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

November 17, 2023 through November 23, 2023

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.

PENNEY PROPERTY v TOWN OF AMHERST:
4th Dept. App. Div. order of 10/6/23; confirmed determination; sua sponte examination of whether a substantial constitutional question is directly involved to support an appeal as of right;
Eminent Domain—Whether the Appellate Division properly concluded that the condemnation will serve a public use, benefit, or purpose; whether petitioner was afforded constitutional due process; whether respondent provided adequate notice of the public hearing;
App. Div. in a proceeding pursuant to EDPL 207 to review a determination of respondent, confirmed the determination and dismissed the proceeding.