

COURT OF APPEALS NEW FILINGS

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

March 15 through March 21, 2019

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.

CUNNINGHAM v TRUSTEES OF ST. PATRICK'S CATHEDRAL et al.:

1ST Dept. App. Div. order of 3/5/19; affirmance; sua sponte examination of whether a substantial constitutional question is directly involved to support an appeal as of right;

Dead Bodies--Disinterment--Whether Supreme Court properly determined that good and substantial reasons existed to disinter Archbishop's remains, interred in a crypt in St. Patrick's Cathedral in New York City, and transfer them to St. Mary's Cathedral in Peoria, Illinois; alleged violation of the Religious Liberty clause and Free Exercise clause of the First Amendment;

Supreme Court, New York County, granted the petition for permission to remove the remains of Archbishop Fulton J. Sheen from St. Patrick's Cathedral in New York City to St. Mary's Cathedral in Peoria, Illinois; App. Div. affirmed.