

COURT OF APPEALS NEW FILINGS

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

April 2, 2021 through April 8, 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.

FORD, MATTER OF v THE BOARD OF EDUCATION OF THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK, &c, et al.:

1ST Dept. App. Div. order of 11/5/20; reversal; sua sponte examination of whether a substantial constitutional question is directly involved to support an appeal as of right; **Schools--Teachers--Termination of Employment--Whether penalty of termination of petitioner's employment as a teacher is shocking to one's sense of fairness; alleged constitutional violations;**

Supreme Court, New York County, vacated the penalty portion of an arbitration award and remanded the matter to respondents for the imposition of a lesser penalty; App. Div. reversed, reinstated the penalty and dismissed the CPLR article 75 proceeding.

IGNIS DEVELOPMENT, INC. v THE LONG ISLAND COLLEGE HOSPITAL, et al.:
2ND Dept. App. Div. order of 9/14/20; dismissal; sua sponte examination of whether (1) the order appealed from finally determines the action; (2) the September 2020 App. Div. order necessarily affects the order appealed from; and (3) a substantial constitutional question is directly involved to support the appeal taken as of right;

Motions and Orders;

Supreme Court, Kings County, declined to sign order to show cause; App. Div. dismissed appeal; and thereafter, denied motion, in effect, to recall and vacate the order of the court dated 6/26/20, or, in the alternative, for leave to appeal to the Court of Appeals from the 6/26/20 order; Supreme Court, Kings County, thereafter, granted defendants/third-party plaintiff's motion for attorneys fees and costs.