

COURT OF APPEALS NEW FILINGS

Jurisdictional Statements of Appeals filed
In the New York Court of Appeals from
February 15, 2002 through February 21, 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 February 15, 2001 through February 21, 2002 the following jurisdictional statements for appeals were filed:

GILMAN, MATTER OF v NEW YORK STATE DEPARTMENT OF HOUSING AND COMMUNITY RENEWAL (DHCR), et al.:

1ST Dept. App. Div. order of 1/15/02; reversal with dissents; LANDLORD-TENANT; FAIR MARKET RENT APPEAL; ADMINISTRATIVE LAW; APPEALS - PROPRIETY OF SOLICITING AND CONSIDERING NEW EVIDENCE FOR THE FIRST TIME ON AN ADMINISTRATIVE APPEAL; Supreme Court, New York County, inter alia, granted the petition and vacated DHCR determination; App. Div. reversed, denied the petitioner, reinstated and confirmed the determination.

PAYNTER &c v NEW YORK STATE, et al.:

4th Dept. App. Div. order of 12/21/01; modified with dissent;
appeal taken pursuant to CPLR 5601(b); sua sponte examination
whether a substantial constitutional question is directly
involved;

PUBLIC EDUCATION - ALLEGED FAILURE TO PROVIDE SOUND BASIC
EDUCATION (NEW YORK STATE CONSTITUTION, ARTICLE 11, SECTION 1);
CIVIL RIGHTS - EDUCATION POLICIES ALLEGED AS DISCRIMINATORY;
VALIDITY OF EDUCATION LAW 3202(1)(2);

Supreme Court, Monroe County, inter alia, partially granted the
State's motion and dismissed certain causes of action; App. Div.
modified, granted the State's motion and dismissed the complaint
as against it; dissenter would reinstate the first cause of
action against the State.