



State of New York
Court of Appeals

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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

September 12, 2025 through September 18, 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.

CITY OF BUFFALO v HYUNDAI MOTOR AM. INC.:
CTQ-2025-00005

United States Court of Appeals for the Ninth Circuit order of 6/20/25; certification of question;

Torts—Whether manufacturers owe the New York Municipalities a duty to exercise reasonable care in the design, manufacture, and distribution of their vehicles;

District Court, Central District of California, granted in part, and denied in part, motion to dismiss the Municipalities' Consolidated Governmental Entities Complaint; United States Court of Appeals reserved decision and certified a question to the Court of Appeals.

CURRID v CITY OF NY:

APL-2025-00166

2nd Dept. App. Div. order of 8/20/25; affirmance; sua sponte examination of whether the order appealed from finally determines the action and whether a substantial constitutional question is directly involved in the order appealed from;

Dismissal and Nonsuit—Whether certain defendants’ motion to dismiss the complaint was properly granted; whether plaintiff’s Free Exercise Clause cause of action was properly dismissed on the ground that the alleged wrongs could be redressed by alternative remedies; whether the trial court improperly converted the motion to dismiss to a motion for summary judgment without notice to plaintiff; whether plaintiff’s cross-motion for leave to amend the complaint was properly denied;

Supreme Court, Kings County, granted the motion of defendants City of New York, Fire Department of the City of New York, and New York City Department of Health and Mental Hygiene pursuant to CPLR 3211(a) to dismiss the complaint insofar as asserted against them and denied plaintiff’s cross-motion pursuant to CPLR 3025(b) for leave to amend the complaint; App. Div. affirmed.

PEOPLE BY JAMES v TRUMP:

APL-2025-00171

1st Dept. App. Div. order of 8/21/25; modification; sua sponte examination of whether the appeals and cross-appeal lie as of right under CPLR 5601(a) or 5601(b)(1);

Attorney General—Powers—Whether the judgment was properly affirmed as modified; whether the disgorgement awards were properly vacated; whether the Attorney General had the power to bring this action under Executive Law § 63(12); whether Executive Law § 63(12) is unconstitutional as applied;

Supreme Court, New York County, pursuant to an order, same court and Justice, entered September 27, 2023, which, among other things, denied defendants’ motion for summary judgment, granted plaintiff’s motion for partial summary judgment on its first cause of action for a violation of Executive Law § 63(12) and granted plaintiff’s separate motion for sanctions against defendants’ counsel, and a posttrial order, same court and Justice, entered February 16, 2024, which, following a bench trial, found defendants liable under the second, third, fourth, fifth and seventh causes of action for violations of Executive Law § 63(12), predicated on violations of New York’s Penal Law, found defendants Allen Weisselberg and Jeffrey McConney liable under the sixth cause of action for a violation of Executive Law § 63(12), predicated on a violation of New York’s Penal Law, and awarded disgorgement against defendants Donald J. Trump, the Donald J. Trump Revocable Trust, The Trump Organization, Inc., Trump Organization LLC, DJT Holdings LLC, DJT Managing Member, Trump Endeavor 12 LLC, 401 North Wabash Venture LLC, Trump Old Post Office LLC, 40 Wall Street LLC, and Seven Springs, jointly and severally, in the amount of \$168,040,168, plus prejudgment interest related to interest rate savings, awarded disgorgement against defendants Donald J. Trump, the Donald J. Trump Revocable Trust, The Trump Organization, Inc., Trump Organization LLC, jointly and severally, in the amount of \$126,828,600 plus prejudgment interest related to the sale of a lease, awarded disgorgement against Donald J. Trump, the Donald J. Trump Revocable Trust, The Trump Organization, Inc., Trump Organization LLC, jointly and severally, in the amount of \$60,000,000 plus prejudgment interest related to the sale of a license, awarded disgorgement in the amount of \$4,013,024 against each defendant

Donald Trump Jr. and Eric Trump related to the sale of a lease, awarded disgorgement in the amount of \$1,000,000 against defendant Allen Weisselberg related to an employment separation agreement; App. Div. modified judgment to vacate the disgorgement awards in their entirety and to vacate the sanctions imposed on defendants' counsel, and otherwise affirmed, and dismissed appeals from prior orders as subsumed in the appeal from the judgment.

REYES v CITY OF NEW YORK:

CTQ-2025-00004

United States Court of Appeals for the Second Circuit order of 6/18/25; certification of question;

Statutes—Whether either N.Y. Civ. Rights Law § 79-p or N.Y.C. Admin. Code § 14-189 afford individuals such as plaintiff Reyes the right to video record law enforcement activities inside public facilities—specifically, inside the publicly accessible lobbies of police stationhouses—notwithstanding a New York City Police Department policy forbidding any video recording inside its facilities;

District Court, Southern District of New York, preliminarily enjoined enforcement against plaintiff SeanPaul Reyes of that part of a City Police Department policy forbidding video recording in police facilities under the pain of arrest; United States Court of Appeals reserved decision and certified a question to the Court of Appeals.

VOLOKH v JAMES:

CTQ-2025-00006

United States Court of Appeals for the Second Circuit order of 8/1/25; certified questions;

Statutes—Whether a social media network complies with N.Y. Gen. Bus. Law § 394-ccc(3)'s requirement to publish a “clear and concise policy . . . which includes how such social media network will respond and address the reports of incidents of hateful conduct on their platform” if its policy does not explicitly reference or address the content encompassed by the statute's definition of “hateful conduct” and does not otherwise address content that encompasses this defined category; whether a social media network complies with N.Y. Gen. Bus. Law § 394-ccc(2)'s requirement to “provide and maintain a ... mechanism for individual users to report incidents of hateful conduct” if that mechanism does not explicitly reference or address the content encompassed by the statute's definition of “hateful conduct” and does not specifically state that content meeting the statute's definition of “hateful conduct” may be reported using that mechanism; whether N.Y. Gen. Bus. Law § 394-ccc requires a social media network to provide a direct response to any individual reporting hateful conduct informing them of how the matter is being handled;

District Court, Southern District of New York, granted a preliminary injunction in favor of Plaintiffs and enjoined enforcement of New York General Business Law § 394-ccc; United States Court of Appeals reserved decision and certified a questions to the Court of Appeals.