

COURT OF APPEALS NEW FILINGS

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

**December 16 through December 22, 2011**

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.**

GORELIK v GORELIK:

2<sup>ND</sup> Dept. App. Div. orders of 3/9/10, 6/14/11 and 10/3/11; sua sponte examination whether (1) a bankruptcy stay is in effect and, if so, whether it applies to the appeal; (2) the orders appealed from finally determine the action within the meaning of the Constitution; and (3) whether a substantial constitutional question is directly involved to support an appeal as of right; HUSBAND AND WIFE - SUPPORT OF CHILDREN - PRECLUSIVE EFFECT OF BANKRUPTCY ACTION - ALLEGED VIOLATIONS OF THE SUPREMACY CLAUSE OF THE FEDERAL CONSTITUTION AND THE DUE PROCESS AND EQUAL PROTECTION CLAUSES OF THE FEDERAL AND STATE CONSTITUTIONS;

Supreme Court, Kings County, among other things, (1) denied the part of plaintiff's motion that sought to vacate a prior order denying his motion for a determination that certain Bankruptcy Court findings were binding as to his motion for downward modification of child support and, sua sponte, enjoined him from bringing further motions regarding the preclusive effect of the bankruptcy action (3/3/08 order); (2) denied so much of plaintiff's motion as sought leave to renew his motion to vacate (4/7/08 order); (3) reduced plaintiff's basic child support obligation only to a certain extent and awarded defendant child support arrears (7/14/08 order); App. Div. dismissed plaintiff's appeal from a portion of the March 3, 2008 order and the April 7, 2008 order (3/9/10 order No. 1) and, upon granting plaintiff leave to appeal from so much of the March 3, 2008 order as enjoined him from bringing further motions regarding the preclusive effect of the bankruptcy action, affirmed the March 3, 2008 order to that extent (3/9/10 App. Div. order No. 2); thereafter, Supreme Court, among other things, (1) denied so much of plaintiff's prior motion that was to reject the imputation of income to him in a certain amount and, upon reargument, granted so much of defendant's prior cross motion as sought to compel plaintiff to make certain payments to defendant (3/10/09 order); (2) denied plaintiff's motion for leave to reargue his opposition to defendant's prior cross motion and so much of his prior motion that was to reject the imputation of income to him in a certain amount (9/17/09 order); and (3) entered a money judgment against plaintiff (2/22/10 judgment); App. Div. affirmed a portion of the March 10, 2009 order and otherwise (1) dismissed plaintiff's appeals from the March 10, 2009 and September 17, 2009 orders (6/14/11 App. Div. order No. 1); and (2) affirmed the February 22, 2010 judgment insofar as it brought up for review that portion of the March 10, 2009 order that ordered plaintiff to make certain payments, and otherwise dismissed the appeal from the February 22, 2010 judgment (6/14/11 App. Div. order No. 2); thereafter the App. Div. denied plaintiff's motion for leave to reargue and motions for leave to appeal to the Court of Appeals (two 10/3/11 App. Div. orders).

MAC NAUGHTON et al. v WARREN COUNTY et al.:

3<sup>RD</sup> Dept. App. Div. order of 11/10/11; affirmance; sua sponte examination whether a substantial constitutional question is directly involved to support an appeal as of right;  
TAXATION - TAX LIENS, TAX SALES AND TAX TITLES - NOTICE TO OWNER OF DELINQUENT PROPERTY - DUE PROCESS - WHETHER COUNTY SATISFIED DUE PROCESS REQUIREMENTS IN ITS EFFORT TO NOTIFY PROPERTY OWNERS THAT AN IN REM TAX FORECLOSURE PROCEEDING HAD BEEN INITIATED AGAINST THEIR PROPERTY AFTER DOCUMENTS SENT TO HOMEOWNERS' ADDRESS LISTED ON TAX ROLL WERE RETURNED BY THE POSTAL SERVICE AS UNDELIVERABLE;

Supreme Court, Warren County, among other things, granted a cross motion by defendant Warren County for summary judgment dismissing the complaint against it; App. Div. affirmed.