

COURT OF APPEALS NEW FILINGS

Jurisdictional Statements of Appeals filed
In the New York Court of Appeals from
October 24, 2003 through October 30, 2003

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 , 2003 through November , 2003 the following jurisdictional statements for appeals were filed:

ATM ONE, LLC, MATTER OF, v LANDAVERDE:

2ND Dept. App. Div. order of 8/4/03; affirmance; leave to appeal granted by Appellate Div., 10/20/03;

LANDLORD AND TENANT - NOTICE TO CURE ALLEGED VIOLATION OF LEASE - WHETHER SERVICE OF NOTICE TO CURE IS EFFECTIVE ON DATE OF MAILING, DELIVERY OR ACTUAL RECEIPT (9 NYCRR 2504.1[d][1][i][c]; 2508.1)

Appellate Term affirmed District Court, Nassau County order which granted tenant's CPLR 3211(a) motion to dismiss the petition and dismissed the holdover proceeding; App. Div. affirmed.