

COURT OF APPEALS NEW FILINGS

Preliminary Appeal Statements processed
by the Court of Appeals Clerk's Office
August 8 through August 14, 2008

Each week, the Clerk's Office prepares a list of recently-filed appeals, indicating short title, jurisdictional predicate, subject matter and key issues. Some of these appeals may not reach decision on the merits because of dismissal, on motion or sua sponte, or because the parties stipulate to withdrawal. Some appeals may be selected for review pursuant to the alternative procedure of Rule 500.11.

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 Rule 500.23 and direct any questions to the Clerk's Office.

CONDON, MATTER OF v THE INTER-RELIGIOUS FOUNDATION FOR COMMUNITY ORGANIZATION:

1ST Dept. App. Div. order of 5/6/08; affirmance; sua sponte examination whether a substantial constitutional question is directly involved to support an appeal as of right;
DISCLOSURE - DISCOVERY AND INSPECTION - SUBPOENAS DUCES TECUM ISSUED BY SPECIAL COMMISSIONER OF INVESTIGATION FOR THE NEW YORK CITY SCHOOL DISTRICT - WHETHER THE SUPREMACY CLAUSE OF THE U.S. CONSTITUTION BARS ENFORCEMENT OF THE SUBPOENAS - FIRST AND FIFTH AMENDMENTS TO THE U.S. CONSTITUTION;
Supreme Court, New York County granted petitions to compel compliance with subpoenas duces tecum directed to respondents and denied respondents' cross motions to quash the subpoenas; App. Div. affirmed.

PECKHAM, MATTER OF v CALOGERO, et al.:

1ST Dept. App. Div. order of 6/26/08; reversal with dissents;
PROCEEDING AGAINST BODY OR OFFICER - LANDLORD AND TENANT -
WHETHER A PROPER BASIS EXISTED FOR A REMAND TO RESPONDENT STATE
DIVISION OF HOUSING AND COMMUNITY RENEWAL (DHCR) FOR FURTHER
FINDINGS AND A DETERMINATION - DEMOLITION - LANDLORD'S FINANCIAL
ABILITY - WHETHER APPELLATE DIVISION PROPERLY GRANTED LANDLORD
LEAVE TO APPEAL TO THAT COURT ON THAT COURT'S OWN MOTION;
Supreme Court, New York County granted a CPLR article 78 petition
to the extent of remanding the matter to respondent DHCR for
further findings and determination; App. Div. granted leave to
respondent Chelsea Partners on its own motion, reversed the July
12, 2007 Supreme Court order and judgment, denied the petition,
confirmed DHCR's determination permitting respondent Chelsea
Partners not to renew petitioner's rent-stabilized lease and
dismissed the proceeding.