



*State of New York
Court of Appeals*

*Lisa Le Cours
Chief Clerk and
Legal Counsel to the Court*

*Clerk's Office
20 Eagle Street
Albany, New York 12207-1095*

June 26, 2024

Via Email and Mail

McLaughlin & Stern, LLP
Attn: Christian P. Browne, Esq.
1122 Franklin Avenue, Suite 300
Garden City, NY 11530

**Re: Byrnes v Senate of SNY
APL-2024-00083**

Dear Mr. Browne:

The Court has received your preliminary appeal statement and will examine its subject matter jurisdiction with respect to whether a substantial constitutional question is directly involved to support an appeal as of right. This examination of jurisdiction shall not preclude the Court from addressing any jurisdictional concerns in the future.

You should file within 7 days after this letter's date your comments in letter format justifying the retention of subject matter jurisdiction ("Jurisdictional Response"). By copy of this letter, your adversary is likewise afforded the opportunity to submit a Jurisdictional Response within the same 7 day period after this letter's date. All letters shall be filed with proof of service of one copy of the letter on each party.

If applicable, the disclosure statement required to be filed by corporations and other business entities pursuant to section 500.1(f) of the Court of Appeals Rules of Practice shall be filed with the written submissions discussed above.

The times within which briefs on the merits must be filed are held in abeyance during the pendency of this jurisdictional inquiry. If this inquiry is terminated by the Court, the Clerk will notify counsel in writing and set a schedule for the perfecting of the appeal. This communication is without prejudice to any motion any party may wish to make.

Digital Filing Requirement

Parties also are required to submit digital versions of each paper filing (see sections 500.2, 500.10 of the Rules) by uploading them to the Court of Appeals Companion Filing Upload Portal for Civil Motions and Rule 500.10 Jurisdictional Responses (the Portal) accessed through the Court's web site (<https://www.nycourts.gov/ctapps/>). Appellant also shall upload a digital version of each brief filed by each party in the Appellate Division and a copy of the record or appendix filed in that court. A document containing the Technical Specifications and Instructions for Companion Filing Upload of Rule 500.10 Jurisdictional Responses (including Naming Conventions) is enclosed and available on the Court's web site.

For the Portal, parties to this appeal will use **93104** as the pin number and **APL-2024-00083** as the appeal number for uploading purposes. This pin number should not be shared with others who are not parties to this appeal. All companion digital filings must be submitted no later than the due date for the jurisdictional response letter.

For uploading purposes, appellants' digital Jurisdictional Response shall have the following file name: **ByrnesvSenateofNY-app-Byrnes-JurRsp.pdf**. Appellants also shall follow the PDF file naming conventions with respect to the digital submission of additional materials, including Appellate Division records and briefs. All digital materials shall be submitted in separate files. Respondents' digital Jurisdictional Responses shall have the following file names: **ByrnesvSenateofNY-res-SenateofNY-JurRsp.pdf**, **ByrnesvSenateofNY-res-Ortt-JurRsp.pdf**, and **ByrnesvSenateofNY-res-NYSBOE-JurRsp.pdf**.

The contents of the digital submissions must be identical to those filed in hard copy, with the exception that the digital version need not contain an original signature (see section 7 of the enclosed Technical Specifications and Instructions).

If you have any questions regarding this letter, you may contact either Margaret N. Wood at 518-455-7702 or Edward J. Ohanian at 518-455-7701.

Very truly yours,



Lisa LeCours

LL/EJO/mht

Enclosures

cc: Dustin J. Brockner, Esq.
Kevin G. Murphy, Esq.
Lisa Angela Perillo, Esq.