

COURT OF APPEALS NEW FILINGS

Jurisdictional Statements of Appeals filed
In the New York Court of Appeals from
December 13, 2002 through December 19, 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 December 13, 2002 through December 19, 2002 the following jurisdictional statements for appeals were filed:

SHOEMAKER v WHITNEY POINT CENTRAL SCHOOL DISTRICT:

3RD Dept. App. Div. order of 11/21/02; affirmance; sua sponte examination whether the order appealed from finally determines the action within the meaning of the Constitution;
TORT - NEGLIGENT SUPERVISION OF STUDENTS; SUMMARY JUDGMENT - UNRESOLVED FACTUAL ISSUES AS TO PROXIMATE CAUSE;
Supreme Court, Broome County, denied defendant's motion for summary judgment dismissing the complaint; App. Div. affirmed.

SIEMON (ELLIOTT F.) v LAW SCHOOL ADMISSION COUNCIL, INC.:

2nd Dept. App. Div. order of 3/18/02; affirmance;
CIVIL PROCEDURE - SUMMARY JUDGMENT; BREACH OF CONTRACT; LAW
SCHOOL ADMISSION COUNCIL'S COMPLIANCE WITH RULES AND PROCEDURES
GOVERNING ITS REVIEW PROCESS;
Supreme Court, Westchester County, granted defendant's motion for
summary judgment dismissing the complaint; App. Div. affirmed.

WAPNICK v WAPNICK:

2nd Dept. App. Div. order of 9/19/02; denial of reargument; sua
sponte examination whether the order appealed from finally
determines the action within the meaning of the Constitution and
whether a substantial constitutional question is directly
involved;
CIVIL PROCEDURE - INTERVENTION AS OF RIGHT;
Supreme Court, Nassau County, denied appellant's motion for leave
to intervene as of right in the action; App. Div. affirmed and
thereafter denied plaintiff's motion for leave to reargue the
appeal.