

COURT OF APPEALS NEW FILINGS

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

April 12 through April 18, 2019

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.

HAROUNIAN (JACQUELINE), MATTER OF v:

2ND Dept. App. Div. order of 2/22/19; denial of motion; sua sponte examination whether (1) the order appealed from finally determines the proceeding within the meaning of the Constitution; (2) the proceeding has been rendered moot based on appellant's reinstatement; and (3) a substantial constitutional question is directly involved to support an appeal as of right;

Attorney and Client--Disciplinary Proceedings--Denial of motion to vacate suspension order or to modify suspension order by imposing a lesser disciplinary sanction; alleged due process violation;

App. Div. denied appellant's motion to vacate a 10/12/16 order of that Court suspending her from the practice of law for a period of one year, or, in the alternative, to modify the 10/12/16 order by imposing a lesser disciplinary sanction.

KEYSPAN GAS EAST v SUPERVISORS OF TOWN OF NORTH HEMPSTEAD
(Index No. 8194/2010).:

2ND Dept. App. Div. order 2/6/19; affirmance; sua sponte examination whether a substantial constitutional question exists to support an appeal as of right;

Municipal Corporations--Garbage Disposal--Whether requirement that County of Nassau reimburse Town of North Hempstead for refunds of special ad valorem levies for garbage service on utility mass properties violates the gift and loan clause of the New York State Constitution; whether County was required to reimburse Town for prejudgment interest paid to plaintiff;

Supreme Court, Nassau County, entered judgment in favor of the defendants third-party plaintiffs and against the third-party defendants in the principal sum of \$1,118,124.58; App. Div. affirmed.

KEYSPAN GAS EAST v SUPERVISORS OF TOWN OF NORTH HEMPSTEAD
(Index No. 7269/02).:

2ND Dept. App. Div. order 2/6/19; affirmance; sua sponte examination whether a substantial constitutional question exists to support an appeal as of right;

Municipal Corporations--Garbage Disposal--Whether requirement that County of Nassau reimburse Town of North Hempstead for refunds of special ad valorem levies for garbage service on utility properties violates the gift and loan clause of the New York State Constitution;

Supreme Court, Nassau County, entered judgment in favor of the defendants third-party plaintiffs and against the third-party defendants in the principal sum of \$2,486,923.80; App. Div. affirmed.

ROBERTS v CITY OF NEW YORK:

1ST Dept. App. Div. order of 3/21/19; affirmance with dissents; Rule 500.11 review pending;

Judgments--Summary Judgment--Whether plaintiff raised triable issues of fact sufficient to defeat summary judgment on claims alleging false arrest and imprisonment, and malicious prosecution; plaintiff arrested and prosecuted for murder for which he was acquitted;

Supreme Court, Bronx County, granted defendants' motion for summary judgment dismissing plaintiff's claims for false arrest and imprisonment and malicious prosecution; App. Div. affirmed.

SHIEH (LIANG-HOUH), MATTER OF v:

3RD Dept. App. Div. order of 6/21/18; denial of motion; sua sponte examination whether (1) the June 21, 2018 Appellate Division order finally determines the proceeding within the meaning of the Constitution; (2) the January 31, 2019 letter of the Appellate Division is an appealable paper, and (3) a substantial constitutional question is directly involved to support an appeal as of right;

Attorney and Client--Disciplinary Proceedings--Denial of motion to vacate disbarment order;

App. Div. denied appellant's motion for, among other things, an order vacating his 1997 disbarment.

VERIZON NEW YORK v SUPERVISORS OF TOWN OF NORTH HEMPSTEAD:

2ND Dept. App. Div. order of 2/6/19; affirmance; sua sponte examination of whether a substantial constitutional question is directly involved to support an appeal as of right;

Municipal Corporations--Garbage Disposal--Whether requirement that County of Nassau reimburse Town of North Hempstead for refunds of special ad valorem levies for garbage service on utility mass properties violates the gift and loan clause of the New York State Constitution; whether County was required to reimburse Town for prejudgment interest paid to plaintiff;

Supreme Court, Nassau County, entered judgment in favor of the defendants third-party plaintiffs and against the third-party defendants in the principal sum of \$1,550.174.15; App. Div. affirmed.