



*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

**July 11, 2025 through July 17, 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.**

MATTER OF BI-COASTAL PROPERTIES v SOLIMAN:

APL-2025-00136

1st Dept. App. Div. order of 1/16/25; reversal; leave to appeal granted by the Appellate Division, 6/24/25;

**Taxation—Assessment—Whether the Appellate Division properly granted respondents' cross-motion to dismiss the petition because petitioner's application challenging an alleged overassessment resulting from the failure to apply an increase in physical value of the property and an exemption following certain work, was reviewable exclusively under RPTL article 7; whether the Department of Finance committed a clerical error which can be reviewed under CPLR article 78; Supreme**

Court, Bronx County, granted the petition to the extent of annulling respondents' March 5, 2021 determination which denied petitioner's clerical error review application, finding that petitioner was entitled to receive J-51 tax exemption benefits under Administrative Code of City of NY § 11-243 for its property beginning July 1, 2020, and denying respondents' cross-motion to dismiss the petition; App. Div. reversed, vacated the judgment, denied the petition, granted respondents' cross-motion, and dismissed the proceeding brought under CPLR article 78.

DEUTSCHE BANK v DAGRIN:

APL-2025-00137

2nd Dept. App. Div. order of 12/24/24; 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 in the order appealed from;

**Mortgages—Foreclosure—Whether sections 4 and 8 of the Foreclosure Abuse Prevention Act apply retroactively; whether the retroactive application of the Act is unconstitutional;**

Supreme Court, Queens County, among other things, denied those branches of the plaintiff's motion which were for summary judgment on the first cause of action insofar as asserted against defendants Frantz Dagrín and Daniella Dagrín and for an order of reference; Supreme Court, Queens County, denied plaintiff's motion for leave to reargue those branches of its prior motion which were for summary judgment on the first cause of action insofar as asserted against defendants Frantz Dagrín and Daniella Dagrín and for an order of reference, and granted those branches of defendants' motion under CPLR 3211(a)(5) to dismiss the complaint insofar as asserted against them as time-barred; App. Div. affirmed 6/21/22 order insofar as appealed from, dismissed appeal from so much of the 4/13/23 order as denied plaintiff's motion for leave to reargue, and affirmed the 4/13/23 order insofar as reviewed.

FV-1, INC. v PALAGUACHI:

APL-2025-00139

2nd Dept. App. Div. order of 1/22/25; 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 in the order appealed from;

**Mortgages—Foreclosure—Whether sections 4 and 8 of the Foreclosure Abuse Prevention Act apply retroactively; whether the retroactive application of the Act is unconstitutional;**

Supreme Court, Queens County, among other things, vacated a prior determination in an order of the same court entered March 9, 2022, granting those branches of plaintiff's motion which were for summary judgment on the complaint insofar as asserted against defendant Gustavia Home, LLC, and for an order of reference, and, denied those branches of the motion and, upon searching the record, awarded defendant Gustavia Home, LLC summary judgment dismissing the complaint insofar as asserted against it.

MATTER OF PERRY:

APL-2025-00124

1st Dept. App. Div. order of 6/5/25; sua sponte examination of whether a substantial

constitutional question is directly involved in the order appealed from;

**Attorney and Client—Disciplinary Proceeding—Whether the Appellate Division properly imposed a one-year suspension; alleged constitutional violations;**

App. Div. disaffirmed referee's recommendation of a six-month suspension and suspended respondent from the practice of law for one year.

PEOPLE v SABB (JHAJUAN):

APL-2025-00125

3rd Dept. App. Div. order of 5/1/25; modification; leave to appeal granted by Egan, J., 6/24/25;

**Crimes—Sentence—Concurrent and Consecutive Terms—Whether consecutive sentences imposed by Supreme Court, in accordance with the terms of the plea agreement, were unlawful because there is no evidence in the record to show the victims were wounded by separate and distinct acts—whether information in a presentence report may be considered when imposing consecutive sentences pursuant to a plea agreement;**

Supreme Court, Albany County, convicted defendant upon his plea of guilty of the crimes of manslaughter in the first degree and attempted assault in the first degree; App. Div., with two Justices dissenting, modified, on the law, by directing that defendant's sentences run concurrently rather than consecutively, and, as so modified, affirmed.