FEBRUARY 2018

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;

ADAMO, et al. v CITY OF ALBANY:
Contracts--Breach or Performance of Contract--Whether amended complaint stated a claim that defendant City of Albany (the City) breached collective bargaining agreements with police officer unions purportedly granting union retirees and their spouses, including plaintiffs, reimbursement of Medicare Part B premiums; motions and orders--motion to dismiss--whether Supreme Court erred by considering the City's affidavit without treating the City's motion to dismiss as a motion for summary judgment pursuant to CPLR 3211 (c);

ALEYNIKOV (SERGEY), PEOPLE v:
Crimes--Verdict--Sufficiency of Evidence--Whether legally sufficient evidence supports defendant's conviction of unlawful use of secret scientific material, in violation of Penal Law § 165.07, where defendant made a digital copy of his employer's proprietary computer source code by uploading the code to a server and copying it to his own personal computing devices;

ALLEN (DORAN), PEOPLE v:
Grand Jury--Resubmission of Charges--Whether People improperly re-presented second-degree murder charge to grand jury without obtaining leave of the court pursuant

to CPL 190.75(3); where defendant was ultimately acquitted of murder charge, whether presence of murder charge during trial and submission of that charge to the jury improperly influenced the verdict convicting defendant of manslaughter in the first degree; whether harmless error analysis applies;

ALLIANCE TO END CHICKENS AS KAPOROS, et al. v NEW YORK CITY POLICE DEPARTMENT, et al.:
Proceeding against Body or Officer--Mandamus--Whether plaintiffs have a right, via a writ of mandamus, to compel the municipal defendants to enforce certain laws related to preserving public health and preventing animal cruelty, which they allege are violated by Orthodox Jews who perform the religious practice of Kaporos--chickens killed in religious ritual; discretionary versus mandatory actions of municipal agents; animals;

ALTMAN v 285 WEST FOURTH LLC:
Landlord and Tenant--Rent Regulation--Whether the Appellate Division erred in concluding that defendant's entitlement to a vacancy increase following the departure of the prior tenant of record did not effectuate a deregulation of the apartment under Rent Stabilization Law § 26-504.2;

ALVAREZ (OMAR), PEOPLE v:
Crimes--Right to Counsel--Effective Representation--Whether appellate counsel's deficient performance, including failing to request that the Appellate Division reduce defendant's sentence in the interest of justice, deprived defendant of the effective assistance of counsel;

AMBAC ASSURANCE CORPORATION, et al. v COUNTRYWIDE HOME LOANS, INC., et al.:
Fraud--Fraud in Inducement--Alleged fraudulent inducement to issue financial guaranty insurance policies for residential mortgage-backed securitizations--elements to establish cause of action for fraudulent inducement--justifiable reliance-- applicability of Insurance Law § 3105; recovery of claims payments made by insurer--contractual repurchase protocol; recovery of attorneys' fees; summary judgment;

ANDINO, MATTER OF v MILLS, et al.:
Damages--Collateral source of payment--CPLR 4545--whether the Appellate Division correctly held that, under Oden v Chemung County Indus. Dev. Agency (87 NY2d 81 [1995]), the jury's award for future loss of pension benefits should have been offset by the total amount that plaintiff was projected to receive under her accidental disability pension;

ANDREW CAROTHERS, M.D., P.C., &c. v PROGRESSIVE INSURANCE COMPANY, et al.:
Insurance--No-Fault Automobile Insurance--Payment withheld by insurance carrier for medical services provided by a professional corporation which has been "fraudulently incorporated" to allow nonphysicians to share in its ownership and control--elements necessary to establish the defense of fraudulent incorporation recognized in State Farm Mut. Auto. Ins. Co. v Mallela (4 NY3d 313 [2005]); jury instructions--adverse inference--nonparties' invocation of Fifth Amendment privilege against self-incrimination;

ANONYMOUS &c., MATTER OF v MOLIK, et al.:
Proceeding Against Body or Officer--Certiorari--CPLR article 78 proceeding to review respondent's determination denying petitioner intermediate health care facility's request to amend and seal the New York State Justice Center for the Protection of People with Special Needs' substantiated allegation of neglect against petitioner made pursuant to Social Services Law § 493--whether Social Services Law § 493 authorizes the Justice Center to substantiate a finding of neglect against a facility where the Justice Center determines that systemic conditions at the facility gave rise to an incident of neglect but the employees identified as the subjects of the initial report alleging neglect bear no individual responsibility for the incident; whether the Appellate Division erred in granting petitioner anonymity and so amending the caption of the proceeding;

ARROWHEAD CAPITAL FINANCE, LTD. v CHEYNE SPECIALITY FINANCE FUND L.P., et al.:
Attorney and Client--Unauthorized Practice of Law--Whether failure of plaintiff's counsel to maintain an in-state office at the time action was commenced, in violation of Judiciary Law § 470, renders the action a nullity and requires dismissal of the action without prejudice;

TOWN OF AURORA &c. v VILLAGE OF EAST AURORA, &c.:
Bridges--Maintenance--Whether Town of Aurora or Village of East Aurora is responsible for the costs of repairing a bridge constructed and maintained by the Village; Village board of trustees never adopted resolution assuming care, control and maintenance of the bridge; application of Village Law §§ 6-604, 6-606;

BAILEY (PRINCESAM), PEOPLE v:
Crimes--Jurors--Repeated use of racial epithet by defendant's counsel as strategy in cross examination of victim affected juror--request for mistrial by defendant's counsel based on allegedly "grossly unqualified" juror--whether trial court erred in failing to conduct an individual inquiry of the juror involved; evidence--whether trial court erred in permitting extensive gang-related testimony;

BAISLEY (STEVEN), PEOPLE v:
Courts--Jurisdiction--Whether a local criminal court has jurisdiction over charges of nonsupport of a child in the second degree (Penal Law § 260.05[2]) and criminal contempt in the second degree (Penal Law § 215.30[3]); criminal contempt charge based on defendant's failure to obey a Family Court order of child support; application of Family Court Act §§ 156, 411;

