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 27, 2024 through October 3, 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.

MCCARTHY v COUNTY OF NASSAU:
APL-2024-00133
2nd Dept. App. Div. order of 8/7/24; modification; sua sponte examination of whether the order appealed from finally determines the action and whether a substantial constitutional question is directly involved to support an appeal taken as of right;
Municipal Corporations—Taxpayer's Action—Whether the Nassau County Reassessment Phase-In Act of 2020 violates the Equal Protection and Due Process Clauses of the United States and New York Constitutions and article XVI, § 2 of the New York Constitution;
Supreme Court, Nassau County, in a combined declaratory judgment action and CPLR article 78 proceeding, denied the plaintiff/petitioner's motions for a preliminary injunction enjoining the defendants/respondents County of Nassau, New York, Nassau County Department of Assessment, Assessment Review Commission, Laura Curran, and David

F. Moog from levying and collecting taxes pursuant to the Nassau County Reassessment Phase-In Act of 2020, and granted the motion of the defendants/respondents County of Nassau, New York, Nassau County Department of Assessment, Assessment Review Commission, Laura Curran, and David F. Moog pursuant to CPLR 3211(a)(7) and 7804(f) to dismiss the complaint/petition insofar as asserted against them; App. Div. modified, by deleting the provision of the order granting that branch of the motion of the defendants/respondents County of Nassau, New York, Nassau County Department of Assessment, Assessment Review Commission, Laura Curran, and David F. Moog which was pursuant to CPLR 3211(a)(7) to dismiss the causes of action for a judgment declaring that the Nassau County Reassessment Phase-In Act of 2020 violates the Equal Protection and Due Process Clauses of the United States and New York Constitutions and article XVI, § 2 of the New York Constitution, and adding thereto a provision deeming that branch of the motion to be for a declaratory judgment in those defendants/respondents' favor, and thereupon granting that branch of the motion; and, as so modified, affirmed the order insofar as appealed from, with costs to the defendants/respondents County of Nassau, New York, Nassau County Department of Assessment, Assessment Review Commission, Laura Curran, and David F. Moog, and remitted the matter to Supreme Court for the entry of a judgment, inter alia, declaring that the Nassau County Reassessment Phase-In Act of 2020 does not violate the Equal Protection and Due Process Clauses of the United States and New York Constitutions and article XVI, § 2 of the New York Constitution.

PEOPLE v NICHOLS (STEFAN D.):
APL-2024-00126
4th Dept. App. Div. order of 5/3/24; affirmance; leave to appeal granted by the Court of Appeals, 9/17/24;
Crimes—Sex Offenders—Whether remittal under Correction Law § 168-n (3) was required where County Court failed to set forth findings of fact and conclusions of law in denying defendant's request for a downward departure;
County Court, Monroe County, adjudicated defendant a level three sex offender pursuant to the Sex Offender Registration Act; App. Div. affirmed.