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

July 22, 2022 through July 28, 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.

MATTER OF ESTATE OF FRANK I. MAIKA
4th Dept. App. Div. order of 6/3/22; reversal, with two Justices dissenting;
Powers--Powers of Attorney--Whether transfer of real property to attorneys in fact was improper gift; attorneys in fact, two children of property owner, voted with other attorneys in fact to transfer property to them as compensation for services rendered to parent;
Supreme Court, Onondaga County, denied respondents' motion for summary judgment dismissing the petition and granted the petition; App. Div. reversed, granted respondents' motion for summary judgment, and dismissed the petition.

ROMAN CATHOLIC DIOCESE v VULLO:
3rd Dept. App. Div. order of 6/2/22; affirmance; sua sponte examination of whether a

substantial constitutional question is directly involved to support an appeal as of right; **Constitutional Law--Whether, in light of the U.S. Supreme Court holding in *Fulton v Philadelphia* (592 US __, 141 S Ct 1868 [2021]), *Catholic Charities of Diocese of Albany v Serio* (7 NY3d 510 [2006]) remains controlling law in this action challenging regulation requiring health insurance policies in New York to include coverage for medically necessary abortion services;**

Supreme Court, Albany County, among other things, granted a motion by defendants Superintendent of Financial Services and Department of Financial Services for summary judgment dismissing the complaints against them; App. Div. affirmed, U.S. Sup. Ct. vacated and remanded; App. Div., upon remand from the Supreme Court of the United States, affirmed.