DECEMBER 2016

NEW FILINGS DIGEST - CUMULATIVE UPDATE

This report lists, by title and subject matter, pending appeals previously published as "Court of Appeals New Filings."

Contact the Clerk's Office for additional information.

ABDUR-RASHID, MATTER OF v NEW YORK CITY POLICE DEPARTMENT, et al. (AND ANOTHER PROCEEDING):
PROCEEDING AGAINST BODY OR OFFICER - MANDAMUS - CPLR ARTICLE 8 PROCEEDINGS TO COMPEL RESPONDENTS NEW YORK CITY POLICE DEPARTMENT (NYPD) AND NYPD COMMISSIONER KELLY TO DISCLOSE DOCUMENTS REQUESTED BY PETITIONERS PURSUANT TO FREEDOM OF INFORMATION LAW (FOIL) (PUBLIC OFFICERS LAW § 84 ET SEQ.) - WHETHER THE APPELLATE DIVISION ERRED IN HOLDING THAT THE NYPD MAY INVOKE THE FEDERAL GLOMAR DOCTRINE (PERMITTING AGENCIES TO NEITHER CONFIRM NOR DENY THE EXISTENCE OF RECORDS SOUGHT) WHEN RESPONDING TO A FOIL REQUEST - FOIL ACTIVITIES AND INVESTIGATIONS INVOLVING PETITIONERS AND THEIR ASSOCIATED ORGANIZATIONS;

ACEVEDO, MATTER OF v NEW YORK STATE DEPARTMENT OF MOTOR VEHICLES:
MOTOR VEHICLES - OPERATOR'S LICENSE - DENIAL OF DRIVER'S LICENSE - REGULATIONS GOVERNING TREATMENT OF RELICENSING APPLICATIONS BY PERSONS WITH AT LEAST THREE ALCOHOL OR DRUG-RELATED CONVICTIONS (15 NYCRR 136.5) - WHETHER SUPREME COURT PROPERLY DISMISSED AS NONJUSTICIABLE PETITIONER'S CHALLENGES TO PROVISIONS IMPOSING A LIFETIME LICENSE REVOCATION AND REQUIRING THE ISSUANCE OF A RESTRICTED LICENSE AND INSTALLATION OF AN IGNITION INTERLOCK DEVICE - ALLEGED VIOLATION OF THE SEPARATION OF POWERS DOCTRINE - WHETHER CHALLENGED REGULATIONS CONFLICT WITH THE VEHICLE AND TRAFFIC LAW - WHETHER DENIAL OF RELICENSING APPLICATION CONSTITUTED AN IMPERMISSIBLE RETROACTIVE APPLICATION OF CHALLENGED REGULATIONS AND A VIOLATION OF THE EX POST FACTO CLAUSE OF THE US CONSTITUTION - CHALLENGE TO REGULATIONS AS BEING ARBITRARY AND CAPRICIOUS - NECESSITY FOR A HEARING;

ALAMIN, MATTER OF v DOWN TOWN TAXI, INC., et al.:
WORKERS' COMPENSATION - DISABILITY BENEFITS - WHETHER THE APPELLATE DIVISION ERRED IN DISMISSING CLAIMANT'S APPEAL FROM THE DECISION OF A WORKERS' COMPENSATION LAW JUDGE, AND DISMISSING AS UNTIMELY CLAIMANT'S APPEAL FROM THE 1/3/14 DECISION OF THE WORKERS' COMPENSATION BOARD - WHETHER THE APPELLATE DIVISION'S DENIAL OF RECONSIDERATION AND/OR FULL BOARD REVIEW WAS ARBITRARY OR CAPRICIOUS OR OTHERWISE CONSTITUTED AN ABUSE OF DISCRETION; CLAIMED DUE PROCESS VIOLATIONS;

AMERICAN ECONOMY INSURANCE COMPANY v STATE OF NEW YORK, et al.:
WORKERS' COMPENSATION - SPECIAL FUNDS - WHETHER WORKERS' COMPENSATION LAW § 25-a(1-a) IMPOSES RETROACTIVE LIABILITY IN VIOLATION OF THE CONTRACT CLAUSE OF THE U.S. CONSTITUTION AND THE TAKINGS CLAUSE OF THE U.S. AND NEW YORK STATE CONSTITUTIONS;

TOWN OF AMHERST v GRANITE STATE INSURANCE COMPANY:
ARBITRATION - AGREEMENT TO ARBITRATE - WHETHER THE APPELLATE DIVISION ERRED IN DETERMINING THAT IT WAS FOR THE ARBITRATOR, NOT THE COURT, TO DECIDE THE VALIDITY AND EFFECT OF A SUBSEQUENT AGREEMENT TO LITIGATE A CLAIM THAT WAS SUBJECT TO ARBITRATION UNDER THE TERMS OF THE PARTIES' INSURANCE POLICY;

ANDERSON (TREVOR), PEOPLE v:
CRIMES - PROOF OF PRIOR CONVICTIONS - INQUIRY INTO NATURE OF PRIOR CONVICTIONS - DISCRETION OF TRIAL COURT - WHETHER FOLLOWING A SANDOVAL HEARING, THE TRIAL COURT COMMITTED REVERSIBLE ERROR BY ALLOWING THE PEOPLE TO INQUIRE ABOUT DEFENDANT'S PRIOR CONDUCT OF POSSESSING GUNS; WHETHER DEFENDANT WAS DEPRIVED OF THE EFFECTIVE ASSISTANCE OF TRIAL COUNSEL DUE TO COUNSEL'S ASSERTED FAILURE TO OBJECT TO THE PEOPLE'S POWERPOINT PRESENTATION DURING SUMMATION;

ANDUJAR (JOHN), PEOPLE v:
CRIMES - ACCUSATORY INSTRUMENT - WHETHER VEHICLE AND TRAFFIC LAW § 397 APPLIES ONLY TO A POLICE SCANNER OR RADIO RECEIVING SET THAT IS ATTACHED TO THE MOTOR VEHICLE OR APPLIES TO SUCH A DEVICE CARRIED IN THE DRIVER'S CLOTHING WHILE DRIVING A MOTOR VEHICLE - DEFINITION OF "EQUIP" AS WORD IS USED IN STATUTE;

APONTE, MATTER OF v OLATOYE, &c., et al.:
PUBLIC HOUSING - DENIAL OF REMAINING FAMILY MEMBER STATUS - WHETHER DETERMINATION DENYING PETITIONER SUCCESSION RIGHTS TO HIS MOTHER'S APARTMENT WAS ARBITRARY AND CAPRICIOUS WHERE AGENCY DID NOT CONSIDER MOTHER'S DISABILITY IN REACHING ITS DETERMINATION;

ARJUNE (MARIO), PEOPLE v:
CRIMES - APPEAL - DENIAL OF APPLICATION FOR A WRIT OF ERROR CORAM NOBIS SEEKING TO REINSTATE AN APPEAL ON THE GROUND OF INEFFECTIVE ASSISTANCE OF TRIAL COUNSEL, WHERE THE NOTICE OF APPEAL WAS TIMELY FILED BUT THE APPEAL WAS DISMISSED FOR FAILURE TO TIMELY PERFECT - WHETHER THE APPELLATE DIVISION ERRED IN HOLDING THAT DEFENDANT "HAS NOT ESTABLISHED HIS ENTITLEMENT TO THE RELIEF REQUESTED (see PEOPLE v SYVILLE,(15 NY3d 391)";

ARTIBEE, et al. v HOME PLACE CORPORATION:
NEGLIGENCE - COMPARATIVE NEGLIGENCE - APPORTIONMENT OF LIABILITY FOR INJURIES CAUSED BY FALLING TREE BRANCH BETWEEN DEFENDANT

PROPERTY OWNER AND STATE OF NEW YORK, A NONPARTY WHICH WAS BEING SUED SEPARATELY BY PLAINTIFFS IN THE COURT OF CLAIMS - WHETHER THE TRIAL COURT ERRED IN DENYING DEFENDANT'S MOTION FOR A JURY CHARGE ON APPORTIONMENT; JURY INSTRUCTIONS;

AUSTIN (PETER), PEOPLE v:
CRIMES - INSTRUCTIONS - ADVERSE INFERENCE CHARGE BASED ON LOSS OF BLOOD EVIDENCE AS A RESULT OF A NATURAL CATASTROPHE - WHETHER THE TRIAL COURT ABUSED ITS DISCRETION IN DECLINING DEFENDANT'S REQUEST FOR A PERMISSIVE ADVERSE INFERENCE CHARGE BASED ON THE UNAVAILABILITY OF BLOOD EVIDENCE AND PROHIBITING DEFENSE COUNSEL FROM COMMENTING ON THE LOST EVIDENCE IN SUMMATION;

AVELLA, MATTER OF v CITY OF NEW YORK:
PARKS AND PARKWAYS - PUBLIC TRUST DOCTRINE - DEVELOPMENT OF MUNICIPAL PARKLAND - LEGISLATIVE AUTHORITY REQUIRED - WHETHER THE APPELLATE DIVISION ERRED IN DETERMINING THAT ADMINISTRATIVE CODE § 18-118 DID NOT AUTHORIZE USE OF FLUSHING MEADOWS-CORONA PARK FOR CONSTRUCTION OF ANY STRUCTURE THAT DID NOT HAVE A NATURAL CONNECTION TO SHEA STADIUM AND THAT CONSTRUCTION OF A RETAIL MALL VIOLATED THE PUBLIC TRUST DOCTRINE ABSENT AUTHORIZATION BY THE STATE LEGISLATURE;

BAUMANN, et al. v LONG ISLAND POWER AUTHORITY, et al.:
PUBLIC AUTHORITIES - CLAIMS AGAINST PUBLIC AUTHORITIES - CLAIMS OF PROPERTY OWNERS AGAINST PROVIDERS OF ELECTRICAL TRANSMISSION FOR PROPERTY DAMAGE OCCURRING DURING STORM SURGE OF HURRICANE SANDY OVER ROCKAWAY PENINSULA; WHETHER DEFENDANTS WERE ENTITLED TO DISMISSAL OF COMPLAINT UNDER THE DOCTRINE OF GOVERNMENTAL FUNCTION IMMUNITY - GOVERNMENTAL VERSUS PROPRIETARY FUNCTIONS; DISMISSAL AND NONSUIT; NEGLIGENCE;

BAUTISTA (VILMA), PEOPLE v:
CRIMES - ARGUMENT AND CONDUCT OF COUNSEL - PROSECUTOR'S ARGUMENT ON SUMMATION - WHETHER DEFENDANT WAS DEPRIVED OF A FAIR TRIAL BY THE PROSECUTOR'S ALLEGED MISSTATEMENT OF THE EVIDENCE; DISCLOSURE - FAILURE TO DISCLOSE EXCULPATORY MATERIAL - WHETHER THE APPELLATE DIVISION CORRECTLY HELD THAT AN INVESTIGATOR'S NOTES FROM AN INTERVIEW WITH A COCONSPIRATOR DID NOT CONSTITUTE BRADY MATERIAL; EVIDENCE - JUDICIAL NOTICE - FACT FINDINGS OF FOREIGN COUNTRY COURT IMPROPERLY READ TO JURY - WHETHER THE APPELLATE DIVISION CORRECTLY HELD THAT THE TRIAL COURT'S ERROR IN READING THE FACT FINDINGS OF A FOREIGN COUNTRY COURT TO THE JURY WAS HARMLESS AS TO THE TAX COUNTS;

BETHUNE (JAMAR), PEOPLE v:
CRIMES - TRIAL - RESETTLEMENT OF TRIAL TRANSCRIPTS - WHETHER TRIAL JUDGE ERRED IN FAILING TO CONDUCT A RECONSTRUCTION HEARING BEFORE SETTLING THE TRIAL TRANSCRIPT TO ALTER THE COURT'S SUPPLEMENTAL CHARGE TO THE JURY - NO AFFIDAVIT FROM STENOGRAPHER EXPLAINING DISCREPANCY IN TRANSCRIPTION VERSIONS CERTIFIED APPROXIMATELY FIVE YEARS APART - NO SPECIFIC KNOWLEDGE OF DISCREPANCY CIRCUMSTANCES BY TRIAL JUDGE; CLAIMED ERRONEOUS SUPPLEMENTAL JURY INSTRUCTIONS ON THE ISSUE OF INTENT; WHETHER JURY VERDICT FINDING DEFENDANT GUILTY OF INTENTIONAL MURDER IN THE SECOND DEGREE WAS AGAINST THE WEIGHT OF THE EVIDENCE;

BOONE (OTIS), PEOPLE v:
CRIMES - IDENTIFICATION OF DEFENDANT - WHETHER THE TRIAL COURT ERRED IN DENYING DEFENDANT'S REQUEST FOR A JURY INSTRUCTION ON CROSS-RACIAL IDENTIFICATIONS;

BOTTOM v STATE OF NEW YORK:
COURTS - COURT OF CLAIMS - PERSONAL INJURY CLAIM BY PRISONER;

BRAHNEY (RYAN P.), PEOPLE v:
CRIMES - SENTENCE - CONCURRENT AND CONSECUTIVE TERMS - WHETHER COUNTY COURT ERRED IN DIRECTING THAT THE SENTENCES FOR INTENTIONAL MURDER AND BURGLARY RUN CONSECUTIVELY; MURDER - FAILURE TO PROVE DEFENSE OF EXTREME EMOTIONAL DISTURBANCE - EVIDENCE OF DEFENDANT'S VIOLENT HISTORY - WHETHER THE COURTS BELOW ERRED IN CONCLUDING THAT THE FACTS, INCLUDING EXTREME BRUTALITY OF THE CRIME, WERE INSUFFICIENT TO ESTABLISH THE DEFENSE OF EXTREME EMOTIONAL DISTURBANCE; CONFESSIONS - WAIVER OF RIGHT TO HUNTLEY HEARING REGARDING CERTAIN POLICE TESTIMONY - HARMLESS ERROR;

