

COURT OF APPEALS NEW FILINGS

Preliminary Appeal Statements processed
by the Court of Appeals Clerk's Office

July 9, 2021 through July 15, 2021

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.

AZEEZ, PEOPLE ex rel. v NOETH, &c.:

4TH Dept. App. Div. order of 4/30/21; affirmance; sua sponte examination of whether any jurisdictional basis exists for an appeal;

Habeas Corpus--When Remedy Appropriate;

Supreme Court, Wyoming County, denied the habeas corpus petition; App. Div. affirmed.

COLEMAN, et al. v J.P. MORGAN CHASE BANK, N.A., et al.:

2ND Dept. App. Div. order of 1/27/21; affirmance; sua sponte examination of whether the appeal was timely taken and whether any jurisdictional basis exists for an appeal as of right;

Mortgages--Foreclosure;

Supreme Court, Kings County, denied plaintiff's motion for summary judgment on the complaint and, in effect, upon searching the record, awarded summary judgment to the defendant dismissing the complaint; App. Div. affirmed.

MANKO v MANNOR, et al.:

1ST Dept. App. Div. order of 5/20/21; 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--Motion to vacate and reconsider;

App. Div. denied the motion to vacate and reconsider decisions and orders of the court entered October 28, 2008 (Appeal No. 4425) and December 10, 2009 (Appeal Nos. 1720-1721), and the orders of the court entered November 19, 2019 (M-7525) and September 15, 2009 (Ms-4032/4042).