



*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

**October 10, 2025 through October 16, 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.**

PEOPLE v KELLEY (ANTON):

APL-2025-00179

4th Dept. App. Div. order of 6/6/25; affirmance; leave to appeal granted by Wilson, Ch. J., 9/23/25;

**Crimes—Plea of Guilty—Whether defendant abandoned his request for substitution of counsel by pleading guilty while still represented by the same attorney;**

Supreme Court, Onondaga County, convicted defendant, upon his plea of guilty, of manslaughter in the first degree; App. Div. affirmed.

RICH v JAE, LLC:

APL-2025-00183

1st Dept. App. Div. order of 8/28/25; affirmance; sua sponte examination of whether the order appealed from finally determines the action within the meaning of the Constitution and whether the two-Justice dissent is on a question of law;

**Corporations—Liability of Parent Corporation—Whether the trial court correctly found that plaintiffs sufficiently met their burden for piercing the corporate veil to hold the parent company liability for its subsidiary’s breach of contract;**

Supreme Court, New York County, found defendant Jonathan Adler Enterprises, LLC liable for codefendant J.A. Madison, LLC’s breach of contract and ordered that plaintiffs have judgment against defendant Jonathan Adler Enterprises, LLC in the amount of \$179,660 plus interest; App. Div., with two Justices dissenting, affirmed.

WALTON v COMFORT SYSTEMS USA:

CTQ-2025-00007

United States Court of Appeals for the Second Circuit order of 9/9/25; certification of questions;

**Contracts—Agreement for Benefit of Third Persons—Whether the promise to pay prevailing wages is implicit in every public works contract so that individuals employed on public works projects may sue their employers for breach of contract to enforce the prevailing wage requirement under Labor Law § 220 even if the employer’s written contract does not include the statutorily required promise to pay prevailing wages and whether agreements to shorten the statute of limitations in public works contracts to one year is enforceable against workers bringing third-party beneficiary breach of contract claims to enforce the prevailing wage law;**

District Court, Northern District of New York, granted Comfort Systems’ motion for partial summary judgment; United States Court of Appeals reserved decision and certified questions to the Court of Appeals.