

FEBRUARY 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.

ESTRELLITA A., MATTER OF v JENNIFER D.:

PARENT, CHILD AND FAMILY - VISITATION - WHETHER FORMER SAME SEX PARTNER OF BIOLOGICAL MOTHER OF CHILD HAS STANDING TO SEEK VISITATION WITH THE CHILD UPON THE GROUND THAT MOTHER WAS JUDICIALLY ESTOPPED FROM ARGUING THAT HER FORMER PARTNER WAS NOT A PARENT OF THE CHILD WITHIN THE MEANING OF DOMESTIC RELATIONS LAW § 70 WHERE MOTHER SUCCESSFULLY SOUGHT AN AWARD OF CHILD SUPPORT FROM HER FORMER PARTNER ON THE GROUND THAT HER FORMER PARTNER WAS A PARENT OF THE CHILD;

ACE FIRE UNDERWRITERS INSURANCE COMPANY v SPECIAL FUNDS CONSERVATION COMMITTEE:

WORKERS' COMPENSATION - SPECIAL FUNDS - WHERE THE WORKERS' COMPENSATION INSURANCE CARRIER APPROVES THE SETTLEMENT OF A THIRD-PARTY PERSONAL INJURY ACTION WITHOUT FIRST OBTAINING THE CONSENT OF THE SPECIAL FUNDS CONSERVATION COMMITTEE (SFCC) TO SUCH SETTLEMENT, AND THE SFCC THEREAFTER DENIES RETROACTIVE CONSENT FOR THE SETTLEMENT, DOES THE COURT IN WHICH THE UNDERLYING PERSONAL INJURY ACTION WAS COMMENCED HAVE THE POWER TO COMPEL THE SFCC TO CONSENT TO THE SETTLEMENT NUNC PRO TUNC, OR MUST THE CARRIER SEEK SUCH RELIEF FROM THE WORKERS' COMPENSATION BOARD;

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;

ACME BUS CORP., MATTER OF v ORANGE COUNTY, et al.:
MUNICIPAL CORPORATIONS - PROCUREMENT - CPLR ARTICLE 78 PROCEEDING TO REVIEW A COUNTY DETERMINATION AWARDED OTHER COMPANIES CONTRACTS TO PROVIDE BUS TRANSPORTATION - WHETHER THE COUNTY ACTED IRRATIONALLY BY FAILING TO FOLLOW THE PROPOSAL EVALUATION PROCEDURES SET FORTH IN ITS REQUEST FOR PROPOSALS;

ACQUEST WEHRLE, LLC v TOWN OF AMHERST:
CIVIL RIGHTS - FEDERAL CIVIL RIGHTS CLAIM - DEPRIVATION OF SUBSTANTIVE DUE PROCESS - TERMINATION OF OFFICE PARK PROJECT LOCATED IN WETLAND - WHETHER PLAINTIFF ESTABLISHED A CONSTITUTIONALLY PROTECTED PROPERTY INTEREST IN A SEWER TAP-IN WAIVER REQUEST THAT TOWN BOARD MADE THEN RESCINDED; DAMAGES - WHETHER THE TRIAL COURT ERRED IN NOT ALLOWING EVIDENCE IN MITIGATION OF PLAINTIFF'S DAMAGES AND IN ALLOWING PLAINTIFF TO RECOVER DAMAGES FOR EXPENSES INCURRED BY AN UNRELATED ENTITY;

AETNA HEALTH PLANS, &c. v HANOVER INSURANCE COMPANY:
INSURANCE - NO-FAULT AUTOMOBILE INSURANCE - WHETHER A HEALTH CARE INSURER THAT PAID FOR THE MEDICAL TREATMENT OF AN INDIVIDUAL HURT IN A CAR ACCIDENT WHILE DRIVING A CAR COVERED BY NO-FAULT AUTOMOBILE INSURANCE MAY MAINTAIN A REIMBURSEMENT CLAIM AGAINST THE NO-FAULT INSURANCE CARRIER UNDER PRINCIPLES OF SUBROGATION - 11 NYCRR 65-3.11(a); NECESSITY FOR PRIVITY OF CONTRACT; WHETHER THE COMPLAINT SHOULD HAVE BEEN DISMISSED FOR LACK OF STANDING - ESTOPPEL - UNTIMELY DISCLAIMER;

AGENCIES FOR CHILDREN'S THERAPY SERVICES, INC. v NEW YORK STATE DEPARTMENT OF HEALTH, et al.:
CONSTITUTIONAL LAW - SEPARATION OF POWERS - WHETHER EXECUTIVE ORDER NO. 38 AND TWO SETS OF REGULATIONS PROMULGATED BY THE NEW YORK STATE DEPARTMENT OF HEALTH (DOH), AS SET FORTH IN 10 NYCRR PART 1002 AND IN CERTAIN AMENDMENTS TO 10 NYCRR SUBPART 69-4, VIOLATE THE SEPARATION OF POWERS DOCTRINE EMBODIED IN THE NEW YORK STATE CONSTITUTION; EARLY INTERVENTION PROGRAMS FOR DEVELOPMENTALLY DISABLED CHILDREN PROVIDED BY PRIVATE AGENCIES THROUGH CONTRACT WITH THE DOH;

ALLARD (DRU), PEOPLE v:
CRIMES - RIGHT TO SPEEDY TRIAL - PRESERVATION OF ISSUE FOR REVIEW - WHETHER THE APPELLATE DIVISION CORRECTLY HELD THAT DEFENDANT'S CPL 30.30 CLAIM WAS PRESERVED FOR APPELLATE REVIEW;

AL RUSHAID, et al. v PICTET & CIE, et al.:
COURTS - JURISDICTION - LONG-ARM JURISDICTION - FOREIGN BANK'S ALLEGED TRANSFER OF KICKBACKS AND BRIBES TO NEW YORK ACCOUNTS - WHETHER THE APPELLATE DIVISION ERRED IN DETERMINING THAT DEFENDANTS' ALLEGED CONDUCT (USING NEW YORK CORRESPONDENT BANK ACCOUNTS TO EFFECT WIRE TRANSFERS ON BEHALF OF CERTAIN INDIVIDUALS) WAS INSUFFICIENT TO CONFER PERSONAL JURISDICTION;

AMBAC ASSURANCE CORP., et al. v COUNTRYWIDE HOME LOANS, INC.:
 DISCLOSURE - MATERIAL EXEMPT FROM DISCLOSURE - COMMUNICATIONS
 SUBJECT TO ATTORNEY-CLIENT PRIVILEGE - WAIVER OF PRIVILEGE AS TO
 COMMUNICATIONS MADE BETWEEN ATTORNEY AND CLIENT IN KNOWN PRESENCE
 OF THIRD PARTY - COMMON-INTEREST EXCEPTION - WHETHER THE
 APPELLATE DIVISION CORRECTLY HELD THAT THE COMMON-INTEREST
 EXCEPTION APPLIES EVEN WHERE THE PARTIES' COMMON LEGAL INTEREST
 DOES NOT INVOLVE PENDING OR REASONABLY ANTICIPATED LITIGATION -
 APPLICATION TO COMMUNICATIONS RELATING TO PENDING MERGER;

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;

AOKI, MATTER OF v AOKI:

POWERS - POWER OF APPOINTMENT - VALIDITY OF IRREVOCABLE PARTIAL
 RELEASE - CONSTRUCTIVE FRAUD - WHETHER THE APPELLATE DIVISION
 ERRED IN DETERMINING THAT (1) THE BURDEN-SHIFTING FRAMEWORK FOR
 CONSTRUCTIVE FRAUD BY A FIDUCIARY APPLIES ONLY WHERE THE
 FIDUCIARY WAS A PARTY TO OR HAD AN INTEREST IN THE SUBJECT
 TRANSACTION AND (2) THE CONSTRUCTIVE FRAUD DOCTRINE DID NOT APPLY
 BECAUSE DECEDENT'S ATTORNEYS WERE NOT PARTIES TO NOR HAD AN
 INTEREST IN THE RELEASES AT ISSUE, WHERE THE ATTORNEYS ALLEGEDLY
 BENEFITTED INDIRECTLY FROM THE SIGNING OF THE RELEASES;

ARAGON (ANTONIO), PEOPLE v:

CRIMES - ACCUSATORY INSTRUMENT - FACIAL SUFFICIENCY - POSSESSION
 OF WEAPON - BRASS METAL KNUCKLES - WHETHER THE ACCUSATORY
 INSTRUMENT WAS FACIALLY SUFFICIENT WHERE IT ALLEGED THAT POLICE
 RECOVERED FROM DEFENDANT "ONE SET OF BRASS METAL KNUCKLES";

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;

AVILES (JOSE), PEOPLE v:

CONSTITUTIONAL LAW - EQUAL PROTECTION OF LAWS - WHETHER THE FAILURE OF POLICE TO ADMINISTER A PHYSICAL COORDINATION TEST TO A NON-ENGLISH SPEAKING DRIVING WHILE INTOXICATED SUSPECT VIOLATES EQUAL PROTECTION OR DUE PROCESS WHERE SUCH TESTS ARE ROUTINELY ADMINISTERED TO ENGLISH-SPEAKING SUSPECTS;

BROOKE S.B., MATTER OF, v ELIZABETH C.C.:

PARENT, CHILD AND FAMILY - VISITATION - CUSTODY - WHETHER FORMER SAME-SEX PARTNER OF CHILD'S BIOLOGICAL MOTHER, WHO DID NOT ADOPT CHILD, HAS STANDING TO SEEK VISITATION OR CUSTODY UNDER ARTICLE 5 OF THE DOMESTIC RELATIONS LAW;

BADALAMENTI (ANTHONY), PEOPLE v:

CRIMES - EVIDENCE - RECORDING OF TELEPHONE CONVERSATION WITHOUT CONSENT OF EITHER PARTY - WHETHER THE APPELLATE DIVISION CORRECTLY RECOGNIZED A "VICARIOUS CONSENT" EXEMPTION TO PENAL LAW § 250.05 WHERE A CHILD'S PARENT RECORDS A CONVERSATION BETWEEN THE CHILD AND A THIRD PARTY, UPON A SHOWING THAT THE PARENT HAD A GOOD FAITH, OBJECTIVELY REASONABLE BASIS TO BELIEVE THE RECORDING WAS NECESSARY FOR THE WELFARE OF THE CHILD; JURY CHARGE - VARIANCE BETWEEN JURY CHARGE AND ALLEGATIONS IN INDICTMENT - HARMLESS ERROR; ARGUMENT AND CONDUCT OF COUNSEL - WHETHER PROSECUTOR'S QUESTIONS, COMMENTS AND ARGUMENTS DEPRIVED DEFENDANT OF A FAIR TRIAL; EVIDENCE - CHALLENGE TO ADMISSION OF TESTIMONY OF CHILD'S TEACHER; SENTENCE - ALLEGED IMPOSITION OF SENTENCE OF IMPRISONMENT AS RETRIBUTION FOR DEFENDANT'S DECISION TO PROCEED TO TRIAL;

PEOPLE ex rel. BAEZ v SUPERINTENDENT, &c.:

CRIMES - SENTENCE - RESENTENCING UNDER DRUG LAW REFORM ACT - ELIGIBILITY - WHETHER PETITIONER IS ENTITLED TO EARLY TERMINATION OF HIS NON-DRUG-RELATED SENTENCE ON THE GROUND THAT IT MERGED, UNDER PENAL LAW § 70.30, WITH THE INDETERMINATE SENTENCE IMPOSED ON HIS DRUG-RELATED CONVICTIONS TERMINATED EARLY PURSUANT TO EXECUTIVE LAW FORMER § 259-j(3-a);

BANK (HERMAN), PEOPLE v:

CRIMES - RIGHT TO COUNSEL - EFFECTIVE REPRESENTATION - CLAIM THAT DEFENDANT WAS DEPRIVED OF OPPORTUNITY TO PLEAD TO LESSER SENTENCE BY COUNSEL'S MISUNDERSTANDING OF LAW AND INCORRECT ADVICE DURING PLEA NEGOTIATIONS - WHETHER THE APPELLATE DIVISION ERRED IN CONCLUDING THAT DEFENDANT WAS NOT DEPRIVED OF THE EFFECTIVE ASSISTANCE OF COUNSEL DURING PLEA NEGOTIATIONS;

BANK (HERMAN H.), PEOPLE v:

CRIMES - RIGHT TO COUNSEL - EFFECTIVE REPRESENTATION - CHOICE TO PURSUE DEFENSE BASED ON MENTAL DISEASE OR DEFECT - DILIGENCE OF COUNSEL - WHETHER DEFENDANT WAS DEPRIVED OF THE EFFECTIVE ASSISTANCE OF COUNSEL BY COUNSEL'S CHOICE TO PURSUE A DEFENSE BASED ON MENTAL DISEASE OR DEFECT WHILE RELYING ON THE TESTIMONY OF A PHARMACOLOGICAL WITNESS;

