

NEW YORK COURT OF APPEALS

Wechsler v. People

Wechsler v. People, 75 N.Y.2d 808 · Decided January 18, 1990

SUMMARY

****Topics:**** Appellate procedure; dismissal for failure to prosecute; prior dismissal of same appeal.

****Holding:**** The New York Court of Appeals dismissed the appeal because the plaintiff had already appealed from the same Appellate Division order, and that prior appeal had been dismissed for failure to prosecute. The court granted the motion to dismiss the subsequent appeal as duplicative and procedurally barred.

CASE DETAILS

COURT	New York Court of Appeals
JURISDICTION	New York
DECIDED	January 18, 1990
DISPOSITION	dismissed
PROCEDURAL POSTURE	Motion to dismiss appeal; appeal from order of Appellate Division previously dismissed for failure to prosecute.
PRECEDENTIAL VALUE	Published
PARTIES	Wechsler v. People

TOPICS

appellate procedure civil procedure

PRACTICE AREAS

Appellate Practice Civil Procedure

QUESTIONS PRESENTED

- Whether the appeal should be dismissed because it was previously dismissed for failure to prosecute.

HOLDINGS

- Motion to dismiss appeal granted; appeal dismissed because plaintiff's appeal from the same order of the Appellate Division was previously dismissed for failure to prosecute.

KEY QUOTATIONS

“Motion to dismiss appeal granted and appeal dismissed upon the ground that plaintiff’s appeal from the same order of the Appellate Division was previously dismissed for failure to prosecute.” (808)

FACTUAL BACKGROUND

The plaintiff's appeal from the same order of the Appellate Division was previously dismissed for failure to prosecute.

PROCEDURAL HISTORY

Plaintiff's appeal from the same order of the Appellate Division was previously dismissed for failure to prosecute.

DISPOSITION

dismissed

CASES CITED

- 74 N.Y.2d 793

OPINION

PER CURIAM.

Motion to dismiss appeal granted and appeal dismissed upon the ground that plaintiff’s appeal from the same order of the Appellate Division was previously dismissed for failure to prosecute. [See, 74 NY2d 793.]