



*State of New York
Court of Appeals*

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*Lisa Le Cours
Chief Clerk and
Legal Counsel to the Court*

*Clerk's Office
20 Eagle Street
Albany, New York 12207-1095*

COURT OF APPEALS NEW FILINGS

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

June 3, 2022 through June 9, 2022

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.

BOONE (NATHANIEL). PEOPLE v:

1st Dept. App. Div. order of 2/3/22; affirmance; leave to appeal granted by the Court of Appeals 5/24/22;

Crimes--Sex Offenders--In a Sex Offender Registration Act (SORA) proceeding, whether the SORA hearing court erred as a matter of law or abused its discretion when it denied defendant's request for an adjournment of the SORA hearing pending the outcome of a civil commitment proceeding against defendant pursuant to Mental Hygiene Law article 10;

Supreme Court, Bronx County, adjudicated defendant a level three sexually violent predicate sex offender pursuant to the Sex Offender Registration Act; App. Div. affirmed.

JAMES, MATTER OF THE PEOPLE BY v TRUMP ORG.:

1st Dept. App. Div. order of 5/26/22; affirmance, sua sponte examination of whether the order appealed from finally determines the proceeding within the meaning of the Constitution and whether a substantial constitutional question is directly involved to support and appeal as of right;

Attorney General--Subpoena Power--Whether Supreme Court properly denied motion to quash subpoenas issued by the Attorney General;

Supreme Court, New York County, inter alia, denied appellants' motion to quash subpoenas issued by the Office of the Attorney General (OAG) on December 21, 2021 to the extent they seek appellants' deposition, and granted OAG's supplemental verified petition and cross motion to compel appellants' prompt compliance with the subpoenas' deposition and document demands; App. Div. affirmed.

KILPATRICK v ARP:

1st Dept. App. Div. order of 11/23/21; 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;

Supreme Court, New York County, dismissal, App. Div. denied motion.

KILPATRICK v BERLIN:

1st Dept. App. Div. order of 4/21/22; 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;

Supreme Court, New York County, dismissal, App. Div. denied motion.

KILPATRICK v CUOMO:

1st Dept. App. Div. order of 4/21/22; 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;

Supreme Court, New York County, dismissal, App. Div. denied motion.

KILPATRICK v HENKIN:

1st Dept. App. Div. order of 11/23/21; 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;

Supreme Court, New York County, dismissal, App. Div. denied motion.

KILPATRICK v KAMKAR:

1st Dept. App. Div. order of 11/23/21; 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;

Supreme Court, New York County, dismissal, App. Div. denied motion.

KILPATRICK v VOLTERRA:

1st Dept. App. Div. order of 11/23/21; 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;

Supreme Court, New York County, dismissal, App. Div. denied motion.

KILPATRICK v FIELDS:

1st Dept. App. Div. order of 5/19/22; sua sponte examination of whether the order appealed from finally determines the action within the meaning of the Constitution and whether a substantial constitutional question is directly involved to support and appeal as of right;

Motions and Orders;

Supreme Court, New York County, dismissal, App. Div. denied motion.