

COURT OF APPEALS NEW FILINGS

Jurisdictional Statements of Appeals filed
In the New York Court of Appeals from
February 2, 2003 through February 13, 2003

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 February 7, 2003 through February 13, 2003 the following jurisdictional statements for appeals were filed:

AMO v LITTLE RAPIDS CORPORATION, et al. v LAFRAMBOISE GROUP, LTD, et al.(and another third-party action):

3rd Dept. App. Div. orders of 1/02/03 (affirmance) and 1/13/00(reversal, with two justices dissenting); sua sponte examination with respect to whether the prior nonfinal Appellate Division order necessarily affects the order appealed from, and whether the order appealed from finally determines the action within the meaning of the Constitution;
TORTS - PERSONAL INJURY; FALL FROM AN ELEVATED WORK SITE (LABOR LAW § 240[1]; DIRECTED VERDICT; INDEMNIFICATION;
Supreme Court, St. Lawrence County, entered judgment in favor of plaintiff on a jury verdict and ordered indemnification of defendants by a third-party defendant; App. Div. affirmed.

JEFFREYS v GRIFFIN:

1st Dept. App. Div. order of 10/31/02; affirmance; leave to appeal granted by Appellate Division, 1/30/03; JUDGMENTS - COLLATERAL ESTOPPEL EFFECT OF FINDINGS IN MEDICAL DISCIPLINARY PROCEEDING UPON CIVIL CLAIM FOR ASSAULT AND BATTERY; Supreme Court, Bronx County, granted defendant's motion to vacate the court's 4/02/97 order, which granted partial summary judgment to plaintiff as to liability on her first cause of action for assault and battery; App. Div. affirmed.

ROSENBERGER v CASHMAN:

3RD Dept. App. Div. order of 1/02/03; affirmance; sua sponte examination with respect to whether a substantial constitutional question is directly involved to support an appeal as of right; PARENT AND CHILD - SUPPORT (FAMILY COURT ACT, ARTICLE 4) - ALLEGED SYSTEM-WIDE CONFLICT OF INTEREST CREATED BY THE PASSAGE OF THE FEDERAL CHILD SUPPORT PERFORMANCE AND INCENTIVE ACT OF 1998 (PL No. 105-200), THEREBY REQUIRING ALL JUDGES IN NEW YORK TO BE DISQUALIFIED FROM PRESIDING OVER CHILD SUPPORT CASES; Family Court, Ulster County, inter alia, granted petitioner's applications for an upward modification of child support pursuant to Family Court Act, article 4; App. Div. affirmed.