BAKER v LISCONISH et al.:
Motor Vehicles--Owners's Consent to Use of Vehicle--Whether triable issue of fact exists as to defendant Lisconish's permissive use of defendant Santo Heating and Air Conditioning, Inc. (Santo)'s vehicle--Vehicle and Traffic Law § 388; respondeat superior liability; summary judgment;

BERREZUETA (STEVEN), PEOPLE v:
Crimes--Possession of a Weapon--Whether information charging defendant with attempted criminal possession of a weapon in the fourth degree was jurisdictionally defective where it alleged that defendant possessed a switchblade that opened by means of a button located in the blade of the knife, as opposed to the handle of the knife; legal sufficiency of the evidence presented at trial; Penal Law § 265.00(4);

BOYD (MARK), PEOPLE v:
Crimes--Instructions--Submission of noninclusory concurrent count to jury--whether the trial court abused its discretion in granting People's request to dismiss the count of unlawful possession of an air pistol or BB gun and submitting to the jury only those counts relating to defendant's possession of a pistol; evidence--whether certain evidentiary rulings deprived defendant of a meaningful opportunity to present a defense; right to counsel--whether trial counsel was ineffective for failing to request admission of defendant's out-of-court post-arrest statement; district and prosecuting attorneys--alleged prosecutorial misconduct;

BRITTON (QUINN), PEOPLE v:
Crimes--Sex Offenders--Sex Offender Registration Act (SORA)--Whether the SORA hearing court properly assesses points under risk factor 2 for sexual intercourse, deviant sexual intercourse, or aggravated sexual abuse, where defendant was acquitted of the charges pertaining to such conduct.

BROOKS, et al. v APRIL, et al.:
Physicians and Surgeons--Malpractice--Whether, upon submission of affirmations of experts on defendants' motion for summary judgment, defendants established their entitlement to judgment as a matter of law and plaintiffs failed to raise a triable issue of fact as to defendant physician's alleged negligence in diagnosing plaintiff's brain trauma;

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;

CAPITAL ONE TAXI MEDALLION FINANCE v CORRIGAN, et al.:
Suretyship and Guarantee--Action to recover on two guaranties--line of credit secured by loans to Chicago taxi owners and drivers for the purchase of taxi medallions--whether defendants' claim for negligent impairment of collateral, which remains pending in parallel litigation, barred summary judgment in plaintiff's favor; lender's alleged refusal to release liens to permit sale of taxi medallions while they had higher value, and alleged withdrawal from medallion lending market to pursue competing venture with a ride-sharing service;

CISSE (ALI), PEOPLE v:
Crimes--Evidence--Whether defendant's telephone calls from prison were admitted into evidence in violation of federal and/or state wiretapping statutes, or right to counsel and due process protections; suppression--whether various physical items should have been

suppressed as fruits of an improper stop and search; whether the trial court improperly asked the jury whether it had reached a partial verdict; claimed ineffective assistance of counsel--counsel failed to move to suppress a suggestive identification and to dismiss the reckless endangerment count; whether the trial court erred in rejecting a voluntariness instruction to the jury;

CLEMENT v DURBAN, et al.:
Constitutional Law--Privileges and Immunities Clause--Whether the requirements of CPLR 8501(a) and 8503 that nonresident plaintiffs maintaining lawsuits in New York courts post security for the costs for which they would be liable if their lawsuits were unsuccessful violate the Privileges and Immunities Clause of the United States Constitution (US Const, art IV, § 2); claimed due process and equal protection violations;

COLEBROOKE THEATRICAL v BIBEAU, et al.:
Judgments--Default Judgment--Denial of motion to vacate default judgment; alleged due process violation;

CONGEL, et al. v MALFITANO:
Partnership - Dissolution - Whether the Appellate Division erred in finding a wrongful dissolution of the partnership which lacked a definite term or particular undertaking (Partnership Law § 62), in awarding counsel and expert fees as part of the damages, in applying minority and marketability discounts to defendant's partnership interest, and in attributing goodwill to the partnership's value;

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;

CRESPO (RAYMOND), PEOPLE v:
Crimes--Right to Representation Pro Se--Whether defendant's requests to proceed pro se, made during jury selection, were timely asserted;

MATTER OF CROAK, A SUSPENDED ATTORNEY:
Attorney and Client--Disciplinary Proceedings--Disbarment--
Alleged due process violation; whether the Appellate Division had subject matter jurisdiction over respondent attorney; whether disbarment was excessive penalty and supported by the evidence; whether petitioner deliberately withheld evidence;

CUMMINGS (TWANEK), PEOPLE v:
Crimes--Evidence--Excited Utterances--admissibility of statement of an unidentified man in the background of the victim's 911 call pursuant to the excited utterance exception to the hearsay rule; whether, upon retrial after deadlocked jury in first trial, a different trial court judge had authority to change the ruling on the admissibility of the statement at issue--law of the case;

DEUTSCHE BANK NATIONAL TRUST COMPANY, &c. v FLAGSTAR CAPITAL MARKETS CORPORATION, et al.:
Contracts - Breach or Performance of Contract - Whether statute of limitations bars a breach of contract action brought more than six years after seller made allegedly false representations and warranties regarding loan underlying residential mortgage-backed securities - contract provision specifying set of conditions that would delay cause of action's accrual - enforceability of accrual clause;

DeVERA, &c., et al., MATTER OF v ELIA, &c., et al.:
Proceeding Against Body or Officer--Certiorari--CPLR article 78 proceeding on behalf of charter schools and parents of children attending pre-kindergarten programs at the schools to, among other things, annul so much of the Commissioner of Education’s determination as found the charter schools properly required to execute a Pre-K contract as a condition to receiving state funds as a collaborating partner with a public school district--whether a school district can impose regulations on a charter school to obtain state funding for pre-kindergarten programming as a partner in the school district’s consolidated application to the New York State Department of Education--grants under Education Law § 73;

DIAZ (EMMANUEL), PEOPLE v:
Crimes--Evidence--Whether defendant's telephone calls from prison were improperly admitted into evidence in the absence of his consent to release of the recordings to the prosecution; right to counsel--effective representation--whether defendant was deprived of the effective assistance of counsel as a result of his trial counsel's failure to request that the jury be charged on the affirmative defense that the object which he displayed was not a loaded weapon;