BARDEN (SCOTT), PEOPLE v:

CRIMES - POSSESSION OF STOLEN PROPERTY - INTANGIBLES - CREDIT CARD NUMBERS - WHETHER A PERSON MAY BE CONVICTED FOR CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE FOURTH DEGREE FOR USING A CREDIT CARD NUMBER TO MAKE UNAUTHORIZED CHARGES WHERE THE RIGHTFUL OWNER RETAINS PHYSICAL POSSESSION OF THE CREDIT CARD (PENAL LAW § 165.45[2]) - CONSTRUCTIVE POSSESSION OF CREDIT CARD NUMBER; ALLEGED VIOLATION OF DEFENDANT'S STATUTORY SPEEDY TRIAL RIGHTS;

BERRY (ANTHONY), PEOPLE v:

CRIMES - UNLAWFULLY DEALING WITH CHILD - ACTIVITY INVOLVING CONTROLLED SUBSTANCE - WHETHER THE CRIME OF UNLAWFULLY DEALING WITH A CHILD UNDER PENAL LAW § 260.20(1) REQUIRES A DEFENDANT TO HAVE A LEGAL DUTY TO THE CHILD;

BERRY (OLIVER), PEOPLE v a/k/a TUCKER (CHRIS):

CRIMES - WITNESSES - WHETHER WITNESS FOR THE PROSECUTION'S INVOCATION OF THE FIFTH AMENDMENT PRIVILEGE AGAINST SELF-INCRIMINATION ADDED CRITICAL WEIGHT TO THE PROSECUTION'S CASE - INFERENCES DRAWN BY WITNESS'S SILENCE; WHETHER TRIAL COURT PROPERLY PRECLUDED DEFENDANT'S EXPERT WITNESS FROM TESTIFYING ABOUT THE EFFECTS OF STRESS ON ACCURACY OF IDENTIFICATION;

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;

BHUGRA v MASSACHUSETTS CASUALTY INSURANCE COMPANY:

APPEAL - APPELLATE DIVISION - MOTION TO ENLARGE TIME TO PERFECT APPEAL;

BILAL (RASHID), PEOPLE v:

CRIMES - RIGHT TO COUNSEL - EFFECTIVE REPRESENTATION - WHETHER THE APPELLATE DIVISION CORRECTLY DETERMINED THAT COUNSEL'S ERROR IN FAILING TO MOVE TO SUPPRESS A WEAPON DEFENDANT DISCARDED WHILE BEING CHASED BY PLAINCLOTHES POLICE DID NOT CAUSE DEFENDANT PREJUDICE BECAUSE DEFENDANT WOULD NOT HAVE PREVAILED ON A SUPPRESSION MOTION BASED UPON THE COURT'S CONCLUSION THAT "THE UNDISPUTED FACTS ESTABLISH THAT, WHEN ADDED TO THE INFORMATION ALREADY KNOWN TO THE POLICE, DEFENDANT'S FLIGHT CREATED REASONABLE SUSPICION WARRANTING PURSUIT" AND "THE SEIZURE WAS LAWFUL, IN ANY EVENT, UNDER THE DOCTRINE OF ABANDONMENT";

BOOKMAN (DAVID), PEOPLE v:

CRIMES - SUPPRESSION HEARING - HANDGUN FOUND IN TRUNK OF CAR STOPPED FOR INOPERATIVE BRAKE LIGHT AND ITEMS HANGING FROM REARVIEW MIRROR - CAR SEARCHED AFTER ARREST OF CAR OCCUPANTS WHEN POLICE OFFICER SAW "CLOUDY" PLASTIC BAG, BELIEVED TO CONTAIN COCAINE RESIDUE, IN CAR; WHETHER THE PEOPLE MADE A PRIMA FACIE SHOWING THAT THE STOP OF THE VEHICLE HAD A LEGALLY SUFFICIENT BASIS; APPEAL - WAIVER OF RIGHT TO APPEAL - WHETHER DEFENDANT'S WAIVER WAS VOLUNTARY, KNOWING AND INTELLIGENT;

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;

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;

MATTER OF BRANDES, A DISBARRED ATTORNEY:

ATTORNEY AND CLIENT - REINSTATEMENT - WHETHER THE APPELLATE DIVISION, IN DENYING REINSTATEMENT, ERRED IN CONCLUDING THAT DISBARRED ATTORNEY ENGAGED IN THE PRACTICE OF LAW IN VIOLATION OF JUDICIARY LAW § 90(2); CLAIMED CONSTITUTIONAL VIOLATIONS;

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;

BREWER (TIMOTHY), PEOPLE v:

CRIMES - EVIDENCE - DEFENDANT'S SEXUAL PROCLIVITIES - CORROBORATION OF CHILD SEXUAL ASSAULT VICTIMS' TESTIMONY - WHETHER THE TRIAL COURT COMMITTED REVERSIBLE ERROR BY GRANTING THE PEOPLE'S MOLINEUX APPLICATION TO ALLOW EVIDENCE AT TRIAL OF DEFENDANT'S DRUG USE AND SEXUAL PROCLIVITIES;

BRIDGEFORTH (JOSEPH), PEOPLE v:

CRIMES - JURORS - SELECTION OF JURY - BATSON APPLICATION - FAILURE TO SHOW PROSECUTOR'S MISCONDUCT - WHETHER DEFENDANT MET HIS PRIMA FACIE BURDEN OF ESTABLISHING THAT THE PROSECUTOR EXERCISED PEREMPTORY CHALLENGES TO REMOVE PROSPECTIVE JURORS ON THE BASIS OF THEIR MEMBERSHIP IN A CONSTITUTIONALLY COGNIZABLE PROTECTED CLASS; RIGHT TO BE PRESENT AT TRIAL - FAILURE TO REBUT PRESUMPTION OF REGULARITY - WHETHER DEFENDANT WAS DENIED HIS RIGHT TO BE PRESENT AT ALL MATERIAL STAGES OF THE TRIAL;

BROWN (JAMES), PEOPLE v:

CRIMES - RIGHT TO SPEEDY TRIAL - WHETHER THE PEOPLE'S SUBSEQUENT STATEMENT OF UNREADINESS RENDERED THEIR OFF-CALENDAR CERTIFICATE OF READINESS ILLUSORY; COURTS - COURT OF APPEALS - APPLICATION OF PLURALITY OPINIONS - PEOPLE v SIBBLIES (22 NY3d 1174 [2014]);

BROWN (LARRY), PEOPLE v:

CRIMES - PLEA OF GUILTY - WITHDRAWAL OF PLEA - POSTPLEA DENIAL OF JUDICIAL DIVERSION PLAN- WHETHER THE APPELLATE DIVISION CORRECTLY HELD THAT DEFENDANT'S PLEA WAS KNOWINGLY, INTELLIGENTLY, AND VOLUNTARILY ENTERED ON THE BASIS THAT DEFENDANT'S CLAIM THAT HE WAS MISLED ABOUT HIS PROSPECTS OF RECEIVING JUDICIAL DIVERSION UNDER CPL 216.05 WAS REFUTED BY THE RECORD; WHETHER DEFENDANT'S PLEA WAS NOT KNOWINGLY, INTELLIGENTLY, AND VOLUNTARILY ENTERED ON THE BASIS THAT THE PROMISED SENTENCE WAS ILLEGALLY LENIENT;

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;

CAPERS v PARKSHORE HEALTHCARE, LLC et al.:

APPEAL - CHALLENGE TO APPELLATE DIVISION ORDER DISMISSING APPEAL FROM SUPREME COURT ORDER ON GROUND THAT NONPARTY APPELLANT WAS NOT AGGRIEVED; CHALLENGE TO SEPARATE SUPREME COURT ORDER DISMISSING ACTION AS AGAINST ONE OF THE TWO DEFENDANTS;

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 REPRESENT THE MURDER CHARGES TO A SECOND GRAND JURY, IN VIOLATION OF CPL 190.75(3);

CARRION v FAULKNER, et al.:

NEGLIGENCE - MAINTENANCE OF PREMISES - TRIP AND FALL ON MARBLE STAIRS DUE TO ALLEGED "WORN AND ROUNDED" CONDITION OF MARBLE STEP - WHETHER SUMMARY JUDGMENT WAS PROPERLY GRANTED TO DEFENDANT UPON THE GROUND THAT, AS A MATTER OF LAW, THE WEAR ON THE STEP WAS A TRIVIAL DEFECT AND NOT ACTIONABLE;

CARVER (LEROY), PEOPLE v:

CRIMES - RIGHT TO COUNSEL - EFFECTIVE REPRESENTATION - LEGITIMATE REASON FOR FAILURE TO MAKE SUPPRESSION MOTION - FUTILITY OF SUPPRESSION MOTION - WHETHER DEFENDANT WAS DEPRIVED OF THE EFFECTIVE ASSISTANCE OF COUNSEL WHEN TRIAL COUNSEL DID NOT MOVE TO SUPPRESS THE PHYSICAL EVIDENCE; CRIMES - UNLAWFUL SEARCH AND SEIZURE - FAILURE TO FOLLOW POLICE OFFICER'S INSTRUCTIONS FOLLOWING STOP OF VEHICLE - ATTEMPTING TO EXIT VEHICLE FOLLOWING DRIVER'S FLIGHT;

CASTIGLIONE, et al. v KRUSE, et al.:

MOTOR VEHICLES - INJURIES TO PEDESTRIANS - PEDESTRIAN STRUCK BY CAR IN CROSSWALK; SUMMARY JUDGMENT; COMPARATIVE FAULT;

CEDENO (ASSAD), PEOPLE v:

CRIMES - RIGHT OF CONFRONTATION - WHETHER THE APPELLATE DIVISION ERRED IN CONCLUDING THAT THE ADMISSION INTO EVIDENCE OF A CODEFENDANT'S REDACTED STATEMENT TO POLICE DID NOT VIOLATE THE BRUTON RULE "BECAUSE THE SUBJECT REDACTION WOULD NOT HAVE CAUSED THE JURORS TO REALIZE THAT THE CONFESSION REFERS SPECIFICALLY TO THE DEFENDANT" - PROOF OF OTHER CRIMES - WHETHER THE TRIAL COURT IMPROPERLY ADMITTED PRIOR UNCHARGED CRIME EVIDENCE AGAINST DEFENDANT WITHOUT FIRST EVALUATING ITS RELIABILITY;

CHANKO, &c., et al. v AMERICAN BROADCASTING COMPANIES, INC., et al.:

TORTS - INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS - EXTREME AND OUTRAGEOUS CONDUCT - WHETHER DEFENDANTS' CONDUCT IN PRODUCING AND TELEVISIONING A SHOW DEPICTING MEDICAL CARE PROVIDED AT DEFENDANT HOSPITAL, WHICH INCLUDED PIXILATED IMAGE OF PLAINTIFFS' DECEDENT, CONSTITUTED EXTREME AND OUTRAGEOUS CONDUCT SUPPORTING A CLAIM FOR INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS; TORTS - WRONGFUL DISCLOSURE OF CONFIDENTIAL INFORMATION - WHETHER PLAINTIFFS STATED A CLAIM FOR BREACH OF THE DUTY NOT TO DISCLOSE PERSONAL MEDICAL INFORMATION;

CHARITE, et al. v DUANE READE, INC., et al.:

CIVIL RIGHTS - ELECTION OF REMEDIES - RETALIATION IN EMPLOYMENT - PRIOR ACTION - WHETHER THE APPELLATE DIVISION ERRED IN DETERMINING THAT PLAINTIFF'S CAUSE OF ACTION FOR UNLAWFUL RETALIATION IN EMPLOYMENT IN VIOLATION OF ADMINISTRATIVE CODE OF THE CITY OF NEW YORK §8-107 WAS BARRED BY THE ELECTION OF REMEDIES PROVISION IN LABOR LAW §740(7);

CHERY (LYXON), PEOPLE v:

CRIMES - DEFENDANT AS WITNESS - CROSS-EXAMINATION OF DEFENDANT - IMPEACHMENT - WHETHER THE TRIAL COURT ERRED IN ALLOWING THE PEOPLE TO IMPEACH DEFENDANT WITH OMISSIONS FROM DEFENDANT'S SPONTANEOUS POST-ARREST, PRE-MIRANDA STATEMENT;

CITIZENS FOR ST. PATRICK'S et al., MATTER OF v WATERVLIET ZONING BOARD OF APPEALS, et al.:

INJUNCTIONS - DAMAGES - BOND POSTED WHEN APPELLATE DIVISION JUSTICE GRANTED PETITIONERS' REQUEST FOR A TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION PENDING APPEAL - WHETHER SUPREME COURT ERRED IN GRANTING RESPONDENT'S APPLICATION FOR DAMAGES, IN THE FORM OF COUNSEL FEES, INCURRED AS A RESULT OF THE ISSUANCE OF THE TEMPORARY RESTRAINING ORDER (THEREAFTER AWARDED RESPONDENT DAMAGES IN THE FULL AMOUNT OF THE BOND SUM) - CPLR 6315;