BRANSTEN, et al. v STATE OF NEW YORK:
JUDGES - JUDICIAL SALARIES - WHETHER APPLICATION TO PLAINTIFF JUDGES AND JUSTICES OF L. 2011, c. 491, § 2 AND AMENDED CIVIL SERVICE LAW § 167(8) VIOLATES THE COMPENSATION CLAUSE OF THE NEW YORK STATE CONSTITUTION;

BROOKS (NICHOLAS), PEOPLE v:
CRIMES - EVIDENCE - EXPERT WITNESS - WHETHER THE TRIAL COURT ERRED IN (1) ALLOWING AN EXTENDED FRYE HEARING REQUESTED BY THE PEOPLE TO CHALLENGE DEFENDANT'S EXPERT WITNESS, AND IN DENYING DEFENDANT'S MOTION FOR A FRYE HEARING REGARDING THE MEDICAL EXAMINER INTENDED TO BE PRESENTED BY THE PEOPLE, (2) LIMITING THE TESTIMONY OF DEFENDANT'S EXPERT, INCLUDING THAT REGARDING CERTAIN DRUGS AND TOXICOLOGY, (3) ALLOWING THE CLAIMED HEARSAY TESTIMONY OF 11 OF DECEDENT'S FRIENDS TO SHOW THE VICTIM'S UNFAVORABLE PERCEPTION OF DEFENDANT'S CHARACTER, AND (4) DENYING DEFENDANT'S MOTION TO SET ASIDE THE VERDICT BASED ON JUROR MISCONDUCT;

BROOKFORD, LLC, MATTER OF v NEW YORK STATE DIVISION OF HOUSING AND COMMUNITY RENEWAL, et al.:
LANDLORD AND TENANT - RENT REGULATION - DENIAL OF LANDLORD'S APPLICATION TO DEREGULATE A RENT CONTROLLED APARTMENT - APPORTIONMENT OF INCOME REPORTED ON JOINT TAX RETURN FOR REMAINING SPOUSE AFTER HUSBAND VACATED APARTMENT AND ENTERED ASSISTED LIVING FACILITY;

BROWN v STATE OF NEW YORK (CLAIM #110037):
NEGLIGENCE - PROXIMATE CAUSE - HIGHWAY ACCIDENT AT AN INTERSECTION FOR WHICH THE STATE HAD FAILED TO COMPLETE A TRAFFIC STUDY AND UPGRADE TRAFFIC CONTROL OR WARNING DEVICES - STANDARD APPLICABLE TO DETERMINATION OF WHETHER STATE'S ACTION OR INACTION WAS A PROXIMATE CAUSE OF THE INJURIES SUSTAINED;

BROWN, AS ADMINISTRATRIX v STATE OF NEW YORK (CLAIM #108961):
NEGLIGENCE - PROXIMATE CAUSE - HIGHWAY ACCIDENT AT AN INTERSECTION FOR WHICH THE STATE HAD FAILED TO COMPLETE A TRAFFIC STUDY AND UPGRADE TRAFFIC CONTROL OR WARNING DEVICES - STANDARD APPLICABLE TO DETERMINATION OF WHETHER STATE'S ACTION OR INACTION WAS A PROXIMATE CAUSE OF THE INJURIES SUSTAINED;

THE BURLINGTON INSURANCE COMPANY v NEW YORK CITY TRANSIT AUTHORITY et al.:
INSURANCE - LIABILITY INSURANCE - CONSTRUCTION OF POLICY - WHETHER THE APPELLATE DIVISION ERRED IN DETERMINING THAT DEFENDANTS WERE ADDITIONAL INSUREDS UNDER PLAINTIFF INSURER'S GENERAL LIABILITY POLICY WITH A CONTRACTOR, WHERE THE ACCIDENT FOR WHICH COVERAGE WAS SOUGHT WAS NOT CAUSED BY THE CONTRACTOR'S NEGLIGENCE OR FAULT;

BUSHEY (ANDREW R.), PEOPLE v:
CRIMES - UNLAWFUL SEARCH AND SEIZURE - WHETHER COUNTY COURT ERRED IN DETERMINING THAT THE PLATE CHECK OF DEFENDANT'S VEHICLE AND THE ENSUING STOP WERE LAWFUL;

CAMPBELL (ROSS), PEOPLE v:
CRIMES - RIGHT TO COUNSEL - EFFECTIVE REPRESENTATION - WHETHER, IN A CASE INVOLVING SEX CRIMES, DEFENSE COUNSEL WAS INEFFECTIVE IN FAILING TO CHALLENGE A PROSPECTIVE JUROR WHO EXPRESSED DIFFICULTY IN SERVING AS A JUROR BECAUSE SHE HAD BEEN SUBJECTED TO SEXUAL VIOLENCE;

CARLSON v AMERICAN INTERNATIONAL GROUP, INC. et al.:
INSURANCE - DUTY TO DEFEND AND INDEMNIFY - WHETHER THE APPELLATE DIVISION ERRED IN HOLDING THAT THE INSURANCE POLICY WAS NOT "ISSUED OR DELIVERED" IN NEW YORK, THUS PRECLUDING PLAINTIFF FROM BRINGING SUIT AGAINST TORTFEASOR'S INSURANCE COMPANY UNDER

INSURANCE LAW § 3420(a)(2); AUTOMOBILE INSURANCE - CARTAGE AGREEMENT BETWEEN DEFENDANT DHL EXPRESS (USA) AND DEFENDANT MVP DELIVERY AND LOGISTICS, INC. - WHETHER MVP VEHICLE DRIVEN BY TORTFEASOR DURING THE UNDERLYING MOTOR VEHICLE ACCIDENT WAS A VEHICLE "HIRED" BY DHL AND THUS COVERED UNDER ITS AUTOMOBILE INSURANCE;

CARNEY, MATTER OF v NEW YORK STATE DEPARTMENT OF MOTOR VEHICLES, et al.:
MOTOR VEHICLES - OPERATOR'S LICENSE - APPLICATION FOR NEW LICENSE AFTER LICENSE REVOCATION FOR ALCOHOL-RELATED DRIVING OFFENSE - NEW REGULATIONS ADOPTED DURING REVIEW OF PETITIONER'S APPLICATION FOR RELICENSING OF PERSONS WITH MULTIPLE ALCOHOL-OR-DRUG-RELATED DRIVING OFFENSES (15 NYCRR 136.5[b][1]) - WHETHER THE REGULATORY IMPOSITION OF A PERMANENT LIFETIME BAN AGAINST A DRIVER WITH FIVE OR MORE ALCOHOL-RELATED CONVICTIONS DURING HIS LIFETIME EXCEEDS THE COMMISSIONER'S ADMINISTRATIVE AUTHORITY;

CARR (JAMES L.), PEOPLE v:
GRAND JURY - RESUBMISSION OF CHARGES - WHETHER SUPREME COURT ERRED IN DENYING DEFENDANT'S CPL 440.10 MOTION TO VACATE THE JUDGMENT CONVICTING HIM OF TWO COUNTS OF MURDER IN THE SECOND DEGREE ON THE GROUND THAT THE PEOPLE FAILED TO SEEK LEAVE TO RE-PRESENT THE MURDER CHARGES TO A SECOND GRAND JURY, IN VIOLATION OF CPL 190.75(3);

CASTILLO (ELMER), PEOPLE v:
CRIMES - APPEAL - PRESERVATION OF ISSUE FOR REVIEW - OBJECTION TO JURY CHARGE - WHETHER AN EXCEPTION TO THE PRESERVATION RULE APPLIES AND, IF SO, WHETHER THE TRIAL COURT'S JURY CHARGE MISSTATED THE LAW ON CAUSATION OF DEATH; SEVERANCE NOT SOUGHT AT TRIAL; ARGUMENT AND CONDUCT OF COUNSEL - WHETHER THE PROSECUTOR'S REMARKS DEPRIVED DEFENDANT OF A FAIR TRIAL; CRIMES - RIGHT TO COUNSEL - EFFECTIVE REPRESENTATION - WHETHER DEFENSE COUNSEL'S FAILURE TO PRESERVE CLAIMED ERRORS DEPRIVED DEFENDANT OF EFFECTIVE REPRESENTATION;

CITY OF NEW YORK, MATTER OF v NEW YORK STATE NURSES ASSOCIATION, et al.:
LABOR UNIONS - DISCIPLINARY PROCEEDINGS - DISCLOSURE OF INFORMATION TO EMPLOYEE - EMPLOYER'S DUTY TO FURNISH DATA NORMALLY MAINTAINED IN REGULAR COURSE OF BUSINESS - WHETHER THE BOARD OF COLLECTIVE BARGAINING OF THE CITY OF NEW YORK (BCB) PROPERLY GRANTED PETITIONER UNION'S IMPROPER PRACTICE CHARGE TO THE EXTENT OF DIRECTING THE CITY TO PROVIDE PRE-HEARING DISCOVERY IN AN EMPLOYEE DISCIPLINARY PROCEEDING - ADMINISTRATIVE CODE OF CITY OF NEW YORK § 12-306(a)(1) AND (4);

COFFED, &c. v McCARTHY et al.:
NEGLIGENCE - PROXIMATE CAUSE - ACTION SEEKING DAMAGES FOR FATAL INJURIES SUSTAINED BY DECEDENT WHEN THE BICYCLE HE WAS RIDING COLLIDED WITH A DUMP TRUCK - WHETHER THE APPELLATE DIVISION ERRED IN GRANTING SUMMARY JUDGMENT TO DEFENDANTS UPON THE GROUND THAT DECEDENT'S FAILURE TO STOP AT A RED LIGHT WAS THE SOLE PROXIMATE CAUSE OF THE ACCIDENT;

CONNAUGHTON v CHIPOTLE MEXICAN GRILL, INC.:
FRAUD - FRAUD IN INDUCEMENT - WHETHER PLAINTIFF, A CHEF WHO ENTERED INTO AN AT-WILL EMPLOYMENT RELATIONSHIP WITH DEFENDANTS, ADEQUATELY ALLEGED A CAUSE OF ACTION FOR FRAUDULENT INDUCEMENT BASED UPON DEFENDANTS' "SUPERIOR KNOWLEDGE" OF PREVIOUS BUSINESS DEALINGS THAT THEY WITHHELD FROM PLAINTIFF TO INDUCE HIM TO ACCEPT THEIR OFFER OF EMPLOYMENT, AND WHETHER HE SUFFICIENTLY ALLEGED DAMAGES;

CONNOLLY, et al. v LONG ISLAND POWER AUTHORITY, et al.:
PUBLIC AUTHORITIES - CLAIMS AGAINST PUBLIC AUTHORITIES - CLAIMS OF PROPERTY OWNERS AGAINST PROVIDERS OF ELECTRICAL TRANSMISSION FOR PROPERTY DAMAGE OCCURRING DURING STORM SURGE OF HURRICANE SANDY OVER ROCKAWAY PENINSULA; WHETHER DEFENDANTS WERE ENTITLED TO DISMISSAL OF COMPLAINT UNDER THE DOCTRINE OF GOVERNMENTAL FUNCTION IMMUNITY - GOVERNMENTAL VERSUS PROPRIETARY FUNCTIONS; DISMISSAL AND NONSUIT; NEGLIGENCE;

CONTACT CHIROPRACTIC, P.C., &c. v NEW YORK CITY TRANSIT AUTHORITY:
LIMITATION OF ACTIONS - WHAT STATUTE GOVERNS - ACTION TO RECOVER FIRST-PARTY NO-FAULT BENEFITS - WHETHER AN ACTION BY AN INJURED CLAIMANT, OR THE CLAIMANT'S ASSIGNEE, TO RECOVER FIRST-PARTY NO-FAULT BENEFITS FROM A SELF-INSURED DEFENDANT, IS SUBJECT TO SIX-YEAR OR THREE-YEAR STATUTE OF LIMITATIONS;

COOK (WILLIAM), PEOPLE v (AD NO. 2013-06179):
CRIMES - SEX OFFENDERS - SEX OFFENDER REGISTRATION ACT (SORA) - WHETHER THE APPELLATE DIVISION CORRECTLY HELD THAT ONLY ONE SORA DISPOSITION MAY BE MADE FOR ALL "CURRENT OFFENSES" EVALUATED IN A GIVEN RISK ASSESSMENT INSTRUMENT (RAI) AND THAT SORA PROCEEDING IN QUEENS COUNTY SUPREME COURT HAD TO BE DISMISSED FOR THAT REASON AND AS BARRED BY THE DOCTRINE OF RES JUDICATA, WHERE RICHMOND COUNTY SUPREME COURT ALREADY DESIGNATED DEFENDANT A LEVEL THREE SEX OFFENDER BASED UPON AN RAI THAT ENCOMPASSED DEFENDANT'S CONVICTIONS ON CRIMES COMMITTED IN BOTH COUNTIES;

COOK (WILLIAM), PEOPLE v (AD NO. 2012-10542):
CRIMES - SEX OFFENDERS - SEX OFFENDER REGISTRATION ACT (SORA) - WHETHER THE SORA HEARING COURT ERRED IN ASSESSING DEFENDANT 20 POINTS UNDER RISK FACTOR 7 FOR ESTABLISHING OR PROMOTING A

RELATIONSHIP WITH THE VICTIMS FOR THE PRIMARY PURPOSE OF VICTIMIZATION WHERE DEFENDANT KNEW AT LEAST THREE OF THE VICTIMS "THROUGH HIS LONGSTANDING FRIENDSHIP WITH THEIR PARENTS" - EFFECT OF FAMILY-LIKE RELATIONSHIP WITH VICTIMS;

