



*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

**September 26, 2025 through October 2, 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 ABDOCH v ABDOCH:

APL-2025-00174

4th Dept. App. Div. order of 2/7/25; dismissal; leave to appeal granted by the Court of Appeals, 9/16/25;

**Parent, Child and Family—Whether an attorney for the children may pursue an appeal from a Family Court Act article 6 custody modification order when neither parent has perfected an appeal;**

Family Court, Monroe County, in a proceeding under Family Court Act article 6, among other things, granted the parties joint custody of the subject children with designated zones of influence; App. Div. dismissed appeal.

MATTER OF SIMONETTI v SIMONETTI:

APL-2025-00181

2nd Dept. App. Div. order of 7/2/25; denial of motion; 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;

**Motions and Orders—Whether the Appellate Division properly denied petitioner’s motions;**

Family Court, Kings County, dismissed petition; App. Div. denied as unnecessary branches of petitioner’s motions for leave to prosecute the appeal on the original papers, granted branches of motions to waive fees, otherwise denied motions, and ordered petitioner to prosecute appeal expeditiously in accordance with the Court’s scheduling order; App. Div. denied motion for leave to reargue requests for relief denied by the court’s 3/5/25 order and to enforce an order of a court in Brazil.

STATE OF NY ex rel. LOUIS M. v POPIEL:

APL-2025-00176

1st Dept. App. Div. order of 1/7/25; affirmance; leave to appeal granted by the court of appeals, 9/18/25;

**Habeas Corpus—Whether the writ of habeas corpus lies to challenge the use of restraints on an arrestee during a psychiatric hospitalization;**

Supreme Court, Bronx County, denied the petition for a writ of habeas corpus and dismissed the proceeding; App. Div. affirmed.

VILLAGE OF FREEPORT v FREEPORT PLAZA WEST:

APL-2025-00175

2nd Dept. App. Div. order of 6/8/22; reversal; leave to appeal granted by the court of appeals, 9/18/25;

**Municipal Corporations—Notice of Claim—Whether the doctrine of equitable estoppel applies to prevent plaintiff village from asserting that defendant’s counterclaim should be dismissed for failure to file a notice of claim in compliance with CPLR 9802;**

Supreme Court, Nassau County, denied plaintiff’s motion under CPLR 3211(a)(7) to dismiss defendant’s counterclaim; App. Div. reversed and granted the motion.