CITY OF NEW YORK v GOUNDEN:

PARTIES - INTERVENTION - MOTION, BY PERSON CLAIMING TO HAVE BEEN FALSELY ARRESTED FOR BLOCKING THE STREET AT ISSUE, TO INTERVENE IN AN ACTION PURSUANT TO SECTION 871 OF THE REAL PROPERTY ACTIONS AND PROCEEDINGS LAW BROUGHT BY PLAINTIFF CITY OF NEW YORK AGAINST A LANDOWNER WHO ERECTED A FENCE AND PLACED A BOULDER BLOCKING USE OF AN UNMAPPED STREET EXTENDING DOWN THE MIDDLE OF A SMALL PENINSULA OF LAND; AGGRIEVEMENT;

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);

CLARKE (NNAMDI), PEOPLE v:

CRIMES - RIGHT TO SPEEDY TRIAL - WHETHER THE PROSECUTION'S DELAY IN SEEKING THE TESTING OF DNA IS AN EXCEPTIONAL CIRCUMSTANCE EXCLUDABLE FROM SPEEDY TRIAL COMPUTATION UNDER CPL 30.30;

CLARK (PRINCE), PEOPLE v:

CRIMES - RIGHT TO COUNSEL - EFFECTIVE REPRESENTATION - TRIAL COUNSEL'S FAILURE TO REQUEST THAT THE COURT CHARGE THE JURY ON THE POTENTIAL ALTERNATIVE DEFENSE OF JUSTIFICATION - TRIAL COURT'S FAILURE TO MAKE A JUSTIFICATION CHARGE TO THE JURY SUA SPONTE; CLAIMED DUE PROCESS VIOLATION;

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;

COLUMBIA COUNTY SUPPORT COLLECTION UNIT, &c., MATTER OF v RISLEY:

PARENT, CHILD AND FAMILY - SUPPORT - WILLFUL VIOLATION OF ORDERS OF SUPPORT - REVOCATION OF SUSPENDED SENTENCES OF INCARCERATION AND IMPOSITION OF CONSECUTIVE TERMS OF INCARCERATION - WHETHER FAMILY COURT ACT § 454(3)(a) PERMITS CONSECUTIVE COMMITMENTS FOR VIOLATIONS OF PRIOR CHILD SUPPORT ORDERS;

CONCERNED HOME CARE PROVIDERS, INC. v NEW YORK STATE DEPARTMENT OF HEALTH, et al.:

CONSTITUTIONAL LAW - SEPARATION OF POWERS - WHETHER EXECUTIVE ORDER NO. 38 AND TWO SETS OF REGULATIONS PROMULGATED BY THE NEW YORK STATE DEPARTMENT OF HEALTH (DOH), AS SET FORTH IN 10 NYCRR PART 1002 AND IN CERTAIN AMENDMENTS TO 10 NYCRR SUBPART 69-4, VIOLATE THE SEPARATION OF POWERS DOCTRINE IN THE NEW YORK STATE CONSTITUTION; EARLY INTERVENTION PROGRAMS FOR CHILDREN WITH DEVELOPMENTAL DISABILITIES, PROVIDED BY PRIVATE AGENCIES THROUGH CONTRACT WITH THE DOH;

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 (JONATHAN J.), PEOPLE v:

CRIMES - EVIDENCE - RESTITUTION - EVIDENTIARY BASIS FOR AMOUNT - WHETHER THE PROCEDURES USED AT DEFENDANT'S RESTITUTION HEARING COMPORTED WITH PENAL LAW § 60.27 AND CPL 400.30 WHERE COUNTY COURT RELIED ON THE TRANSCRIPT AND EXHIBITS FROM A HEARING PREVIOUSLY CONDUCTED BY A JUDICIAL HEARING OFFICER; WHETHER THE DELAY IN IMPOSING RESTITUTION DIVESTED THE COURT OF JURISDICTION; WHETHER COUNSEL PROVIDED INEFFECTIVE ASSISTANCE;

COOK (WILLIAM), PEOPLE v:

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;

CORTORREAL, MATTER OF v ANNUCCI, &c.:

PRISONS AND PRISONERS - DISCIPLINE OF INMATES - RIGHT TO PRESENT WITNESSES - WHETHER FURTHER INQUIRY INTO THE REASON FOR A REQUESTED INMATE WITNESS'S REFUSAL TO TESTIFY IS REQUIRED WHERE THE REQUESTED INMATE WITNESS SIGNS A FORM INDICATING, WITHOUT FURTHER EXPLANATION, THAT THE WITNESS DOES NOT WISH TO TESTIFY - MATTER OF BARNES v LEFEVRE (69 NY2d 649 [1986]); WHETHER AND TO WHAT EXTENT A HEARING OFFICER MUST INQUIRE INTO THE CIRCUMSTANCES SURROUNDING A REQUESTED INMATE WITNESS'S REFUSAL TO TESTIFY IN A SECOND ADMINISTRATIVE HEARING ON THE GROUND THAT HE HAD NO KNOWLEDGE OF THE MATTER, WHERE THAT WITNESS SIGNED AN AFFIDAVIT STATING HE WAS COERCED BY AN IDENTIFIED PRISON STAFF PERSON NOT TO TESTIFY IN AN EARLIER, ADMINISTRATIVELY-REVERSED PROCEEDING INVOLVING THE SAME DISCIPLINARY CHARGES, AFTER THAT PROCEEDING TERMINATED AND BEFORE THE SECOND PROCEEDING BEGAN;

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;

COUNTY OF CAYUGA, MATTER OF v SHAH:

PARTIES - CAPACITY TO SUE - PROCEEDING SEEKING REIMBURSEMENT FOR MEDICAID OVERBURDEN EXPENDITURES - WHETHER COUNTIES ARE PERSONS WITHIN THE MEANING OF THE STATE AND FEDERAL CONSTITUTIONS SO THAT THEY MAY RAISE DUE PROCESS CLAIMS AGAINST THE STATE; PETITIONER'S ENTITLEMENT TO RELIEF IN THE NATURE OF MANDAMUS, DIRECTING RESPONDENTS TO SEARCH THEIR RECORDS, LOCATE ALL UNREIMBURSED CLAIMS FOR OVERBURDEN EXPENDITURES MADE BY PETITIONER AND REIMBURSE PETITIONER FOR THOSE EXPENDITURES;

COUNTY OF CHAUTAUQUA, MATTER OF v SHAH:

PARTIES - CAPACITY TO SUE - PROCEEDING SEEKING REIMBURSEMENT FOR MEDICAID OVERBURDEN EXPENDITURES - WHETHER COUNTIES ARE PERSONS WITHIN THE MEANING OF THE STATE AND FEDERAL CONSTITUTIONS SO THAT THEY MAY RAISE DUE PROCESS CLAIMS AGAINST THE STATE; PETITIONER'S ENTITLEMENT TO RELIEF IN THE NATURE OF MANDAMUS, DIRECTING RESPONDENTS TO SEARCH THEIR RECORDS, LOCATE ALL UNREIMBURSED CLAIMS FOR OVERBURDEN EXPENDITURES MADE BY PETITIONERS AND REIMBURSE PETITIONERS FOR THOSE EXPENDITURES;

COUNTY OF CHEMUNG, MATTER OF v SHAH:

HEALTH - MEDICAID REIMBURSEMENT PAYMENTS - REIMBURSEMENT OF OVERBURDEN EXPENDITURES - WHETHER THE 2012 AMENDMENT TO THE MEDICAID CAP STATUTE (L 2012, CH 56, PART D, § 61) EXTINGUISHES THE STATE'S OBLIGATION UNDER SOCIAL SERVICES LAW § 368-a(1)(h) TO REIMBURSE THE COUNTY FOR OVERBURDEN EXPENDITURES ACCRUED PRIOR TO JANUARY 1, 2006, BUT NOT SUBMITTED TO THE STATE FOR PAYMENT UNTIL ON OR AFTER THE AMENDMENT'S EFFECTIVE DATE OF APRIL 1, 2012 - NECESSITY FOR IMPOSITION OF SIX-MONTH GRACE PERIOD TO SATISFY DUE PROCESS; MANDAMUS - WHETHER THE COUNTY IS ENTITLED TO MANDAMUS RELIEF DIRECTING THE STATE TO IDENTIFY, CALCULATE AND PAY ALL PRE-2006 OVERBURDEN EXPENDITURES EVEN WITHOUT ANY CLAIMS BEING MADE FOR SUCH EXPENDITURES;

COUNTY OF GENESEE, MATTER OF v SHAH:

PARTIES - CAPACITY TO SUE - PROCEEDING SEEKING REIMBURSEMENT FOR MEDICAID OVERBURDEN EXPENDITURES - WHETHER COUNTIES ARE PERSONS WITHIN THE MEANING OF THE STATE AND FEDERAL CONSTITUTIONS SO THAT THEY MAY RAISE DUE PROCESS CLAIMS AGAINST THE STATE; PETITIONER'S ENTITLEMENT TO RELIEF IN THE NATURE OF MANDAMUS, DIRECTING RESPONDENTS TO SEARCH THEIR RECORDS, LOCATE ALL UNREIMBURSED CLAIMS FOR OVERBURDEN EXPENDITURES MADE BY PETITIONER AND REIMBURSE PETITIONER FOR THOSE EXPENDITURES;

COUNTY OF JEFFERSON, MATTER OF v SHAH:

PARTIES - CAPACITY TO SUE - PROCEEDING SEEKING REIMBURSEMENT FOR MEDICAID OVERBURDEN EXPENDITURES - WHETHER COUNTIES ARE PERSONS WITHIN THE MEANING OF THE STATE AND FEDERAL CONSTITUTIONS SO THAT THEY MAY RAISE DUE PROCESS CLAIMS AGAINST THE STATE; PETITIONER'S ENTITLEMENT TO RELIEF IN THE NATURE OF MANDAMUS, DIRECTING RESPONDENTS TO SEARCH THEIR RECORDS, LOCATE ALL UNREIMBURSED CLAIMS FOR OVERBURDEN EXPENDITURES MADE BY PETITIONERS AND REIMBURSE PETITIONERS FOR THOSE EXPENDITURES;

COUNTY OF MONROE, MATTER OF v SHAH:

PARTIES - CAPACITY TO SUE - PROCEEDING SEEKING REIMBURSEMENT FOR MEDICAID OVERBURDEN EXPENDITURES - WHETHER COUNTIES ARE PERSONS WITHIN THE MEANING OF THE STATE AND FEDERAL CONSTITUTIONS SO THAT THEY MAY RAISE DUE PROCESS CLAIMS AGAINST THE STATE; PETITIONER'S ENTITLEMENT TO RELIEF IN THE NATURE OF MANDAMUS, DIRECTING RESPONDENTS TO SEARCH THEIR RECORDS, LOCATE ALL UNREIMBURSED CLAIMS FOR OVERBURDEN EXPENDITURES MADE BY PETITIONER AND REIMBURSE PETITIONER FOR THOSE EXPENDITURES;

COUNTY OF ONEIDA, MATTER OF v SHAH:

PARTIES - CAPACITY TO SUE - PROCEEDING SEEKING REIMBURSEMENT FOR MEDICAID OVERBURDEN EXPENDITURES - WHETHER COUNTIES ARE PERSONS WITHIN THE MEANING OF THE STATE AND FEDERAL CONSTITUTIONS SO THAT

THEY MAY RAISE DUE PROCESS CLAIMS AGAINST THE STATE; PETITIONER'S ENTITLEMENT TO RELIEF IN THE NATURE OF MANDAMUS, DIRECTING RESPONDENTS TO SEARCH THEIR RECORDS, LOCATE ALL UNREIMBURSED CLAIMS FOR OVERBURDEN EXPENDITURES MADE BY PETITIONER AND REIMBURSE PETITIONER FOR THOSE EXPENDITURES;

COUNTY OF ST. LAWRENCE, MATTER OF v SHAH:

HEALTH - MEDICAID REIMBURSEMENT PAYMENTS - REIMBURSEMENT OF OVERBURDEN EXPENDITURES - WHETHER THE 2012 AMENDMENT TO THE MEDICAID CAP STATUTE (L 2012, CH 56, PART D, § 61) EXTINGUISHES THE STATE'S OBLIGATION UNDER SOCIAL SERVICES LAW § 368-a(1)(h) TO REIMBURSE THE COUNTY FOR OVERBURDEN EXPENDITURES ACCRUED PRIOR TO JANUARY 1, 2006, BUT NOT SUBMITTED TO THE STATE FOR PAYMENT UNTIL ON OR AFTER THE AMENDMENT'S EFFECTIVE DATE OF APRIL 1, 2012 - NECESSITY FOR IMPOSITION OF SIX-MONTH GRACE PERIOD TO SATISFY DUE PROCESS; MANDAMUS - WHETHER THE COUNTY IS ENTITLED TO MANDAMUS RELIEF DIRECTING THE STATE TO IDENTIFY, CALCULATE AND PAY ALL PRE-2006 OVERBURDEN EXPENDITURES EVEN WITHOUT ANY CLAIMS BEING MADE FOR SUCH EXPENDITURES;