CORRIGAN, et al., MATTER OF v NEW YORK STATE OFFICE OF CHILDREN AND FAMILY SERVICES, et al.:
SOCIAL SERVICES - REGISTER OF CHILD ABUSE AND MALTREATMENT - EXPUNGEMENT HEARING - SOCIAL SERVICES LAW § 427-a - WHETHER THE OFFICE OF CHILDREN AND FAMILY SERVICES MAY EXPUNGE A REPORT MADE TO THE STATEWIDE CENTRAL REGISTER OF CHILD ABUSE AND MALTREATMENT WHICH HAS BEEN ASSIGNED BY A LOCAL SOCIAL SERVICES TO THE FAMILY ASSESSMENT RESPONSE (FAR) TRACK RATHER THAN TO THE TRADITIONAL INVESTIGATION TRACK - CONSTITUTIONALITY OF SOCIAL SERVICES LAW § 427-a;

CMSG RESTAURANT GROUP, LLC, d/b/a LARRY FLYNT'S HUSTLER CLUB, et al. V STATE OF NEW YORK, et al.:
TAXATION - SALES AND USE TAXES - CHALLENGE TO "AMUSEMENT TAX" (TAX LAW § 1105[f][1]) AND "CABARET TAX" (TAX LAW § 1105[f][3]) AS UNCONSTITUTIONAL ON THEIR FACE AND AS APPLIED TO PLAINTIFF MEN'S ENTERTAINMENT CLUB;

DAVIS v SCOTTISH RE GROUP LIMITED, et al.:
CORPORATIONS - MERGER - ACTION BY MINORITY SHAREHOLDER ASSERTING BOTH DIRECT AND DERIVATIVE CAUSES OF ACTION ARISING OUT OF ALLEGEDLY UNDERVALUED CASH-OUT MERGER THAT UNFAIRLY PREJUDICED MINORITY SHAREHOLDERS; STANDING; CHOICE OF LAW; JURISDICTION; DISMISSAL OF CERTAIN CAUSES OF ACTION;

DEGRAFFENREID (BRIAN), PEOPLE v:
CRIMES - RIGHT TO COUNSEL - EFFECTIVE REPRESENTATION - WHETHER THE APPELLATE DIVISION ERRED IN HOLDING THAT DEFENSE COUNSEL'S FAILURE TO REVIEW IN SLOW MOTION A VIDEO RECORDING THAT WAS MADE 11 MINUTES BEFORE THE ATTACK WAS NOT SO EGREGIOUS AND PREJUDICIAL AS TO COMPROMISE DEFENDANT'S RIGHT TO A FAIR TRIAL; JURY INSTRUCTIONS - WHETHER COURT'S CHARGE ON CAUSATION OF DEATH WAS PROPER;

DENNEHY et al. v COPPERMAN, et al.:
PHYSICIANS AND SURGEONS - MALPRACTICE - WHETHER THE ACCRUAL DATE FOR A "WRONGFUL BIRTH" MEDICAL MALPRACTICE ACTION IS THE DATE OF BIRTH OR THE DATE OF THE CLAIMED MALPRACTICE - CPLR 214-a; STATUTE OF LIMITATIONS; DISMISSAL OF CLAIMS;

DESROSIERS v PERRY ELLIS MENSWEAR, LLC:
ACTIONS - CLASS ACTIONS - WHETHER PUTATIVE CLASS MEMBERS WERE ENTITLED TO NOTICE OF DISCONTINUANCE OF THE ACTION UNDER CPLR 908 DESPITE THE FACT THAT THE TIME FOR THE INDIVIDUAL PLAINTIFF TO MOVE FOR CLASS CERTIFICATION HAD EXPIRED UNDER CPLR 902;

DORMITORY AUTHORITY OF THE STATE OF NEW YORK, et al. v SAMSON CONSTRUCTION CO., &c., et al.:
NEGLIGENCE - ARCHITECT'S MALPRACTICE - WHETHER DORMITORY AUTHORITY MAY PURSUE A NEGLIGENCE CLAIM AGAINST THE ARCHITECT IN ADDITION TO ITS BREACH OF CONTRACT CLAIM ARISING OUT OF DAMAGES INCURRED DURING SITE EXCAVATION FOR THE CONSTRUCTION PROJECT'S FOUNDATION; PARTIES - WHETHER CITY OF NEW YORK, A NONPARTY TO THE UNDERLYING CONSTRUCTION CONTRACT, CAN ASSERT A CLAIM AS A THIRD-PARTY BENEFICIARY AS ULTIMATE END-USER OF THE BUILDING TO BE CONSTRUCTED;

D&R GLOBAL SELECTIONS, S.L. v BODEGA OLEGARIO FALCON PINEIRO:
COURTS - JURISDICTION - LACK OF BASIS FOR PERSONAL AND LONG-ARM JURISDICTION - WHETHER NEW YORK COURTS POSSESSED SUBJECT MATTER JURISDICTION OVER THIS ACTION, ARISING FROM AN ORAL AGREEMENT BY THE NONDOMICILIARY PLAINTIFF BROKER TO PROCURE AN AMERICAN IMPORTER FOR THE NONDOMICILIARY DEFENDANT WINERY'S PRODUCTS, PURSUANT TO BUSINESS CORPORATION LAW § 1314(b)(4), WHICH REQUIRES A SHOWING OF PERSONAL JURISDICTION UNDER CPLR 302;

EAST RAMAPO CENTRAL SCHOOL DISTRICT, MATTER OF v KING, et al.:
PROCEEDING AGAINST BODY OR OFFICER - CERTIORARI - CPLR ARTICLE 78 PROCEEDING - WHETHER THE APPELLATE DIVISION ERRED IN DETERMINING THAT THE SCHOOL DISTRICT WAS FORECLOSED FROM BRINGING AN ARTICLE 78 PETITION BECAUSE THE FEDERAL INDIVIDUALS WITH DISABILITIES EDUCATION ACT DOES NOT PROVIDE A PRIVATE RIGHT OF ACTION FOR LOCAL EDUCATIONAL AGENCIES TO CHALLENGE A DETERMINATION OF RESPONDENT STATE EDUCATION DEPARTMENT;

EDWARD (ALBERT), PEOPLE v:
CRIMES - POSSESSION OF WEAPON - SUFFICIENCY OF ACCUSATORY INSTRUMENT - WHETHER FACTUAL ALLEGATIONS WERE SUFFICIENT TO SUPPORT CHARGE OF CRIMINAL POSSESSION OF A WEAPON IN THE FOURTH DEGREE, WHERE DEFENDANT WAS ARRESTED FOR TRESPASSING IN THE LOBBY OF A HOUSING AUTHORITY BUILDING AND THE ACCUSATORY INSTRUMENT ALLEGED THAT, UPON HIS ARREST, THE POLICE RECOVERED "A BOX CUTTER FROM THE DEFENDANT AND DEFENDANT STATED IN SUBSTANCE, I USE IT ON THE TRAIN FOR PROTECTION" - POSSESSION OF "DANGEROUS KNIFE" OR A "DANGEROUS OR DEADLY INSTRUMENT OR WEAPON" WITH INTENT TO USE IT "UNLAWFULLY AGAINST ANOTHER" (PENAL LAW § 265.01[2]);

ENRIQUEZ, MATTER OF v DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT OF THE CITY OF NEW YORK:
LIENS - MECHANIC'S LIENS - VACATUR OR DISCHARGE - LIEN FOR LIVING EXPENSES OF RELOCATED TENANTS - WHETHER A COURT MAY SUMMARILY DETERMINE IF ASSERTEDLY UNREASONABLE CLAIMED EXPENSES RENDERED A LIEN FACIALLY INVALID, OR WHETHER A FORECLOSURE TRIAL IS REQUIRED;

EPAKCHI (DARIA N.), PEOPLE v:
CRIMES - ACCUSATORY INSTRUMENT - WHETHER A SIMPLIFIED TRAFFIC INFORMATION MAY BE RE-FILED AFTER ANOTHER SIMPLIFIED TRAFFIC INFORMATION ALLEGING THE SAME OFFENSE WAS DISMISSED FOR FAILURE TO TIMELY PROVIDE A SUPPORTING DEPOSITION - NECESSITY OF SHOWING SPECIAL CIRCUMSTANCES WARRANTING REPROSECUTION;

ESTREMERA (ROBERTO), PEOPLE v:
CRIMES - SENTENCE - RESENTENCE - WHETHER SUPREME COURT ERRED IN CONDUCTING A POSTRELEASE SUPERVISION RESENTENCING PURSUANT TO PENAL LAW § 70.85 WITHOUT DEFENDANT PRESENT;

EXCESS LINE ASSOCIATION OF NEW YORK (ELANY) v WALDORF & ASSOCIATES, et al.:
PARTIES - CAPACITY TO SUE - GOVERNMENTAL ENTITIES - WHETHER PLAINTIFF ASSOCIATION HAS CAPACITY AND STANDING TO SUE ONE OF ITS MEMBERS TO COMPEL COMPLIANCE WITH ITS PLAN OF OPERATION OR TO RECOVER STAMPING FEES;

B. F., et al. v REPRODUCTIVE MEDICINE ASSOCIATES OF NEW YORK, LLP, et al.:
PHYSICIANS AND SURGEONS - MALPRACTICE - WHETHER THE ACCRUAL DATE FOR A "WRONGFUL BIRTH" MEDICAL MALPRACTICE ACTION IS THE DATE OF BIRTH OR THE DATE OF THE CLAIMED MALPRACTICE - CPLR 214-a; STATUTE OF LIMITATIONS; DISMISSAL OF CLAIMS;

FARAGE, MATTER OF v LEWIS, &c., et al.:
PROCEEDING AGAINST BODY OR OFFICER - MANDAMUS - PROHIBITION - WHEN REMEDY AVAILABLE - CLAIMED FIRST, FIFTH AND FOURTEENTH AMENDMENT VIOLATIONS;

FERNANDEZ, &c. v DAIMLERCHRYSLER, A.G., et al.:
CORPORATIONS - FOREIGN CORPORATIONS - PERSONAL JURISDICTION - WHETHER SUPREME COURT ERRED IN DISMISSING THE COMPLAINT AS AGAINST DEFENDANT DAIMLERCHRYSLER, A.G., A GERMAN CORPORATION, ON THE GROUND THAT THE COURT LACKED PERSONAL JURISDICTION OVER IT - TRANSACTION OF BUSINESS WITHIN THE STATE - WHETHER CAUSE OF ACTION ASSERTED AROSE FROM TRANSACTION WITHIN THE STATE - CPLR 301; ALLEGED "EXCEPTIONAL CIRCUMSTANCES" AND DUE PROCESS ISSUES;

FISHER (KEVIN), PEOPLE v:
CRIMES - HINDERING PROSECUTION - WHETHER DEFENDANT SHOULD HAVE BEEN PERMITTED TO WITHDRAW HIS PLEA OF GUILTY TO HINDERING PROSECUTION WHERE THE PERSON HE RENDERED CRIMINAL ASSISTANCE TO WAS ACQUITTED OF THE UNDERLYING FELONY AT TRIAL BEFORE JUDGMENT WAS ENTERED AGAINST DEFENDANT; WHETHER DEFENDANT'S GUILTY PLEA WAS KNOWING, INTELLIGENT AND VOLUNTARY WHERE THE PROSECUTION DID NOT DISCLOSE CERTAIN WITNESS INTERVIEW NOTES;

FLANAGAN (WILLIAM), PEOPLE v:
CRIMES - OFFICIAL MISCONDUCT - PENAL LAW § 195.00(1) - UNAUTHORIZED EXERCISE OF OFFICIAL FUNCTION - WHETHER AN OFFICIAL MISCONDUCT CHARGE BASED ON ALLEGED MALFEASANCE MUST BE PREMISED ON AN ACT WHICH IS ITSELF UNAUTHORIZED, OR WHETHER THE DEFENDANT'S IMPROPER PURPOSE IN PERFORMING AN OTHERWISE AUTHORIZED ACT SUFFICES TO CONSTITUTE THE CRIME OF OFFICIAL MISCONDUCT; PENAL LAW § 195.00(2) - KNOWINGLY REFRAINING FROM A DUTY IMPOSED BY LAW - WHETHER AN OFFICIAL CONDUCT CHARGE BASED ON NONFEASANCE CAN BE PREMISED ON THE DEFENDANT'S FAILURE TO PERFORM A DISCRETIONARY DUTY; EVIDENCE - HEARSAY - WHETHER STATEMENTS BY CO-CONSPIRATORS ARE ADMISSIBLE ONLY WHEN MADE DURING THE TIME PERIODS INVOLVED IN THE CONSPIRACY;

FLORES (MARY ANNE GRADY), PEOPLE v:
CRIMES - CRIMINAL CONTEMPT - ORDER OF PROTECTION AS PREDICATE FOR CRIMINAL CONTEMPT CHARGE AGAINST PROTESTER IN PUBLIC STREET IN FRONT OF MILITARY BASE - CHALLENGE TO VALIDITY AND SPECIFICITY OF ORDER OF PROTECTION; CLAIMED ERROR OF TRIAL COURT IN RESPONSE TO JURY QUESTION;

MATTER OF FLOYD v GLENN GARDENS ASSOCIATES, HPD:
APPEAL - APPELLATE DIVISION - DENIAL OF MOTION FOR RECONSIDERATION;

FOR THE PEOPLE THEATERS v CITY OF NEW YORK; TEN'S CABARET v CITY OF NEW YORK:
CONSTITUTIONAL LAW - FREEDOM OF SPEECH - ZONING AMENDMENTS RESTRICTING ADULT ESTABLISHMENTS - CHALLENGE TO 2001 AMENDMENTS TO NEW YORK CITY ZONING RESOLUTION § 12-10 - WHETHER THE APPELLATE DIVISION APPLIED AN IMPROPER STANDARD OF REVIEW IN DETERMINING WHETHER CITY MET ITS BURDEN OF PROOF - ALLEGED IMPROPER RECONSIDERATION OF NEGATIVE SECONDARY EFFECTS;