DIAZ (FREDERICK), PEOPLE v:
Crimes--Sex Offenders--Sex Offender Registration Act (SORA) (Correction Law article 6-C)--Defendant convicted in Virginia of first-degree murder of a victim under the age of 15 (crime not involving any sexual motivation or conduct)--whether Appellate Division correctly concluded, under the specific facts of this case, that requiring defendant to register as a sex offender under Correction Law § 168-a (2)(ii) violated his substantive due process rights and was not rationally related to SORA's legislative purpose;

DIMERY v ULSTER SAVINGS BANK; ULSTER SAVINGS BANK v DIMERY:
Appeal--Finality of Judgments and Orders--Finality of Appellate Division order denying a motion by a party to assign a new docket number in connection with a notice of appeal from a judgment that has already been appealed to the Appellate Division;

DIXON v CUOMO, et al.:
Proceeding Against Body or Officer--Certiorari--Various claims and causes of action asserted by prisoner--dismissal of all but one cause of action; claimed due process violations;

EASTBROOKE CONDOMINIUM, &c., MATTER OF v AINSWORTH, &c. et al.:
Taxation--Assessment--Whether condominium unit owner's authorization to condominium's board of managers to act as an agent in proceeding challenging tax assessment for a particular tax year authorizes the board to act as unit owner's agent for a different year; application of Real Property Tax Law § 339-y (4); whether respondents waived any deficiency in unit owners' authorizations;

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;

ERIE INSURANCE EXCHANGE v J.M. PEREIRA & SONS, INC., et al.:
Insurance--Duty to Defend and Indemnify--Whether summary judgment was properly denied to plaintiff--whether plaintiff failed to establish, as a matter of law, that a certain exception to Exclusion G in the subject business catastrophe liability policy does not apply--commercial liability umbrella coverage--exhaustion of underlying policy coverage; summary judgment;

FERRARA v PEACHES CAFÉ LLC, et al:
Liens--Mechanic's Lien--Whether defendant owner consented to improvements on real property it leased to a tenant who contracted for the improvements, thereby permitting imposition of a lien on the property under Lien Law § 3; whether lease indemnification clause extinguished owner's responsibility to pay for contractor's work;

FLORES (ALEX), RAMIREZ (LUCIO), AGUILAR (BENIGNO), FLORES EMMANUEL), PEOPLE v:
Crimes--Jurors--Selection of Jurors--whether trial court's empaneling of an anonymous jury was improper under CPL 270.15 and deprived defendants of their right to a fair trial; whether error in empaneling anonymous jury was harmless;

FMC CORPORATION, MATTER OF v NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION:
Limitation of Actions--Four-Month Statute of Limitations--Whether four-month statute of limitations began to run when respondent advised petitioner that administrative order on consent was closed or when respondent issued final statement of basis selecting a remedy to address environmental contamination; environmental conservation--hazardous waste --whether respondent's selection of a remedial plan to address environmental contamination and decision to use the hazardous waste remedial fund to pay for the remediation was arbitrary and capricious;

GARCIA v NEW YORK CITY DEPARTMENT OF HEALTH AND MENTAL HYGIENE, et al.:
Health--CPLR article 78 proceeding and declaratory judgment action seeking to permanently enjoin defendants-respondents from implementing and enforcing amendments to the New York City Health Code mandating that children attending certain child care, pre-kindergarten, and kindergarten programs receive an annual influenza (flu) vaccine--whether the New York City Board of Health's regulations exceeded the limit of its authority, thereby violating the separation of powers doctrine;

GATES (RICKY D.), PEOPLE v:
Crimes--Appeal--Whether defendant is precluded from challenging on appeal oral order denying suppression; defendant did not request that suppression ruling be memorialized in writing; suppression--whether state trooper had a founded suspicion of criminality so as to justify trooper's level two common-law inquiry under People v De Bour (40 NY2d 210 [1985]);

GILBANE BUILDING CO./TDX CONSTRUCTION CORP, et al. v ST. PAUL FIRE AND MARINE INSURANCE COMPANY, et al.:
Insurance - Duty to Defend and Indemnify - Whether the additional insured clause in the commercial general liability insurance policy at issue covers only those that have a written contract directly with the named insured - interpretation of the additional insurance endorsement in policy covering building construction project; declaratory judgment;

GOLD, et al. v NEW YORK LIFE INSURANCE COMPANY, et al.:
Arbitration--Agreement to Arbitrate--Whether the Appellate Division erred in determining that plaintiff Kartal's arbitration agreement containing a class action waiver is unenforceable as violating section 7 of the National Labor Relations Act--employee wage dispute with employer;

GONZALEZ, MATTER OF v ANNUCCI &c.:
Prisons and Prisoners--Whether the Department of Corrections and Community Supervision wrongfully denied petitioner good time credit based on his failure to locate housing that complied with the Sexual Assault Reform Act (SARA); whether the Department of Corrections and Community Supervision failed to comply with its obligations under the Correction Law by placing petitioner at a residential treatment facility following the maximum expiration date of his prison sentence and by failing to provide him statutorily required privileges and programming; Appeal--Academic and Moot Questions--Where petitioner level one sex offender was released from an approved residential treatment facility, whether mootness exception applied to petitioner's challenge to his placement in the facility and the conditions thereof; prisons and prisoners--whether Department of Corrections and Community Supervision had an affirmative statutory duty to provide substantial assistance to petitioner in finding housing that complied with the Sexual Assault Reform Act and, under the circumstances, whether the assistance provided was insufficient; application of Correction Law § 201(5);

GRAVANO v TAKE-TWO INTERACTIVE SOFTWARE, INC, et al.:
Civil Rights--Right of Privacy--Whether plaintiff's allegation that defendant video game maker used plaintiff's likeness to advertise video game stated a cause of action under Civil Rights Law §§ 50, 51; whether video game and subject images are protected works under the First Amendment;

GRIMES (JAKIM), PEOPLE v:
Crimes--Right to Counsel--Effective Representation--Whether, under the New York State Constitution, an attorney's failure to file a criminal leave application on a defendant's behalf at the Court of Appeals deprives the defendant of the effective assistance of counsel or due process of law;

