



*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

February 9, 2024 through February 15, 2024

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.

ARAS v B-U REALTY CORP:

1st Dept. App. Div. order of 10/3/23; modification; leave to appeal granted by the Appellate Division on a certified question, 1/18/24;

Landlord and Tenant—Rent Regulation—Whether the parties' dispute concerning defendants' fraudulent scheme is barred by collateral estoppel; whether the Appellate Division improperly granted summary judgment, in effect, in defendants' favor on fraud and the calculation of damages; whether the Appellate Division properly determined that the landlord did not engage in a fraudulent scheme; whether the Appellate Division erred in determining that undisputed overcharges within the lookback period should not be considered in determining the reliability of the base date rent;

Supreme Court, New York County, (1) granted the motion of plaintiffs Leisa Aras, Robert Arnot, Sarah Barish-Straus, James Gladstone, Kathleen Campana, Patricia

Lederer, Albert Panozzo, Georgia Marantos, John Menapace, Karen Menapace, Peter Kane, and Paulina Perera-Riveroll for summary judgment on liability on the cause of action in the amended complaint for rent overcharges (the first cause of action) only with respect to plaintiffs Aras, Panozzo, Marantos, Kane, Perera-Riveroll, John Menapace, Karen Menapace, Barish-Straus, and Lederer; (2) held the motion in abeyance with respect to plaintiffs Gladstone and Campana; and (3) denied the motion with respect to plaintiff Arnot; App. Div., with two Justices dissenting, modified to clarify that the base date for all plaintiffs is November 18, 2010, to deny the motion as set forth in the opinion as to plaintiff Gladstone and Campana and Panozza and Marantos, remitted the matter for a determination on damages to be calculated under RSL § 26-516 and RSC § 2526.1 (a) (3) (i), and otherwise affirmed.

MATTER OF P.C. v STONY BROOK UNIVERSITY :

2nd Dept. App. Div. order of 11/8/23; annulled determination;

Colleges and Universities—Disciplinary Proceedings—Whether substantial evidence supported determination that student did not affirmatively consent to sexual conduct;

App. Div., with two Justices dissenting, granted the CPLR article 78 petition, annulled the determination of the Stony Brook University Appeals Committee dated March 31, 2020, vacated the penalties imposed, dismissed the charges that the petitioner violated certain sections of the Stony Brook University Code of Student Responsibility, and directed respondent Stony Brook University to expunge all references to the finding from the petitioner's academic record.

PEOPLE ex. rel. SAUNDERS v MILLER:

2nd Dept. App. Div. order of 12/11/23; denial of application; sua sponte examination of whether any jurisdictional basis exists to support an appeal as of right;

Habeas Corpus—When Remedy Available;

App. Div., inter alia, denied the application for a writ of habeas corpus.