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
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COURT OF APPEALS NEW FILINGS

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

May 20, 2022 through May 26, 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.

MANKO v LENOX HILL ANESTHESIOLOGY:
2nd Dept. App. Div. order of 3/23/22; denial of motion; sua sponte examination of whether the order appealed from finally determines the action within the meaning of the Constitution and whether any basis exists for an appeal as of right;
Motions and Orders;
App. Div. denied motion to recall and vacate so much of a February 8, 2011 order that dismissed an appeal from an order of Supreme Court, Kings County, dated July 8, 2009.

NICHOLS v HOCHUL:
Supreme Court, New York County, order of 5/25/22; denial of petition; sua sponte examination of whether a direct appeal lies pursuant to CPLR 5601 (b)(2);
Constitutional Law--State Constitutional Law--Whether failure to follow

redistricting procedures set forth in the State Constitution warrants invalidation of the legislature's state assembly map; whether there is record support for the determination of the courts below that the district lines for the state assembly races were drawn with unconstitutional partisan intent;
Supreme Court, New York County, denied the petition to invalidate the legislature's state assembly map.

RICHARDS v HEDMAN RESOURCES:
4th Dept. App. Div. order of 4/22/22; 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;
Judgments--Default Judgment--Vacatur--Whether the courts below properly denied defendant's motion to vacate default judgments against it; alleged constitutional violations;
Supreme Court, Erie County, among other things, denied that part of the motion of defendant Hedman Resources Limited seeking to vacate the default liability judgments granted in favor of plaintiffs; App. Div. affirmed.