



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

May 30, 2025 through June 5, 2025

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 ANDERSEN v HEIN:

APL-2025-00099

3rd Dept. App. Div. order of 8/8/24; reversal; leave to appeal granted by the Court of Appeals, 5/20/25;

Social Services—Public Assistance—Whether the policy of respondent Commissioner of Temporary and Disability Assistance to obtain reimbursement for the full amount of interim assistance from Supplemental Security Income without providing a credit for the minimum wage equivalent of hours worked in work experience programs violates the Fair Labor Standards Act;
Supreme Court, Albany County, partially granted petitioners' application, in a combined

proceeding pursuant to CPLR article 78 and declaratory judgment action, and declared a policy of respondent Commissioner of Temporary and Disability Assistance in regard to the calculation of Supplemental Security Income to be in violation of the Fair Labor Standards Act; App. Div. reversed judgment, denied motion, and declared that the policy of respondent Commissioner of Temporary and Disability Assistance to obtain reimbursement for the full amount of interim assistance from Supplemental Security Income does not violate the Fair Labor Standards Act of 1983.

CLARKE v TOWN OF NEWBURGH:

APL-2025-00110

2nd Dept. App. Div. order of 1/30/25; reversal; leave to appeal granted by the Appellate Division on a certified question, 5/23/25;

Elections—Whether the vote-dilution provisions of the John R. Lewis Voting Rights Act of New York violate the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution and the New York Constitution;

Supreme Court, Orange County, in an action under Election Law section 17-206, granted defendants' motion for summary judgment dismissing the complaint and directed that the John R. Lewis Voting Rights Act of New York was stricken in its entirety from further enforcement and application to the defendants and to any other political subdivision; App. Div. reversed and denied defendants' motion for summary judgment dismissing the complaint.

DELCO DEVELOPMENT CO. v NASSAU COUNTY:

APL-2025-00106

2nd Dept. App. Div. order of 3/5/25; reversal; 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 from;

Taxation—Assessment—Whether Nassau County Administrative Code § 6-41.0, enacted to address the Nassau County Guaranty by creating a disputed assessment fund, is unconstitutional in violation of article XVI, § 1 of the New York State Constitution or as an improper delegation of taxing power;

Supreme Court, Nassau County, upon an order of the same court entered April 22, 2020, among other things, granting those branches of the plaintiff's motion which were, in effect, for summary judgment on the first and second causes of action and declaring that section 6-41.0 of the Nassau County Administrative Code is unconstitutional, and denying those branches of the crossmotion of the defendants Laura Curran, David F. Moog, Beaumont Jefferson, Nassau County Department of Assessment, Nassau County Legislature, and County of Nassau which were for summary judgment dismissing the first and second causes of action and declaring that section 6-41.0 of the Nassau County Administrative Code is constitutional, in favor of the plaintiff and against the defendants Laura Curran, David F. Moog, Beaumont Jefferson, Nassau County Department of Assessment, Nassau County Legislature, and County of Nassau declaring that section 6-41.0 of the Nassau County Administrative Code is unconstitutional and directing those defendants to hold the monies collected pursuant to section 6-41.0 of the Nassau County Administrative Code for the 2016/2017 and 2017/2018 tax years in a segregated, interest-bearing account pending further order of the court; App. Div. reversed the judgment insofar as appealed from by defendants Laura Curran, David F.

Moog, Beaumont Jefferson, Nassau County Department of Assessment, Nassau County Legislature, and County of Nassau, granted those branches of those defendants' cross-motion which were for summary judgment dismissing the first and second causes of action and declaring that section 6-41.0 of the Nassau County Administrative Code is constitutional, denied those branches of the plaintiff's motion which were, in effect, for summary judgment on the first and second causes of action and declaring that section 6-41.0 of the Nassau County Administrative Code is unconstitutional, modified the order entered April 22, 2020 accordingly, and remitted to Supreme Court for entry of an amended judgment.

MATTER OF PARKER J.:

APL-2025-00101

4th Dept. App. Div. order of 11/15/24; affirmance; leave to appeal granted by the Court of Appeals, 5/20/25;

Parent and Child—Termination of Parental Rights—Whether mother knowingly, intelligently, and voluntarily waived her right to counsel;

Family Court, Onondaga County, in a proceeding under Social Services Law § 384-b, among other things, terminated the parental rights of respondent with respect to the subject children; App. Div. affirmed.

SECOND CHILD v EDGE AUTO, INC.:

APL-2025-00112

1st Dept. App. Div. order of 3/13/25; affirmance; leave to appeal granted by the Appellate Division on a certified question, 5/22/25;

Motor Vehicles—Rental Cars—Whether the Graves Amendment (49 USC 30106) supersedes Vehicle and Traffic Law § 370 as interpreted by ELRAC, Inc. v Ward (96 NY2d 58, 78 [2001]); whether the Graves Amendment is reverse preempted by VTL § 370 under the McCarran Ferguson Act;

Supreme Court, Bronx County, to the extent appealed from as limited by the briefs, denied plaintiff's motion for summary judgment seeking a declaratory judgment; App. Div. affirmed.

MATTER OF WARREN v ZONING BOARD:

APL-2025-00105

4th Dept. App. Div. order of 5/2/25; affirmance; sua sponte examination of whether a substantial constitutional question is directly involved in the order appealed from;

Parties—Standing—Whether the Zoning Board of Appeals properly determined that petitioner lacked standing to prosecute an administrative appeal; alleged constitutional violations;

Supreme Court, Erie County, in a proceeding pursuant to CPLR article 78 and declaratory judgment action, among other things, dismissed the petition-complaint; App. Div. affirmed.