



*State of New York
Court of Appeals*

Vol. 42 - No. 45
12/06/22

*Lisa Le Cours
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 11, 2022 through November 17, 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.

KELLY v STATE OF NEW YORK:

3rd Dept. App. Div. order of 6/16/22; affirmance; sua sponte examination of whether a substantial constitutional question is directly involved in the order appealed;

State—Claim Against State—Police Officer deemed ineligible for open competitive civil service exam because he exceeded age limitation under Civil Service Law § 58; alleged violations of the federal Age Discrimination in Employment Act of 1967; Federal and New York State constitutions, Executive Law §§ 291 and 296, and Civil Rights Law § 54;

Court of Claims, granted defendant's motion to dismiss the claim; App. Div. affirmed.