

HIGHER EDUCATION INFORMATION MEMO

SEPTEMBER 16, 2022

Yeshiva University Pride Alliance — Update

This is an update to our prior information memo, which you can read [here](#).

On Sept 14, 2022, the U.S. Supreme Court denied Yeshiva University's application for a stay pending appeal of the permanent injunction issued by a New York State trial court in June. Accordingly, the University must now "immediately grant [] YU Pride Alliance the full and equal accommodations, advantages, facilities, and privileges afforded to all other student groups at Yeshiva University," as directed by the trial court. The Supreme Court's September 14 decision vacated the temporary stay previously granted to Yeshiva just days earlier by Justice Sotomayor.

The Court's denial of the University's application was premised on a ripeness argument, in that the University still had "at least two further avenues for expedited or interim state court relief." As the Court held, the University can "ask the New York courts to expedite consideration of the merits of their appeal" and can "file with the Appellate Division a corrected motion for permission to appeal that court's denial of a stay to the New York Court of Appeals[.]"

As Yeshiva's application was denied without prejudice—and the Court's decision expressly stated that that "[i]f. . .neither expedited review nor interim relief" is granted at the state court level, the University "may return to this Court"—this case will likely be before the Supreme Court again at a later date. Notably, the stay was denied with a vote of five justices to four, with Justices Alito, Thomas, Gorsuch, and Barrett dissenting, stating that "[a]t least four of us are likely to vote to grant certiorari. . .and Yeshiva would likely win if its case came before us."

The University had applied to the Court following denial for relief at the state court level, arguing, *inter alia*, that the trial court's injunction violates the principles of church autonomy and the Free Exercise Clause. Yeshiva's appeal on the merits has been filed with the Appellate Division, and Bond will continue to closely monitor this case for any new developments.

If you have any questions or would like assistance, please contact [Lisa Feldman](#) or the Bond attorney with whom you are regularly in contact.

