

COURT OF APPEALS NEW FILINGS

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

December 3, 2021 through December 9, 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.

34-06 73 LLC v SENECA INSURANCE:

1st Dept. App. Div. order of 1/28/21; affirmance; leave to appeal granted by the Court of Appeals, 11/23/21;

Limitation of Actions--Claim in Amended Pleading--Whether the courts below erred by permitting plaintiffs to conform the pleadings to the proof to assert a claim for reformation, based on mutual mistake, that would have been untimely but for the application of the relation back doctrine at CPLR 203(f);

Supreme Court, New York County denied defendant's motion pursuant to CPLR 4404(a) to set aside the jury verdict on the issue of reformation and direct judgment in defendant's favor; and thereafter entered a judgment for plaintiffs favor in the amount of \$4, 541, 957.73; App. Div. affirmed.