FORMAN v HENKIN:
DISCLOSURE - DISCOVERY AND INSPECTION - SCOPE OF DISCLOSURE - SOCIAL MEDIA - WHETHER A PERSONAL INJURY PLAINTIFF MAY BE COMPELLED TO PRODUCE PHOTOGRAPHS PRIVATELY POSTED ON FACEBOOK AND AUTHORIZATIONS RELATED TO PLAINTIFF'S PRIVATE FACEBOOK MESSAGES;

FRANCIS (JUDE), PEOPLE v:
CRIMES - SEX OFFENDERS - SEX OFFENDER REGISTRATION ACT (SORA) - USE OF YOUTHFUL OFFENDER ADJUDICATION IN DETERMINING RISK LEVEL - WHETHER A DEFENDANT'S PRIOR YOUTHFUL OFFENDER ADJUDICATION MAY BE CONSIDERED IN DETERMINING THE DEFENDANT'S RISK LEVEL DESIGNATION UNDER SORA;

FRANKLIN v GAREYUA:
INSURANCE - NO-FAULT AUTOMOBILE INSURANCE - SERIOUS INJURY - SUMMARY JUDGMENT; WHETHER THE PLAINTIFF MOTORIST FAILED TO RAISE A TRIABLE ISSUE OF FACT AS TO THE CAUSATION OF HIS ALLEGED INJURY;

FREEMAN (DARRION), PEOPLE v:
CRIMES - UNLAWFUL SEARCH AND SEIZURE - WHETHER DEFENDANT VOLUNTARILY CONSENTED TO THE WARRANTLESS ENTRY INTO HIS HOME; WHETHER THE CONSENT TO SEARCH ENCOMPASSED A DUFFEL BAG LOCATED INSIDE DEFENDANT'S CLOSET;

FRIEDMAN, MATTER OF v RICE:
RECORDS - FREEDOM OF INFORMATION LAW (FOIL) - EXEMPTIONS - STATEMENTS OF NONTESTIFYING WITNESSES - WHETHER THE APPELLATE DIVISION PROPERLY DETERMINED THAT DOCUMENTS SOUGHT BY PETITIONER WERE EXEMPT FROM DISCLOSURE PURSUANT TO PUBLIC OFFICERS LAW § 87(2)(e)(iii); GRAND JURY - INSPECTION OF GRAND JURY MINUTES - WHETHER THE APPELLATE DIVISION CORRECTLY HELD THAT PETITIONER FAILED TO ESTABLISH A COMPELLING AND PARTICULARIZED NEED FOR DISCLOSURE OF GRAND JURY MATERIALS PURSUANT TO CPL 190.25(4);

FRUMUSA (LAWRENCE P.) a/k/a JOHN DOE, PEOPLE v:
CRIMES - EVIDENCE - WHETHER THE TRIAL COURT ERRED IN ADMITTING INTO EVIDENCE A CIVIL CONTEMPT ORDER FINDING DEFENDANT'S BUSINESSES IN CONTEMPT FOR FAILING TO OBEY AN ORDER DIRECTING THEM TO TURN OVER ALL THE MONIES AT ISSUE IN THE GRAND LARCENY CHARGE AGAINST DEFENDANT - CONTEMPT ORDER PERTAINED TO DEFENDANT'S CONDUCT OCCURRING AFTER THE CHARGED CRIME, AS OPPOSED TO PRIOR BAD ACTS ADDRESSED IN PEOPLE v MOLINEUX (168 NY 264); WHETHER THE TRIAL COURT IMPROPERLY LIMITED DEFENDANT'S CROSS EXAMINATION OF A WITNESS; CLAIMED INEFFECTIVE ASSISTANCE OF COUNSEL; CLAIMED ABUSE OF TRIAL COURT'S DISCRETION IN DENYING DEFENDANT'S REQUEST FOR AN ADJOURNMENT OF SENTENCING TO GIVE NEWLY RETAINED COUNSEL TIME TO PREPARE;

GAINES, &c. v CITY OF NEW YORK, et al.:
TRUSTS - CREATION - DEATH OF PLAINTIFF'S DAUGHTER BEFORE COMPLETION OF DOCUMENTS CREATING AND FUNDING A SUPPLEMENTAL NEEDS TRUST (SNT) AFTER SETTLEMENT OF A PERSONAL INJURY ACTION - DENIAL OF PLAINTIFF'S MOTION TO OBTAIN THE PRINCIPAL AND INTEREST IN THE SNT, AS POTENTIAL REMAINDERMAN OF TRUST;

GARVIN (SEAN), PEOPLE v:
CRIMES - ARREST - WHETHER DEFENDANT'S WARRANTLESS ARREST VIOLATED PAYTON v NEW YORK (445 US 573), WHERE DEFENDANT LIVED IN THE UPSTAIRS APARTMENT OF A BUILDING CONTAINING TWO SEPARATE APARTMENTS AND WAS ARRESTED IN THE DOORWAY TO HIS APARTMENT AFTER

HE OPENED THE DOOR IN RESPONSE TO A KNOCK BY A POLICE OFFICER; ALLEGED VIOLATION OF DEFENDANT'S RIGHT TO REMAIN SILENT; ALLEGED VIOLATION OF APPRENDI v NEW JERSEY (530 US 466) BY DEFENDANT'S SENTENCING AS A PERSISTENT FELONY OFFENDER;

GIRARD, MATTER OF v ANNUCCI:
PRISONS AND PRISONERS - DISCIPLINE OF INMATES - WHETHER SUBSTANTIAL EVIDENCE SUPPORTS THE DETERMINATION OF GUILT WITH RESPECT TO REMAINING CHARGES OF VIOLATION OF PRISON DISCIPLINARY RULES; CLAIMED DUE PROCESS VIOLATIONS;

GUERIN (ZACHARY T.), PEOPLE v:
CRIMES - TRESPASSING - DEFENDANT TICKETED FOR WALKING ON POSTED LAND - DEFENDANT CHALLENGED TICKET ON GROUNDS THAT SIGNS POSTED WHERE HE WAS WALKING DID NOT COMPLY WITH ENVIRONMENTAL CONSERVATION LAW § 11-2111(2)'S REQUIREMENT THAT THE SIGN STATE THE NAME AND ADDRESS OF THE LAWFUL OWNERS OF THE LAND;

HARDEE (STANLEY), PEOPLE v:
CRIMES - UNLAWFUL SEARCH AND SEIZURE - WHETHER LIMITED SEARCH OF CAR STOPPED FOR TRAFFIC VIOLATIONS WAS JUSTIFIED AFTER DEFENDANT HAD BEEN REMOVED FROM THE CAR AND FRISKED - PEOPLE v TORRES (74 NY2d 224 [1989]);

HEERAN, et al. v LONG ISLAND POWER AUTHORITY, et al.:
PUBLIC AUTHORITIES - CLAIMS AGAINST PUBLIC AUTHORITIES - CLAIMS OF PROPERTY OWNERS AGAINST PROVIDERS OF ELECTRICAL TRANSMISSION FOR PROPERTY DAMAGE OCCURRING DURING STORM SURGE OF HURRICANE SANDY OVER ROCKAWAY PENINSULA; WHETHER DEFENDANTS WERE ENTITLED TO DISMISSAL OF COMPLAINT UNDER THE DOCTRINE OF GOVERNMENTAL FUNCTION IMMUNITY - GOVERNMENTAL VERSUS PROPRIETARY FUNCTIONS; DISMISSAL AND NONSUIT; NEGLIGENCE;

HELMS (MARLO S.), PEOPLE v:
CRIMES - SENTENCE - SECOND VIOLENT FELONY OFFENDER - WHETHER THE APPELLATE DIVISION CORRECTLY HELD THAT DEFENDANT WAS IMPROPERLY SENTENCED AS A SECOND VIOLENT FELONY OFFENDER BECAUSE HIS CONVICTION OF BURGLARY IN GEORGIA DID NOT CONSTITUTE A PREDICATE FELONY INASMUCH AS THE GEORGIA STATUTE DEFINING BURGLARY LACKED THE KNOWLEDGE ELEMENT REQUIRED BY THE EQUIVALENT NEW YORK BURGLARY STATUTE;

ESTATE OF EDMUND FELIX HENNEL, MATTER OF:
CONTRACTS - AGREEMENT TO SATISFY MORTGAGE OUT OF ESTATE ASSETS - WHETHER THE APPELLATE DIVISION CORRECTLY HELD THAT, ALTHOUGH DECEDENT REVOKED PRIOR WILL DIRECTING ESTATE TO PAY MORTGAGE ON PROPERTY HE TRANSFERRED BY DEED TO HIS GRANDCHILDREN,

GRANDCHILDREN ESTABLISHED THEIR CLAIM AGAINST THE ESTATE FOR PAYMENT OF THE MORTGAGE BASED UPON THE DOCTRINE OF PROMISSORY ESTOPPEL, AND THAT THE ESTATE WAS ESTOPPED FROM INVOKING THE STATUTE OF FRAUDS DEFENSE BECAUSE APPLICATION OF THAT DEFENSE WOULD CREATE AN UNCONSCIONABLE RESULT;

HONGHIRUN (NIRUN), PEOPLE v:
CRIMES - RIGHT TO COUNSEL - EFFECTIVE REPRESENTATION - WHETHER DEFENSE COUNSEL WAS INEFFECTIVE FOR FAILING TO SEEK AN IN LIMINE RULING PRECLUDING DELAYED DISCLOSURE EVIDENCE, OR OBJECTING TO ITS ADMISSION INTO EVIDENCE UNDER THE PROMPT OUTCRY EXCEPTION TO THE HEARSAY RULE, AND ELICITING ON CROSS EXAMINATION DETAILS BOLSTERING COMPLAINANT'S CLAIMS;

MATTER OF JAMIE J.(WAYNE COUNTY DEPARTMENT OF SOCIAL SERVICES; MICHELLE E.C.):
PARENT, CHILD AND FAMILY - ABUSED OR NEGLECTED CHILD - WHETHER FAMILY COURT LACKED SUBJECT MATTER JURISDICTION TO CONDUCT A PERMANENCY HEARING AND CONTINUE FOSTER CARE PLACEMENT OF THE CHILD FOLLOWING DISMISSAL OF THE NEGLECT PETITION - WHETHER THE APPELLATE DIVISION'S INTERPRETATION OF ARTICLE 10-A OF THE FAMILY COURT ACT RENDERS THE STATUTE UNCONSTITUTIONAL;

JACKSON (THOMAS), PEOPLE v:
CRIMES - PROOF OF PRIOR CONVICTIONS - WHETHER THE APPELLATE DIVISION ERRED IN CONCLUDING THAT SANDOVAL ERROR BY SUPREME COURT IN ALLOWING CROSS EXAMINATION REGARDING DEFENDANT'S JUVENILE DELINQUENCY ADJUDICATION WAS HARMLESS; RIGHT TO BE PRESENT AT TRIAL - VALIDITY OF DEFENDANT'S WAIVER TO BE PRESENT AT SIDEBAR CONFERENCES;

JOHNSON (MICHAEL), PEOPLE v:
CRIMES - SUPPRESSION HEARING - VOLUNTARINESS OF STATEMENTS - WHETHER THE APPELLATE DIVISION CORRECTLY DETERMINED THAT PRE-ARRAIGNMENT DELAY AND CIRCUMSTANCES SURROUNDING INTERROGATION DURING THAT TIME DID NOT ESTABLISH THAT DEFENDANT'S STATEMENTS TO POLICE WERE INVOLUNTARY; WITNESSES - FAILURE TO CALL WITNESS - WHETHER TRIAL COURT PROPERLY DENIED DEFENDANT'S REQUEST FOR A MISSING WITNESS CHARGE AS TO VICTIM'S SON, AN EYEWITNESS TO THE CRIME; PROOF OF OTHER CRIMES - WHETHER THE TRIAL COURT PROPERLY DENIED DEFENDANT'S MOTION FOR A MISTRIAL, WHERE IT SUSTAINED DEFENDANT'S OBJECTION TO IMPROPER TESTIMONY BY A COOPERATING WITNESS, STRUCK THAT PORTION OF HIS TESTIMONY AND PROVIDED A CURATIVE INSTRUCTION; DISCLOSURE - DELAY IN PROVIDING EVIDENTIARY MATERIALS REGARDING COOPERATING WITNESS;

KELLY, MATTER OF v DiNAPOLI:
CIVIL SERVICE - RETIREMENT AND PENSION BENEFITS - ACCIDENTAL DISABILITY RETIREMENT - WHETHER THE APPELLATE DIVISION CORRECTLY HELD THAT SUBSTANTIAL EVIDENCE SUPPORTS THE COMPTROLLER'S

DETERMINATION THAT PETITIONER'S INJURY DID NOT RESULT FROM AN "ACCIDENT" WITHIN THE MEANING OF RETIREMENT AND SOCIAL SECURITY LAW § 363 AND, THEREFORE, PETITIONER WAS NOT ENTITLED TO ACCIDENTAL DISABILITY RETIREMENT BENEFITS;

KEYSPAN GAS EAST CORPORATION v MUNICH REINSURANCE AMERICA, INC., et al.:
INSURANCE - ACTION AGAINST INSURER - COVERAGE - LONG-TERM ENVIRONMENTAL PROPERTY DAMAGE CAUSED BY POLLUTION FROM MANUFACTURED GAS PLANTS - ALLOCATION OF RISK OF LOSS ATTRIBUTABLE TO A CONTINUOUS HARM OCCURRING, IN PART, DURING PERIODS WHEN LIABILITY INSURANCE WAS UNAVAILABLE IN THE MARKETPLACE - WHETHER THE POLICIES AT ISSUE CONTAIN ANTI-STACKING LANGUAGE REQUIRING AN ALL-SUMS ALLOCATION METHOD;

KIMMEL v STATE OF NEW YORK et al.:
STATE - EQUAL ACCESS TO JUSTICE ACT (EAJA) (CPLR ARTICLE 86) - WHETHER PREVAILING PARTY IN A SEX DISCRIMINATION ACTION FOR MONEY DAMAGES AGAINST THE STATE IS ELIGIBLE TO RECOVER ATTORNEYS' FEES AND EXPENSES UNDER THE EAJA;

