



*State of New York
Court of Appeals*

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COURT OF APPEALS NEW FILINGS

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

January 14, 2022 through January 20, 2022

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.

ANDERSON v COMMACK FIRE DISTRICT:

2nd Dept. App. Div order of 6/16/21; affirmance; leave to appeal granted by the Appellate Division, 1/3/22;

Municipal Corporations--Tort Liability--Whether the reckless disregard standard under Vehicle and Traffic Law § 1104 applies to plaintiff's vicarious liability cause of action against defendant Commack Fire District; whether defendant Commack Fire District could be held vicariously liable for ordinary negligence pursuant to General Municipal Law § 205-b;

Supreme Court, Suffolk County, denied that branch of defendants' motion which was for summary judgment dismissing the complaint insofar as asserted against defendant Commack Fire District; App. Div. affirmed insofar as appealed from by defendant Commack Fire District.

MATTER OF DEEM v WALSH:

2nd Dept. App. Div. order of 12/08/21; dismissal of proceeding; sua sponte examination of whether a substantial constitutional question is directly involved to support an appeal as of right;

Proceeding Against Body or Officer--Mandamus--Whether petitioner demonstrated a clear legal right to the relief sought; alleged constitutional violations;

App. Div. denied the petition and dismissed the CPLR article 78 proceeding.

KNIGHT v CITY OF NEW YORK:

1st Dept. App. Div. order of 12/7/21; affirmance; sua sponte examination of whether a substantial constitutional question is directly involved to support an appeal as of right;

Proceeding Against Body or Officer;

Supreme Court, New York County, denied petition, seeking, among other things, to enjoin respondents from enforcing certain provisions of the New York State firearm licensing scheme, and granted respondents' cross motion to dismiss the proceeding brought pursuant to CPLR article 78; App. Div. affirmed.