



*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

April 22, 2022 through April 28, 2022

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.

CATANIA v LIRIANO:

1st Dept. App. Div. order of 3/3/22; affirmance; sua sponte examination of whether the order appealed from finally determines the action within the meaning of the Constitution and whether a substantial constitutional question is directly involved in the order appealed;

Pleading--Whether motion court properly denied cross motion raising challenge to constitutionality of statute on basis of procedural defect; whether General Associations Law § 13 is unconstitutional;

Supreme Court, Bronx County, granted defendants United Federation of Teachers Union, William Woodruff, and Janella Hinds's motion to dismiss the intentional tort claims and the claims against Woodruff and Hinds in their individual (as opposed to official) capacities; Supreme Court, Bronx County, denied plaintiff's cross motion for a judgment

declaring General Associations Law § 13 unconstitutional under the federal and state constitutions; App. Div. affirmed.

MATTER OF GORDON v NGOUN:

2nd Dept. App. Div. order of 3/18/22; denial of motion; sua sponte examination of whether the order appealed from finally determines the action within the meaning of the Constitution and whether a substantial constitutional question is directly involved in the order appealed;

Motions and Orders--Denial of motion for assignment of counsel;

Family Court, Queens County, denied petitioner's motion for assignment of counsel; App. Div., inter alia, denied a motion for leave to appeal.

HARKENRIDER v HOCHUL:

4th Dept. App. Div. order of 4/21/22; modification;

Constitutional Law--State Constitutional Law--Whether the failure to follow redistricting procedures set forth in the State Constitution warrants invalidation of the legislature's congressional and state senate maps; whether there is record support for the determination of the courts below that the district lines for congressional races were drawn with unconstitutional partisan intent;

Supreme Court, Steuben County, among other things, granted petitioners' declaratory and injunctive relief; App. Div. modified.