

COURT OF APPEALS NEW FILINGS

Jurisdictional Statements of Appeals filed
In the New York Court of Appeals from
June 14, 2002 through June 20, 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 June 14, 2002 through June 20, 2002 the following jurisdictional statements for appeals were filed:

FREUDENTHAL, MATTER OF v COUNTY OF NASSAU, ET AL.:
2nd Dept. App. Div. order of June 4, 2001; affirmance; leave to appeal granted by Court of Appeals, June 4, 2002;
MUNICIPALITIES-ADMINISTRATIVE PROCEEDINGS; APPLICABILITY OF NOTICE OF CLAIM PROVISIONS WHEN DISCRIMINATION CLAIMS AGAINST MUNICIPALITY ARE FILED WITH STATE DIVISION OF HUMAN RIGHTS;
Supreme Court, Nassau County, inter alia, declared that petitioner was not required to file a notice of claim; App. Div. affirmed.

NELSON (JEFFREY A.), PEOPLE v:

Supreme Court, Rensselaer County order of November 21, 2001; sua sponte examination of whether an appeal in a criminal proceeding may be taken as of right pursuant to CPLR 5601; CRIMES AND CRIMINAL PROCEDURE; POST-JUDGMENT PROCEEDINGS (CPL 440.10); RIGHT TO COUNSEL; SELF-INCRIMINATION; Supreme Court, Rensselaer County, denied the application to set aside the judgment of conviction.

NISSHO IWAI EUROPE PLC v KOREA FIRST BANK:

1st Dept. App. Div. order of January 22, 2002; affirmance; leave to appeal granted by Court of Appeals, June 4, 2002; COMMERCIAL LAW-REVOLVING STANDBY LETTER OF CREDIT; SUMMARY JUDGMENT-DISHONOR DEMAND FOR PAYMENT AND ANTICIPATORY DEMAND; ALLEGED AMBIGUITY IN TERMS OF LETTER OF CREDIT ASSERTED AS QUESTION OF FACT; Supreme Court, New York County, granted plaintiff summary judgment on the first and second causes of action; App. Div. affirmed.

PECKER IRON WORKS OF NEW YORK, INC. v TRAVELERS INSURANCE CO.:

2nd Dept. App. Div. order of January 14, 2002; reversal; leave to appeal granted by Court of Appeals, June 6, 2002; INSURANCE-OBLIGATION TO DEFEND AND INDEMNIFY; CARRIER'S DISCLAIMER BASED UPON POLICY FOR EXCESS, NOT PRIMARY, COVERAGE; Supreme Court, Suffolk County, inter alia, granted defendant's cross-motion to dismiss the complaint against it; App. Div., inter alia, granted plaintiff's motion and declared that defendant is obligated to defend and indemnify plaintiff.

SPRUNG v MTR OF RAVENSBURG, INC., ET AL.:

3rd Dept. App. Div. order of May 23, 2002; reversal with dissents; TORT-PRODUCT LIABILITY; DESIGN DEFECT-ALLEGED CASUAL MANUFACTURER; Supreme Court, Albany County, denied defendants' motions for summary judgment dismissing the complaint and all cross-claims; App. Div. reversed, granted summary judgment to defendants and dismissed the complaint.