KOLCHINS v EVOLUTION MARKETS, INC.:
CONTRACTS - BREACH OR PERFORMANCE OF CONTRACT - WHETHER THE PARTIES' EMAILS AND OTHER CORRESPONDENCE CONSTITUTED A BINDING OFFER AND ACCEPTANCE OF AN EXTENSION OF A 2009 EMPLOYMENT AGREEMENT - WHETHER RESPONDENT IS ENTITLED TO A "PRODUCTION BONUS" DEPENDENT ON ACTIVE EMPLOYMENT AT THE TIME OF PAYMENT;

LEND LEASE (US) CONSTRUCTION LMB, INC., et al. v ZURICH AMERICAN INSURANCE COMPANY, et al.:
INSURANCE - BUILDER'S RISK POLICY - IN THIS BREACH OF CONTRACT AND DECLARATORY JUDGMENT ACTION, WHETHER THE APPELLATE DIVISION CORRECTLY HELD AS A MATTER OF LAW THAT TOWER CRANE AFFIXED TO BUILDING FOR USE IN THE PERFORMANCE OF CONSTRUCTION WORK WAS NOT "COVERED PROPERTY" BECAUSE IT DID NOT FALL WITHIN THE POLICY'S DEFINITION OF "TEMPORARY WORKS," AND THAT, EVEN IF THE CRANE WAS "COVERED PROPERTY," IT WAS EXCLUDED FROM COVERAGE UNDER THE POLICY'S CONTRACTOR'S TOOLS, MACHINERY, PLANT AND EQUIPMENT EXCLUSION;

LEONARD (RICHARD M.), PEOPLE v (2 APPEALS):
CRIMES - RIGHT TO COUNSEL - TRIAL STRATEGY - DEFENSE COUNSEL'S FAILURE TO USE WITNESS'S PRIOR, ALLEGEDLY INCONSISTENT STATEMENTS AT TRIAL AND TO REQUEST LIMITING INSTRUCTION REGARDING PROOF OF UNCHARGED CRIME ALLEGEDLY COMMITTED AGAINST THE SAME COMPLAINANT; CHALLENGE TO DENIAL OF CPL 440 MOTION WITHOUT A HEARING UPON THE GROUND THAT TRIAL COUNSEL WAS DECEASED AND WAS THE ONLY PERSON WHO COULD HAVE PROVIDED ANY MATERIAL INFORMATION NOT ALREADY BEFORE THE COURT; PROOF OF OTHER CRIMES - ALLEGED MOLINEUX

VIOLATION - WHETHER THE TRIAL COURT ABUSED ITS DISCRETION IN ADMITTING TESTIMONY REGARDING PRIOR UNCHARGED CRIME OF SEXUAL ABUSE OF VICTIM WHILE UNCONSCIOUS AS PROBATIVE OF DEFENDANT'S MOTIVE AND INTENT AND AS PROVIDING NECESSARY BACKGROUND INFORMATION;

LIN (HAO), PEOPLE v:
CRIMES - RIGHT OF CONFRONTATION - WHETHER A POLICE OFFICER WHO OBSERVED THE ADMINISTRATION OF A BREATHALYZER TEST TO DEFENDANT BY ANOTHER OFFICER, WHO WAS ALSO QUALIFIED TO ADMINISTER THAT BREATHALYZER TEST, AND WHO TESTIFIED AT TRIAL BECAUSE THE TESTING OFFICER WAS UNAVAILABLE, SATISFIED THE STANDARDS FOR QUALIFYING AS A SUBSTITUTE WITNESS UNDER BULLCOMING v NEW MEXICO (564 US 647 [2011]);

LOEHR et al., MATTER OF v ADMINISTRATIVE BOARD OF THE COURTS OF THE STATE OF NEW YORK:
JUDGES - CERTIFICATION OF JUSTICE FOR JUDICIAL SERVICE BEYOND THE MANDATORY RETIREMENT AGE OF 70 - WHETHER POLICY OF ADMINISTRATIVE BOARD OF THE COURTS OF THE STATE OF NEW YORK THAT "NO JUDGE HENCEFORTH CERTIFICATED FOR SERVICE AS A JUSTICE OF THE SUPREME COURT PURSUANT TO JUDICIARY LAW § 115 MAY RECEIVE, CONCURRENT WITH RECEIPT OF A SALARY FOR SUCH SERVICE, A RETIREMENT ALLOWANCE FOR PRIOR JUDICIAL SERVICE WITHIN THE UNIFIED COURT SYSTEM" VIOLATES NY CONSTITUTION, ARTICLE V, § 7, JUDICIARY LAW § 115(3) AND RETIREMENT AND SOCIAL SECURITY LAW § 212;

LOHNAS v LUZI:
LIMITATION OF ACTIONS - MEDICAL MALPRACTICE - ESTOPPEL TO PLEAD STATUTE OF LIMITATIONS - WHETHER AN ISSUE OF FACT EXISTED REGARDING APPLICATION OF THE CONTINUOUS TREATMENT DOCTRINE; WHETHER THE EQUITABLE ESTOPPEL DOCTRINE APPLIED TO TOLL THE STATUTE OF LIMITATIONS;

LOFTON (DAVID), PEOPLE v:
CRIMES - SENTENCE - YOUTHFUL OFFENDER - DENIAL OF YOUTHFUL OFFENDER STATUS - WHETHER THE TRIAL COURT'S STATEMENTS AT SENTENCING SATISFIED THE REQUIREMENT SET FORTH IN PEOPLE v MIDDLEBROOKS (25 NY3d 516, 522 [2015]) THAT THE COURT "DETERMINE ON THE RECORD IF [DEFENDANT] WAS AN ELIGIBLE YOUTH DUE TO THE EXISTENCE OF ONE OR MORE OF THE FACTORS SET FORTH IN CPL 720.10(3)";

MADEIROS, MATTER OF v NEW YORK STATE EDUCATION DEPARTMENT et al.:
PROCEEDING AGAINST BODY OR OFFICER - CERTIORARI - CPLR ARTICLE 78 PROCEEDING TO REVIEW RESPONDENT NEW YORK STATE EDUCATION DEPARTMENT'S DENIAL OF PETITIONER'S REQUEST FOR DOCUMENTS UNDER THE FREEDOM OF INFORMATION LAW (FOIL) - FOIL REQUEST FOR

DOCUMENTS RELATED TO FISCAL AUDITS OF PRESCHOOL SPECIAL EDUCATION PROGRAMS AUTHORIZED BY EDUCATION LAW § 4410 - WHETHER THE APPELLATE DIVISION ERRONEOUSLY CONCLUDED THAT THE LAW ENFORCEMENT EXCEPTION TO FOIL PERMITS RESPONDENT TO WITHHOLD THE DOCUMENTS AT ISSUE - PUBLIC OFFICERS LAW § 87(2)(e) AND (g); ATTORNEYS' FEES RECOVERABLE UNDER FOIL;

MAKI v BASSETT HEALTHCARE, et al.:
JUDGMENTS - RES JUDICATA - COLLATERAL ESTOPPEL - WHETHER THE COURTS BELOW ERRED IN DETERMINING THAT PLAINTIFF'S CLAIMS IN THIS ACTION WERE BARRED BY RES JUDICATA AND COLLATERAL ESTOPPEL BECAUSE THEY AROSE FROM THE SAME SERIES OF TRANSACTIONS AS PLAINTIFF'S PRIOR STATE AND FEDERAL ACTIONS, BOTH OF WHICH WERE DISMISSED; WHETHER SUPREME COURT ABUSED ITS DISCRETION IN AWARDING DEFENDANTS REASONABLE COSTS AND ATTORNEYS' FEES PURSUANT TO CPLR 8303-a;

MALDONADO (FERNANDO), PEOPLE v:
CRIMES - LARCENY - WHETHER LEGALLY SUFFICIENT EVIDENCE SUPPORTED DEFENDANT'S CONVICTION FOR GRAND LARCENY OF REAL PROPERTY BASED ON A FORGED DEED - SUFFICIENCY OF EVIDENCE TO SUPPORT POSSESSION AND ATTEMPT CHARGES; EFFECTIVENESS OF COUNSEL;

MANKO v GABAY, et al.:
APPEAL - APPELLATE DIVISION - DISMISSAL OF APPEALS;

MANKO v LENOX HILL HOSPITAL:
APPEALS - CHALLENGE TO APPELLATE DIVISION ORDERS THAT, AMONG OTHER THINGS, DENIED APPELLANT'S MOTION AND RENEWED MOTION TO REINSTATE AN APPEAL;

MAPFRE INSURANCE COMPANY OF NEW YORK v MANOO, et al.:
INSURANCE - NO-FAULT AUTOMOBILE INSURANCE - WHETHER PLAINTIFF INSURER ESTABLISHED ENTITLEMENT TO SUMMARY JUDGMENT AS A MATTER OF LAW BASED ON THE INSURED'S FAILURE TO APPEAR AT AN EXAMINATION UNDER OATH, NOTWITHSTANDING THAT INSURER SCHEDULED EXAMINATION BEFORE RECEIVING PROVIDER'S CLAIM FOR BENEFITS; INTERPRETATION OF INSURANCE DEPARTMENT REGULATIONS;

MASON (LANZE R.), PEOPLE v:
CRIMES - INSTRUCTIONS - DEFENSE OF JUSTIFICATION - WHETHER THE TRIAL COURT PROPERLY DETERMINED, IN DENYING DEFENDANT'S REQUEST FOR A JUSTIFICATION CHARGE, THAT DEFENDANT USED DEADLY PHYSICAL FORCE WHEN HE STRUCK THE COMPLAINANT IN THE FACE WITH A GLASS BOTTLE; JURORS - SELECTION OF JURY - PROPRIETY OF COURT'S COMMENT THAT ANY PROSPECTIVE JUROR WHO WAS EXCUSED BASED ON HIS OR HER DIFFICULTY WITH THE ENGLISH LANGUAGE WOULD BE REQUIRED TO TAKE A COURSE IN ENGLISH - CLAIMED MODE OF PROCEEDINGS ERROR;

MATSEN, MATTER OF v NEW YORK STATE DEPARTMENT OF MOTOR VEHICLES, et al:
ADMINISTRATIVE LAW - DELEGATION OF LEGISLATIVE POWER - VALIDITY OF REGULATION - REGULATION GOVERNING TREATMENT OF RELICENSING OF PERSONS WITH MULTIPLE ALCOHOL OR DRUG-RELATED DRIVING OFFENSES AND ONE OR MORE "SERIOUS DRIVING OFFENSES" (15 NYCRR 136.5) - WHETHER 15 NYCRR 136.5(a)(2) ARBITRARILY DESIGNATES A "CONVICTION OF TWO OR MORE VIOLATIONS FOR WHICH FIVE OR MORE POINTS ARE ASSESSED ON A VIOLATOR'S DRIVING RECORD" TO BE A SERIOUS DRIVING OFFENSE - CHALLENGE TO REGULATION AS VIOLATING THE SEPARATION OF POWERS DOCTRINE, ULTRA VIRES, CONFLICTING WITH EXISTING STATUTES, VIOLATING THE EX POST FACTO CLAUSE, ARBITRARY AND CAPRICIOUS, AND EFFECTING AN EXCESSIVE PENALTY AS APPLIED TO PETITIONER;

McCAIN (DOUGLAS), PEOPLE v:
CRIMES - POSSESSION OF WEAPON - SUFFICIENCY OF ACCUSATORY INSTRUMENT - WHETHER FACTUAL ALLEGATIONS WERE SUFFICIENT TO SUPPORT CHARGE OF CRIMINAL POSSESSION OF A WEAPON IN THE FOURTH DEGREE, WHERE DEFENDANT TOLD ARRESTING OFFICER THAT HE POSSESSED A RAZOR KNIFE CLIPPED TO THE OUTSIDE OF HIS PANTS POCKET FOR SELF PROTECTION - WHETHER APPELLATE TERM IMPROPERLY RELIED ON THE PRESUMPTION CONTAINED IN PENAL LAW § 265.15(4) IN UPHOLDING THE ACCUSATORY INSTRUMENT;

McMILLAN (EVERETT B.), PEOPLE v:
CRIMES - UNLAWFUL SEARCH AND SEIZURE - AFTER DEFENDANT WAS ARRESTED INSIDE A BUILDING ON A PAROLE WARRANT, HIS CAR WAS SEARCHED WITHOUT A WARRANT BASED ON A TIP RECEIVED EARLIER IN THE DAY ABOUT A GUN IN THE VEHICLE - WHETHER GUN SHOULD HAVE BEEN SUPPRESSED; RIGHTS OF PAROLEES; WHETHER TRIAL COURT MADE ERRONEOUS RULING ABOUT DEFENSE COUNSEL'S REASON FOR STRIKING A PROSPECTIVE JUROR;

MENKES v GOLOMB:
ATTORNEY AND CLIENT - COMPENSATION - FEE-SHARING AGREEMENT - WHETHER THE APPELLATE DIVISION ERRED IN GRANTING MOTIONS TO FIX ATTORNEYS' FEES AT CERTAIN STATED PERCENTAGES UPON THE GROUND THAT THE AGREEMENTS AT ISSUE UNAMBIGUOUSLY PROVIDED FOR THE SHARING OF FEES AT THOSE PERCENTAGES;

