



*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 7, 2022 through January 13, 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.

**COALITION OF CONCERNED CITIZENS v NYS BOARD ON ELECTRIC
GENERATION SITING:**

4th Dept. App. Div. order of 11/12/21; confirmed determination; sua sponte examination of whether a substantial constitutional question is directly involved to support an appeal as of right;

Municipal Corporations--Planning--Whether determination of New York State Board on Electric Generation Siting and the Environment, which granted a Certificate of Environmental Compatibility and Public Need for a wind-powered electric generating facility consisting of numerous wind turbines in several Western New York counties, was supported by substantial evidence; whether Board applied correct Town of Freedom Local Law; Constitutional Law--First Amendment Rights--Whether Board violated First Amendment rights of a group of Amish

residents that would be impacted by project;

New York State Board on Electric Generation Siting and the Environment granted a Certificate of Environmental Compatibility and Public Need; App. Div. confirmed the determination and dismissed the petition.

DEUTSCHE BANK v LE-MOND:

2nd Dept. App. Div. order of 10/6/21; affirmance; sua sponte examination of whether the order appealed from finally determines the proceeding within the meaning of the Constitution and whether any jurisdictional basis exists for an appeal as of right;

Motions and Orders--Vacatur of Order;

Supreme Court, Kings County, denied defendant Sharon Le-Mond's motion pursuant to CPLR 5015 (a) (3), in effect, to vacate an order of the same court dated July 13, 2016 granting the plaintiff's motion, among other things, for summary judgment on the complaint insofar as asserted against her and for an order of reference, and, thereupon, for summary judgment dismissing the complaint insofar as asserted against her and on her counterclaim, among other things, to cancel and discharge of record the subject mortgage; App. Div. affirmed.

PEOPLE v LABORIEL (AMIN):

2nd Dept. App. Div. order of 6/30/21; affirmance; leave to appeal granted by Wilson, J., 12/22/21; Rule 500.11 review pending;

Crimes--Sentence--Whether the Department of Corrections and Community Supervision unlawfully altered defendant's sentence by subjecting defendant to continued incarceration under the Sexual Assault Reform Act (see Executive Law § 259-c);

Supreme Court, Queens County, convicted defendant of criminal sexual act in the second degree and imposed sentence; App.Div., upon reargument, as limited by defendant's motion, affirmed defendant's sentence.