COUSER (PHILLIP), PEOPLE v (APPEAL NO. 1):

CRIMES - SENTENCE - CONCURRENT AND CONSECUTIVE TERMS - ROBBERY AND ATTEMPTED ROBBERY - WHETHER THE APPELLATE DIVISION ERRED IN CONCLUDING THAT THE SENTENCE FOR ROBBERY WAS PROPERLY MADE CONSECUTIVE TO THE SENTENCES FOR ATTEMPTED ROBBERY;

COUSER (PHILLIP), PEOPLE v (APPEAL NO. 2):

CRIMES - SENTENCE - CONCURRENT AND CONSECUTIVE TERMS - ATTEMPTED MURDER - WHETHER THE MODIFICATION OF THE AGGREGATE SENTENCE IN APPEAL NO. 1 NULLIFIED AN EXPRESSLY PROMISED BENEFIT OR CONSTITUTED MATERIAL INDUCEMENT TO PLEA AT ISSUE IN APPEAL NO. 2 - WHETHER THE APPELLATE DIVISION ERRED IN CONCLUDING THAT THE MODIFICATION OF DEFENDANT'S AGGREGATE SENTENCE ON ROBBERY AND ATTEMPTED ROBBERY CHARGES DID NOT ENTITLE HIM TO VACATUR OF THE PLEA ON THE ATTEMPTED MURDER CHARGE; RIGHT TO COUNSEL - EFFECTIVE REPRESENTATION - WHETHER THE APPELLATE DIVISION ERRED IN REJECTING DEFENDANT'S CLAIM THAT HE WAS DENIED THE EFFECTIVE ASSISTANCE OF COUNSEL BASED ON COUNSEL'S ALLEGED FAILURE TO RECOGNIZE THAT DEFENDANT WAS NOT SUBJECT TO A CONSECUTIVE SENTENCE FOR THE ATTEMPTED MURDER COUNT;

CROOKS (DAYSHAWN), PEOPLE v:

CRIMES - INFORMERS - WHETHER THE COURTS BELOW CORRECTLY CONCLUDED THAT A DARDEN HEARING WAS NOT NECESSARY ON THE GROUND THAT THE POLICE SURVEILLANCE OF TWO CONTROLLED DRUG TRANSACTIONS BETWEEN THE CONFIDENTIAL INFORMANT AND DEFENDANT PROVIDED PROBABLE CAUSE FOR A SEARCH WARRANT INDEPENDENT OF ANY STATEMENTS THE CONFIDENTIAL INFORMANT MADE TO THE POLICE;

CRP/EXTELL PARCEL I.L.P. v CUOMO, et al.:

INTEREST - ACTIONS IN WHICH RECOVERABLE - DISMISSAL OF UNDERLYING PROCEEDING TO REFORM ALLEGED SCRIVENER'S ERROR IN CONDOMINIUM OFFERING - WHETHER THE APPELLATE DIVISION CORRECTLY HELD THAT SUPREME COURT EXCEEDED ITS JURISDICTION BY DECIDING A MOTION FOR THE AWARD OF PREJUDGMENT INTEREST BECAUSE THE UNDERLYING REFORMATION ACTION/PROCEEDING HAD BEEN RESOLVED, RESPONDENTS IN THAT ACTION/PROCEEDING SOUGHT RELEASE OF FUNDS IN ESCROW PLUS INTEREST WHILE FUNDS WERE HELD IN ESCROW, AND RESPONDENTS DID NOT SEEK AN AWARD OF STATUTORY INTEREST IN THAT PRIOR ACTION/PROCEEDING;

CRUZ v BRONX LEBANON HOSPITAL CENTER:

NEGLIGENCE - MAINTENANCE OF PREMISES - SUFFICIENCY OF THE EVIDENCE OF DEFECTIVE CONDITION AND DEFENDANT'S CONSTRUCTIVE NOTICE OF DEFECTIVE CONDITION; REMARKS BY PLAINTIFF'S COUNSEL IN SUMMATION - WHETHER THE COURTS BELOW ERRED IN DETERMINING THAT LIMITED NUMBER OF INFLAMMATORY REMARKS, ALONG WITH THE COURT'S CURATIVE INSTRUCTIONS, DO NOT ESTABLISH THAT DEFENDANT WAS DENIED A FAIR TRIAL;

CUNNINGHAM v SECURITY MUTUAL INSURANCE COMPANY:

APPEAL - CHALLENGE TO COUNTY COURT ORDER AFFIRMING A CITY COURT JUDGMENT THAT DID NOT AWARD PLAINTIFFS ALL DAMAGES SOUGHT;

DANIEL (SPARKLE), PEOPLE v:

CRIMES - CONFESSION - CUSTODIAL INTERROGATION - WHETHER THE APPELLATE DIVISION ERRED IN CONCLUDING THAT STATEMENTS DEFENDANT MADE FOLLOWING THE ADMINISTRATION OF MIRANDA WARNINGS HAD TO BE SUPPRESSED BECAUSE THEY WERE THE RESULT OF A CONTINUING CUSTODIAL INTERROGATION THAT BEGAN BEFORE THE WARNINGS WERE ADMINISTERED AND CONTINUED WITHOUT A PRONOUNCED BREAK;

DAVIDSON (MARTESHA), PEOPLE v:

CRIMES - DISTRICT AND PROSECUTING ATTORNEYS - SPECIAL PROSECUTOR - WHETHER THE SPECIAL PROSECUTOR OF THE NEW YORK STATE JUSTICE CENTER FOR THE PROTECTION OF PEOPLE WITH SPECIAL NEEDS (CREATED BY EXECUTIVE LAW § 552) IS AUTHORIZED TO PROSECUTE CASES OF ABUSE OR NEGLECT OF VULNERABLE PERSONS BY THEIR CAREGIVERS IN NEW YORK'S LOCAL CRIMINAL COURTS;

DAVIS (MATTHEW A.), PEOPLE v:

CRIMES - MURDER - FELONY MURDER - WHETHER PEOPLE FAILED TO PROVE THAT DEFENDANT CAUSED THE DEATH OF AN OBESE VICTIM WHO DIED AFTER SUFFERING A HEART ATTACK DURING OR AFTER THE ROBBERY - SUFFICIENCY OF PROOF ON REASONABLE FORESEEABILITY THAT DEFENDANT'S ACTIONS IN UNLAWFULLY ENTERING VICTIM'S APARTMENT AND ASSAULTING HIM WOULD CAUSE THE VICTIM'S DEATH; CORROBORATION OF

ACCOMPLICE TESTIMONY - BURGLARY AND ROBBERY PROSECUTION - WHETHER THE TRIAL COURT ERRED IN ADMITTING INTO EVIDENCE SURVEILLANCE VIDEO FOOTAGE TENDING TO CORROBORATE THE TESTIMONY OF DEFENDANT'S ACCOMPLICE; SENTENCE;

DAWLEY, MATTER OF, et al. v WHITETAIL 414, LLC, et al.:
ENVIRONMENTAL CONSERVATION - ENVIRONMENTAL QUALITY REVIEW - WHETHER THE APPELLATE DIVISION CORRECTLY CONCLUDED THAT THE CHALLENGED NEGATIVE DECLARATION FAILED TO COMPLY WITH THE "REASONED ELABORATION" REQUIREMENT UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQUA);

DIEGELMAN, et al., MATTER OF v CITY OF BUFFALO, et al.:
MUNICIPAL CORPORATIONS - NOTICE OF CLAIM - LATE NOTICE - WHETHER THE APPELLATE DIVISION ERRED IN CONCLUDING THAT THE GENERAL MUNICIPAL LAW § 205-e CLAIM WAS PATENTLY WITHOUT MERIT; WHETHER A POLICE OFFICER'S ENTITLEMENT TO GENERAL MUNICIPAL LAW § 207-c BENEFITS PRECLUDES THE OFFICER FROM BRINGING A GENERAL MUNICIPAL LAW § 205-e CLAIM AGAINST THE OFFICER'S MUNICIPAL EMPLOYER;

DiPIPPPO (ANTHONY), PEOPLE v:
CRIMES - EVIDENCE - WHETHER THE TRIAL COURT COMMITTED REVERSIBLE ERROR IN DENYING DEFENDANT'S MOTION TO ADMIT EVIDENCE OF ALLEGED THIRD-PARTY CULPABILITY, CONSISTING OF THE THIRD-PARTY'S ALLEGED DECLARATION AGAINST PENAL INTEREST, WHERE PROOF OF THE THIRD-PARTY'S PRIOR ACTS OF MISCONDUCT ARE PROFFERED UNDER A "REVERSE MOLINEUX" THEORY TO DEMONSTRATE THE RELIABILITY OF SUCH DECLARATION; RIGHT TO COUNSEL - ALLEGED INEFFECTIVE ASSISTANCE OF TRIAL COUNSEL FOR FAILING TO REQUEST THAT (1) THE ALLEGEDLY CULPABLE THIRD PARTY BE GRANTED IMMUNITY UPON INVOKING HIS RIGHT AGAINST SELF-INCRIMINATION AND (2) A PARTICULAR WITNESS BE CHARGED TO THE JURY AS AN ACCOMPLICE IN FACT;

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;

DRYDEN MUTUAL INSURANCE COMPANY v GOESSL:
INSURANCE - DUTY TO DEFEND AND INDEMNIFY - BUSINESS GENERAL LIABILITY POLICY - WHETHER THE APPELLATE DIVISION CORRECTLY DETERMINED THAT, FOR LIABILITY INSURANCE PURPOSES, DEFENDANT PLUMBER WAS AN INDEPENDENT CONTRACTOR, NOT AN EMPLOYEE, FOR DEFENDANT PLUMBING COMPANY WHEN THE ALLEGED NEGLIGENT ACTS OCCURRED;

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;

ENTERGY NUCLEAR OPERATION, INC, et al., MATTER OF v NEW YORK
 DEPARTMENT OF STATE et al.:
 ENVIRONMENTAL CONSERVATION - ENVIRONMENTAL QUALITY REVIEW -
 WHETHER PETITIONER'S LICENSE RENEWAL APPLICATION TO THE NUCLEAR
 REGULATORY COMMISSION TRIGGERS CONSISTENCY REVIEW UNDER THE
 COASTAL ZONE MANAGEMENT ACT AND NEW YORK'S COASTAL MANAGEMENT
 PROGRAM (CMP) - WHETHER CERTAIN GENERATING PLANT UNITS WERE
 GRANDFATHERED PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW
 ACT; WHETHER QUALIFYING FINAL ENVIRONMENTAL IMPACT STATEMENTS
 WERE PREPARED FOR THE UNITS; WHETHER SUBSEQUENT CHANGES TO UNITS
 HAVE TRIGGERED A CONSISTENCY REVIEW UNDER THE CMP;

FINERTY v ABEX CORPORATION:
 PRODUCTS LIABILITY - EXPOSURE TO TOXIC SUBSTANCES - ASBESTOS -
 WHETHER THE APPELLATE DIVISION ERRED IN HOLDING THAT FORD MOTOR
 COMPANY IS SUBJECT TO LIABILITY FOR INJURIES RESULTING FROM
 ASBESTOS-CONTAINING AUTO PARTS MANUFACTURED AND DISTRIBUTED IN
 IRELAND BY ITS WHOLLY OWNED SUBSIDIARY, UPON THE GROUND THAT FORD
 MOTOR COMPANY "ACTED AS THE GLOBAL GUARDIAN OF THE FORD BRAND,
 HAVING A SUBSTANTIAL ROLE IN THE DESIGN, DEVELOPMENT, AND USE OF
 THE AUTO PARTS DISTRIBUTED" BY ITS SUBSIDIARY, "WITH THE APPARENT
 GOAL OF THE COMPLETE STANDARDIZATION OF ALL PRODUCTS WORLDWIDE
 THAT CARRIED THE SIGNATURE FORD LOGO";

