



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

January 24, 2025 through January 30, 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.

COALITION FOR FAIRNESS v CITY OF NY:

APL-2025-00028

1st Dept. App. Div. order of 12/5/24; reversal;

Constitutional Law—Taking of Property—Whether the Arts Fund fee is not an unconstitutional condition because it imposes a general monetary obligation that is not a taking; whether the Arts Fund fee is not an unconstitutional condition because it is sufficiently related to the removal of artist live-work restrictions to satisfy the constitutional test;

Supreme Court, New York County, denied the petition for a judgment declaring that the December 15, 2021 amendment to the N.Y. City Zoning Resolution (ZR) inflicts an unconstitutional taking of property without just compensation to the extent it requires payment of a nonrefundable contribution to the SoHo–NoHo Arts Fund (Arts Fund) as a precondition to homeowners filing for a permit to convert joint living-work quarters for

artists (JLWQA) to unlimited residential use, and to enjoin the enforcement thereof, and dismissing this hybrid proceeding brought pursuant to CPLR articles 30, 63, and 78; App. Div. reversed, vacated the judgment, granted the petition, and declared that the portion of ZR § 143-13 requiring payments to the Arts Fund is unconstitutional, and enjoined respondents from enforcing that portion of the ZR.

CORTLANDT STREET v BONDERMAN:

APL-2025-00015

1st Dept. App. Div. order of 3/7/24; modification; leave to appeal granted by the Court of Appeals, 1/14/25;

Corporations—Disregarding Corporate Entity—Whether plaintiff raised a triable issue of fact as to whether the TPG defendants dominated judgment debtors or was their alter ego such that judgment debtors’ corporate veil should be pierced to impose liability on the TPG defendants for their debts;

Supreme Court, New York County, (1) denied the motion of defendants TPG Capital, L.P., TPG Capital-New York, Inc., TPG Genpar IV, L.P., TPG Partners IV, L.P., TPG Advisors IV, Inc., T3 Genpar II, L.P., T3 Partners II, L.P., T3 Parallel II, L.P., and TPG Advisors II, Inc. for summary judgment dismissing the alter ego based claims for enforcement of judgment as against them, and (2) granted the motion of defendants Giancarlo Aliberti, Matthias Calice, and Apex Partners, L.P. seeking the same relief; App. Div. modified by granting the motion as to the TPG defendants, and otherwise affirmed.

RUSSELL v TOWN OF MT. PLEASANT:

APL-2025-00017

2nd Dept. App. Div. order of 5/29/24; affirmance; leave to appeal granted by the Court of Appeals, 1/14/25;

Records—Freedom of Information Law—Whether the Town was properly directed to disclose private email addresses of town residents;

Supreme Court, Westchester County, in a proceeding under CPLR article 78, among other things, to compel the production of certain documents pursuant to the Freedom of Information Law, granted that branch of the petition which was to direct the disclosure of subject documents; App. Div. affirmed insofar as appealed from.