



*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 5, 2024 through April 11, 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.

MATTER OF LEBOWITZ v BOARD OF EDUCATION:

1st Dept. App. Div. order of 10/19/23; affirmance; sua sponte examination of whether a substantial constitutional question is directly involved to support an appeal taken as of right;

Schools—Teachers—Whether a rational basis existed for denial of petitioner's request for a religious exemption from the COVID-19 vaccination requirement for New York City Department of Education Employees;

Supreme Court, New York County, denied the petition to annul a determination of the City of New York Reasonable Accommodation Appeals Panel, dated February 15, 2022, which denied petitioner's request for a religious exemption from the COVID-19 vaccination requirement for employees of the New York City Department of Education, granted respondents' cross motion to dismiss the petition, and dismissed the proceeding

brought pursuant to CPLR article 78; App. Div. affirmed.

PEOPLE v WILLIS (McKENZIE):

1st Dept. App. Term order of 6/26/23; affirmance; leave to appeal granted by Wilson, Ch. J., 3/18/24;

Motor Vehicles—Aggravated Unlicensed Operation—Whether the accusatory instrument charging aggravated unlicensed operation was jurisdictionally defective because it failed to provide reasonable cause to believe that defendant knew, or had reason to know, that his license was suspended; misdemeanor complaint alleged that defendant failed to answer a New York traffic summons but did not allege that defendant received the summons or was provided notice of license suspension; New York City Criminal Court, New York County, convicted defendant, upon a plea of guilty, of aggravated unlicensed operation of a motor vehicle in the third degree and imposed sentence; App. Term affirmed.