

COURT OF APPEALS NEW FILINGS

Jurisdictional Statements of Appeals filed  
In the New York Court of Appeals from  
**May 3, 2002 through May 9, 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 May 3, 2002 through May 9, 2002 the following jurisdictional statements for appeals were filed:

BROOKS, (TREVOR), MATTER OF, A DISBARRED ATTORNEY:

1<sup>ST</sup> Dept. App. Div. order of 3/26/02; denial of motion to vacate order of disbarment; appeal taken to pursuant to CPLR 5601(b); sua sponte examination of finality and whether a substantial constitutional question is directly involved; ATTORNEYS AND COUNSELORS - PROFESSIONAL DISCIPLINE; GRIEVANCE COMMITTEE'S ALLEGED FAILURE TO ABIDE BY A PLEA AGREEMENT; App. Div. denied the motion to vacate its May 18, 2000 order of disbarment.

BROTHERS OF MERCY NURSING AND REHABILITATION CENTER, MATTER OF, v DEBUONO, COMMISSIONER, et al.:

4<sup>TH</sup> Dept. App. Div. order of 3/15/02; reversal; appeal taken pursuant to CPLR 5601(b); sua sponte examination whether a substantial constitutional question is directly involved; SOCIAL SERVICES - MEDICAID; REIMBURSEMENT RATES - USE OF JUDICIALLY INVALIDATED "CORRIDOR" METHODOLOGY; Supreme Court, Erie County, inter alia, granted the petition and annulled the determination of certain medicaid reimbursement rates; App. Div. reversed and dismissed the petition.

CHUU v CALKA:

App. Term, 1<sup>ST</sup> Dept. order of 6/05/01; affirmance; sua sponte examination whether the requirements for an appeal as of right taken pursuant to CPLR 5601(b) have been satisfied; LANDLORD - TENANT; HOLDOVER PROCEEDING - JUDGMENT IN FAVOR OF LANDLORD FOR POSSESSION AND MONETARY AWARD; ALLEGED BANKRUPTCY STAY; Civil Court, City of New York, New York County, inter alia, granted possession to landlord in a holdover summary proceedings; App. Term affirmed.

PUBLIC EMPLOYEES FEDERATION, MATTER OF, v NEW YORK STATE WORKERS' COMPENSATION BOARD:

2<sup>ND</sup> Dept. App. Div. order of 3/4/02; affirmance; appeal taken pursuant to CPLR 5601(b); sua sponte examination of finality and whether substantial constitutional question is directly involved; PUBLIC EMPLOYEES - DISCIPLINE; ARBITRATION - BASIS FOR SANCTIONS AGAINST ADMINISTRATIVE LAW JUDGE FOR ALLEGED MISCONDUCT IN WORKERS' COMPENSATION BOARD PROCEEDING; Supreme Court, Kings County, denied the petition to vacate an arbitration award and confirmed the award; App. Div. affirmed.

RICKETTS, et al. v CITY OF NEW YORK, et al.:

Supreme Court, New York County, order of 3/6/02; bringing up for review pursuant to CPLR 5601(d); a prior App. Div. 1<sup>ST</sup> Dept. order of 3/15/01; affirmance; appeal taken pursuant to CPLR 5601(b); sua sponte examination of finality and whether substantial constitutional question is directly involved; MUNICIPAL CORPORATIONS - TRANSPORTATION; VALIDITY OF LOCAL LAW 115 (ADMINISTRATIVE CODE OF THE CITY OF NEW YORK § 19-501 ET SEQ) PROHIBITING COMMUTER VANS FROM DISCHARGING AND PICKING UP PASSENGERS ON BUS ROUTES; SEVERABILITY; Supreme Court, New York County, partly granted and partly denied the parties' motion and cross-motion for partial summary judgment; App. Div. affirmed. Final judgment was subsequently entered.

SPECIALTY PRODUCTS & INSULATION COMPANY v ST. PAUL FIRE & MARINE  
INSURANCE COMPANY:

Supreme Court, Broome County, judgment of 1/11/02; bringing up  
for review a 3<sup>rd</sup> Dept. App. Div. order of 10/18/01; reversal;  
leave to appeal granted by Court of Appeals, 4/30/02;

PUBLIC WORKS - OPEN ACCOUNT CONTRACT; PAYMENT BOND - TIME WITHIN  
WHICH SUPPLIER MUST GIVE NOTICE OF SUBCONTRACTOR'S NON-PAYMENT  
(STATE FINANCE LAW § 137);

Supreme Court, Broome County, denied plaintiff's motion for  
summary judgment and granted defendant's cross-motion for summary  
judgment dismissing the complaint; App. Div. reversed, denied the  
cross-motion and granted plaintiff partial summary judgment  
dismissing defendant's first affirmative defense and remitted the  
matter; final judgment was subsequently entered.