COURT OF APPEALS NEW FILINGS

Preliminary Appeal Statements processed
by the Court of Appeals Clerk's Office

June 24 through June 30, 2011

        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. For those appeals that proceed to
briefing in the normal course, the briefing schedule generally
will be: appellant's brief to be filed within 60 days after the
appeal was taken; respondent's brief to be filed within 45 days
after the due date for the filing of appellant's brief; and a
reply brief, if any, to be filed within 15 days after the due
date for the filing of respondent's brief.

**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.**

GROVE v CORNELL UNIVERSITY, et al.:
3RD Dept. App. Div. order of 7/1/10; affirmance with dissents;
Rule 500.11 review pending;
LABOR - SAFE PLACE TO WORK - WHETHER DEFENDANTS WERE ENTITLED TO
SUMMARY JUDGMENT DISMISSING PLAINTIFF'S LABOR LAW § 240(1) CLAIM
UPON THE GROUND THAT HIS "OWN NEGLIGENT CONDUCT WAS, AS A MATTER
OF LAW, THE SOLE PROXIMATE CAUSE OF HIS INJURIES";
Supreme Court, Tompkins County, among other things, denied
plaintiff's motion for partial summary judgment; App. Div.
affirmed.

MANKO v LENOX HILL ANESTHESIOLOGY PLLC:
2ND Dept. App. Div. order of 2/8/11; dismissal of appeal; 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 to support an appeal as of right;
APPEAL - CHALLENGE TO APPELLATE DIVISION ORDER THAT, AMONG OTHER THINGS, DISMISSED PLAINTIFF'S APPEAL ON THE COURT'S OWN MOTION FOR FAILURE TO COMPLY WITH THE COURT'S RULES AND PRIOR ORDER;
Supreme Court, Kings County, among other things, granted defendants' various motions and dismissed the complaint; App. Div. denied that branch of appellant's motion which was to enlarge the time to perfect the appeal, dismissed the appeal on the court's own motion for failure to comply with the court's rules and prior order, and otherwise denied the motion as academic.

SNIFFEN, MATTER OF v WEYGANT:
3RD Dept. App. Div. order of 2/10/11; modification with dissents; sua sponte examination whether the 5/11/11 Family Court order was entered on default, and if so, whether an appeal pursuant to CPLR 5601(d) may be taken from such an order, and whether the two-justice dissent in the 2/10/11 App. Div. order was on a question of law;
PARENT AND CHILD - CUSTODY - RELOCATION OF CUSTODIAL PARENT - WHETHER MOTHER'S RELOCATION WOULD BE IN CHILDREN'S BEST INTEREST - EXISTENCE OF PROOF CONCERNING CERTAIN FACTORS SUPPORTING RELOCATION;
Family Court, Schoharie County, among other things, dismissed petitioner's application, in three proceedings pursuant to Family Court Act article 6, to modify a prior order of custody; App. Div. modified, by reversing so much of the Family Court order as dismissed petitioner's application, granted the petition and remitted to Family Court for establishment of a visitation schedule for respondent.

SUBER (FRANK), PEOPLE v:
App. Term, 2nd, 11th, and 13th Judicial Districts, order of 4/1/11; reversal; leave to appeal granted by Graffeo, J., 6/16/11;
CRIMES - INFORMATION - WHETHER THE CORROBORATION REQUIREMENT SET FORTH IN CPL 60.50 APPLIES TO INFORMATIONS;
Criminal Court of the City of New York, Kings County, convicted defendant, upon his guilty plea, of failing to register as a sex offender within 10 days after any change of address; App. Term reversed and dismissed the information.