

COURT OF APPEALS NEW FILINGS

Jurisdictional Statements of Appeals filed
In the New York Court of Appeals from
December 12, 2003 through December 18, 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 December 12, 2003 through December 18, 2003 the following jurisdictional statements for appeals were filed:

ABBATIELLO, et al. v. LANCASTER STUDIO ASSOCIATES &c., et al.:

1ST Dept. App. Div. order of 8/7/03; affirmance; leave to appeal granted by Court of Appeals, 12/2/03;

LABOR - SAFE PLACE TO WORK - WHETHER CABLE TELEVISION TECHNICIAN CALLED TO PREMISES BY BUILDING TENANT HAS A CAUSE OF ACTION UNDER LABOR LAW § 240(1) AGAINST THE BUILDING'S OWNER WHERE OWNER WAS NOT AWARE OF TECHNICIAN'S EMPLOYMENT AT PREMISES; PUBLIC SERVICE LAW § 228; WHETHER TECHNICIAN'S WORK FELL WITHIN THE PROTECTIONS OF LABOR LAW § 240(1) - MAINTENANCE OR REPAIR;

Supreme Court, Bronx County granted motions by defendants and third party defendants cable television companies for summary judgment dismissing the complaint; App. Div. affirmed.

BONNETTE v. LONG ISLAND COLLEGE HOSPITAL, et al.:

2ND Dept. App. Div. order of 8/4/03; reversal; leave to appeal granted by Appellate Division, 12/8/03;

COMPROMISE AND SETTLEMENT - ENFORCEABILITY OF STIPULATION OF SETTLEMENT (CPLR 2104);

Supreme Court, Kings County granted plaintiffs' motion to enforce a purported settlement in the principal sum of \$3,000,000; App. Div. reversed, and denied the motion.

KONIECZNY (EUGENE), PEOPLE v.:

County Court, Niagara County order of 3/13/03; affirmance; leave to appeal granted by Kaye, Ch.J., 10/31/03;

CRIMES AND CRIMINAL PROCEDURE - CONTEMPT (PENAL LAW § 215.50) - VALIDITY OF UNDERLYING ORDER OF PROTECTION (CPL 530.13); PLEA OF GUILTY - FORFEITURE OF RIGHT TO RAISE ISSUES ON APPEAL;

North Tonawanda City Court convicted defendant of disorderly conduct; County Court affirmed.

MOORE, MATTER OF, v TRAVIS:

3RD Dept. App. Div. order of 4/17/03; affirmance; leave to appeal granted by Court of Appeals, 12/2/03; Rule 500.4 review pending; PAROLE - CHALLENGE TO DETERMINATION DENYING PETITIONER'S REQUEST TO EXPUNGE CERTAIN MISINFORMATION FROM HIS PAROLE FILE;

Supreme Court, Albany County dismissed petitioner's CPLR article 78 application to review, among other things, respondent's determination denying petitioner's request for expungement of certain information from his parole file; App. Div. affirmed.