

COURT OF APPEALS NEW FILINGS

Jurisdictional Statements of Appeals filed  
In the New York Court of Appeals from  
**September 6, 2002 through September 12, 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 September 6, 2002 through September 12, 2002 the following jurisdictional statements for appeals were filed:

CUNNINGHAM v LEWENSON:

2<sup>ND</sup> Dept. App. Div. order of 5/06/02; affirmance; sua sponte examination of whether a substantial constitutional question is directly involved to support an appeal taken as of right (CPLR 5601);

TORT; DEFAMATION - MALICE; QUALIFIED PRIVILEGE; INTENTIONAL INTERFERENCE WITH A CONTRACT - AGENCY; COURSE OF EMPLOYMENT; Supreme Court, Westchester County, granted defendants' motions to dismiss the complaint; App. Div. affirmed.

CUNNINGHAM (JUDY), MATTER OF, v PACE UNIVERSITY:

2<sup>ND</sup> Dept. App Div. order of 11/05/01; affirmance; sua sponte examination of whether a substantial constitutional question is directly involved to support an appeal taken as of right (CPLR 5601);

EDUCATION - JUDICIAL REVIEW OF DISMISSAL OF STUDENT FOR ACADEMIC DEFICIENCY;

Supreme Court, Westchester County, denied the petition to review respondent's determination to dismiss plaintiff for academic deficiency; App. Div. affirmed.