State of New York
Court of Appeals

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Lisa LeCours
Chief Clerk and
Legal Counsel to the Court

Clerk's Office
20 Eagle Street
Albany, New York 12207-1095

COURT OF APPEALS NEW FILINGS

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

March 1, 2024 through March 7, 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.

WOODSIDE MANOR v ZUCKER:
3rd Dept. App. Div. order of 1/18/24; affirmance; 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;
Health—Medicaid Reimbursement Rates—Whether respondent's delay in reviewing the Medicaid rate appeals of appellant skilled nursing facilities denies necessary funds without sufficient substantive due process; whether respondent's delay in processing rate appeals under an unpromulgated rule that prioritizing facilities suffering significant financial hardship deprives appellant skilled nursing facilities of their property rights without sufficient procedural due process;
Supreme Court, Albany County, in a combined proceeding pursuant to CPLR article 78 and action for declaratory judgment, granted respondent's motion for summary judgment

dismissing the petition/complaint; Supreme Court, Albany County, upon reargument, directed respondent to promulgate certain regulations; App. Div. affirmed.