HAKES (BRIAN), PEOPLE v:
Crimes--Sentence--Whether sentencing court had the authority to require defendant to pay for an electronic monitoring program (a Secure Continuous Remote Alcohol Monitoring [SCRAM] bracelet) as a condition of his probation--SCRAM bracelet removed when defendant told monitoring company that he was unable to make payments required for continued use of bracelet;

MASON H., MATTER OF:
Parent, Child and Family--Termination of Parental Rights--Whether petitioner failed to meet its burden of proof that respondent abandoned the subject child; petitioner’s only witness addressed respondent’s failure to communicate with the child, but not whether respondent had any direct contact with the child; Social Services Law § 384-b;

HARRIS (WILLIAM), PEOPLE v:
Crimes--Right to Counsel--Whether the trial court's refusal to allow summations at the conclusion of a bench trial in a local criminal court deprived defendant of his constitutional right to the assistance of counsel; constitutionality of CPL 350.10(3)(c);

HAUG, MATTER OF v STATE UNIVERSITY OF NEW YORK AT POTSDAM, et al.:
Proceeding against body or officer--CPLR article 78 proceeding to review the university's determination; Evidence--hearsay accounts of incident as reported by complainant to campus police officer and director of student conduct;

HENRY (BRYAN), PEOPLE v:
Crimes--Right to Counsel--Representation on Unrelated Matter--Where defendant's right to counsel was violated when he was questioned by officers with regard to a robbery after he had been assigned counsel in connection with an arrest for marijuana possession, whether his right to counsel also was violated when he was questioned by officers on a homicide that was "factually interwoven" with the robbery charge; application of People v Cohen (90 NY2d 632 [1997]) and People v Grant (91 NY2d 989 [1998]);

HILL (NICHOLAS), PEOPLE v:
Crimes--Suppression Hearing--Police retained defendant's proffered identification while investigating defendant's explanation about who he was visiting in a particular apartment building--whether the trial court properly denied defendant's motion to suppress physical evidence on the basis that the police officer's retention of defendant's identification constituted a significant interruption of his freedom of movement so as to constitute an unreasonable seizure;

HYRA, MATTER OF v JACOBELLIS, &c., et al.:
Proceeding Against Body or Officer--Mandamus--Whether CPLR article 78 proceeding, which sought to compel respondent Justice of the Carmel Town Court to reinstate certain criminal charges formerly pending in that court, was properly dismissed as time barred; alleged equal protection violation and deprivation of the right to the effective assistance of counsel;

INTERNATIONAL UNION OF PAINTERS & ALLIED TRADES, DISTRICT COUNCIL NO. 4, &c., et al. v NEW YORK STATE DEPARTMENT OF LABOR, et al.:
Labor--Hours and Wages--Whether, under Labor Law § 220(3-e), apprentices who are registered individually under a bona fide apprenticeship may work and be paid as apprentices even if the work they are performing is not work in the same trade or occupation as their apprenticeship program;

JACOBI, MATTER OF v TAX APPEALS TRIBUNAL OF THE STATE OF NEW YORK et al.:
Motor Vehicles--Revocation or Suspension of Operator's License--CPLR article 78 proceeding seeking to annul a determination of the Tax Appeals Tribunal of the State of New York sustaining a notice of proposed driver's license suspension referral imposed under Tax Law article 8; whether Tax Law § 171-v, which allows for the suspension of a taxpayer's driver's license based on past-due tax liabilities, violates the due process clause inasmuch as it does not take into account taxpayer's inability to pay; whether petitioner was deprived of due process where Department of Taxation and Finance did not act on petitioner's offer in compromise before license suspension took effect;

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;

JONES (DAMIAN), PEOPLE v:
Crimes--Enterprise Corruption--whether verdict convicting defendant of enterprise corruption is supported by legally sufficient evidence; proof of "ascertainable structure" under Penal Law §§ 460.10, 460.20; Crimes--Indictment--whether prosecution constructively amended the indictment by introducing a new theory of criminal liability at trial; Crimes--Fair Trial--whether prosecutorial misconduct deprived defendant of a fair trial;

PEOPLE ex rel. JONES v LEE, &c.:
Habeas Corpus--When Remedy Available;

MATTER OF NEW YORK CITY ASBESTOS LITIGATION (JUNI, &c. v A.O. SMITH WATER PRODUCTS COMPANY, et al):
Labor--Safe Place to Work--Exposure to Toxic Substances--asbestos dust--whether there was a sufficient "scientific expression" of plaintiff's exposure to asbestos to support the jury's verdict in plaintiff's favor; evidence--expert proof of causation in toxic tort case brought by auto mechanic afflicted with mesothelioma after more than 25 years of working in two garages which serviced vehicles manufactured by defendant Ford Motor Company;

KELLER-GOLDMAN v GOLDMAN:
Parent, Child and Family--Support--Whether the father's credit against child support obligations, while he is paying for a particular child's room and board at an educational institution, is subject to a cap--interpretation of parties' Stipulation of Settlement and Agreement;

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 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;

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;

KUZDZAL (MATTHEW), PEOPLE v:
Crimes--Jurors--Discharge of Juror--Whether the trial court erred in failing to make a proper inquiry of two jurors who allegedly were overheard making disparaging comments about defendant during a court recess--possible necessity for further inquiry pursuant to People v Buford (69 NY2d 290);

MATTER OF LACEE L. (STEPHANIE L.; ADMINISTRATION FOR CHILDREN'S SERVICES):
Social Services--Foster Care--Whether the Americans With Disabilities Act applies in Family Court article 10 proceeding in evaluating whether agency made reasonable efforts to achieve the permanency goal of returning the subject child to the parent, who suffers from a cognitive disability;

LEADINGAGE NEW YORK, INC., et al., MATTER OF v SHAH, et al. (AND ANOTHER PROCEEDING):
Proceeding Against Body or Officer--Certiorari--CPLR article 78 proceedings challenging executive order and regulations imposing limits on administrative costs and executive compensation of health care providers that receive State financial assistance --Executive Order No. 39 and 10 NYCRR part 1002; claimed unconstitutionality of compensation cap as violative of separation of powers doctrine under New York State Constitution; whether Department of Health regulations at issue are arbitrary and capricious;

