State of New York
Court of Appeals

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Lisa LeCours
Chief Clerk and
Legal Counsel to the Court

Clerk's Office
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Albany, New York 12207-1095

COURT OF APPEALS NEW FILINGS

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

July 29, 2022 through August 4, 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 CARDINALE v NYCDOE:
2nd Dept. App. Div. order of 4/27/22; reversal; sua sponte examination of whether a substantial constitutional question is directly involved to support the appeal taken as of right;
Schools-Teachers--Whether the Chancellor of the New York City Department of Education lacked the legal authority to make or delegate a probable cause determination in a disciplinary proceeding against a tenured teacher under Education Law § 3020-a; alleged due process violation;
Supreme Court, Richmond County, in a proceeding pursuant to CPLR article 75 to vacate a determination of a hearing officer pursuant to Education Law § 3020-a, dated July 27, 2017, denied the motion of the NYC Department of Education pursuant to CPLR 404(a)

and 3211(a) to dismiss the petition and pursuant to CPLR 7511(e) to confirm the arbitration award, and thereupon, granted the petition; Supreme Court, Richmond County, thereafter, among other things, denied that branch of the motion of the NYC Department of Education which was for leave to renew its prior motion pursuant to CPLR 404(a) and 3211(a) to dismiss the petition and pursuant to CPLR 7511(e) to confirm the arbitration award; App. Div. reversed the 3/29/18 order, granted the motion of the NYC Department of Education pursuant to CPLR 404(a) and 3211(a) to dismiss the petition and pursuant to CPLR 7511(e) to confirm the arbitration award, vacated the 11/20/18 order, remitted the matter to Supreme Court for entry of a judgment, among other things, confirming the arbitration award; dismissed appeal from 11/20/18 order as academic, and awarded costs.

PEOPLE v COREY GAMBLE:
Justice of the 1st Dept. App. Div. order of 4/22/22; denial; sua sponte examination of whether any jurisdictional basis exists for an appeal as of right;
Appeal;
App. Div. denied leave to appeal to the Appellate Division.

MATTER OF LANG v LANG:
4th Dept. App. Div. order of 6/17/22; dismissal; sua sponte examination of whether the order appealed from finally determines the action and whether any jurisdictional basis exists for an appeal as of right;
Appeal--Dismissal;
Family Court, Genesee County, upon parties' agreement settling all issues in two petitions granted visitation to grandparents; Family Court, Genesee County, denied motion to vacate 5/20/21 visitation order as to children E.R. and A.L.; Family Court, Genesee County, denied motion to vacate 5/20/21 visitation order as to child C.M.; App. Div. dismissed the appeals upon the ground that orders are not appealable as of right, dismissed the motion of the attorney for the children for an extension of time to file and serve a brief, dismissed appellants' cross motion insofar as it sought sanctions.

PEOPLE v YERMIA SOLOMON a/k/a JEREMY SOLOMON:
3rd Dept. App. Div. order of 3/31/22; reversal; leave to appeal granted by Rivera, J. 7/21/22;
Crimes--Information--Whether a superior court information is jurisdictionally defective when it misstates the victim's date of birth and the age of the victim is an element of the charged offense;
County Court, Sullivan County, convicted defendant upon his guilty plea of the crime of endangering the welfare of a child; App. Div. reversed judgment and dismissed superior court information.