MESTECKY, MATTER OF v CITY OF NEW YORK, et al.:
PROCESS - SERVICE OF PROCESS - NOTICES OF VIOLATION (NOVs) ISSUED BY NEW YORK CITY DEPARTMENT OF BUILDINGS (DOB) - WHETHER DOB INSPECTOR'S ONE ATTEMPT AT PERSONAL SERVICE OF NOVs AT THE PREMISES WHERE THE VIOLATIONS OCCURRED SATISFIED THE "REASONABLE ATTEMPT" REQUIREMENT SET FORTH IN NEW YORK CITY CHARTER § 1049-a(d)(2)(b) SO THAT RESORT TO "AFFIX AND MAIL" SERVICE WAS APPROPRIATE - WHETHER REFERENCE TO CPLR ARTICLE 3 IN THE NEW YORK CITY CHARTER'S "AFFIX AND MAIL" PROVISION INCORPORATES THE "DUE

DILIGENCE" REQUIREMENT OF CPLR ARTICLE 3; WHETHER THE APPELLATE DIVISION ERRED IN HOLDING THAT THE DETERMINATIONS ARE SUPPORTED BY SUBSTANTIAL EVIDENCE, ARE NOT AFFECTED BY AN ERROR OF LAW, AND ARE NOT ARBITRARY AND CAPRICIOUS;

MINEMIER (KEVIN M.), PEOPLE v:
CRIMES - SENTENCE - YOUTHFUL OFFENDER - DENIAL OF YOUTHFUL OFFENDER STATUS - COURT'S FAILURE TO STATE REASONS FOR DENIAL OR TO DISCLOSE CONFIDENTIAL INFORMATION - WHETHER THE APPELLATE DIVISION ERRED IN HOLDING THAT, UNDER PEOPLE v RUDOLPH (21 NY3d 497 [2013]), CPL 720.20(1) DOES NOT REQUIRE THE SENTENCING COURT TO STATE ITS REASONS FOR DENYING YOUTHFUL OFFENDER STATUS TO A DEFENDANT; WHETHER THE APPELLATE DIVISION ERRED IN HOLDING THAT, UNDER CPL 390.50, DEFENDANT WAS NOT ENTITLED TO DISCLOSURE OF ANY INFORMATION IN A DOCUMENT INCLUDED WITH THE PRE-SENTENCE REPORT ON THE BASIS THAT THE SOURCE OF THE INFORMATION WAS PROMISED CONFIDENTIALITY;

MYERS, et al. v SCHNEIDERMAN, &c., et al.:
CONSTITUTIONAL LAW - VALIDITY OF STATUTE - WHETHER PENAL LAW §§ 120.30 AND 125.15, WHICH PROHIBIT PHYSICIAN-ASSISTED SUICIDE, VIOLATE THE EQUAL PROTECTION AND DUE PROCESS CLAUSES OF THE STATE CONSTITUTION AND WHETHER SUCH STATUTES PROHIBIT A LICENSED PHYSICIAN FROM ENGAGING IN THE PRACTICE KNOWN AS "AID IN DYING" TO TERMINALLY ILL, MENTALLY COMPETENT ADULT PATIENTS;

NOMURA HOME EQUITY LOAN, INC., &c. v NOMURA CREDIT & CAPITAL, INC. (AND THREE OTHER ACTIONS):
CONTRACTS - BREACH OR PERFORMANCE OF CONTRACT - RESIDENTIAL MORTGAGE-BACKED SECURITIES - WHETHER "SOLE REMEDY" PROVISION REQUIRING DEFENDANT TO CURE OR REPURCHASE MORTGAGE LOANS NOT CONFORMING TO REPRESENTATIONS AND WARRANTIES PROHIBITS PLAINTIFFS FROM SEEKING MONEY DAMAGES FOR BREACH OF A CONTRACTUAL PROVISION PROVIDING THAT THE CONTRACT CONTAINS NO UNTRUE STATEMENTS;

NONNI (MARK), PEOPLE v:
CRIMES - UNLAWFUL SEARCH AND SEIZURE - WHETHER POLICE HAD A FOUNDED SUSPICION OF CRIMINALITY JUSTIFYING A LEVEL TWO INQUIRY UNDER PEOPLE v DE BOUR (40 NY2d 210) - WHETHER THE LEVEL OF SUSPICION WAS ELEVATED TO REASONABLE SUSPICION WHEN DEFENDANT FLED, JUSTIFYING PURSUIT AND AN INVESTIGATIVE DETENTION; WHETHER POLICE WERE JUSTIFIED IN CONDUCTING A PROTECTIVE SEARCH OF DEFENDANT'S BAG AND PERSON;

NOVAK (BRIAN), PEOPLE v:
JUDGES - RECUSAL - WHETHER A JUDGE WHO DECIDED DEFENDANT'S PRETRIAL MOTIONS AND PRESIDED OVER HIS BENCH TRIAL MAY DECIDE HIS APPEAL; CRIMES - INFORMATION - WHETHER A PROSECUTOR'S INFORMATION MAY SUPERCEDE A SIMPLIFIED TRAFFIC INFORMATION; WHETHER TRIAL

COURT ABUSED ITS DISCRETION BY FAILING TO IMPOSE A SANCTION FOR THE PEOPLE'S ROSARIO VIOLATION; EVIDENCE - WHETHER TRIAL COURT IMPROPERLY ADMITTED EVIDENCE REGARDING HORIZONTAL GAZE NYSTAGMUS (HGN) WITHOUT FIRST ESTABLISHING ITS SCIENTIFIC VALIDITY; WHETHER EVIDENCE PRESENTED AT TRIAL WAS SUFFICIENT TO PROVE THAT DEFENDANT WAS IMPAIRED BY THE USE OF ALCOHOL;

OBEY v CITY OF NEW YORK, et al.:
NEGLIGENCE - WHETHER PLAINTIFF PRODUCED SUFFICIENT EVIDENCE TO ESTABLISH THAT A PARTICULAR TRAIN STRUCK HIM AND CAUSED HIS INJURIES; WHETHER TRAIN OPERATOR WAS NEGLIGENT IN FAILING TO ACTIVATE TRAIN'S EMERGENCY BRAKE UPON OBSERVING EVIDENCE OF A HUMAN PRESENCE ON THE TRACKS;

O'BRIEN v THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY, et al.:
LABOR - SAFE PLACE TO WORK - ELEVATION-RELATED RISK - FALL DOWN WET TEMPORARY OUTDOOR STAIRCASE - APPLICABILITY OF LABOR LAW § 240(1) TO TEMPORARY OUTDOOR STAIRCASE AT WORKSITE - WHETHER PLAINTIFF WAS ENTITLED TO SUMMARY JUDGMENT ON LIABILITY ON HIS CLAIM UNDER LABOR LAW § 240(1);

ODDO v QUEENS VILLAGE COMMITTEE FOR MENTAL HEALTH FOR JAMAICA COMMUNITY ADOLESCENT PROGRAM, INC.:
NEGLIGENCE - DUTY - SUBSTANCE ABUSE TREATMENT FACILITY - CRIMINAL ACTS COMMITTED BY RESIDENT OUTSIDE OF FACILITY - WHETHER DEFENDANT SUBSTANCE ABUSE TREATMENT FACILITY OWED A DUTY OF CARE TO A THIRD PARTY AGAINST WHOM A RESIDENT COMMITS A VIOLENT ACT AFTER THE RESIDENT'S TERMINATION FROM THE PROGRAM;

O'KANE (DENNIS), PEOPLE v:
CRIMES - VERDICT - CONTENT OF VERDICT SHEET - DEFENSE COUNSEL'S CONSENT TO ANNOTATIONS ON VERDICT SHEET SUMMARIZING SPECIFIC ALLEGATIONS AGAINST DEFENDANT - WHETHER COUNTY COURT ERRED IN HOLDING THAT DEFENSE COUNSEL WAS INEFFECTIVE FOR CONSENTING TO THE VERDICT SHEET ANNOTATIONS AND THAT SUCH ANNOTATIONS CONSTITUTED REVERSIBLE ERROR - ISSUE NOT ADDRESSED BY THE PARTIES BUT RAISED BY COUNTY COURT SUA SPONTE IN ITS OPINION;

ORTIZ, MATTER v ANNUCCI, &c.:
PRISONS AND PRISONERS - CALCULATION OF SENTENCE - JAIL TIME CREDIT - WHETHER PRISONER WAS ENTITLED TO JAIL TIME CREDIT ON SENTENCE IMPOSED FOR ATTEMPTED MURDER CONVICTION FOR THE TIME PRISONER SPENT IN CUSTODY ON PRIOR ATTEMPTED ROBBERY CONVICTION - DOUBLE JEOPARDY - WHETHER REMOVAL OF JAIL TIME CREDIT FOR TIME THAT PRISONER SERVED ON PRIOR ATTEMPTED ROBBERY SENTENCE CONSTITUTED MULTIPLE PUNISHMENTS FOR PRISONER'S ATTEMPTED MURDER CONVICTION;

TARA N.P. (ANONYMOUS) v WESTERN SUFFOLK BOARD OF COOPERATIVE EDUCATIONAL SERVICES, &c., et al.:
MUNICIPAL CORPORATIONS - TORT LIABILITY - SPECIAL RELATIONSHIP - WHETHER THE APPELLATE DIVISION ERRED IN CONCLUDING AS A MATTER OF LAW THAT THE COUNTY WAS NOT LIABLE EITHER (1) FOR ITS REFERRAL OF A SEX OFFENDER TO WORK AT THE SCHOOL PLAINTIFF ATTENDED OR (2) AS LANDLORD OF THE BUILDING WHERE PLAINTIFF WAS ASSAULTED; GOVERNMENTAL IMMUNITY - SPECIAL DUTY; SUMMARY JUDGMENT;

PARAMOUNT PICTURES CORPORATION v ALLIANZ RISK TRANSFER AG, et al.:
JUDGMENTS - RES JUDICATA - APPLICATION OF FEDERAL RULE OF CIVIL PROCEDURE 13(a) TO NEW YORK STATE COURT CASES; WHETHER A PARTY'S FAILURE TO ASSERT A COMPULSORY COUNTERCLAIM IN A PRIOR FEDERAL ACTION PRECLUDED THE PARTY FROM PURSUING THE COUNTERCLAIM IN A SUBSEQUENT STATE COURT ACTION UNDER THE DOCTRINE OF RES JUDICATA;

PARKER (LAWRENCE), PEOPLE v:
CRIMES - UNLAWFUL SEARCH AND SEIZURE - WHETHER THE RECORD SUPPORTS THE CONCLUSION THAT DEFENDANT ACTIVELY FLED FROM POLICE, THUS ELEVATING THE LEVEL OF SUSPICION UNDER PEOPLE v DE BOUR (40 NY2d 210) TO REASONABLE SUSPICION;

PEGUERO-SANCHEZ (JULIO), PEOPLE v:
CRIMES - PROOF OF OTHER CRIMES - WHETHER TRIAL COURT ERRED IN ADMITTING EVIDENCE OF UNCHARGED CRIMES - REFERENCE TO UNCHARGED CRIMES IN PEOPLE'S CLOSING STATEMENT; ADMISSION OF EVIDENCE FROM PROSECUTION WITNESS THAT DEFENDANT INVOKED HIS RIGHT TO REMAIN SILENT AND RIGHT TO COUNSEL POST-ARREST; SUPPRESSION OF EVIDENCE - WHETHER THE TRIAL COURT ERRED IN FAILING TO SUPPRESS TANGIBLE EVIDENCE FOUND IN DEFENDANT'S CAR;

PENA (MICHAEL), PEOPLE v:
CRIMES - SENTENCE - CONCURRENT AND CONSECUTIVE TERMS - CHALLENGE TO AGGREGATE SENTENCE OF 75 YEARS TO LIFE AS SO DISPROPORTIONATE TO SENTENCES IMPOSED FOR SIMILAR AND GREATER OFFENSES THAT IT CONSTITUTES CRUEL AND UNUSUAL PUNISHMENT;

MATTER OF PEOPLE OF THE STATE OF NEW YORK, &c. v THE TRUMP ENTREPRENEUR INITIATIVE, LLC, &c, et al.:
FRAUD - OPERATION OF UNLICENSED EDUCATIONAL INSTITUTION - SPECIAL PROCEEDING BY ATTORNEY GENERAL TO ENJOIN FRAUDULENT OR ILLEGAL ACTS UNDER EXECUTIVE LAW § 63(12) - WHETHER THE APPELLATE DIVISION PROPERLY REINSTATED THE STATE'S CAUSE OF ACTION PURPORTING TO ALLEGE FRAUD UNDER EXECUTIVE LAW § 63(12) AS AN INDEPENDENT CAUSE OF ACTION - APPLICABILITY OF RESIDUAL SIX-YEAR STATUTE OF LIMITATIONS IN CPLR 213(1) - NECESSITY TO ESTABLISH ELEMENTS OF SCIENTER AND RELIANCE; AFFIRMATIVE DEFENSES - WHETHER

THE TRIAL COURT PROPERLY DISMISSED RESPONDENTS' AFFIRMATIVE DEFENSES IN PART; DISCOVERY - WHETHER THE TRIAL COURT PROPERLY DENIED RESPONDENTS' REQUEST FOR DISCOVERY IN PART;

PERRY (ROBERT), PEOPLE v:
CRIMES - EVIDENCE - DNA IDENTIFICATION TESTS - PROPRIETY OF DENIAL OF MOTION FOR FORENSIC DNA TESTING - WHETHER DEFENDANT SATISFIED THE "REASONABLE PROBABILITY" STANDARD FOR FORENSIC DNA TESTING UNDER CPL 440.30 - WHETHER A COURT MAY CONSIDER EVIDENCE OUTSIDE THE TRIAL RECORD ON A CPL 440.30 MOTION;

PLAINVIEW-OLD BETHPAGE CONGRESS OF TEACHERS et al., MATTER OF v NEW YORK STATE HEALTH INSURANCE PLAN et al.:
CIVIL SERVICE - COMPENSATION AND BENEFITS - HEALTH INSURANCE - WHETHER A POLICY MEMORANDUM ISSUED BY THE DEPARTMENT OF CIVIL SERVICE THAT REQUIRES LOCAL UNITS OF GOVERNMENT WHO CHOOSE TO PARTICIPATE IN THE NEW YORK STATE HEALTH INSURANCE PLAN TO LIMIT THE "OPT OUT PROGRAMS" THEY OFFER THEIR EMPLOYEES, CONSTITUTES A "RULE OR REGULATION" SUBJECT TO CONSTITUTIONAL AND STATUTORY FILING REQUIREMENTS; STATUTE OF LIMITATIONS; STANDING;