FINKELSTEIN (STEVEN), PEOPLE v:
 CRIMES - COERCION - WHETHER DEFENDANT'S CONVICTION OF COERCION IN
 THE FIRST DEGREE VIOLATES HIS RIGHTS TO TRIAL BY JURY, EQUAL
 PROTECTION AND DUE PROCESS - DISTINCTION BETWEEN COERCION IN THE
 FIRST AND SECOND DEGREES AS ARTICULATED IN PEOPLE v EBOLI (34
 NY2d 281 [1974]) AND PEOPLE v DISCALA (45 NY2d 38 [1978]) -
 HEINOUSNESS; LESSER INCLUDED OFFENSE - CHARGE TO THE JURY -
 WHETHER DEFENDANT WAS ENTITLED TO HAVE COERCION IN THE SECOND
 DEGREE SUBMITTED TO THE JURY AS A LESSER INCLUDED OFFENSE OF
 COERCION IN THE FIRST DEGREE; PROOF OF OTHER CRIMES - WHETHER THE
 TRIAL COURT PROPERLY EXERCISED ITS DISCRETION IN ADMITTING
 EVIDENCE ESTABLISHING VICTIM'S KNOWLEDGE OF DEFENDANT'S COERCION
 OF A FORMER GIRLFRIEND; SUFFICIENCY OF THE EVIDENCE SUPPORTING
 CONVICTION OF COERCION IN THE FIRST DEGREE; RIGHT TO
 REPRESENTATION PRO SE - WHETHER COURT PROPERLY REVOKED
 DEFENDANT'S PRO SE STATUS DURING PORTIONS OF THE PROCEEDINGS ON
 THE GROUND THAT HE FORFEITED HIS RIGHT OF SELF-REPRESENTATION BY
 HIS CONDUCT;

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;

FLETCHER (CLIFFTON), PEOPLE v:

CRIMES - SUPPRESSION HEARING - DEFENDANT SEARCHED AFTER POLICE OFFICER OBSERVED A "RECTANGULAR SHAPE" UNDER DEFENDANT'S CLOTHING WHICH THE OFFICER BELIEVED COULD BE THE "OUTLINE" OF A FIREARM HANDLE - WHETHER CIRCUMSTANCES GAVE RISE TO A REASONABLE SUSPICION TO STOP AND FRISK DEFENDANT; CLAIMED INEFFECTIVE ASSISTANCE OF COUNSEL - TRIAL ATTORNEY FAILED TO CHALLENGE STRIKING OF TWO PROSPECTIVE AFRICAN-AMERICAN JURORS; CLAIMED IMPROPER STATEMENTS BY PROSECUTOR IN SUMMATION;

FLOWERS (IMMANUEL), PEOPLE v:

CRIMES - SENTENCE - RESENTENCE - DUE PROCESS CLAUSE OF STATE CONSTITUTION - WHETHER THE PEOPLE v VAN PELT (76 NY2d 156 [1990]) "PRESUMPTION OF INSTITUTIONAL VINDICTIVENESS" APPLIES WHERE THE TRIAL COURT, WHICH IMPROPERLY CONSIDERED DURING THE ORIGINAL SENTENCING A CRIME THAT WAS DISMISSED AT TRIAL FOR LACK OF LEGALLY SUFFICIENT EVIDENCE, IMPOSES AN IDENTICAL SENTENCE UPON REMITTITUR FROM THE APPELLATE DIVISION FOR RESETENCING; CRIMES - RIGHT TO COUNSEL - EFFECTIVE REPRESENTATION - NO DUTY TO MAKE FUTILE ARGUMENT - WHETHER DEFENSE COUNSEL'S FAILURE TO REGISTER AN OBJECTION TO THE TRIAL COURT'S IMPOSITION OF A RESENTENCE IDENTICAL TO THE ORIGINAL SENTENCE CONSTITUTED INEFFECTIVE ASSISTANCE OF COUNSEL;

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;

FRANKLINE (LENNIE), PEOPLE v:

CRIMES - PROOF OF OTHER CRIMES - EVIDENCE OF PRIOR ASSAULT ON VICTIM ADMITTED AS BACKGROUND EVIDENCE TO COMPLETE NARRATIVE AND PROBATIVE OF MOTIVE - WHETHER VICTIM'S DETAILED NARRATIVE ACCOUNT OF PRIOR ASSAULT WAS SO PREJUDICIAL AND INFLAMMATORY THAT IT DEPRIVED DEFENDANT OF A FAIR TRIAL;

MATTER OF FRELIX, AN ATTORNEY:

ATTORNEY AND CLIENT - DISCIPLINARY PROCEEDINGS - SUSPENSION - CLAIMED DUE PROCESS AND EQUAL PROTECTION VIOLATIONS REGARDING PROFESSIONAL MISCONDUCT CHARGES;

FRIENDS OF THAYER LAKE LLC v BROWN:

NAVIGABLE WATERS - PUBLIC RIGHT OF USE - NAVIGABILITY - CAPACITY FOR TRANSPORT - SUMMARY JUDGMENT - WHETHER THE APPELLATE DIVISION CORRECTLY HELD THAT THE MUD POND WATERWAY IS NAVIGABLE-IN-FACT;

WALLY G., &c. v NEW YORK CITY HEALTH AND HOSPITALS CORPORATION:
MUNICIPAL CORPORATIONS - NOTICE OF CLAIM - LATE NOTICE - WHETHER THE APPELLATE DIVISION ERRED IN CONCLUDING THAT MEDICAL RECORDS DID NOT PUT HOSPITAL ON NOTICE OF ALLEGED MEDICAL MALPRACTICE BECAUSE INFANT'S CONDITION WAS CONSISTENT WITH PREMATURE BIRTH RATHER THAN MALPRACTICE;

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 APPENDI v NEW JERSEY (530 US 466) BY DEFENDANT'S SENTENCING AS A PERSISTENT FELONY OFFENDER;

GAYDEN (JOHN), PEOPLE v:

CRIMES - SUPPRESSION HEARING - WHETHER TRIAL COURT ERRED IN REFUSING TO SUPPRESS THE GUN DEFENDANT DISCARDED WHILE HE WAS BEING PURSUED BY THE POLICE - WHETHER RADIO DISPATCH BASED ON AN ANONYMOUS TIP PROVIDED BASIS FOR REASONABLE SUSPICION OF CRIMINAL ACTIVITY WARRANTING PURSUIT OF DEFENDANT;

GEORGETOWN UNSOLD SHARES, LLC, MATTER OF v LEDET a/k/a SOLKOFF, et al.:

LANDLORD AND TENANT - RENT REGULATION - PRIMARY RESIDENCE - WHETHER A LANDLORD'S ACCEPTANCE OF UNSOLICITED RENT IN THE PERIOD BETWEEN THE EXPIRATION DATE OF LEASE AND THE COMMENCEMENT OF A HOLDOVER PROCEEDING NULLIFIES THE LANDLORD'S PREVIOUS SERVICE OF NOTICE OF INTENTION NOT TO RENEW THE LEASE;

GLATZER v MICHAEL F. HANLEY MOVING & STORAGE, INC., et al.:

MOTIONS AND ORDERS - CHALLENGE TO APPELLATE DIVISION ORDER THAT DENIED SO MUCH OF PLAINTIFF'S MOTION AS SOUGHT AN ORDER TRANSFERRING HIS APPEALS TO ANOTHER APPELLATE DIVISION DEPARTMENT;

GOVERNMENT EMPLOYEES INSURANCE CO., et al. v AVANGUARD MEDICAL GROUP:

INSURANCE - NO-FAULT AUTOMOBILE INSURANCE - NECESSARY EXPENSES - FACILITY FEE FOR OFFICE-BASED SURGERY - WHETHER THE APPELLATE DIVISION CORRECTLY CONCLUDED THAT INSURANCE LAW § 5102 AND 11 NYCRR 68.5 DO NOT REQUIRE INSURERS TO PAY FACILITY FEES TO OFFICE-BASED SURGERY PRACTICES;

GRAY (ROY), PEOPLE v:

CRIMES - RIGHT TO COUNSEL - EFFECTIVE REPRESENTATION - FAILURE TO MOVE TO REOPEN SUPPRESSION HEARING AFTER TRIAL TESTIMONY ESTABLISHED THAT DEFENDANT HAD "A STRONGER ARGUMENT THAT HIS WRITTEN STATEMENT WAS NOT ATTENUATED" THAN THE APPELLATE DIVISION BELIEVED WHEN IT PREVIOUSLY REVERSED THE TRIAL COURT'S GRANT OF DEFENDANT'S MOTION TO SUPPRESS THAT STATEMENT; EVIDENCE - AMMUNITION OF TYPE CAPABLE OF BEING USED IN HOMICIDE - WHETHER DEFENDANT WAS PREJUDICED BY THE ADMISSION INTO EVIDENCE OF LIVE AMMUNITION FOUND WHEN HIS HALF-BROTHER WAS ARRESTED;

GRIGGS (PERRY C.), PEOPLE v:

CRIMES - ROBBERY - FORCIBLE STEALING - WHETHER LEGALLY SUFFICIENT EVIDENCE EXISTED TO ESTABLISH THAT DEFENDANT FORCIBLY STOLE PROPERTY FROM THE VICTIM WHILE USING A GUN; WHETHER DEFENDANT'S SENTENCE WAS PROPERLY THE SUBJECT OF A SENTENCING ENHANCEMENT PURSUANT TO PENAL LAW § 60.07; GRAND JURY - DEFECTIVE PROCEEDING - SHACKLED DEFENDANT - PROSECUTORIAL MISCONDUCT - WHETHER DEFENDANT'S APPEARANCE BEFORE THE GRAND JURY IN SHACKLES, THE PROSECUTOR'S CROSS-EXAMINATION OF DEFENDANT, OR THE PROSECUTOR'S FAILURE TO INFORM THE GRAND JURY OF A DEFENSE REQUEST TO HAVE ANOTHER WITNESS TESTIFY RENDERED THE PROCEEDING DEFECTIVE AND WARRANTED DISMISSAL OF THE INDICTMENT;

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;

GUERRERO (LERIO), PEOPLE v:

CRIMES - INDICTMENT - IDENTIFICATION OF DEFENDANT BY DNA PROFILE - VALIDITY OF DNA INDICTMENT AND ITS AMENDMENT TO ADD THE NAME OF DEFENDANT ONCE HE WAS IDENTIFIED AS THE SOURCE OF THE DNA; PLEA OF GUILTY - WHETHER DEFENDANT FORFEITED THE RIGHT TO CHALLENGE THE INDICTMENT BY PLEADING GUILTY;

HAIN, &c. v JAMISON, et al.:

ANIMALS - ROAMING ON HIGHWAY - PERSON STRUCK BY VEHICLE WHILE ALLEGEDLY HELPING BABY CALF - WHETHER THE APPELLATE DIVISION ERRED IN HOLDING THAT THE ALLEGED NEGLIGENCE OF THE DEFENDANT IN ALLOWING A CALF TO ESCAPE ITS FARM WAS NOT A PROXIMATE CAUSE OF THE MOTOR VEHICLE ACCIDENT;

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]);

HARRISON (ANDRE), PEOPLE v:

CRIMES - APPEAL - ABSENCE OF DEFENDANT - INVOLUNTARY DEPORTATION - WHETHER THE APPELLATE DIVISION ERRED IN DISMISSING DEFENDANT'S APPEAL ON THE GROUND THAT HE HAD BEEN DEPORTED AND WAS NO LONGER AVAILABLE TO OBEY THE MANDATE OF THE COURT;

HENDERSON (STEVEN), PEOPLE v:

CRIMES - APPEAL - PRESERVATION OF ISSUE FOR REVIEW - RIGHT TO SPEEDY TRIAL; CRIMES - RIGHT TO SPEEDY TRIAL - WHETHER THE PROSECUTION'S DELAY IN SEEKING THE TESTING OF DNA IS AN EXCEPTIONAL CIRCUMSTANCE EXCLUDABLE FROM SPEEDY TRIAL COMPUTATION UNDER CPL 30.30;

HENDERSON (WAYNE), PEOPLE v:

CRIMES - RIGHT TO COUNSEL - EFFECTIVE REPRESENTATION - SINGLE ERROR STANDARD - WHETHER TRIAL COUNSEL'S CLAIMED DEFICIENT PREPARATION OF AN EXPERT WITNESS DEPRIVED DEFENDANT OF MEANINGFUL REPRESENTATION;

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;

HENRY, MATTER OF v FISCHER:

PRISONS AND PRISONERS - DISCIPLINE OF INMATES - WHETHER PETITIONER'S CHALLENGES TO ALLEGED VIOLATIONS OF HIS RIGHTS TO PRESENT DOCUMENTARY EVIDENCE AND CALL WITNESSES AT HIS DISCIPLINARY HEARING WERE PRESERVED FOR JUDICIAL REVIEW; WAIVER OF PETITIONER'S RIGHTS TO PRESENT DOCUMENTARY EVIDENCE AND CALL WITNESSES;

HERNANDEZ (RODOLFO), PEOPLE v:

CRIMES - RIGHT OF CONFRONTATION - ADMISSION OF CHILD'S OUT-OF-COURT COMMUNICATIONS, AS TESTIFIED TO BY HER PARENTS - EXCITED UTTERANCE EXCEPTION TO THE HEARSAY RULE - WHETHER CHILD'S COMMUNICATIONS WERE NONTESTIMONIAL IN NATURE; WHETHER VERDICT WAS AGAINST THE WEIGHT OF THE EVIDENCE;

