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Due Process

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SECOND DEPARTMENT

Long Island Lighting Co. v. Assessor of Brookhaven³³¹
(decided March 2, 1990)

See the discussion of this case under EQUAL PROTECTION.³³² 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.³³³

THIRD DEPARTMENT

Sisario v. Amsterdam Memorial Hospital³³⁴
(decided March 22, 1990)

See the discussion of this case analysis under EQUAL PROTECTION.³³⁵ 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."³³⁶ 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.

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.