



*State of New York
Court of Appeals*

Vol. 43 - No. 13
5/4/23

*Lisa Le Cours
Chief Clerk and
Legal Counsel to the Court*

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

COURT OF APPEALS NEW FILINGS

Preliminary Appeal Statements processed
by the Court of Appeals Clerk's Office

March 31, 2023 through April 6, 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 CLAIM OF TIMPERIO:

3rd Dept. App. Div. order of 2/3/22; reversal; leave to appeal granted by the Court of Appeals on 3/21/23;

Workers' Compensation—Exclusiveness of Remedy—Whether injury arose out of and in the course of employment; claimant medical resident injured in mass shooting perpetrated by former employee of hospital;

Workers' Compensation Board ruled, among other things, that claimant sustained an injury arising out of and in the course of employment; App. Div. reversed and remitted the matter to the Workers' Compensation Board for further proceedings.