HIGHBRIDGE BROADWAY, LLC, MATTER OF v ASSESSOR OF THE CITY OF SCHENECTADY:

TAXATION - ASSESSMENT - FAILURE TO FILE ANNUAL CHALLENGE TO EACH ASSESSMENT PENDING DETERMINATION OF ORIGINAL ASSESSMENT CHALLENGE - WHETHER THE APPELLATE DIVISION CORRECTLY HELD THAT PETITIONER WAS REQUIRED TO COMMENCE SEPARATE, ANNUAL TAX CERTIORARI PROCEEDINGS WHILE ITS 2008 CHALLENGE WAS PENDING IN ORDER FOR THE 2011 JUDGMENT TO BE BINDING AS TO SUBSEQUENT YEARS;

HOWARD (QUANAPARKER), PEOPLE v:

CRIMES - SEX OFFENDERS - SEX OFFENDER REGISTRATION ACT (SORA) WHETHER THE COURTS BELOW ERRED IN DECLINING TO DEPART FROM THE SERIOUS PHYSICAL INJURY OVERRIDE'S PRESUMPTIVE LEVEL THREE RISK DESIGNATION;

HULL (GLENFORD C.), PEOPLE v:

CRIMES - LESSER INCLUDED OFFENSE - FIRST-DEGREE MANSLAUGHTER AS LESSER INCLUDED OFFENSE OF SECOND-DEGREE MURDER - WHETHER THE EVIDENCE COULD REASONABLY SUPPORT A FINDING THAT DEFENDANT INTENDED TO SERIOUSLY INJURE RATHER THAN KILL THE VICTIM; WHETHER THE VERDICT WAS SUPPORTED BY LEGALLY SUFFICIENT EVIDENCE; WHETHER THE TRIAL COURT CONDUCTED AN INSUFFICIENT INQUIRY INTO ALLEGED JUROR MISCONDUCT; WHETHER THE TRIAL COURT IMPROPERLY PERMITTED THE PEOPLE TO USE A WITNESS'S PRIOR TESTIMONY FOR IMPEACHMENT PURPOSES; WHETHER THE TRIAL COURT ERRED IN REFUSING TO GIVE A CIRCUMSTANTIAL EVIDENCE CHARGE;

INGRAM (TYRELL), PEOPLE v:

CRIMES - WITNESSES - IMPEACHMENT - POLICE OFFICER - WHETHER THE TRIAL COURT CORRECTLY PRECLUDED DEFENSE COUNSEL FROM CROSS EXAMINING POLICE OFFICER WITNESS ABOUT AN UNRELATED FEDERAL CIVIL RIGHTS LAWSUIT IN WHICH THE POLICE OFFICER WAS NAMED AS A DEFENDANT;

ISAAC, MATTER OF v LEWIN:

HABEAS CORPUS - CHALLENGE TO APPELLATE DIVISION ORDER DENYING APPLICATION FOR A WRIT OF HABEAS CORPUS;

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;

JIANNARAS v ALFANT, et al.:

ACTIONS - CLASS ACTIONS - SETTLEMENT PURPORTING TO EXTINGUISH RIGHTS OF OUT-OF-STATE CLASS MEMBERS TO LITIGATE DAMAGES CLAIMS WITHOUT ABILITY TO OPT-OUT - WHETHER SUPREME COURT ABUSED ITS DISCRETION IN DENYING A MOTION TO APPROVE A SETTLEMENT OF THE PROPOSED CLASS ACTION BECAUSE IT DID NOT AFFORD NONRESIDENT CLASS MEMBERS THE OPPORTUNITY TO OPT-OUT AND PURSUE INDIVIDUAL CLAIMS FOR DAMAGES - APPLICATION OF MATTER OF COLT INDUS. SHAREHOLDERS LITIG. (77 NY2d 185 [1991]);

JOHN (SEAN), PEOPLE v:

CRIMES - UNLAWFUL SEARCH AND SEIZURE - PLAIN VIEW DOCTRINE - WHETHER THE APPELLATE DIVISION CORRECTLY HELD THAT THE POLICE VALIDLY SEIZED A BOX MARKED "SMITH AND WESSON" UNDER THE PLAIN VIEW DOCTRINE AND LAWFULLY OPENED THE BOX, WHICH CONTAINED A HANDGUN AND AMMUNITION, BECAUSE SUCH CONTENTS COULD BE INFERRED FROM THE "SMITH AND WESSON" MARKING ON THE OUTSIDE OF THE BOX - WARRRRANTLESS ENTRY INTO BASEMENT OF BROWNSTONE - PROBABLE CAUSE TO OBTAIN DNA SAMPLE FROM DEFENDANT; EVIDENCE - WHETHER THE TRIAL COURT ERRED IN ALLOWING EVIDENCE OF DEFENDANT'S ALLEGED ASSAULT ON HIS GIRLFRIEND; ALLEGED PROSECUTORIAL MISCONDUCT IN SUMMATION; ALLEGED INEFFECTIVE ASSISTANCE OF TRIAL COUNSEL;

JOHNSON (KEITH), PEOPLE v:

CRIMES - HARMLESS AND PREJUDICIAL ERROR - ADMISSION IN EVIDENCE AT JOINT TRIAL OF CODEFENDANT'S STATEMENTS IMPLICATING DEFENDANT - FACIALLY INCRIMINATING STATEMENT - WHETHER THE APPELLATE DIVISION CORRECTLY HELD THAT THE CONFESSION OF THE NONTESTIFYING CODEFENDANT INTRODUCED AT THEIR JOINT TRIAL WAS FACIALLY INCRIMINATING SUCH THAT DEFENDANT WAS DEPRIVED OF HIS SIXTH AMENDMENT RIGHT OF CONFRONTATION UNDER BRUTON v UNITED STATES (391 US 123 [1968]); WHETHER THE ALLEGED ERROR WAS HARMLESS;

JOHNSON (MARCELLUS), PEOPLE v:

CRIMES - EVIDENCE - TAPE RECORDINGS - TELEPHONE CALLS MADE BY DEFENDANT FROM CORRECTION FACILITY - WHETHER SUPREME COURT ERRED IN ADMITTING INTO EVIDENCE PORTIONS OF TELEPHONE CALLS MADE BY DEFENDANT FROM RIKERS ISLAND THAT WERE ROUTINELY RECORDED BY THE DEPARTMENT OF CORRECTION;

JONES (EARL), PEOPLE v:

CRIMES - EVIDENCE - WHETHER THE TRIAL COURT ERRED IN ADMITTING INTO EVIDENCE AS AN EXCITED UTTERANCE OR A PRESENT SENSE IMPRESSION AN OUT-OF-COURT STATEMENT MADE BY AN UNIDENTIFIED BYSTANDER TO A POLICE OFFICER - ALLEGED DUE PROCESS AND CONFRONTATION CLAUSE VIOLATIONS; SUFFICIENCY OF THE EVIDENCE SUPPORTING DEFENDANT'S CONVICTION OF BURGLARY IN THE THIRD DEGREE;

JORDAN (RONNELL), PEOPLE v:

CRIMES - JURORS - SELECTION OF JURY - WHETHER THE TRIAL COURT DISCHARGED POTENTIAL JURORS BASED UPON HARDSHIP WITHOUT CONDUCTING A SUFFICIENT INQUIRY - ALLEGED MODE OF PROCEEDINGS ERROR;

JOSEPH (JOEL), PEOPLE v:

CRIMES - ARREST - PROBABLE CAUSE - DRUG TRANSACTION - CIRCUMSTANTIAL EVIDENCE OF ONGOING DRUG ACTIVITY - WHETHER THE POLICE HAD PROBABLE CAUSE TO ARREST DEFENDANT WHEN SOME OF THE INFORMATION UPON WHICH THE POLICE RELIED CAME FROM A CONFIDENTIAL INFORMANT SEVERAL MONTHS EARLIER;

JOSEPH (RONEL), PEOPLE v:

CRIMES - BURGLARY - BURGLARY OF A DWELLING - INTRUSION INTO NONRESIDENTIAL PART OF APARTMENT BUILDING - WHETHER, UNDER PEOPLE v McCRAY (23 NY3d 621 [2014]), DEFENDANT WAS PROPERLY CONVICTED OF SECOND-DEGREE BURGLARY, WHICH REQUIRES ENTRY INTO A "DWELLING," BASED ON HIS ENTRY INTO THE BASEMENT OF A STORE ON THE GROUND FLOOR OF A SEVEN-FLOOR APARTMENT BUILDING; WHETHER THE EVIDENCE WAS LEGALLY SUFFICIENT TO ESTABLISH DEFENDANT'S ENTRY WITH THE INTENT TO COMMIT A CRIME;

JUSTINIAN CAPITAL SPC &c. v WestLB AG, &c., et al.:

CONTRACTS - BREACH OR PERFORMANCE OF CONTRACT - FRAUD - AGREEMENT TO PURCHASE NOTES - WHETHER PLAINTIFF'S PURPORTED PURCHASE OF NOTES FROM NONPARTY BANK WAS SUFFICIENT BASIS FOR PLAINTIFF TO AVAIL ITSELF OF THE SAFE HARBOR PROVISION OF THE CHAMPERTY STATUTE (JUDICIARY LAW § 489[1]) - IF NOT, WHETHER PLAINTIFF'S ACQUISITION OF THE NOTES WAS CHAMPERTOUS;

KANGAS (ROY S.), PEOPLE v:

CRIMES - EVIDENCE - BUSINESS RECORDS - ELECTRONIC RECORDS -
WHETHER THE TRIAL COURT IMPROPERLY ADMITTED BREATH TEST DOCUMENTS
INTO EVIDENCE UNDER THE BUSINESS RECORDS EXCEPTION TO THE HEARSAY
RULE;

MATTER OF KARNAZES, A DISBARRED ATTORNEY:

ATTORNEY AND CLIENT - DISCIPLINARY PROCEEDINGS - DISBARMENT -
MISAPPROPRIATION OF CLIENT FUNDS - RECIPROCAL DISCIPLINE -
CLAIMED CONSTITUTIONAL VIOLATIONS;

KENNETH COLE PRODUCTIONS, MATTER OF:

CORPORATIONS - MERGER - "GOING PRIVATE" MERGER - FAIRNESS TO
MINORITY SHAREHOLDERS - WHETHER THE ENTIRE FAIRNESS STANDARD
APPLIES TO GOING-PRIVATE MERGERS; BUSINESS JUDGMENT DOCTRINE -
PRE-DISCOVERY DISMISSAL - WHETHER THE COURTS BELOW CORRECTLY
DISMISSED THE COMPLAINT UNDER THE BUSINESS JUDGMENT RULE;

KENT, MATTER OF v LEFKOWITZ &c., et al.:

CIVIL SERVICE - PUBLIC EMPLOYMENT RELATIONS BOARD (PERB) -
IMPROPER PRACTICE CHARGE - WHETHER THE DUTY OF THE STATE RACING
AND WAGERING BOARD TO NEGOTIATE WAGES FOR SEASONAL TRACK
EMPLOYEES WAS SATISFIED BY THE EXECUTION OF A SIDE LETTER
AGREEMENT BETWEEN THE UNION AND THE STATE;

KILLON v PARROTTA:

TRIAL - VERDICT - SETTING VERDICT ASIDE - ASSAULT AND BATTERY -
CHALLENGE TO APPELLATE DIVISION ORDER SETTING ASIDE A JURY
VERDICT AND ORDERING A NEW TRIAL ON THE GROUND THAT NO FAIR
INTERPRETATION OF THE EVIDENCE SUPPORTED THE CONCLUSION THAT
DEFENDANT ACTED IN SELF-DEFENSE; COURTS - LAW OF THE CASE -
WHETHER THE APPELLATE DIVISION CORRECTLY HELD THAT THE TRIAL
COURT DID NOT ERR IN REFUSING TO ISSUE A JUSTIFICATION CHARGE AT
SECOND TRIAL ON THE GROUND THAT THE APPELLATE DIVISION PREVIOUSLY
DETERMINED, BASED ON THE EVIDENCE AT THE FIRST TRIAL, THAT
DEFENDANT WAS THE INITIAL AGGRESSOR, WHERE THE EVIDENCE WAS THE
SAME AT THE SECOND TRIAL; WHETHER THE TRIAL COURT IN SECOND TRIAL
WAS REQUIRED TO GIVE SAME COMPARATIVE FAULT CHARGE IT GAVE DURING
FIRST TRIAL; EVIDENCE - WHETHER TESTIMONY THAT DEFENDANT HAD
THREATENED TO BEAT HIS EX-WIFE, WHO WAS THEN PLAINTIFF'S FRIEND,
WAS ADMISSIBLE TO PROVIDE CONTEXT FOR ASSAULT VICTIM'S
"PROVOCATIVE CONDUCT" - NEED FOR CURATIVE INSTRUCTION REGARDING
SUCH TESTIMONY;

