



**Office of the New York State  
Attorney General**

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January 3, 2025

Hon. Heather Davis  
Clerk of Court  
New York State Court of Appeals  
20 Eagle Street  
Albany, New York 12207

Re: *Matter of Center for Judicial Accountability*  
APL-2024-00175  
Index No. 902654-24

Dear Ms. Davis:

Respondents submit this letter in response to this Court's December 19, 2024 letter inquiring whether the Court has subject matter jurisdiction to review the appeal filed as of right from the order entered by Supreme Court, Albany County (McGinty, A.J.), on November 13, 2024. The subject order denied appellants' motion for renewal or reargument. The Court should dismiss the appeal for either of two reasons.

*First*, the order appealed from here is not final. Supreme Court issued a judgment dismissing the complaint in an order dated August 14, 2024. Appellants appealed as of right from that order, and that appeal remains pending. The November 2024 order appellants now seek to appeal, however, merely denied renewal and reargument. Such an order does not finally determine an action. *See Jones v. Corley*, 9 N.Y.3d 886 (2007). Thus, this Court lacks jurisdiction to review the order. *See C.P.L.R. 5601(b)(2)*.

*Second*, no direct appeal lies to review the order under C.P.L.R. 5601(b)(2) because the constitutionality of a statute is not the only question involved on appeal. Supreme Court dismissed appellants' complaint on standing and ripeness grounds in its August 2024 final order, and thus did not

reach any constitutional challenge raised by appellants. Nor did the court reach any constitutional issue in its November 2024 order denying renewal and reargument. Because this Court would have to address justiciability issues first before addressing the merits of any constitutional challenge, the constitutionality of a statute would not be the only question involved on appeal.

For these reasons, the appeal should be dismissed sua sponte for lack of jurisdiction.

Respectfully submitted,

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