

COURT OF APPEALS NEW FILINGS

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

February 14, 2020 through February 20, 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 BLOOM, A SUSPENDED ATTORNEY:

2ND Dept. App. Div. order of 12/18/19; sua sponte examination of whether a substantial constitutional question is directly involved to support an appeal as of right;

Attorney and Client--Disciplinary Proceedings--Whether the suspension of appellant for three years, in addition to a three year suspension imposed in a separate disciplinary proceeding, was excessive--whether appellant was denied constitutional due process;

App. Div., among other things, granted motion of Grievance Committee to confirm report of Special Referee, sustained all charges, and suspended appellant from the practice of law for three years.

WHITE, et al. v CUOMO &c., et al.:

3RD Dept. App. Div. order of 2/6/20; modification with one-Justice dissent;

Constitutional Law--State Constitutional Law--Whether article 14 of the Racing Pari-Mutuel and Breeding Law violates article I, section 9 of the New York State Constitution;

Supreme Court, Albany County, (1) partially granted plaintiffs' motion for summary judgment, and (2) partially granted defendant's cross motion for summary judgment dismissing the complaint; App. Div. (1) modified the judgment by reversing so much thereof as upheld Racing, Pari-Mutuel Wagering and Breeding Law § 1400(2); (2) declared that (a) Racing, Pari-Mutuel Wagering and Breeding Law § 1400(2) is void, and (b) Racing, Pari-Mutuel Wagering and Breeding Law § 1412 does not violate N.Y. Constitution, article I, § 9; and (3) as so modified, affirmed.