LEMMA, MATTER OF v NASSAU COUNTY POLICE OFFICER INDEMNIFICATION BOARD, et al.:
Counties--Defense and Indemnification of Employee--Whether police officer's actions were within the "proper discharge of his duties," thereby entitling him to defense and indemnification under General Municipal Law § 50-l; whether respondent Board's determination denying defense and indemnification was arbitrary and capricious;

LOBELLO v NEW YORK CENTRAL MUTUAL FIRE INSURANCE COMPANY:
Insurance--Disclaimer of Coverage--Whether the two-year limitations period set forth in the homeowner's insurance policy at issue ran from the date of burglary or from the date the insurer denied coverage for the loss--"date of loss" interpreted as date of claim denial; dismissal of affirmative defense;

LOHAN v TAKE-TWO INTERACTIVE SOFTWARE, INC., et al.:
Civil Rights--Right of Privacy--Whether plaintiff's allegation that defendant video game maker used plaintiff's digital portrait to advertise video game stated a cause of action under Civil Rights Law §§ 50, 51;

MANCINI, MATTER OF v OFFICE OF CHILDREN AND FAMILY SERVICES, et al.:
Workers' Compensation--Limitation of Right to Compensation--Whether compensation benefits awarded for impairment of wage-earning capacity pursuant to Workers' Compensation Law § 15(3)(v) are subject to the durational limitations of Workers' Compensation Law § 15(3)(w);

MANKO v LENOX HILL HOSPITAL:
Appeal--Appellate Division--Denial of motions seeking various relief;

MATTER OF MANN, AN ATTORNEY (ATTORNEY GRIEVANCE COMMITTEE FOR THE THIRD JUDICIAL DEPARTMENT; MANN):
Attorney and Client--Disciplinary Proceedings--Censure; claimed due process violations and unconstitutionality of Judiciary Law § 90 and 22 NYCRR 1200.7 (New York Rule of Professional Conduct 1.7);

MANRAGH (ROHAN JR.), PEOPLE v:
Crimes--Plea of Guilty--Forfeiture of Right to Raise Issues on Appeal--whether, by pleading guilty, defendant forfeited his claim that the prosecutor failed to inform the grand jury of defendant's request to call a witness to testify before that body; CPL 190.50(6);

MARINE HOLDINGS, LLC, &c., et al., MATTER OF v NEW YORK CITY COMMISSION ON HUMAN RIGHTS:
Civil Rights--Discrimination Based on Disability--Whether substantial evidence supported the Commission's determination that landlord failed to establish it would suffer an undue hardship if required to accommodate a tenant with disabilities;

MARTIN (TIMOTHY), PEOPLE v:
Crimes--Suppression Hearing--Whether the trial court erred in admitting evidence of defendant's response to a police officer that he lived in the apartment being searched, to prove defendant's constructive possession of the drugs found--whether defendant's response fell within the pedigree exception to the *Miranda* rule;

McCULLOCH &c., MATTER OF v MELVIN H. &c.:
Appeal--Academic and Moot Questions--Whether the Appellate Division properly dismissed the appeal as moot; constitutional law--due process of law--whether respondent was denied right to due process; mental health--whether respondent was denied meaningful representation in proceeding seeking permission to administer medication to respondent over his objection;

MENTAL HYGIENE LEGAL SERVICES, MATTER OF v DANIELS &c.:
Records—Mental Health Records—whether respondent, in failing to provide petitioner with a copy of a patient’s complete clinical record, violated its statutory obligation under MHL 9.31(b);

MENTAL HYGIENE LEGAL SERVICE et al., MATTER OF v SULLIVAN &c., et al.:
Mental Health--Patient in Custody of Commissioner of Mental Health--Treatment planning meetings--whether person confined after having been adjudicated a dangerous sex offender is statutorily entitled to have his Mental Hygiene Legal Service counsel present at his treatment planning meetings--construction of Mental Hygiene Law § 29.13 (b)--"person otherwise concerned with the welfare of the patient";

MERY, et al. v EGINGER, et al.:
Negligence--Liability for Acts of Independent Contractor--Plaintiff struck in the eye by piece of wire ejected from lawn mower; whether property owner was vicariously liable for negligence on part of independent contractor who was mowing property owner's lawn; whether lawn mowing is an inherently dangerous activity;

MID-HUDSON VALLEY FEDERAL CREDIT UNION v QUARTARARO & LOIS, PLLC, et al.:
Dismissal and Nonsuit--Dismissal of Complaint--Extent of particularization required in a complaint alleging legal malpractice, breach of contract and fraud, in the face of defendants' CPLR 3211(a)(7) pre-answer motion to dismiss the complaint; attorney and client--malpractice;

MORGAN STANLEY MORTGAGE LOAN TRUST 2006-13ARX, &c. v MORGAN STANLEY MORTGAGE CAPITAL HOLDINGS LLC, &c.:
Contracts - Breach or Performance of Contract - Residential mortgage-backed securities - whether defendant's alleged breach of a contractual obligation to notify the trustee of defective loans gives rise to damages not governed by the "sole remedies" restrictions in the parties' agreements - whether allegations of gross negligence affect the enforceability of contract provisions limiting a party's liability;

MORRISON (WILLIAM), PEOPLE v:
Crimes--Appeal--Mode of Proceedings Error--Whether a jury note constituted a substantive inquiry, thereby implicating the procedure required under People v O'Rama (78 NY2d 270 [1991]); application of CPL 310.30; whether a reconstruction hearing is appropriate where the record is ambiguous as to whether the court provided counsel with notice of a substantive jury note;

MYERS (STEVEN), PEOPLE v:
Crimes--Indictment--Waiver of indictment by grand jury--Whether the trial court failed to protect defendant's rights by not speaking with him prior to entering his guilty plea to ensure defendant understood the written waiver document he had signed;

