



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

November 28, 2025 through December 4, 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 KIRIK v MARTIN:

APL-2025-00204

4th Dept. App. Div. order of 12/20/24; dismissal; sua sponte examination of whether a substantial constitutional question is directly involved in the order appealed from;

Proceeding Against Body or Officer—Whether challenges to a 2021 judgment, contending that the court acted in excess of its authority by invalidating a prior judgment, were time-barred; whether a later 2023 order denying postjudgment relief was issued in excess of authority or jurisdiction;

App. Div., in a proceeding under CPLR article 78 to vacate and set aside an order and judgment of Supreme Court, Monroe County, dismissed petition.

MATTER OF MCDOWELL v BLUE POINT FD:

APL-2025-00205

2nd Dept App. Div. order of 10/15/25; dismissal; sua sponte examination of whether any jurisdictional basis exists for an appeal as of right;

Proceeding Against Body or Officer—Whether the determination should be annulled on the ground that the Department’s bylaws in effect at the time did not permit removal for misconduct; whether the determination is supported by substantial evidence; whether the penalty imposed is irrational or shocks the conscience; alleged constitutional violations;

Supreme Court, Suffolk County, in a proceeding under CPLR article 78 to review a determination of the Blue Point Fire Department Board of Wardens dated January 26, 2022, which, after a hearing, found that the petitioner engaged in misconduct and terminated his membership in the Blue Point Fire Department, among other things, granted the petition and annulled the determination.

PEOPLE v TYSHAWN MORRIS:

APL-2025-00202

1st Dept. App. Div. order of 5/29/25; affirmance; leave to appeal granted by Halligan, J., 11/14/25;

Crimes—Search Warrant—Whether execution of the search warrant for defendant's cell phone was untimely under CPL 690.30 (1) and defendant's motion to controvert the warrant should have been granted where the warrant provided that it shall be deemed executed upon delivery of the cell phone to a forensic facility for analysis; Whether the search warrant's authorization to review all contents on defendant's cell phone was overly broad or insufficiently particular; Crimes—Right to Speedy Trial—Whether defendant's CPL 30.30 motion was properly denied;

Supreme Court, New York County, convicted defendant, upon his guilty plea, of assault in the first degree, and sentenced him, as a second violent felony offender, to a term of 10 years; App. Div. affirmed.

RAMIRES v AGDC CAR WASH CORP.:

APL-2025-00184

2nd Dept. App. Div. order of 5/22/24; reversal; leave to appeal granted by the Appellate Division, on a certified question, 10/3/25;

Compromise and Settlement—Settlement Agreement—Whether the Appellate Division properly denied plaintiffs’ motion for an award of attorney’s fees on the ground that plaintiffs agreed to a settlement by offer of compromise without expressly reserving their rights to an award of attorneys’ fees;

Supreme Court, Nassau County, upon an order of the same court dated July 22, 2021, in a class action, among other things, to recover for violations of Labor Law article 6, granting plaintiffs’ motion for an award of attorneys’ fees, and after a hearing, entering judgment in favor of counsel for the plaintiffs and against defendants in the total sum of \$205,800; App. Div. reversed and denied plaintiffs’ motion for an award of attorneys’ fees.