management, Inc., Christian Aldoy, and

TRYP Management, Inc. for summary judgment dismissing the complaint as against Eros Management Realty, LLC and TRYP Management, Inc.; App. Div., with one Justice dissenting, reversed, granted motion for summary judgment dismissing the complaint as against Eros and TRYP, and dismissed the complaint.

PEOPLE v GAFFNEY (LUKE J.):

APL-2025-00077

4th Dept. App. Div. order of 11/15/24; affirmance; leave to appeal granted by Wilson, Ch. J., 4/22/25;

Crimes—Right to Counsel—Whether trial counsel was ineffective for failing to object to the verdict as repugnant;

County Court, Cayuga County, convicted defendant, upon a jury verdict, of aggravated assault upon a police officer or a peace officer; App. Div. affirmed.

MATTER OF LAWYERS FOR CHILDREN v NYS OFFICE OF CHILDREN AND FAMILY SERVICES:

APL-2025-00081

3rd Dept. App. Div. order of 4/10/25; affirmance;

Proceeding Against Body or Officer—Whether respondent Office of Children and Family Services (OCFS) improperly acted without legislative authority by promulgating regulations creating a system of voluntary placement of children in “host homes” (18 NYCRR Part 444); whether respondent OCFS acted arbitrarily and capriciously by promulgating the subject regulations because they are inconsistent with existing law;

Supreme Court, Rensselaer County, dismissed petitioner’s application, in a proceeding under CPLR article 78, to review certain regulations enacted by respondent Office of Children and Family Services; App. Div., with two Justices dissenting, affirmed.