§ 1702. Appeals; judgments and orders appealable.

(a) Appeals as of right. An appeal may be taken as of right:

1. from any final or interlocutory judgment except one entered subsequent to an order of an appellate court which disposes of all the issues in the action; or

2. from an order not specified in subdivision (b), where the motion it decided was made upon notice and it:

(i) grants, refuses, continues or modifies a provisional remedy; or

(ii) settles, grants or refuses an application to resettle a transcript or statement on appeal; or

(iii) grants or refuses a new trial; except where specific questions of fact arising upon the issues in an action triable by the court have been tried by a jury, pursuant to an order for that purpose, and the order grants or refuses a new trial upon the merits; or

(iv) involves some part of the merits; or

(v) affects a substantial right; or

(vi) in effect determines the action and prevents a judgment from which an appeal might be taken; or

(vii) determines a statutory provision of the state to be unconstitutional, and the determination appears from the reasons given for the decision or is necessarily implied in the decision; or

3. from an order, where the motion it decided was made upon notice, refusing to vacate or modify a prior order, if the prior order would have been appealable as of right under paragraph two had it decided a motion made upon notice.

(b) Orders not appealable as of right. An order is not appealable as of right where it:

1. requires or refuses to require a more definite statement in a pleading; or

2. orders or refuses to order that scandalous or pre-judicial matter be stricken from a pleading.

(c) Appeals by permission. An appeal may be taken from any order which

is not appealable as of right by permission of the justice who made the order granted before application to a judge or justice of the appellate court; or by permission of a judge or justice of the appellate court upon refusal by the justice who made the order or upon direct application.

(d) On any appeal taken hereunder the appellate court shall have full power to review any exercise of discretion by the court or justice below.