



*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

May 26, 2023 through June 1, 2023

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.

MATTER OF SUNE G. v MICHELLE M.:

1st Dept. App. Div. order of 4/11/23; dismissal; sua sponte examination of whether the order appealed from finally determines the proceeding within the meaning of the Constitution and whether any jurisdictional basis exists for an appeal as of right;

Parent and Child;

App. Div. denied petitioners' motions to vacate and/or stay enforcement of a November 9, 2022 Family Court order (among other things, denying motions to vacate and/or stay enforcement of underlying orders) and the underlying orders entered December 4, 2020 or, in the alternative to stay enforcement of same pending hearing and determination of the appeal and for a calendar preference, granted the subject child's cross motion to dismiss the appeal, and dismissed the appeal.

GIBSON, DUNN & CRUTCHER v. KOUKIS:

1st Department App. Div order of 4/11/23; modification; sua sponte examination of whether (1) the Appellate Division order, insofar as it affirmed that portion of the Supreme Court order granting the motion to quash the post judgment subpoenas and denying as premature plaintiff's cross motion to permit alternative service of subpoenas, finally determines the action within the meaning of the Constitution and (2) whether the two-Justice dissent is on a question of law;

Judgments—Default Judgment—Vacatur—Whether shareholder authorized attorney who signed stipulation with law firm to waive all jurisdictional defenses on his behalf; whether complaint failed to allege sufficiently that shareholder participated in allegedly fraudulent conveyance, precluding exercise of personal jurisdiction;

Supreme Court, New York County, granted so much of defendant George Koukis's motion to vacate the default judgment and dismiss the complaint on the grounds that the appearance of counsel was unauthorized, denied so much of the motion as based on lack of jurisdiction, and set the matter down for a traverse hearing to determine whether service was proper pursuant to CPLR 308(2), and granted Koukis's motion to quash postjudgment subpoenas, and denied plaintiff's cross motion to permit alternate service of the subpoenas as premature; App. Div. modified by vacating the default judgment and granting dismissal of the complaint based on lack of personal jurisdiction, and otherwise affirmed.