

COURT OF APPEALS NEW FILINGS

Jurisdictional Statements of Appeals filed
In the New York Court of Appeals from
July 19, 2002 through July 25, 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 July 19, 2002 through July 25, 2002 the following jurisdictional statements for appeals were filed:

DESIDERIO v OCHS AND NEW YORK HOSPITAL:

1st Dept. App. Div. order of 5-23-02; affirmance; leave to appeal granted by App. Div., 7-11-02;
CIVIL PROCEDURE; DAMAGES-COMPUTATION OF FUTURE DAMAGES;
Supreme Court, New York County, judgment awarding damages to plaintiff; App. Div. affirmed.

DOE (JANE), MATTER OF SUBPOENA DECUS TECUM v NEW YORK STATE
ATTORNEY GENERAL, MEDICAID FRAUD CONTROL UNIT:

4th Dept. App. Div. order of 5-3-02; affirmance; leave to appeal granted by Court of Appeals, 7-9-02;
GRAND JURY; SUBPOENAS-SCOPE OF "QUALITY ASSURANCE PRIVILEGE";
APPLICATION OF PHL § 2805-M PRIVILEGE TO NURSING HOMES;
Supreme Court, Erie County, denied petitioner's motion to quash portions of subpoenas duces tecum; App. Div. affirmed.

KEIZER (MORGAN), PEOPLE v:

1st Dept. App. Term order of 1-16-02; affirmance; leave to appeal granted by Levine, J., 7-8-02;
CRIMES AND CRIMINAL PROCEDURE; PLEA BARGAIN-MISDEMEANOR REDUCED TO DISORDERLY CONDUCT; CHALLENGE TO PLEA-PRESERVATION; PLEA ALLEGED AS VIOLATION OF CPL ARTICLE 220 PLEA RESTRICTIONS;
Criminal Court, New York County, conviction of disorderly conduct; App. Term affirmed.

PINERO v RITE AID OF NEW YORK, INC.:

1st Dept. App. Div. order of 5-28-02; affirmance with dissents; Rule 500.4 review pending;
TORT; NEGLIGENCE-DUTY; FORSEEABILITY; SUMMARY JUDGMENT;
Supreme Court, New York County, granted defendant's motion for summary judgment dismissing the complaint; App. Div. affirmed.

RAMOS (ALCIDES) v STATE OF NEW YORK:

2nd Dept. App. Div. order of 6-12-02; denial of vacatur of dismissal for failure to perfect; sua sponte examination of finality and whether a substantial constitutional question is directly involved;
CIVIL PROCEDURE; APPEALS-DISMISSAL FOR FAILURE TO PERFECT;
App. Div. denied appellant's motion to vacate a prior order dismissing his appeal.