

A1

STATE OF NEW YORK COURT OF APPEALS

John P. Asiello
Chief Clerk and
Legal Counsel to the Court

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

May 10, 2019

Mr. Xiu Jian Sun
54-25 153rd Street
Flushing, NY 11355

Re: Sun v Jing

Dear Mr. Xiu Jian Sun:

The Court has received your preliminary appeal statement and will examine its subject matter jurisdiction with respect to whether on any basis exists for an appeal as of right. This examination of jurisdiction shall not preclude the Court from addressing any jurisdictional concerns in the future.

You should file within ten days after this letter's date your comments in letter format justifying the retention of subject matter jurisdiction and a copy of the papers filed this letter, your adversary is likewise afforded the opportunity to comment in letter format

A2

on the Court's subject matter jurisdiction within the same ten-day period after this letter's date. All letters shall be filed with proof of service of one copy of the letter on each party.

If applicable, the disclosure statement required to be filed by corporations and other business entities pursuant to section 500. 1(f) of the Court of Appeals Rules of Practice shall be filed with the written submissions discussed above.

The times within which briefs on the merits must be filed are held in abeyance during the pendency of this jurisdictional inquiry. If this inquiry is terminated by the Court, the Clerk will notify counsel in writing and set a schedule for the perfecting of the appeal. This communication is without prejudice to any motion any party may wish to make.

Very truly yours,

John P. Asiello

John P. Asiello

JPA/mnw/ai

cc: James W. Tuffin, Esq.
Charles T. Gura, Esq.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 9, 2019.

Present - Hon. David Friedman, Justice Presiding,
Judith J. Gische
Barbara R. Kapnick
Troy K. Webber
Ellen Gesmer, Justices.

-----x

The Church of Jesus Christ of
Latter-Day Saints, Servant:
Xiu Juan Sun, The Spiritual Adam,
Plaintiff-Appellant, M-1028
-against- Index No. 100947/17
Wu Hua Jing M.D. PhD & Dustin T.
Nguyen, M.D., et al.,
Defendants-Respondents.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about December 13, 2017, and said appeal having been perfected,

And defendant-respondent Wu Hua Jing M.D. PhD having moved for dismissal of the aforesaid appeal or,

B2

in the alternative, for a filing injunction against plaintiff, and to adjourn the time to file a respondent's brief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of dismissing the appeal, and otherwise denied.

ENTERED:

Susanna Rojas
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 8, 2019.

Present - Hon. David Friedman, Justice Presiding,
Judith J. Gische
Barbara R. Kapnick
Marcy L. Kahn
Cynthia S. Kern, Justices.

-X

The Church of Jesus Christ of
Latter Day Saints, Servant:
Xiu Jian Sun, The Spiritual Adam,

Plaintiff-Appellant, **M-5306**

-against- Index No. 100947/17

Wu Hua Jing M.D. PHD and Dustin T. Nguyen M.D. Lawyers: Jones Hirsch Connors Miller and Bull, P.C., Michael P. Kelly, Esq., James P. Connors, Esq., Charles T. Gura, Esq., Angela M. Evangelista, Esq.,

Defendants-Respondents

-X

Plaintiff-appellant having moved pursuant to 22 NYCRR 1250.10(c), to vacate the dismissal of the appeal taken from an order of the Supreme Court, New York County, entered on or about December 13, 2017, and

B4

upon vacatur, enlarging the time to perfect said appeal, for leave to prosecute the appeal, as a poor person, and for other relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of vacating the dismissal, reinstating the appeal, and enlarging the time to perfect said appeal to the May 2019 Term, and is otherwise denied.

ENTERED:

Susanna Rojas

CLERK

C1

1000947/2017 ORDER AND DECISION-MOTION TO
DISMISS DUPLICATIVE GRANTED 12/14/17 PART
58 SEQ 001 EA 12/21/17

**SUPREME COURT OF THE STATE OF NEW
YORK NEW YORK COUNTY**

PRESENT: HON. DAVID BENJAMIN COHEN

Justice PART 58

INDEX NO.100947/2017

CHURCH OF JESUS CHIDST MOTION DATE

Plaintiff, MOTION SEQ NO. 001

-v- DECISION AND ORDER

JING, WU HUA

Defendant

FILED

DEC 22 2017

YORK NEW YORK COUNTY

COUNTY CLERK

The following papers, numbered

were read on this motion to/for

Notice of Motion/Petition/OSC-Affidavits-Exhibits

No(s)

Answering Affidavits – Exhibits No(s)

Replying No(s)

Upon the foregoing papers, it is

C2

This Motion to dismiss is duplicative of Motion Sequence #002 which was granted by this Court by Decision and Order dated December 5, 2017. This motion is deemed withdrawn.

DATED: 12/14/2017

David Benjamin Cohen

David Benjamin Cohen, J.S.C.

HON. David Benjamin Cohen, J.S.C.

CHECK ONE [X] CASE DISPOSED

[] GRANTED

APPLICATION [] SETTLE ORDER

CHECK IF APPROPRIATE [] DO NOT POST

[] DENIED

[] NON-FINAL I POSITION

[] GRANTED IN ART

[] SUBMIT ORDER

[] FIDUCIARY APPOINTMENT

[X] OTHER

[] REFERENCE

1000947/2017 CHURCH OF JESUS CHIDST vs.
JING, WU HUA

Printed: 10/19/2018