PRICE (CHRIS), PEOPLE v:
CRIMES - EVIDENCE - PHOTOGRAPH OF DEFENDANT HOLDING GUN - WHETHER THE TRIAL COURT ERRED IN ADMITTING INTO EVIDENCE A PHOTOGRAPH POSTED ON DEFENDANT'S WEBSITE WHERE DEFENSE COUNSEL OBJECTED ON THE GROUND THAT THE PEOPLE FAILED TO LAY A PROPER FOUNDATION BECAUSE THEY DID NOT ESTABLISH THAT THE PHOTOGRAPH WAS GENUINE AND THE COMPLAINANT DID NOT CONFIRM THAT THE GUN IN THE PHOTOGRAPH WAS THE SAME AS THAT USED IN THE ROBBERY; SUFFICIENCY OF THE EVIDENCE ESTABLISHING DEFENDANT'S IDENTITY AS THE MAN WHO ROBBED THE VICTIM AT GUNPOINT;

PRINCES POINT LLC v MUSS DEVELOPMENT LLC, et al.:
VENDOR AND PURCHASER - CONTRACT FOR SALE OF REAL PROPERTY - WHETHER PROSPECTIVE PURCHASER OF REAL PROPERTY COMMITS ANTICIPATORY BREACH OF CONTRACT BY COMMENCING AN ACTION AGAINST SELLERS FOR RESCISSION OF THE CONTRACT BEFORE THE CLOSING DATE - WHETHER SELLERS ARE REQUIRED TO ESTABLISH THAT THEY ARE READY, WILLING AND ABLE TO CLOSE AFTER BUYER'S ANTICIPATORY BREACH IN ORDER TO RETAIN THE DEPOSIT AND CERTAIN OTHER PAYMENTS AS LIQUIDATED DAMAGES;

PRINDLE (MICHAEL E.), PEOPLE v:
CRIMES - SENTENCE - PERSISTENT FELONY OFFENDER - WHETHER THE INCREASE IN DEFENDANT'S PRESCRIBED MINIMUM TERM BASED ON HIS ADJUDICATION AS A PERSISTENT FELONY OFFENDER AND A JUDICIAL FINDING THAT "THE HISTORY AND CHARACTER OF THE DEFENDANT AND THE NATURE AND CIRCUMSTANCES OF HIS CRIMINAL CONDUCT ARE SUCH THAT EXTENDED INCARCERATION AND LIFETIME SUPERVISION OF THE DEFENDANT ARE WARRANTED TO BEST SERVE THE PUBLIC INTEREST" (PENAL LAW §

70.10[2]) CONSTITUTES AN INCREASE IN THE PRESCRIBED MINIMUM PREDICATED ON NON-JURY FINDINGS IN VIOLATION OF APPRENDI v NEW JERSEY (530 US 466 [2000]) OR ALLEYN v UNITED STATES (570 US ___, 133 S Ct 2151 [2013]); CHALLENGE TO CONSTITUTIONALITY OF PENAL LAW § 70.10 AND CPL 400.20;

RAMSARAN (GANESH R.), PEOPLE v:
CRIMES - RIGHT TO COUNSEL - WHETHER DEFENSE COUNSEL WAS INEFFECTIVE FOR (1) FAILING TO OBJECT TO COMMENTS MADE BY THE PROSECUTOR DURING SUMMATION THAT MISCHARACTERIZED THE NATURE OF DNA EVIDENCE, (2) FAILING TO OBJECT TO IRRELEVANT AND PREJUDICIAL TESTIMONY, AND (3) PRESENTING A CONFUSING SUMMATION;

RICHARDS, MATTER OF v NEW YORK STATE DIVISION OF PAROLE:
PROCEEDING AGAINST BODY OR OFFICER - CPLR ARTICLE 78 PROCEEDING CHALLENGING DENIAL OF APPLICATION FOR PAROLE RELEASE; APPELLATE DIVISION - DENIAL OF MOTION TO CERTIFY QUESTIONS OF LAW; HABEAS CORPUS - AVAILABILITY OF RELIEF; CLAIMED DUE PROCESS VIOLATIONS;

RIVERA v DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT OF THE CITY OF NEW YORK:
LIENS - MECHANIC'S LIEN - VACATUR OR DISCHARGE - LIEN FOR LIVING EXPENSES OF RELOCATED TENANTS - WHETHER A COURT MAY SUMMARILY DETERMINE IF ASSERTEDLY UNREASONABLE CLAIMED EXPENSES RENDER A LIEN FACIALLY INVALID, OR WHETHER A FORECLOSURE TRIAL IS REQUIRED;

ROBERTS (KERRI), PEOPLE v:
CRIMES - EVIDENCE - SUFFICIENCY OF EVIDENCE - IDENTITY THEFT (PENAL LAW § 190.79 [3]) - WHETHER THERE WAS PROOF THAT DEFENDANT ASSUMED THE VICTIM'S IDENTITY IN ADDITION TO USING HER DRIVER'S LICENSE AND CREDIT CARD INFORMATION;

RODRIGUEZ v CITY OF NEW YORK:
NEGLIGENCE - COMPARATIVE NEGLIGENCE - WHETHER PLAINTIFF WAS REQUIRED TO ESTABLISH THE ABSENCE OF COMPARATIVE NEGLIGENCE IN ORDER TO OBTAIN SUMMARY JUDGMENT ON THE ISSUE OF LIABILITY;

ROSLYN TEACHERS ASSOCIATION et al., MATTER OF v NEW YORK STATE HEALTH INSURANCE PLAN et al.:
CIVIL SERVICE - COMPENSATION AND BENEFITS - HEALTH INSURANCE - WHETHER A POLICY MEMORANDUM ISSUED BY THE DEPARTMENT OF CIVIL SERVICE THAT REQUIRES LOCAL UNITS OF GOVERNMENT WHO CHOOSE TO PARTICIPATE IN THE NEW YORK STATE HEALTH INSURANCE PLAN TO LIMIT THE "OPT OUT PROGRAMS" THEY OFFER THEIR EMPLOYEES, CONSTITUTES A "RULE OR REGULATION" SUBJECT TO CONSTITUTIONAL AND STATUTORY FILING REQUIREMENTS; STATUTE OF LIMITATIONS; STANDING;

CITY OF SCHENECTADY, MATTER OF v NEW YORK STATE PUBLIC EMPLOYMENT RELATIONS BOARD (PERB):
CIVIL SERVICE - PUBLIC EMPLOYEES' FAIR EMPLOYMENT ACT - COLLECTIVE BARGAINING - DISCIPLINE OF POLICE - WHETHER THE TAYLOR LAW, AS CODIFIED IN CIVIL SERVICE LAW ARTICLE 14, SUPERCEDED ARTICLE 9 OF THE SECOND CLASS CITIES LAW, MAKING THE MUNICIPALITY'S POLICE DISCIPLINARY PROCEDURES A MANDATORY SUBJECT OF COLLECTIVE BARGAINING - MATTER OF PATROLMEN'S BENEVOLENT ASSN. OF CITY OF N.Y., INC. v NEW YORK STATE PUB. EMPL. RELATIONS BD. (6 NY3d 563 [2006]) AND MATTER OF TOWN OF WALLKILL v CIVIL SERV. EMPLS. ASSN., INC. (LOCAL 1000, AFSCME, AFL-CIO, TOWN OF WALLKILL POLICE DEPT. UNIT, ORANGE COUNTY LOCAL 836) (19 NY3d 1066 [2012]);

SIVERTSON (SHAWN J.), PEOPLE v:
CRIMES - UNLAWFUL SEARCH AND SEIZURE - WARRANTLESS ENTRY INTO RESIDENCE - WHETHER EXIGENT CIRCUMSTANCES JUSTIFIED THE WARRANTLESS ENTRY INTO DEFENDANT'S APARTMENT WHERE THE SUBJECT WEAPON WAS A KNIFE, NOT A GUN; RIGHT TO COUNSEL - EFFECTIVE REPRESENTATION - WHETHER TRIAL COUNSEL PROVIDED INEFFECTIVE ASSISTANCE OF COUNSEL BY FAILING TO OBJECT TO CERTAIN COMMENTS MADE BY THE PROSECUTOR DURING SUMMATION, INCLUDING THAT DEFENDANT'S SILENCE UPON HIS ARREST EVIDENCED HIS GUILT;

SLOCUM (MATTHEW A.), PEOPLE v:
CRIMES - CONFESSION - STATEMENTS MADE TO POLICE ON THE NIGHT OF DEFENDANT'S ARREST - WHETHER DEFENDANT UNEQUIVOCALLY INVOKED HIS RIGHT TO COUNSEL BEFORE BEING QUESTIONED BY POLICE - IF NOT, WHETHER POLICE WERE REQUIRED TO MAKE A FURTHER INQUIRY INTO DEFENDANT'S DESIRE TO HAVE COUNSEL REPRESENT HIM BEFORE QUESTIONING DEFENDANT ABOUT THE CRIMES - WHETHER STATEMENTS DEFENDANT MADE TO SOCIAL SERVICES CASEWORKER AFTER DEFENDANT'S RIGHT TO COUNSEL ATTACHED SHOULD HAVE BEEN SUPPRESSED UPON THE GROUND THAT THE CASE WORKER WAS ACTING AS AN AGENT OF LAW ENFORCEMENT - ASSUMING ALL OF DEFENDANT'S STATEMENTS SHOULD HAVE BEEN SUPPRESSED, WHETHER THE ERROR IN ADMITTING THEM WAS HARMLESS AS TO DEFENDANT'S ARSON CONVICTION;

SMALLING (OMAR A.), PEOPLE v:
CRIMES - INSTRUCTIONS - SUPPLEMENTAL INSTRUCTION - WHETHER SUPREME COURT ERRED WHEN IT GAVE A SUPPLEMENTAL INSTRUCTION REGARDING CONSTRUCTIVE POSSESSION OF A WEAPON IN RESPONSE TO A NOTE FROM THE JURY;

SMITH (CHARLES), PEOPLE v:
CRIMES - ROBBERY - FIRST DEGREE ROBBERY - WHAT CONSTITUTES "DISPLAY" OF FIREARM - WHETHER THE PROSECUTION PRESENTED LEGALLY SUFFICIENT EVIDENCE ESTABLISHING THAT DEFENDANT DISPLAYED WHAT APPEARED TO BE A FIREARM WHILE ATTEMPTING TO COMMIT A ROBBERY;

SMITH (DWIGHT), PEOPLE v:
CRIMES - APPEAL - WAIVER OF RIGHT TO APPEAL - WHETHER DEFENDANT'S WAIVER OF THE RIGHT TO APPEAL WAS INVALID - RIGHT TO COUNSEL - WHETHER THE DENIAL OF DEFENDANT'S REQUESTS FOR A LAWYER DURING PRETRIAL PROCEEDINGS CONCERNING A DNA TEST VIOLATED DEFENDANT'S RIGHT TO COUNSEL - WHETHER DISMISSAL OF THE INDICTMENT IS THE PROPER REMEDY FOR THE DEPRIVATION OF COUNSEL;

SMITH (LEROY SAVAGE), PEOPLE v:
CRIMES - RIGHT TO COUNSEL - WHETHER THE TRIAL COURT ABUSED ITS DISCRETION IN DENYING DEFENDANT'S REQUEST FOR SUBSTITUTION OF ASSIGNED COUNSEL;

SOMEREVE v PLAZA CONSTRUCTION CORP.:
LABOR - SAFE PLACE TO WORK - WHETHER LABOR LAW § 240(1) APPLIES WHERE PLAINTIFF WAS USING A PRIME MOVER TO HOIST A LOAD AND THE PRIME MOVER PITCHED FORWARD, CAUSING PLAINTIFF TO BE EJECTED OFF THE BACK OF THE MACHINE; WHETHER SUMMARY JUDGMENT WAS PREMATURE WHERE DISCOVERY WAS STILL ONGOING; WHETHER ISSUES OF FACT EXISTED PRECLUDING THE GRANT OF SUMMARY JUDGMENT; COMPARATIVE NEGLIGENCE AND SOLE PROXIMATE CAUSE;

SPARKS (YUSUF), PEOPLE v:
CRIMES - JUSTIFICATION - WHETHER THE TRIAL COURT ERRED IN REFUSING TO INSTRUCT THE JURY ON DEFENDANT'S ASSERTED JUSTIFICATION DEFENSE; DEFENDANT'S TESTIMONY - WHETHER THE TRIAL COURT ERRED IN PERMITTING THE PEOPLE TO CROSS EXAMINE DEFENDANT REGARDING A PRIOR, UNRELATED ROBBERY CONVICTION;

SPENCER (DARRELL), PEOPLE v:
CRIMES - JURORS - QUALIFICATION INQUIRY - WHETHER THE TRIAL COURT ERRED IN REFUSING TO GRANT A MISTRIAL WHEN, ON THE FOURTH DAY OF DELIBERATIONS, AFTER DISCHARGE OF THE ALTERNATE JURORS, JUROR NUMBER ONE STATED THAT SHE COULD NOT "SEPARATE [HER] EMOTIONS FROM THE CASE" AND "D[ID NOT] HAVE IT IN [HER]" TO DECIDE THE CASE ON THE FACTS AND LAW; JURY INSTRUCTIONS - INTOXICATION CHARGE - PURPOSEFUL BEHAVIOR - WHETHER THE TRIAL COURT ERRED IN REFUSING TO GIVE AN INTOXICATION CHARGE IN LIGHT OF DEFENDANT'S PURPOSEFUL ATTEMPT TO CONCEAL THE DEATH OF THE VICTIM; SEARCH AND SEIZURE - KNOWINGLY AND VOLUNTARILY EXITING APARTMENT - WHETHER DEFENDANT'S WARRANTLESS ARREST WAS UNLAWFUL UNDER PAYTON v NEW YORK (445 US 573 [1980]);

