



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

August 15, 2025 through August 21, 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.

BROWN v Z-LIVE INC.:

APL-2025-00138

1st Dept. App. Div. order of 5/29/25; reversed;

Intoxicating Liquors—Dram Shop Act—Whether the Appellate Division properly granted summary judgment dismissing the complaint as against certain defendants; whether defendants merely pointed to gaps in plaintiff's proof rather than submitting evidence negating an element of plaintiff's Dram Shop claim;

Supreme Court, Bronx County, denied motion of defendants ZLive Inc. doing business as Stage 48, Z-Live Inc. doing business as Sky Lounge and Restaurant, Z-Live Inc. doing

business as Rooftop 48, Z-Live Inc. doing business as Cantina Rooftop, Z-Live Inc. doing business as Z-bar (collectively, Z-Live) for summary judgment dismissing the complaint as against them; App. Div., with two Justices dissenting in part, reversed, granted motion, and directed the entry of judgment.

MATTER OF JEFFREY GLOWATZ:

APL-2025-00154

3rd Dept. App. Div. order of 7/24/25; 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;

Unemployment Insurance—Benefits—Whether substantial evidence supports the Board’s determination that claimant’s noncompliance with the employer’s vaccine mandate was not based upon a sincerely held religious belief and that, as a result, claimant’s separation from his employment was without good cause; whether the determination was issued in excess of jurisdiction or affected by an error or law;

App. Div. affirmed the decision of the Unemployment Insurance Appeal Board, filed November 3, 2023, which ruled that claimant was disqualified from receiving unemployment insurance benefits because he separated from employment without good cause.

PATTERSON v META PLATFORMS:

APL-2025-00158

4th Dept. App. Div. order of 7/25/25; reversal; sua sponte examination of whether the order appealed from finally determines the action within the meaning of the Constitution;

Products Liability—Whether social media platforms are products subject to products liability principles; whether plaintiffs’ New York state law claims sounding in products liability are preempted by section 230 of the Communications Decency Act; whether plaintiffs’ claims sounding in product liability are barred by the First Amendment; whether plaintiffs stated a claim as to proximate cause; whether judgment can be granted as a matter of law on defendants’ superseding, intervening cause affirmative defense;

Supreme Court, Erie County, denied the motions of certain defendants to dismiss the complaint against them; App. Div., with two Justices dissenting, reversed, granted motions, and dismissed complaint against certain defendants.

ROMAN CATHOLIC DIOCESE v HARRIS:

APL-2025-00157

U.S. Supreme Court judgment of 6/16/25; remand;

Constitutional Law—Whether, in light of the U.S. Supreme Court’s decision in *Catholic Charities Bureau, Inc. v Wisconsin Labor & Industry Review Commission* (605 US 238 [2025]), a New York regulation requiring health insurance policies in New York to include coverage for medically necessary abortion services violates the First Amendment;

Supreme Court, Albany County, among other things, granted a motion by defendants Superintendent of Financial Services and Department of Financial Services for summary judgment dismissing the complaints against them; App. Div. affirmed; App. Div., upon remand from the Supreme Court of the United States, affirmed; Court of Appeals

affirmed; Supreme Court of the United States granted certiorari, vacated judgment of the Court of Appeals, and remanded to the Court of Appeals for further consideration in light of *Catholic Charities Bureau, Inc. v Wisconsin Labor & Industry Review Comm'n*, 605 US 238.