

COURT OF APPEALS NEW FILINGS

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

February 16, 2018 through February 22, 2018

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.

JACOBI, MATTER OF v TAX APPEALS TRIBUNAL OF THE STATE OF NEW YORK et al.:

3RD Dept. App. Div. order of 12/21/17; confirmation of determination; sua sponte examination whether a substantial constitutional question is directly involved to support an appeal as of right;

Motor Vehicles--Revocation or Suspension of Operator's License--CPLR article 78 proceeding seeking to annul a determination of the Tax Appeals Tribunal of the State of New York sustaining a notice of proposed driver's license suspension referral imposed under Tax Law article 8; whether Tax Law § 171-v, which allows for the suspension of a taxpayer's driver's license based on past-due tax liabilities,

violates the due process clause inasmuch as it does not take into account taxpayer's inability to pay; whether petitioner was deprived of due process where Department of Taxation and Finance did not act on petitioner's offer in compromise before license suspension took effect;

App. Div. confirmed a determination of respondent Tax Appeals Tribunal sustaining a notice of proposed driver's license suspension referral imposed under Tax Law article 8, and dismissed the CPLR article 78 petition.