

COURT OF APPEALS NEW FILINGS

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

September 25 through October 1, 2009

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.

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.

EIDLISZ v NEW YORK UNIVERSITY et al.:

1ST Dept. App. Div. order of 4/14/09; reversal; leave to appeal granted by Court of Appeals, 9/17/09;

COLLEGES AND UNIVERSITIES - DIPLOMA BY ESTOPPEL DOCTRINE - DENTAL DEGREE; CONTRACTS - SPECIFIC PERFORMANCE; SCOPE OF REVIEW; STAY; Supreme Court, New York County denied plaintiff's motion for summary judgment, granted defendants' cross motion for summary judgment dismissing the complaint and dismissed the complaint; App. Div. reversed, denied defendants' cross motion, granted plaintiff's motion and directed defendants to award plaintiff a degree and diploma and any authorizations he may need to take the dental boards.

CHIEF JUDGE OF THE STATE OF NEW YORK, et al. v GOVERNOR OF THE
STATE OF NEW YORK et al.:

1ST Dept. App. Div. order of 9/15/09; affirmance;
CONSTITUTIONAL LAW - LEGISLATIVE INACTION IN FUNDING JUDICIAL
SALARY INCREASES - COMPENSATION CLAUSE (NY CONSTITUTION ARTICLE
VI, § 25[a]) - SEPARATION OF POWERS DOCTRINE;
Supreme Court, New York County, upon a search of the record,
granted plaintiffs summary judgment on their third clause of
action; App. Div. affirmed.