NEW YORK CIVIL LIBERTIES UNION, MATTER OF v NEW YORK CITY POLICE DEPARTMENT et al.:
Records--Freedom of Information Law--Whether Civil Rights Law § 50-a exempts from disclosure written disciplinary decisions of the New York City Police Department, despite that the disciplinary trials are open to the public and redaction of identifying information is available; whether respondents' previous disclosure of other redacted records waives any objection to redacting the subject disciplinary decisions; application of Public Officers Law § 87, Matter of Short v Board of Mgrs. of Nassau County Med. Ctr. (57 NY2d 399 [2001]), Karlin v McMahon (96 NY2d 842 [2001]);

NIAGARA MOHAWK POWER CORPORATION, &c. v ALLIED HEALTHCARE PRODUCTS, INC.:
Covenants--Covenants Running with the Land--Whether affirmative covenant to provide free power to manufacturing facilities on property now owned by defendant Allied

Healthcare Products is unenforceable as a burden in perpetuity; whether plaintiff and defendant Albany Engineering are equitably estopped from challenging covenant; whether defendant Allied Healthcare Products abandoned the power covenant;

NICKE, et al. v SCHWARTZAPFEL PARTNERS P.C. &c., et al.:
Bankruptcy--Capacity to Sue--whether plaintiffs, chapter 13 bankruptcy debtors, had capacity to maintain legal malpractice action against law firm that represented bankruptcy trustee in a personal injury action asserted on behalf of one of the plaintiffs; Estoppel--Collateral Estoppel--whether collateral estoppel barred plaintiff from commencing legal malpractice action;

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;

ODUM (DONALD), PEOPLE v:
Motor Vehicles--Chemical Tests--Where request to administer chemical breath test occurred more that two hours after defendant's arrest, whether defendant's refusal to submit to that test can be used against defendant in court; whether defendant's consent to the chemical breath test was involuntary;

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;

PEOPLE &c., MATTER OF v JUAREZ (CONRADO); ROBLES (FRANCES):
Appeal--Matters Appealable--Whether an order resolving a nonparty's motion to quash a subpoena in a pending criminal action is appealable; Crimes--Disclosure--Shield Law --whether the People made a clear and specific showing that disclosure sought from reporter is critical and necessary to the People's proof of a material issue so as to overcome the qualified protection for the reporter's nonconfidential material; application of Civil Rights Law section 79-h(c);

PEOPLE OF THE STATE OF NEW YORK &c. v CREDIT SUISSE SECURITIES (USA), LLC, &c., et al.:
Limitation of Actions--Fraud--Whether an action brought by the Attorney General under the Martin Act and Executive Law § 63(12) for alleged investor fraud is subject to the three-year statute of limitations under CPLR 214 or the six-year statute of limitations under CPLR 213;

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;

PENA, MATTER OF v NEW YORK STATE GAMING COMMISSION:
Horse Racing--Revocation or Suspension of License--Trainer--Whether New York State Gaming Commission's determination revoking petitioner's licenses to participate in pari-mutuel harness racing for three years is supported by substantial evidence--veterinary records;

PEREZ (RAFAEL), PEOPLE v:
Crimes - Unlawful Search and Seizure - Whether the police, who were investigating a pattern of robberies at a New York Housing Authority building, were justified in making an investigatory stop of defendant and in subsequently searching defendant for a weapon; identification of defendant - whether the show up identification procedure was unduly suggestive; confession - whether defendant's statements to police were spontaneous; sentence - whether vacatur of defendant's sentence on a crime for which he was sentenced as a second felony offender was warranted where the sentence on the predicate crime was vacated and the matter remanded for a youthful offender determination;

JAMES Q. (COMMISSIONER OF THE OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES; JAMES Q.; SUFFOLK COUNTY DISTRICT ATTORNEY), MATTER OF:
Records--Sealing of Records--Motion to seal record of CPL 330.20 retention proceeding--whether the Appellate Division erred in determining that the confidentiality provisions of the Mental Hygiene Law do not require the sealing of documents filed in a CPL 330.20 (9) subsequent retention proceeding; redaction;

QUIRK, &c., MATTER OF v LIPPMAN, &c.:
Civil Service--Compensation and Benefits--Whether members of the New York State Court Officers Association are entitled to salary adjustment that was provided to Suffolk County court officers under O'Neil v Pfau (23 NY3d 993 [2014]); limitation of actions —whether four-month statute of limitations had run on cause of action challenging administrative body's salary adjustments; alleged equal protection violation;

RICART (DOMINGO), PEOPLE v:
Crimes--Right to Speedy Trial--Whether the motion court properly denied defendant's speedy trial motion; motion court determined that People failed to exercise due diligence in making witness available for trial and that exceptional circumstances therefore did not exist under CPL 30.30(4)(g);

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;

RODRIGUEZ (WILLIAM), PEOPLE v:
Crimes--Right of Confrontation--Whether defendant was deprived of his right of confrontation by the introduction into evidence at trial of laboratory reports of DNA testing linking him to the crime based solely upon the testimony of a witness who was not one of the analysts who performed, witnessed or supervised the testing; right to counsel --effective representation--whether defense counsel's failure to object, on confrontation clause grounds, to the admission of evidence relating to DNA test results constituted ineffective assistance of counsel;

RUSH (TERRIE J.), PEOPLE v:
Crimes--Identity Theft--Sufficiency and Weight of Evidence--whether the evidence was legally sufficient to support defendant's conviction of identity theft in the first degree; whether, under Penal Law § 190.80(3), the assumption of a person's identity is a discrete element that must be proved; whether use of the term "thereby" in Penal Law § 190.80(3) requires that the assumption of a person's identity precede commission of another felony --Right to Public Trial--whether closure of the courtroom was trivial and therefore did not violate defendant's right to a public trial;

SANABRIA (RAFAEL), PEOPLE v:
Crimes--Evidence--Whether trial court improperly infringed on defendant's ability to present a defense by limiting defendant's expert's testimony; right to counsel--effective representation--whether defendant received the effective assistance of counsel; counsel referred to defendant's prior "sexual incident" during voir dire and failed to fully redact

references to defendant's prior sexual assault conviction from defense exhibits; jurors--whether trial court abused its discretion in refusing to conduct an inquiry into whether a highly publicized mass murder committed by a mentally ill man during the trial affected jurors' ability to serve;