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;

KING (URSELINA), PEOPLE v:

CRIMES - JURORS - SELECTION OF JURY - WHETHER THE TRIAL COURT DISCHARGED POTENTIAL JURORS BASED UPON HARDSHIP WITHOUT CONDUCTING A SUFFICIENT INQUIRY - ALLEGED MODE OF PROCEEDINGS ERROR; EVIDENCE - THIRD-PARTY CULPABILITY - WHETHER THE TRIAL COURT PROPERLY PRECLUDED EVIDENCE OF THIRD-PARTY CULPABILITY AS SPECULATIVE, LACKING IN PROBATIVE VALUE, AND CONSTITUTING INADMISSIBLE HEARSAY; RIGHT TO COUNSEL - EFFECTIVE REPRESENTATION - FAILURE TO OBJECT TO ALLEGED PROSECUTORIAL MISCONDUCT DURING SUMMATION;

LARABEE, et al. v GOVERNOR OF STATE OF NEW YORK, et al.:

JUDGES - JUDICIAL SALARIES - SEPARATION OF POWERS - WHETHER PLAINTIFFS DEMONSTRATED THAT THE LEGISLATURE FAILED TO ABIDE BY THIS COURT'S RULING IN MATTER OF MARON v SILVER (14 NY3d 230 [2010]) BY ESTABLISHING A COMMISSION ON JUDICIAL COMPENSATION TO MAKE RECOMMENDATIONS FOR PROSPECTIVE-ONLY SALARY ADJUSTMENTS; WHETHER PLAINTIFF'S ARE ENTITLED TO DAMAGES FOR PAST CONSTITUTIONAL VIOLATIONS;

LEIGHT, et al. v W7879 LLC, et al.:

LANDLORD AND TENANT - RENT REGULATION - WHETHER PLAINTIFFS ARE ENTITLED TO A DECLARATORY JUDGMENT THAT THEIR APARTMENTS ARE RENT-STABILIZED - AFTER A DEREGULATION ORDER, DID PLAINTIFFS' APARTMENTS BECOME SUBJECT TO RENT REGULATION AGAIN BY VIRTUE OF LANDLORD'S ONGOING RECEIPT OF J-51 BENEFITS; WHETHER DEREGULATION ORDER WAS VOID DUE TO LANDLORD'S ONGOING RECEIPT OF J-51 BENEFITS; COLLATERAL ESTOPPEL;

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;

MATTER OF LEO, A DISBARRED ATTORNEY:

ATTORNEY AND CLIENT - REINSTATEMENT - DENIAL - WHETHER DUE PROCESS OF LAW REQUIRES THE APPELLATE DIVISION TO ARTICULATE THE REASONS FOR DENYING MOTIONS FOR REINSTATEMENT TO THE BAR - ALLEGED INCORRECT FINDINGS OF FACT - MOVANT'S RELIANCE ON ADVICE OF COUNSEL WHEN UNDERTAKING CERTAIN ACTIONS;

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 ___, 131 S Ct 2705[2011]);

LITTLETON CONSTRUCTION LTD. v HUBER CONSTRUCTION, INC., et al.:
 CONTRACTS - BREACH OF CONTRACT - JOINT VENTURE FOR PUBLIC SCHOOL RENOVATION PROJECTS - CLAIM THAT OPERATING AGREEMENT BETWEEN PARTIES WAS FRAUDULENT - WHETHER MATERIAL ISSUES OF FACT WERE RAISED REGARDING FORGERY OF THE DOCUMENT; SUMMARY JUDGMENT;

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;

MATTER OF R.M., APPLICANT FOR ADMISSION TO THE NEW YORK STATE BAR:

ATTORNEY AND CLIENT - ADMISSION TO PRACTICE - CLAIMED ERRORS AND CONSTITUTIONAL VIOLATIONS IN APPELLATE DIVISION'S DENIAL OF PETITIONER'S APPLICATION FOR ADMISSION TO PRACTICE;

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 LENOX HILL HOSPITAL:

APPEAL - CHALLENGE TO APPELLATE DIVISION ORDERS - MOTIONS TO "REVERSE" PRIOR APPELLATE DIVISION ORDERS;

MANOR (TYRONE D.), PEOPLE v:

CRIMES - PLEA OF GUILTY - WITHDRAWAL OF PLEA - PURPORTED INTOXICATION OF DEFENDANT - DEFENDANT ALLEGEDLY COERCED INTO MAKING PLEA BY HIS FAMILY; SUFFICIENCY OF ALLOCUTION - INTENT AND JUSTIFICATION IN HOMICIDE PROSECUTION; WHETHER COUNTY COURT ABUSED ITS DISCRETION IN DENYING DEFENDANT'S MOTION TO WITHDRAW HIS GUILTY PLEA WITHOUT A HEARING; WHETHER DEFENDANT WAS DEPRIVED OF THE EFFECTIVE ASSISTANCE OF COUNSEL AT THE PLEA PROCEEDING;

MAZELLA, &c. v BEALS:

PHYSICIANS AND SURGEONS - MALPRACTICE - WHETHER THE JURY VERDICT SHOULD HAVE BEEN SET ASIDE UPON THE GROUND THAT PLAINTIFF'S PROOF ON PROXIMATE CAUSE WAS LEGALLY INSUFFICIENT; EVIDENCE - WHETHER THE APPELLATE DIVISION CORRECTLY HELD THAT, EVEN IF THE TRIAL COURT ERRED IN ADMITTING INTO EVIDENCE A CONSENT AGREEMENT IN WHICH DEFENDANT ADMITTED CERTAIN CHARGES BROUGHT AGAINST DEFENDANT BY THE OFFICE OF PROFESSIONAL MEDICAL CONDUCT, SUCH ERROR WAS HARMLESS; TRIAL - VERDICT - WHETHER THE TRIAL COURT'S FAILURE TO SUBMIT A SPECIAL VERDICT SHEET TO THE JURY WAS PREJUDICIAL AND REQUIRES A NEW TRIAL;

McCULLOUGH (JAMELL R.), PEOPLE v:

CRIMES - WITNESSES - EXPERT WITNESS - WHETHER THE APPELLATE DIVISION ERRED IN HOLDING THAT THE TRIAL COURT ABUSED ITS DISCRETION IN PRECLUDING EXPERT TESTIMONY ON THE RELIABILITY OF EYEWITNESS IDENTIFICATIONS - WHETHER THE APPELLATE DIVISION ERRED IN GRANTING A NEW TRIAL RATHER THAN REMITTING FOR A FRYE HEARING;

McCUMMINGS (DAVIEL), PEOPLE v:

CRIMES - RIGHT TO COUNSEL - SUBSTITUTION OF ASSIGNED COUNSEL - WHETHER THE APPELLATE DIVISION CORRECTLY CONCLUDED THAT DEFENDANT WAS ENTITLED TO A NEW TRIAL BECAUSE, WHEN DEFENDANT ASKED TO SPEAK TO THE JUDGE ON THE FOURTH DAY OF TRIAL CONCERNING HIS "ATTORNEY AND ADVICE," THE TRIAL COURT "IMPROPERLY DENIED HIS REQUEST FOR SUBSTITUTION OF COUNSEL WITHOUT CONDUCTING ANY INQUIRY WHATSOEVER, AND WITHOUT PERMITTING DEFENDANT TO EXPLAIN, EITHER ORALLY OR IN WRITING, WHY SUCH AN INQUIRY MIGHT BE NECESSARY";

McDERMOTT, MATTER OF v ANNUCCI, &c.:

PRISONS AND PRISONERS - DISCIPLINE OF INMATES - WHETHER PRISONER WAS DEPRIVED OF HIS DUE PROCESS RIGHT TO AN IMPARTIAL HEARING OFFICER WHERE THE HEARING OFFICER WAS THE WIFE OF THE CORRECTIONS OFFICER WHO AUTHORED THE MISBEHAVIOR REPORT - WHETHER SUBSTANTIAL EVIDENCE SUPPORTS THE DETERMINATION OF GUILT WITH RESPECT TO USE OF AN INTOXICANT AND SMUGGLING THE INTOXICANT INTO THE FACILITY - WHETHER THE PRISONER'S GUILTY PLEA WAS ENTERED INTO KNOWINGLY, INTELLIGENTLY AND VOLUNTARILY;

McGHEE (ISMA), PEOPLE v:

CRIMES - WITNESSES - RIGHT OF CONFRONTATION AND TO PRESENT A DEFENSE - WHETHER DEFENDANT SHOULD HAVE BEEN PERMITTED TO CROSS EXAMINE SUPERVISING DETECTIVE ABOUT AN UNRELATED FEDERAL CIVIL RIGHTS LAWSUIT IN WHICH THE DETECTIVE WAS NAMED AS A DEFENDANT; PROOF OF OTHER CRIMES - WHETHER THE TRIAL COURT PROPERLY EXERCISED ITS DISCRETION IN RULING THAT DEFENDANT'S IMPEACHMENT OF THE DETECTIVE REGARDING A DISCREPANCY IN A DOCUMENT PREPARED BY HIM OPENED THE DOOR TO EVIDENCE OF THE DETECTIVE'S KNOWLEDGE OF DEFENDANT'S INVOLVEMENT IN UNCHARGED DRUG SALES THAT WERE PART OF THE SAME INVESTIGATION; SENTENCE - SECOND FELONY DRUG OFFENDER - PRIOR VIOLENT FELONY - WHETHER DEFENDANT'S CONVICTION OF CRIMINAL POSSESSION OF A WEAPON IN THE THIRD DEGREE QUALIFIES AS A VIOLENT FELONY;

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;

MILLENNIUM HOLDINGS, LLC, et al. v THE GLIDDEN COMPANY, &c.:

INSURANCE - SUBROGATION RIGHTS OF INSURER - ANTISUBROGATION RULE - WHETHER THE COURTS BELOW CORRECTLY HELD THAT THE ANTISUBROGATION RULE BARS THE INSURERS FROM RECOVERING CERTAIN PAYMENTS MADE TO THEIR INSURED, MILLENNIUM HOLDINGS LLC, FOR THE DEFENSE AND INDEMNIFICATION OF NONPARTY CLAIMS THAT RESULTED FROM LEAD-BASED PAINT EXPOSURE LITIGATION;

MILLER (JAMES), PEOPLE v:

CRIMES - JURORS - SELECTION OF JURY - QUESTIONING OF PROSPECTIVE JURORS - WHETHER THE TRIAL COURT ERRED IN PRECLUDING DEFENDANT FROM QUESTIONING PROSPECTIVE JURORS DURING VOIR DIRE REGARDING WHETHER THEY COULD DISREGARD A CONFESSION IF THEY FOUND IT TO BE INVOLUNTARY WHERE THE PEOPLE HAD NOT YET DECIDED WHETHER THEY WOULD INTRODUCE DEFENDANT'S STATEMENTS AT TRIAL; RIGHT TO COUNSEL - EFFECTIVE REPRESENTATION - WHETHER DEFENSE COUNSEL WAS INEFFECTIVE FOR FAILING TO OBJECT TO VARIOUS COMMENTS MADE BY THE PROSECUTOR IN SUMMATION;

MIRANDA (NELSON), PEOPLE v:

CRIMES - UNLAWFUL SEARCH AND SEIZURE - SEARCH OF BACKPACK INCIDENT TO LAWFUL ARREST - WHETHER THE WARRANTLESS SEARCH INCIDENT TO ARREST WAS REASONABLE; WHETHER THE ACCUSATORY INSTRUMENT WAS JURISDICTIONALLY DEFECTIVE;

PEOPLE EX REL. MOORE v SUPERINTENDENT OF COXSACKIE CORRECTIONAL FACILITY:

HABEAS CORPUS - AVAILABILITY OF RELIEF - CPLR 7002(b);

MORALES (CRISTIAN), PEOPLE v:

CRIMES - APPEAL - DISMISSAL OF APPEAL - INVOLUNTARILY DEPORTED DEFENDANT - WHETHER APPELLATE TERM ABUSED ITS DISCRETION OR VIOLATED THE RULE SET FORTH IN PEOPLE v VENTURA (17 NY3d 675 [2011]) BY DISMISSING DEFENDANT'S APPEAL FROM THE JUDGMENT OF CONVICTION ON THE GROUND, "AMONG OTHERS," THAT HE HAD BEEN DEPORTED AND WAS UNABLE TO OBEY THE MANDATE OF THE COURT;

MORGAN (PATRICK), PEOPLE v:

CRIMES - INSTRUCTIONS - DEADLOCKED JURY - WHETHER THE TRIAL COURT'S DEADLOCK CHARGE IN RESPONSE TO A DEFECTIVE VERDICT WAS IMPROPERLY COERCIVE; WHETHER DEFENDANT WAS DEPRIVED OF THE EFFECTIVE ASSISTANCE OF TRIAL COUNSEL;

