



*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

**October 20, 2023 through October 26, 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 MARSTELLER v CITY OF NEW YORK:

1st Dept. App. Div. order of 6/20/23; affirmance; sua sponte examination of whether a substantial constitutional question is directly involved to support an appeal as of right;

**Proceeding Against Body or Officer—Whether respondents' determination was arbitrary and capricious or made in violation of lawful procedure; alleged constitutional violations;**

Supreme Court, New York County, denied petition to annul respondents' June 30, 2022 determination, denying petitioner's request for a religious exemption from the COVID-19 vaccination requirement for New York City employees, and dismissed the proceeding brought pursuant to CPLR article 78; App. Div. affirmed.