SANCHEZ (ALADDIN), PEOPLE v, a/k/a SHAGS:
Crimes--Instructions--whether County Court properly denied defendant's request for a justification charge;

SAVE AMERICA'S CLOCKS, INC., et al., MATTER OF v CITY OF NEW YORK, &c., et al.:
Municipal Corporations--Landmarks--Whether determination of New York City Landmarks Preservation Committee (LPC) approving a Certificate of Appropriateness allowing owner of property to convert landmark-designated clock tower into a private residence, and to convert the clock from a mechanical to an electrical system of operation, was arbitrary and capricious, lacked a rational basis in the record, or was affected by an error of law; whether New York City's Landmarks Preservation and Historic Districts Law (Administrative Code of City of NY § 25-301 et seq.) permits the LPC to require the property owner to allow continuing public access to interior landmark; whether requiring continued public access to interior landmark constitutes a taking under the 5th Amendment to the U.S. Constitution;

SCHNAPP v MILLER'S LAUNCH, INC.:
Workers' Compensation--Longshore and Harbor Workers' Compensation Act--Plaintiff maritime surveyor injured while attempting to board vessel by jumping from bulkhead to vessel deck; whether questions of fact exist as to whether defendant vessel owner violated the turnover duty and duty to intervene under the Longshore and Harbor Workers' Compensation Act (33 USC § 901 et seq); application of Scinda Steam Nav. Co. v De los Santos (451 US 156 [1981]);

SILBURN (SPENCE), PEOPLE v:
Crimes--Right to representation pro se--Whether defendant unequivocally invoked his right to proceed pro se--request to proceed pro se with standby counsel; notice of defendant's intent to present psychiatric evidence solely to aid jury in determining whether post-*Miranda* statements to police were knowing and voluntary--CPL 250.10;

SILVAGNOLI (ROQUE), PEOPLE v:
Crimes--Right to Counsel--Representation on Unrelated Matter--Whether defendant's right to counsel was violated when detective, while questioning defendant on a homicide investigation, mentioned pending drug charge on which defendant was represented by counsel; whether questioning on drug charge was discrete and fairly separable from questioning on homicide charge;

SKANSKA USA BUILDING, INC. v ATLANTIC YARDS B2 OWNER, LLC, et al.:
Contracts--Breach or Performance of Contract--Construction maintenance contract for construction of high-rise residential tower in the Atlantic Yards project in Brooklyn --whether the Appellate Division erred in its interpretation of Lien Law § 5 as it applied to the security provided for contractor payment in this project--nature of bond or undertaking required to be posted for labor and materials furnished for work on public improvement; corporations--piercing of corporate veil--whether the Appellate Division erred in finding that plaintiff failed to plead a veil-piercing claim; attorney and client--disqualification--whether the Appellate Division erred in declining to disqualify one of defendants' law firms based on a conflict of interest;

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;

NEW YORK CITY ASBESTOS LITIGATION, MATTER OF (SOUTH v CHEVRON):
Seamen--Jones Act--Whether release executed by plaintiff in a 1997 Jones Act (46 USC § 30104 et seq.) action was enforceable in subsequent Jones Act and negligence action brought by plaintiff and his wife derivatively against defendant manufacturer of asbestos; plaintiff, who was exposed to asbestos while serving as merchant mariner, executed release before mesothelioma diagnosis; enforceability of release under Federal Employers' Liability Act (45 USC § 55);

SPENCE, &c., et al., MATTER OF v NEW YORK STATE DEPARTMENT OF AGRICULTURE AND MARKETS, et al.:
Constitutional Law--First Amendment Rights--Rights of public employees to campaign for and hold elected office--employee policies with respect to outside activities; proceeding against body or officer--CPLR article 78 proceeding and action for declaratory judgment challenging disapproval of dairy product specialists' requests to campaign for and serve as county legislators; summary judgment;

STEGA &c. et al. v NEW YORK DOWNTOWN HOSPITAL, et al.:
Libel and Slander--Privilege-- whether statements made by defendants to a Food and Drug Administration investigator during the course of an investigation into the hospital's institutional review board are protected by an absolute privilege in an action for defamation;

SUAZO (SAYLOR), PEOPLE v:
Crimes--Right to Jury Trial--Whether defendant was entitled to a jury trial, despite that he was only being tried for class B misdemeanors carrying maximum sentences of 90 days, because he was subject to deportation if convicted of a crime of domestic violence; constitutionality of CPL 340.40;

TAPIA (CARLOS), PEOPLE v:
Crimes--Verdict--Sufficiency of the Evidence--whether the evidence was legally sufficient to support verdict of attempted assault in the first degree; charge based on use of dangerous instrument under an acting-in-concert theory, but no dangerous instrument recovered from crime scene and no evidence that defendant knew other perpetrator possessed a dangerous instrument; identification of defendant--showup--whether Supreme Court properly denied defendant's motion to suppress a showup identification --evidence--whether admission of police officer's grand jury testimony as a past recollection recorded violated the Confrontation Clause or the rule against hearsay;

THIBODEAU (GARY), PEOPLE v:
Crimes--Vacatur of Judgment of Conviction--Whether County Court erred in denying that part of defendant's CPL 440.10 motion alleging a Brady violation; newly discovered evidence--whether County Court properly denied that part of defendant's CPL 440.10 motion based on newly discovered evidence; evidence--whether third-party admissions were admissible hearsay; claim of actual innocence--whether county court's rejection of defendant's newly discovered evidence claim constituted an implicit rejection of his actual innocence claim;

MATTER OF EIGHTH JUDICIAL DISTRICT ASBESTOS LITIGATION (TERWILLIGER, &c., v BEAZER EAST, INC., &c, et al.):
Products Liability--Exposure to Toxic Substances--Injuries to decedent exposed to asbestos and coke oven emissions while employed at the Bethlehem Steel plant--whether the coke oven batteries constructed at the Bethlehem Steel plant were “products” subject to products liability theories rather than structures resulting from performance of a contract for construction services; negligence--duty to warn about product hazards; summary judgment;

