

COURT OF APPEALS NEW FILINGS

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

June 26, 2020 through July 1, 2020

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.

MATTER OF ANONYMOUS:

1st Dept. App. Div. orders of 1/22/20 and 5/18/20; motion for a stay; sua sponte examination of whether the order appealed from finally determines the proceeding within the meaning of the Constitution and whether a substantial constitutional question is directly involved to support an appeal as of right;

Attorneys and Clients--Disciplinary Proceedings--Denial of motion to stay disciplinary proceeding; alleged constitutional violations;

App. Div. inter alia, denied respondent attorney's motion for a stay of the disciplinary proceeding; and denied respondent's motion for leave to appeal.

KESTENBAUM et al. v GLOBUS:

2ND App. Div. order of 5/18/20; motion to dismiss; sua sponte examination of whether the order appealed from finally determines the action within the meaning of the Constitution and whether a substantial constitutional question is directly involved to support an appeal as of right;

Motions and Orders;

Supreme Court, Kings County, among other things, granted in part plaintiffs' motions to seal filings and directed plaintiffs' to submit proposed redactions; granted plaintiffs' proposed redactions following a hearing; App. Div. dismissed the appeal, denied as academic that branch of the motion which was to extend the time to perfect the appeals, and denied as academic the application to extend the time to perfect the appeals.

MICHELSSEN v THE CITY UNIVERSITY OF NEW YORK et al.:

1ST App. Div. order of 3/26/20; affirmance; sua sponte examination of whether a substantial constitutional question is directly involved to support an appeal as of right;

Colleges and Universities--Judicial Review of Academic Discretion--Whether respondent school's decision to dismiss petitioner from masters in education program was irrational, arbitrary and capricious, or contrary to law; alleged constitutional violations;

Supreme Court, New York County, denied the petition to annul the determination of respondent City University of New York, which dismissed petitioner from the Hunter College School of Education, and dismissed the CPLR article 78 proceeding; App. Div. affirmed.