

COURT OF APPEALS NEW FILINGS

Jurisdictional Statements of Appeals filed  
In the New York Court of Appeals from  
**August 2, 2002 through August 8, 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 August 2, 2002 through August 8, 2002 the following jurisdictional statements for appeals were filed:

ALVAREZ (LIONEL), PEOPLE v:

2nd Dept. App. Div. order of 5-13-02; affirmance; leave to appeal granted by Smith, J., 7-25-02;  
CRIMES AND CRIMINAL PROCEDURE-SUPPRESSION; SEARCH AND SEIZURE-  
"EXCHANGE" AS NECESSARY ELEMENT TO SUPPORT NARCOTICS ARREST;  
Supreme Court, Queens County, granted that branch of the defendant's omnibus motion which was to suppress physical evidence; App. Div. affirmed.

PANEK ET AL. v COUNTY OF ALBANY ET AL.:

3rd Dept. App. Div. order of 11-1-01; reversal; leave to appeal granted by Court of Appeals, 7-2-02;  
TORT-PERSONAL INJURY; SALVAGE WORK AS "DEMOLITION" OR "ALTERING" (LABOR LAW § 240[1]);  
Supreme Court, Albany County, inter alia, granted plaintiffs' motion for partial summary judgment on the issue of liability pursuant to Labor Law § 240(1); App. Div. reversed, denied plaintiffs' motion, granted defendants' cross motion for summary judgment and dismissed the complaint.

ULSTER HOME CARE INC. ET AL. v DENNIS VACCO, ATTORNEY GENERAL OF THE STATE OF NEW YORK:

3rd Dept. App. Div. order of 7-11-02; reversal; sua sponte examination of whether an appeal lies of right to enforce the remittitur of this Court;  
CIVIL PROCEDURE-VACATUR OF PRELIMINARY INJUNCTION; COURTS-INHERENT POWER TO REVIEW ENFORCEMENT;  
Supreme Court, Ulster County, granted defendant's motion to vacate a preliminary injunction; App. Div. reversed and denied the motion.