



*State of New York
Court of Appeals*

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COURT OF APPEALS NEW FILINGS

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

April 29, 2022 through May 5, 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 CITY OF SYRACUSE v SYRACUSE PBA:

4th Dept. App. Div. order of 10/1/21; affirmance; leave to appeal granted by the Court of Appeals on 4/26/22;

Local Laws--Whether the lower courts correctly determined that police discipline is not a permissible subject of collective bargaining in Syracuse because provisions of state law (Second Class Cities Law) committing police discipline to the control of local authorities had been in existence before enactment of relevant provisions of the Civil Service Law were repealed or otherwise superseded by subsequently enacted local laws;

Supreme Court, Onondaga County, denied petitioner's article 75 petition to stay arbitration and granted the respondent's cross motion to dismiss the petition and to compel arbitration; App. Div. affirmed.

MOTONDO v CITY OF SYRACUSE:

4th Dept. App. Div. order of 10/1/21; affirmance; leave to appeal granted by the Court of Appeals on 4/26/22;

Local Laws--Whether the lower courts correctly determined that firefighter discipline is not a permissible subject of collective bargaining in Syracuse because provisions of state law (Second Class Cities Law) committing firefighter discipline to the control of local authorities had been in existence before enactment of relevant provisions of the Civil Service Law were repealed or otherwise superseded by subsequently enacted local laws;

Supreme Court, Onondaga County, granted plaintiff's motion for summary judgment and denied defendant's cross motion for summary judgment; App. Div. affirmed.

SHATZ v CHERTOK:

1st Dept. App. Div. order of 3/15/22; affirmance; sua sponte examination of whether the order appealed from finally determines the action within the meaning of the Constitution and whether any basis exists for an appeal as of right;

Motions and Orders;

Supreme Court, New York County, among other things, denied defendants' motion for leave to renew a previously denied motion to dismiss the complaint and granted plaintiff's cross motion for costs and sanctions and, thereafter, awarded plaintiff \$15,000 in attorneys' fees; App. Div. affirmed the 2/4/21 order to the extent appealed from and as limited by briefs and remanded matter to Supreme Court for a hearing on sanctions, including reasonable attorney's fees in connection with the appeal; and affirmed the 2/18/21 order to the extent appealed from as limited by the briefs.