

COURT OF APPEALS NEW FILINGS

Jurisdictional Statements of Appeals filed
In the New York Court of Appeals from
March 1, 2002 through March 7, 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 March 1, 2002 through March 7, 2002 the following jurisdictional statements for appeals were filed:

CORNELL, MATTER OF, v CORNELL:

3RD Dept. App. order of 1/17/02; reversal with dissents;
PARENT AND CHILD - CUSTODY; CUSTODY AWARDED TO NON-BIOLOGICAL
PARENT - "EXTRAORDINARY CIRCUMSTANCES" RULE;
Tompkins Family Court dismissed petitioner's application for
modification of a prior order of custody; App. Div. reversed,
granted the petition and awarded custody to the petitioner,
dissenters would affirm.

520 EAST 81ST STREET ASSOCIATES v THE STATE OF NEW YORK:

1ST Dept. App. Div. order of 11/13/01; affirmance; leave to appeal granted by Court of Appeals, 2/19/02;
DAMAGES - CALCULATION OF DAMAGES INCURRED DURING TEMPORARY TAKING;
Court of Claims, judgment in favor of claimant; App. Div. affirmed.

SANCHEZ v THE STATE OF NEW YORK:

3rd Dept. App. Div. order of 11/15/01; affirmance; leave to appeal granted by Court of Appeals, 2/19/02;
TORTS - CLAIM AGAINST THE STATE; PRISONS - FORESEEABILITY OF ASSAULT BY PRISONERS ON ANOTHER PRISONER;
Court of Claims, granted the State's motion for summary judgment and dismissing the claim; App. Div. affirmed.

WEINGARTEN, et al., v BOARD OF TRUSTEES OF THE NEW YORK CITY TEACHER'S RETIREMENT SYSTEM, et al.:

1ST Dept. App. Div. order of 11/8/01; affirmance, leave to appeal granted by Court of Appeals, 2/19/02;
CIVIL SERVICE - TEACHERS; PENSIONS AND RETIREMENT - INCLUDING "PER SESSION ACTIVITIES" IN RETIREMENT BENEFITS CALCULATION;
Supreme Court, New York County, inter alia, granted plaintiffs' motion for summary judgment; App. Div. affirmed.