

COURT OF APPEALS NEW FILINGS

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

April 9, 2021 through April 15, 2021

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.

BROOKDALE PHYSICIANS' DIALYSIS ASSOCIATES, INC., &c., et al., MATTER OF v DEPARTMENT OF FINANCE OF THE CITY OF NEW YORK:

1ST Dept. App. Div. order of 12/3/19; affirmance; leave to appeal granted by Court of Appeals, 3/30/21;

Taxation--Whether the building owned by petitioner, a not-for-profit organization, that is leased to respondent, a for-profit corporation, qualifies for tax exempt status under Real Property Tax Law § 420-a;

Supreme Court, New York County, granted petition brought pursuant to CPLR article 78 to annul a determination of respondent, dated 4/4/17, which denied petitioners' application for an exemption from real property taxation, and denied respondent's cross motion to dismiss the petition; App. Div. affirmed.

GRADY v CHENANGO VALLEY CENTRAL SCHOOL DISTRICT, et al.:

3RD Dept. App. Div. order of 1/28/21; affirmance with two-Justice dissents; Rule 500.11 review pending;

Negligence--Assumption of Risk--Whether defendants were entitled to summary judgment dismissing the complaint on the ground that plaintiff assumed the risk of injury; plaintiff alleged injuries sustained after being struck by baseball during practice drill were caused by defendants' negligence;

Supreme Court, Broome County, granted defendants' motion for summary judgment dismissing the complaint; App. Div. affirmed.