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### Due Process

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*SECOND DEPARTMENT*

Long Island Lighting Co. v. Assessor of Brookhaven<sup>331</sup>  
(decided March 2, 1990)

See the discussion of this case under EQUAL PROTECTION.<sup>332</sup> The court held that the statute violated Long Island Lighting Co.'s (LILCO) substantive state and federal due process rights because the statute arbitrarily restricted LILCO's right to judicial review.<sup>333</sup>

*THIRD DEPARTMENT*

Sisario v. Amsterdam Memorial Hospital<sup>334</sup>  
(decided March 22, 1990)

See the discussion of this case analysis under EQUAL PROTECTION.<sup>335</sup> The court denied plaintiff's claim that CPLR 3012-a violated state and federal due process rights by restricting access to the courts. The court recognized the state's right to condition access to the courts unless a right has been "recognized as [being] entitled to special protection."<sup>336</sup> The court held that there was a rational relationship between the restrictions imposed and the objective of the statute and, therefore, no denial of plaintiff's procedural due process rights.

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331. 154 A.D.2d 188, 552 N.Y.S.2d 336 (2d Dep't 1990).

332. See *infra* notes 553-66 and accompanying text.

333. *Long Island Lighting Co.*, 154 A.D.2d at 195-96, 552 N.Y.S.2d at 341.

334. 159 A.D.2d 843, 552 N.Y.S.2d 989 (3d Dep't), *appeal dismissed*, 76 N.Y.2d 844, 559 N.E.2d 1287, 560 N.Y.S.2d 128 (1990).

335. See *infra* notes 533-66 and accompanying text.

336. *Sisario*, 159 A.D.2d at 845, 552 N.Y.S.2d at 991.