SPOSITO (JOSEPH), PEOPLE v:
CRIMES - RIGHT TO COUNSEL - EFFECTIVE REPRESENTATION - TRIAL COUNSEL'S WAIVER OF A HUNTLEY HEARING, RESULTING IN THE ADMISSION AT TRIAL OF A HIGHLY PREJUDICIAL VIDEOTAPED STATEMENT; DNA TESTING - POST-CONVICTION RELIEF - WHETHER COUNTY COURT PROPERLY DENIED DEFENDANT'S MOTION FOR DNA TESTING;

STATE OF NEW YORK, MATTER OF v FLOYD Y.:
CRIMES - SEX OFFENDERS - CIVIL COMMITMENT OR SUPERVISION - MENTAL ABNORMALITY - WHETHER LEGALLY SUFFICIENT EVIDENCE SUPPORTED THE JURY'S FINDING THAT RESPONDENT HAS SERIOUS DIFFICULTY CONTROLLING HIS SEXUAL MISCONDUCT UNDER MATTER OF STATE OF NEW YORK v DONALD DD. (24 NY3d 174 [2014]);

STATON (DARREN), PEOPLE v:
CRIMES - IDENTIFICATION OF DEFENDANT - PHOTOGRAPHIC ARRAY - WHETHER PHOTOGRAPHIC ARRAY USED TO IDENTIFY DEFENDANT WAS UNDULY SUGGESTIVE; SUFFICIENCY OF THE EVIDENCE THAT ONE OF THE COMPLAINANTS SUFFERED PHYSICAL INJURY WITHIN THE MEANING OF PENAL LAW § 10.00(9); RIGHT TO COUNSEL - EFFECTIVE REPRESENTATION - ALLEGED INEFFECTIVE ASSISTANCE OF COUNSEL AS TO SENTENCING;

STONE (JOHN), PEOPLE v:
CRIMES - TRIAL - MISTRIAL - WHETHER MOTION FOR MISTRIAL WAS PROPERLY DENIED WHERE THE TRIAL COURT STRUCK AND INSTRUCTED THE JURY TO DISREGARD TESTIMONY BY INVESTIGATING DETECTIVE THAT, AFTER INTERVIEWING DEFENDANT'S WIFE, A WITNESS TO THE CRIME WHO DID NOT TESTIFY AT TRIAL, THE DETECTIVE CONDUCTED SEVERAL COMPUTER CHECKS ON DEFENDANT, "THE PERSON THAT HAD BEEN INDICATED AS A SUSPECT" - PREJUDICIAL EFFECT OF TESTIMONY; VERDICT - SETTING VERDICT ASIDE - ALLEGED JURY MISCONDUCT - WHETHER THE TRIAL COURT ERRED IN DENYING MOTION TO SET ASIDE VERDICT BASED UPON STATEMENTS MADE BETWEEN COMPLAINANT AND A JUROR WITHOUT HOLDING A HEARING - CPL 330.40(2)(c-e);

TERRANOVA, MATTER OF v LEHR:
WORKERS' COMPENSATION - THIRD PARTY ACTION - WHETHER CLAIMANT, WHO SUSTAINED A WORK-RELATED INJURY AND OBTAINED A SCHEDULE LOSS OF USE AWARD, WAS ENTITLED TO ONGOING PAYMENTS FOR LITIGATION EXPENSES INCURRED IN AN ACTION AGAINST A THIRD-PARTY TORTFEASOR;

THEN (RAFAEL), PEOPLE v:
CRIMES - FAIR TRIAL - WHETHER DEFENDANT WAS DEPRIVED OF HIS RIGHT TO A FAIR TRIAL WHEN HE APPEARED WEARING ORANGE PRISON PANTS DURING JURY SELECTION; WHETHER SUPREME COURT ERRED IN ADMITTING TESTIMONY THAT DEFENDANT POSSESSED A GUN DURING THE MONTH OF THE CRIME; WHETHER THE PROSECUTOR'S SUMMATION DEPRIVED DEFENDANT OF A FAIR TRIAL;

TIRONE et al., &c. v BUCZEK:
MORTGAGES - FORECLOSURE - CHALLENGE TO STANDING OF PLAINTIFF TRUSTEES TO BRING FORECLOSURE ACTION - LOST NOTE;

MATTER OF 381 SEARCH WARRANTS DIRECTED TO FACEBOOK, INC.; FACEBOOK v NEW YORK COUNTY DISTRICT ATTORNEY'S OFFICE:
CRIMES - SEARCH WARRANT - WARRANT SERVED ON ONLINE SOCIAL NETWORKING SITE - PRE-ENFORCEMENT CHALLENGE ON BEHALF OF TARGET

OF WARRANT - WHETHER FACEBOOK, AN ONLINE SOCIAL NETWORKING SERVICE, SERVED WITH A WARRANT FOR CUSTOMER ACCOUNTS, CAN LITIGATE PRIOR TO ENFORCEMENT THE CONSTITUTIONALITY OF THE WARRANT ON ITS CUSTOMERS' BEHALF; COURTS - APPEALS - APPEALABLE PAPERS;

RICHARDO T. (ANONYMOUS), JR., MATTER OF (ORANGE COUNTY DEPARTMENT OF SOCIAL SERVICES; RICARDO T. [ANONYMOUS], SR.):
APPEAL - APPELLATE DIVISION - DENIAL OF MOTION TO VACATE DISMISSAL ORDER;

TRIMBLE v STATE OF NEW YORK:
COURTS - COURT OF CLAIMS - DISMISSAL OF CLAIM - FAILURE TO SERVE ATTORNEY GENERAL AS REQUIRED BY COURT OF CLAIMS ACT § 11(a);

VALENTIN (CARLOS), PEOPLE v:
CRIMES - JUSTIFICATION - INITIAL AGGRESSOR EXCEPTION TO JUSTIFICATION DEFENSE (PENAL LAW § 35.15 [1][b]) - WHETHER THE TRIAL COURT ERRED IN INCLUDING IN THE JURY CHARGE THE INITIAL AGGRESSOR EXCEPTION TO THE JUSTIFICATION DEFENSE - TESTIMONY RAISING AN ISSUE OF FACT AS TO WHETHER DEFENDANT WAS THE FIRST TO USE, OR THREATEN TO USE, DEADLY PHYSICAL FORCE - DEFENDANT SHOT VICTIM SWINGING A MOP HANDLE;

VALENTIN (JOSE), PEOPLE v:
CRIMES - AGENCY DEFENSE IN NARCOTICS PROSECUTION - RIGHT OF REBUTTAL - WHETHER THE PEOPLE ARE PERMITTED TO INTRODUCE EVIDENCE OF A PRIOR CONVICTION WHEN A DEFENDANT ASSERTS AN AGENCY DEFENSE BY ADOPTING PORTIONS OF THE PEOPLE'S EVIDENCE THAT SUPPORT THAT DEFENSE, RATHER THAN BY TESTIFYING OR OTHERWISE ELICITING EVIDENCE FROM DEFENSE WITNESSES; WHETHER DEFENDANT WAS DEPRIVED OF THE EFFECTIVE ASSISTANCE OF TRIAL COUNSEL;

VASQUEZ, &c. v NATIONAL SECURITIES CORPORATION et al.:
ACTIONS - CLASS ACTIONS - WHETHER THE NOTICE PROVISION OF CPLR 908 APPLIES TO AN ACTION PLEADED AS A CLASS ACTION BUT DISMISSED PRIOR TO CLASS CERTIFICATION - NOTICE TO PUTATIVE CLASS OF IMPENDING DISMISSAL;

VINING (GREGORY), PEOPLE v:
EVIDENCE - ADMISSION AGAINST INTEREST - ADMISSION BY SILENCE - WHETHER A RECORDING OF A PHONE CALL PLACED BY DEFENDANT FROM PRISON TO COMPLAINANT, IN WHICH DEFENDANT WAS SILENT IN THE FACE OF COMPLAINANT'S ACCUSATION OF PHYSICAL ABUSE, WAS PROPERLY ADMITTED AGAINST DEFENDANT AS AN ADOPTIVE ADMISSION BY SILENCE; CLAIMED VIOLATION OF CONSTITUTIONAL RIGHTS;

VIRUET (MIGUEL), PEOPLE v:
CRIMES - INSTRUCTIONS - WHETHER THE TRIAL COURT ERRED IN REFUSING TO GIVE AN ADVERSE INFERENCE CHARGE TO THE JURY AFTER THE POLICE LOST A SURVEILLANCE VIDEO THAT HAD SOME RELEVANCE TO THE SHOOTING AT ISSUE - MISSING EVIDENCE;

WEST MIDTOWN MANAGEMENT GROUP, INC., MATTER OF v STATE OF NEW YORK &c.:
PROCEEDING AGAINST BODY OR OFFICER - CERTIORARI - CPLR ARTICLE 78 PROCEEDING SEEKING A JUDGMENT DECLARING WHAT SUM THE OFFICE OF MEDICAID INSPECTOR GENERAL IS ENTITLED TO SEEK AS REPAYMENT UNDER A FINAL AUDIT REPORT - MEDICAID REIMBURSEMENT OVERPAYMENT LIABILITY;

WHITEHEAD, JR. (NORMAN), PEOPLE v:
CRIMES - SUFFICIENCY OF THE EVIDENCE - CONTROLLED SUBSTANCES - WHETHER THE EVIDENCE WAS SUFFICIENT TO ESTABLISH DEFENDANT'S POSSESSION AND SALE OF COCAINE WHERE NONE OF THE SUBSTANCE WAS AVAILABLE FOR TESTING AND THE EVIDENCE ESTABLISHING THE NATURE OF THE SUBSTANCE POSSESSED AND SOLD BY DEFENDANT WAS TESTIMONY BY A CO-CONSPIRATOR'S CLIENT ABOUT THE EFFECTS OF THE SUBSTANCE; CONSPIRACY - CRIMINAL SALE OF CONTROLLED SUBSTANCE - ALLEGED DUPLICITOUS COUNTS; WHETHER DEFENDANT WAS DEPRIVED OF A FAIR HEARING BY THE PEOPLE'S COMMENTS AT OPENING AND SUMMATION; JURY INSTRUCTIONS - WHETHER THE TRIAL COURT ERRED IN REFUSING TO GIVE A CIRCUMSTANTIAL EVIDENCE CHARGE TO THE JURY;

WILLIAMS, MATTER OF v DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION:
CRIMES - SEX OFFENDERS - RESIDENCY RESTRICTIONS - WHETHER THE MANDATORY BUFFER ZONE CONTAINED IN THE SEXUAL ASSAULT REFORM ACT (EXECUTIVE LAW § 259-c[14]), WHICH PROHIBITS SEX OFFENDER PAROLEES FROM RESIDING OR TRAVELING WITHIN 1000 FEET OF SCHOOLS OR OTHER INSTITUTIONS WHERE CHILDREN CONGREGATE, VIOLATES THE EX POST FACTO CLAUSE OF THE FEDERAL CONSTITUTION, AND DEPRIVES HIM OF HIS RIGHT TO TRAVEL AND TO SUBSTANTIVE DUE PROCESS UNDER THE FEDERAL AND STATE CONSTITUTIONS;

WILLIAMS (LEONARD), PEOPLE v:
CRIMES - ARGUMENT AND CONDUCT OF COUNSEL - WHETHER POWER POINT PRESENTATION USED BY PROSECUTOR IN SUMMATION DEPRIVED DEFENDANT OF A FAIR TRIAL - MISCHARACTERIZATION OF TRIAL EVIDENCE - CURATIVE INSTRUCTIONS; RIGHT TO COUNSEL - ALLEGED INEFFECTIVE ASSISTANCE OF COUNSEL FOR FAILING TO OBJECT TO VARIOUS COMMENTS DURING PROSECUTOR'S SUMMATION;

WILSON v DANTAS, et al.:
COURTS - JURISDICTION - LONG-ARM JURISDICTION - INTERNATIONAL FINANCIAL TRANSACTION - TRANSACTION OF BUSINESS IN NEW YORK -

EXECUTION OF CONTRACTS IN NEW YORK - WHETHER THE APPELLATE DIVISION CORRECTLY HELD THAT THE COMPLAINT SUFFICIENTLY ALLEGED THAT DEFENDANTS TRANSACTED BUSINESS IN NEW YORK AND THAT PLAINTIFF'S CAUSES OF ACTION ARISE FROM DEFENDANTS' NEW YORK CONTACTS - WHETHER THE APPELLATE DIVISION CORRECTLY REJECTED DEFENDANTS' CONTENTION THAT THE ACTION SHOULD BE DISMISSED ON THE GROUND OF FORUM NON CONVENIENS;

WORD, PEOPLE ex rel. v STATE OF NEW YORK, et al.:
HABEAS CORPUS - AVAILABILITY OF RELIEF - RENEWAL OF APPLICATION;

WRIGHT (PHILLIP), PEOPLE v:
CRIMES - SENTENCE - PERSISTENT VIOLENT FELONY OFFENDER - WHETHER THE ADJUDICATION OF DEFENDANT AS A PERSISTENT FELONY OFFENDER WAS BASED ON NON-JURY FINDINGS IN VIOLATION OF THE RULE SET FORTH IN APPRENDI v NEW JERSEY (530 US 466) AND ITS PROGENY; JURORS - WHETHER SUPREME COURT ERRED IN DENYING DEFENDANT'S CHALLENGES FOR CAUSE TO THREE PROSPECTIVE JURORS - FAILURE TO OBTAIN UNEQUIVOCAL ASSURANCES FROM JURORS REGARDING IMPARTIALITY;