THOMAS (MICHAEL), PEOPLE v:
Crimes--Sentence--Second Felony Offender--Whether a prior felony conviction may be used as a predicate felony conviction if the defendant is resentenced on the prior felony conviction after the commission of the instant felony;

TIGER (NATASCHA), PEOPLE v:
Crimes--Vacatur of Judgment of Conviction--Whether a freestanding claim of actual innocence is cognizable under CPL 440.10(1)(h); whether a defendant who pleads guilty may assert a freestanding actual innocence claim pursuant to CPL 440.10(1)(h); whether defendant made the requisite prima facie showing of actual innocence; right to counsel--effective representation; whether counsel was ineffective for failing to investigate possible alternative cause of victim's injuries;

T-MOBILE NORTHEAST, LLC, MATTER OF v DeBELLIS, &c., et al.:
Taxation--Real Property Tax--Whether cellular telephone equipment housed on rooftops in petitioner's service area are taxable real property under RPTL 102(12)(i) or RPTL 102(12)(b); whether application of RPTL 102(12)(i) to certain components of petitioner's cellular telephone equipment violates petitioner's right to equal protection;

2138747 ONTARIO, INC. v SAMSUNG C&T CORPORATION, et al.:
Conflict of Laws--Law Governing Contract Action--In breach of contract action brought by nonresident alleging economic claim that accrued outside New York, whether a contract provision specifying that the agreement is to be "governed by, construed and enforced" in accordance with New York law renders inapplicable New York's borrowing statute, CPLR 202;

U.S. BANK NATIONAL ASSOCIATION &c. v GREENPOINT MORTGAGE FUNDING, INC.:
Contracts--Breach or Performance of Contract--"Put-back" action involving residential mortgage backed securities--whether a breach notice is required when the underlying contract claim is based on defendant's independent discovery or knowledge of nonconforming mortgages--whether late breach notice can relate back in time to the commencement of the underlying action in order to avoid dismissal; demand requirement contained within accrual clause of loan sale agreement--CPLR 203(f);

U.S. BANK NATIONAL ASSOCIATION &c. v DLJ MORTGAGE CAPITAL, INC. (A.D. DOCKET NO. 1678):
Limitation of Actions--Commencement of action after termination of prior action--where complaint was dismissed because plaintiff failed to satisfy a condition precedent and plaintiff lacked standing to sue, whether CPLR 205(a) applies to allow trustee, which was substituted as plaintiff, to commence a new action; whether trustee may rely on relation-back doctrine of CPLR 203(f);

U.S. BANK NATIONAL ASSOCIATION &c. v DLJ MORTGAGE CAPITAL, INC. (A.D. DOCKET NO. 1679):
Contracts--Conditions Precedent--Where plaintiff trustee failed to comply with a contractual condition precedent to bringing suit, whether the timely claims were properly dismissed without prejudice to refiling pursuant to CPLR 205(a); limitation of actions --commencement of action after termination of prior action;

NATASHA W., MATTER OF v NEW YORK STATE OFFICE OF CHILDREN AND FAMILY SERVICES, et al.:
Social Services - Register of Child Abuse and Maltreatment - Whether the State proved, by a fair preponderance of the evidence, that petitioner maltreated her child by using the child to facilitate committing a crime;

W. (TERI), PEOPLE v:
Crimes - Sentence - Youthful Offender - whether Supreme Court lawfully imposed a 10-year term of probation rather than a 5-year term - whether the maximum probationary term authorized by statute for a youthful offender convicted of a felony is five years (Penal Law §§ 60.02[2]; 65.00[3][a][i]);

WAITE, et al. MATTER OF v TOWN OF CHAMPION:
Municipal Corporations--Fire Districts--Dissolution--Whether respondent Town's dissolution plan for a fire protection district complied with General Municipal Law, article 17-A;

WALLACE (AKEEM), PEOPLE v:
Crimes--Possession of Weapon--Whether "place of business" exception of Penal Law § 265.03 (3) should apply to defendant restaurant manager who brought an unlicensed handgun to work and shot himself in the leg--employees prohibited from bringing firearms to work;

WATTS (RODNEY), PEOPLE v:
Crimes--Forgery--Whether the crime of criminal possession of a forged instrument in the second degree, as defined by Penal Law§ 170.10, encompasses the sale of counterfeit concert and sporting event tickets;

WELLS FARGO BANK, N.A., &c. v SHATLES, &c., et al.:
Judgments--Default Judgment--Vacatur--whether a defendant seeking to vacate a default based on allegation of intrinsic fraud by plaintiff must establish a reasonable excuse for the default and a potentially meritorious defense to the action; mortgage foreclosure; claimed due process violations and judicial errors; aggrievement;

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;

WHITE et al. v SCHNEIDERMAN, &c., et al.:
Taxation--Whether New York State's imposition through Tax Law § 471 of a tax on cigarettes sold on Indian reservations to nonmembers of the tribe conflicts with state law; claimed violations of Indian Law § 6, federal treaty provisions, and state and federal constitutional protections; declaratory judgment;

WILSON (THEODORE), PEOPLE v:
Crimes--Assault--Whether legally sufficient evidence supports defendant's conviction for depraved indifference assault; claimed due process violation regarding court's response to a jury note;

WOHLFEIL, MATTER OF v SHAREL VENTURES, LLC, et al.:
Workers' Compensation--Extent of Disability--Whether substantial evidence supports the Workers' Compensation Board's determination that claimant sustained a permanent partial disability and a 75% loss of wage-earning capacity where medical testimony indicated that, as a result of her lumbar back injury, she is unable to perform even sedentary work as defined in the 2012 New York State Guidelines for Determining Permanent Impairment and Loss of Wage Earning Capacity;

WRIGHT v STATE OF NEW YORK:
State--Claim against State--Notice of Intention to File Claim--Renewal of motion to treat the notice of intention as a claim;

XOCHIMITL (OMAR), PEOPLE v:
Crimes--Suppression Hearing-- Warrantless entry into suspect's home; whether the People established that elderly female relative, who lived in subject apartment with defendant, voluntarily consented to the police's entry into the apartment by opening the door and stepping aside in response to the officers' request to enter;