



State of New York
Court of Appeals
Clerk's Office
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COURT OF APPEALS NEW FILINGS

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

September 20, 2024 through September 26, 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.

PEOPLE v RODERICK COLLIER:

APL-2024-00130

1st Dept. App. Div. order of 1/18/24; affirmance;

Crimes—Sex Offenders—Whether the nearly six-year delay between defendant's release and his Sex Offender Registration Act hearing violated due process;
Supreme Court, Bronx County, adjudicated defendant a level one sex offender under the Sex Offender Registration Act; App. Div. affirmed.

MATTER OF GU v JAMES:

APL-2024-00131

Supreme Court, New York County, order of 8/16/24; sua sponte examination of whether the order appealed from finally determines the proceeding and whether a direct appeal lies

pursuant to CPLR 5601 (b) (2);

Motions and Orders—Order to Show Cause;

Supreme Court, New York County, struck request for interim relief in the nature of a preliminary injunction.

MATTER OF PARENTS FOR EDUCATIONAL AND RELIGIOUS LIBERTY IN SCHOOLS v YOUNG:

APL-2024-00125

3rd Dept. App. Div. order of 6/27/24; modification; leave to appeal granted by the Appellate Division, 9/12/24;

Schools—Whether parents have the right to fulfill the compulsory education mandate by arranging for their child to receive an education from a combination of sources; whether the State Education Department exceeded its authority by adopting and implementing regulations that authorize local schools to direct private school parents to unenroll their children from the school they chose for them and instead enroll them elsewhere;

Supreme Court, Albany County, among other things, partially granted petitioners' application in a combined proceeding pursuant to CPLR article 78 and action for declaratory judgment, to declare invalid certain regulations promulgated by respondent Commissioner of Education; App. Div., with one Justice dissenting, modified the judgment by reversing so much thereof as declared 8 NYCRR 130.6 (c) (2) (i) and 130.8 (d) (7) (i) invalid, declared said provisions valid, and, as so modified, affirmed.

SVATOVIC v SHABOT:

APL-2024-00098

Supreme Court, New York County, judgment of 6/10/24; sua sponte examination of whether the order appealed from finally determines the action and whether any jurisdictional basis exists to support an appeal taken as of right;

Costs—Counsel Fees—Alleged constitutional violations;

Supreme Court, New York County, (1) denied plaintiff's motion for leave to reinstate his previously dismissed complaint or, in the alternative, for leave to file a new complaint and imposed sanctions against him in the amount of \$5,000 payable to the Commissioner of Taxation and Finance, and (2) denied defendant's cross motion for attorney's fees; App. Div. affirmed and remanded the matter for a determination of costs and attorney's fees incurred by defendant in responding to the appeal, and for entry of a litigation injunction; Supreme Court, New York County, awarded judgment in favor of defendant and against plaintiff in the amount of \$8,645.82.