



*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 12, 2024 through January 18, 2024

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.

DELANEY v HC2:

1st Dept. App. Div. order of 11/30/23; affirmance; sua sponte examination of whether a substantial constitutional question is directly involved to support an appeal as of right;

Parties--Standing--Whether the courts below properly dismissed plaintiff's complaint because plaintiff lacks legal capacity to sue; alleged constitutional violation;

Supreme Court, New York County, granted defendant's motion to dismiss the complaint; App. Div. affirmed.

MATTER OF DOURDOUNAS v CITY OF NY:

1st Dept. App. Div. order of 12/8/22; affirmance; leave to appeal granted by the Court of Appeals, 12/19/23;

Limitations of Actions—Four-Month Statute of Limitations—Whether the

Appellate Division properly held that pursuing a grievance procedure set forth in a collective bargaining agreement did not function to toll the statute of limitations as to the underlying denial of a retirement incentive;

Supreme Court, New York County, denied the petition to annul respondent's July 2017 determination, which denied petitioner a retirement incentive, and granted respondents' motion to dismiss the proceeding brought pursuant to CPLR article 78 as time-barred; App. Div. affirmed.

MATTER OF WARD v NYPD LICENSE DIVISION:

1st Dept. App. Div. order of 10/5/23; affirmance; sua sponte examination of whether a substantial constitutional question is directly involved to support an appeal as of right;

Licenses—Firearms—Whether respondent rationally denied petitioner's application for a handgun license;

Supreme Court, New York County, denied the petition to annul a determination of respondent New York Police Department Headquarters License Division, dated 6/20/21, which denied petitioner's application for a carry business handgun license, and dismissed the CPLR article 78 proceeding; App. Div. affirmed.

YANG v UNIVERSITY OF ROCHESTER:

4th Dept. App. Div. order of 9/25/23; granted motion; sua sponte examination of whether the order appealed from finally determines the action within the meaning of the Constitution and whether any jurisdictional basis exists for an appeal as of right;

Appeal—Dismissal;

App. Div. inter alia, conditionally granted a motion to vacate dismissal of an appeal taken from an order of Supreme Court, Monroe County, entered November 12, 2021.