

COURT OF APPEALS NEW FILINGS

Jurisdictional Statements of Appeals filed
In the New York Court of Appeals from
April 26, 2002 through May 2, 2002

A list of appeals with short title, jurisdictional predicate, subject matter and key issues is prepared each week.

Some of these filed appeals may never reach decision on the merits because of dismissal on motion, sua sponte, or for time deficiencies or because of stipulated withdrawals by the parties. Also, some counsel fail to file timely jurisdictional statements and thus the list should not be treated as comprehensive for any particular week.

The Court welcomes motions for amicus curiae participation from those qualified and interested in the subject matter of these newly filed appeals. Please refer to Court Rule 500.11 and direct any questions to the Clerk's Office.

For April 26, 2002 through May 2, 2002 the following jurisdictional statements for appeals were filed:

HAYNES, MATTER OF, v BARNES, et al.:

4th Dept. App. Div. order of 3/15/02; affirmance; sua sponte examination of whether a substantial constitutional question is directly involved;

MUNICIPAL CORPORATIONS - IN REM TAX SALES; CIVIL PROCEDURE - NECESSARY PARTIES;

Supreme Court, Erie County, inter alia, granted defendant's motion to dismiss the proceeding; App. Div. affirmed.

HAYNES, MATER OF, v MUNOZ:

4TH Dept. App. Div. order of 3/15/02; dismissal; sua sponte examination of whether a substantial constitutional question is directly involved;

ADMINISTRATIVE PROCEEDINGS; EDUCATION - ARTICLE 78 REVIEW OF DETERMINATION CONCERNING CHILD'S REPRESENTATION DURING HEARING ON SPECIAL EDUCATION NEEDS; MOOTNESS;

Supreme Court, Erie County, dismissed the petition; App. Div. dismissed the appeal as moot.

SASSOWER &c v COMMISSION ON JUDICIAL CONDUCT OF THE STATE OF NEW YORK:

1ST Dept. App. Div. order of 12/18/01; affirmance; appeal taken pursuant to CPLR 5601(b); sua sponte examination of whether a substantial constitutional question is directly involved;

ADMINISTRATIVE PROCEEDINGS; MANDAMUS; SUFFICIENCY OF SHOWING OF ENTITLEMENT TO RELIEF; RECUSAL; STANDING; DUE PROCESS;

Supreme Court, New York County, denied the application and dismissed the petition; App. Div. affirmed.