MORRIS (SHANE), PEOPLE v:

CRIMES - JURORS - NOTICE TO COUNSEL OF SUBSTANTIVE JUROR INQUIRY LETTER - MODE OF PROCEEDINGS ERROR - WITHOUT DEFENSE COUNSEL'S OBJECTION TO THE COURT'S PROCEDURES OR RESPONSES, TRIAL JUDGE READ NOTES FROM JURY FOR THE FIRST TIME IN PRESENCE OF COUNSEL AND DEFENDANT, AND RESPONDED TO JURY WITHOUT INPUT FROM COUNSEL;

MURRAY v BANCO POPULAR, et al.:

NEGLIGENCE - MAINTENANCE OF PREMISES - PLAINTIFF SLIPPED AND FELL ON WET PORTION OF VESTIBULE FLOOR ON RAINY DAY - WHETHER DEFENDANTS CREATED THE ALLEGED HAZARDOUS CONDITION, OR HAD ACTUAL OR CONSTRUCTIVE NOTICE OF IT; SUMMARY JUDGMENT;

NASH v THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY:

JUDGMENTS - VACATUR OF JUDGMENT - WHETHER SUPREME COURT ACTED IMPROVIDENTLY IN VACATING PLAINTIFF'S FINAL JUDGMENT IN THE EXERCISE OF ITS DISCRETION;

NELSON (JOEL), PEOPLE v:

CRIMES - FAIR TRIAL - PHOTO OF DECEASED VICTIM DEPICTED ON FAMILY MEMBERS' T-SHIRTS DURING TRIAL - WHETHER DEFENDANT WAS DEPRIVED OF A FAIR TRIAL DUE TO THE ALLEGEDLY PREJUDICIAL CONDUCT BY SPECTATORS IN THE COURTROOM; WHETHER DEFENDANT WAS DEPRIVED OF THE EFFECTIVE ASSISTANCE OF TRIAL COUNSEL; WHETHER THE SENTENCING COURT VIOLATED DEFENDANT'S DUE PROCESS RIGHTS;

MATTER OF NERONI, AN ATTORNEY:

ATTORNEY AND CLIENT - DISCIPLINARY PROCEEDINGS - CHALLENGE TO ORDER SUSPENDING ATTORNEY FROM PRACTICE OF LAW FOR TWO YEARS;

NEWCOMB, et al., MATTER OF v MIDDLE COUNTRY CENTRAL SCHOOL DISTRICT:

MUNICIPAL CORPORATIONS - NOTICE OF CLAIM - LATE NOTICE - PROCEEDING FOR LEAVE TO SERVE A LATE NOTICE OF CLAIM OR TO DEEM A LATE NOTICE OF CLAIM TIMELY SERVED - BURDEN OF ESTABLISHING PREJUDICE UNDER GENERAL MUNICIPAL LAW § 50-e - WHETHER COURTS BELOW ABUSED THEIR DISCRETION IN DENYING PETITIONERS' APPLICATION;

NEWMAN v RCPI LANDMARK PROPERTIES:

NEGLIGENCE - PROXIMATE CAUSE - WHETHER THE APPELLATE DIVISION ERRED IN GRANTING SUMMARY JUDGMENT TO DEFENDANTS ON THE GROUND THAT PLAINTIFF'S CHOICE TO USE STACKED MILK CRATES TO CLIMB DOWN FROM A LOADING DOCK, RATHER THAN A LADDER, WAS THE SOLE PROXIMATE CAUSE OF HIS INJURIES;

NEW YORK CITY ASBESTOS LITIGATION, MATTER OF (DUMMIT, &c. v A.W. CHESTERTON, et al.):

NEGLIGENCE - PROXIMATE CAUSE - WHETHER DEFENDANT WAS ENTITLED TO JUDGMENT AS A MATTER OF LAW DUE TO PLAINTIFF'S FAILURE TO PRODUCE EVIDENCE THAT DEFENDANT MANUFACTURED OR PLACED INTO THE STREAM OF COMMERCE ANY OF THE ASBESTOS-CONTAINING MATERIALS TO WHICH THE DECEDENT WAS EXPOSED - LIABILITY FOR FAILURE TO WARN OF ASBESTOS DANGER FOR PRODUCTS DEFENDANT DID NOT MANUFACTURE, SELL OR DISTRIBUTE; JOINT AND SEVERAL LIABILITY AND ALLOCATION OF FAULT; JURY INSTRUCTIONS;

IN RE: NEW YORK CITY ASBESTOS LITIGATION (KONSTANTIN v 630 THIRD AVENUE ASSOCIATES, et al.):

ACTIONS - CONSOLIDATION AND SEVERANCE - ASBESTOS LITIGATION - WHETHER THE TRIAL COURT PROPERLY CONSOLIDATED THIS CASE WITH DUMMITT v A.W. CHESTERTON - SIMILARITIES OF CONSOLIDATED CASES - THEORIES OF LIABILITY - DISJOINTED NATURE OF TRIAL; LABOR - SAFE

PLACE TO WORK - EXPOSURE TO TOXIC SUBSTANCES - ASBESTOS DUST - APPORTIONMENT OF LIABILITY BETWEEN GENERAL CONTRACTOR AND MANUFACTURER - WHETHER JURY COULD ALLOCATE MORE FAULT TO GENERAL CONTRACTOR; RECKLESSNESS - WHETHER IT WAS RATIONAL FOR THE JURY TO CONCLUDE THAT GENERAL CONTRACTOR ACTED RECKLESSLY; DAMAGES - CHALLENGE TO DAMAGES AWARD AS UNPRECEDENTED;

NEW YORK STATE CORRECTIONAL OFFICERS AND POLICE BENEVOLENT ASSOCIATION, INC., et al., MATTER OF v GOVERNOR'S OFFICE OF EMPLOYEE RELATIONS et al.:

LABOR UNIONS - GRIEVANCES - OUT-OF-TITLE WORK GRIEVANCE; PROCEEDING AGAINST BODY OR OFFICER - CPLR ARTICLE 78 PROCEEDING TO REVIEW DENIAL OF AN OUT-OF-TITLE WORK GRIEVANCE OF A SAFETY AND SECURITY OFFICER WITH THE OFFICE OF MENTAL HEALTH; CIVIL SERVICE CLASSIFICATION STANDARDS;

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;

NYC C.L.A.S.H, INC., MATTER OF v NEW YORK STATE OFFICE OF PARKS, RECREATION and HISTORIC PRESERVATION, et al.:

ADMINISTRATIVE LAW - VALIDITY OF REGULATION - SEPARATION OF POWERS - REGULATION EXCEEDING DELEGATED AUTHORITY - WHETHER RESPONDENT NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION EXCEEDED ITS DELEGATED AUTHORITY, AND THUS VIOLATED THE SEPARATION OF POWERS DOCTRINE, BY PROMULGATING A RULE ESTABLISHING SMOKE-FREE AREAS IN CERTAIN OUTDOOR LOCATIONS UNDER ITS JURISDICTION;

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);

OCASIO (ALEXIS), PEOPLE v:

CRIMES - CRIMINAL POSSESSION OF A WEAPON IN THE FOURTH DEGREE - SUFFICIENCY OF ACCUSATORY INSTRUMENT - WHETHER A "RUBBER-GRIPPED, METAL, EXTENDABLE BATON" IS A "BILLY" FOR PURPOSES OF PENAL LAW § 265.01(1);

ODUNBAKU, MATTER OF v ODUNBAKU:

PARENT, CHILD AND FAMILY - SUPPORT - SERVICE OF FINDINGS OF FACT AND ORDER ON PARTY RATHER THAN ATTORNEY - WHETHER, IN LIGHT OF THIS COURT'S DECISION IN BIANCA v FRANK (43 NY2d 168[1977]), A STATUTE OF LIMITATIONS OR OTHER TIME PERIOD FOR SUBMITTING OBJECTIONS TO A FAMILY COURT FACT-FINDING ORDER, PURSUANT TO FAMILY COURT ACT § 439(e), BEGINS TO RUN WHEN COURT PAPERS HAVE BEEN MAILED BY THE CLERK OF THE COURT ONLY TO A PARTY, NOT TO THE PARTY'S ATTORNEY;

OLIVER, MATTER OF v GROSS:

APPEAL - ACADEMIC AND MOOT QUESTIONS - PROCEEDING IN THE NATURE OF PROHIBITION REQUIRING PETITIONER TO FOLLOW TREATMENT PROGRAM AS CONDITION OF RELEASE IN PENDING CRIMINAL PROSECUTION - WHETHER THE APPELLATE DIVISION ABUSED ITS DISCRETION IN REFUSING TO INVOKE THE MOOTNESS DOCTRINE EXCEPTION AND IN DISMISSING THE APPEAL ON THE GROUND THAT PETITIONER COMPLETED THE TREATMENT PROGRAM AND CITY COURT DISMISSED THE UNDERLYING CRIMINAL PROSECUTION; WHETHER A TRIAL COURT, IN RELEASING A CRIMINAL DEFENDANT ON HIS OR HER OWN RECOGNIZANCE, HAS AUTHORITY TO CONDITION SUCH RELEASE ON DEFENDANT'S COOPERATION WITH A COUNTY AGENCY KNOWN AS TREATMENT ALTERNATIVES FOR SAFER COMMUNITIES (TASC) AND HER COMPLIANCE WITH THE TREATMENT RECOMMENDATIONS MADE BY TASC;

OYAGUE, PEOPLE ex rel.v RACETTE:

HABEAS CORPUS - WHETHER THE APPELLATE DIVISION ERRED IN DENYING THE PETITION SEEKING A WRIT OF HABEAS CORPUS;

DYLAN P. &c., et al. v WEBSTER PLACE ASSOCIATES, L.P.:

NEGLIGENCE - MAINTENANCE OF PREMISES - WHETHER DEFENDANT BUILDING OWNER MET ITS INITIAL BURDEN OF DEMONSTRATING THAT IT DID NOT HAVE CONSTRUCTIVE NOTICE OF THE ALLEGED DANGEROUS CONDITION, A MISSING DRAIN COVER IN THE BUILDING'S LAUNDRY ROOM; SUMMARY JUDGMENT;

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;

PABON (LUIS A.), PEOPLE v:

CRIMES - TIMELINESS OF PROSECUTION - TOLL OF LIMITATIONS PERIOD FOR SEXUAL OFFENSES COMMITTED AGAINST MINOR - WHETHER THE APPELLATE DIVISION CORRECTLY CONCLUDED THAT THE INDICTMENT WAS

NOT TIME-BARRED; HARMLESS AND PREJUDICIAL ERROR - PERMITTING DETECTIVE TO TESTIFY THAT DEFENDANT LIED DURING INTERVIEW - WHETHER THE APPELLATE DIVISION PROPERLY HELD THAT THE DETECTIVE'S TESTIMONY WAS HARMLESS; WITNESSES - EXTRINSIC EVIDENCE NOT PERMITTED TO CONTRADICT WITNESS'S ANSWERS CONCERNING COLLATERAL MATTERS SOLELY TO IMPEACH CREDIBILITY; ARGUMENT AND CONDUCT OF COUNSEL - PROSECUTOR'S COMMENTS DURING SUMMATION; EVIDENCE - WHETHER THE APPELLATE DIVISION CORRECTLY REJECTED DEFENDANT'S CLAIM THAT THE TRIAL COURT'S REFUSAL TO SEQUESTER CERTAIN EVIDENCE DEPRIVED HIM OF APPELLATE REVIEW OF HIS MISTRIAL MOTION BASED ON THE TRIAL COURT'S ALLEGED MISCONDUCT;

PAF-PAR LLC v SILBERBERG, et al.:

SURETYSHIP AND GUARANTEE - GUARANTEE OF PROMISSORY NOTE - BORROWER'S FULL PAYMENT OF MODIFIED LOAN AMOUNT - GUARANTOR NOT LIABLE FOR MORE - WHETHER THE GUARANTOR IS LIABLE FOR THE FULL ORIGINAL LOAN AMOUNT WHERE THE BORROWER SATISFIED ITS OBLIGATIONS UNDER A MODIFICATION AGREEMENT AND THE GUARANTY STATES THAT THE GUARANTOR'S OBLIGATIONS SHALL NOT BE AFFECTED BY "MODIFICATION, ALTERATION OR REARRANGEMENT";

PANTON (NADINE), PEOPLE v:

CRIMES - CONFESSION - CUSTODIAL INTERROGATION - WHETHER THE STATEMENTS MADE BY DEFENDANT AFTER RECEIVING MIRANDA WARNINGS SHOULD HAVE BEEN SUPPRESSED AS THE PRODUCT OF CUSTODIAL INTERROGATION BEFORE THE WARNINGS WERE ADMINISTERED; RIGHT TO COUNSEL - EFFECTIVE REPRESENTATION - WHETHER DEFENDANT WAS DEPRIVED OF THE EFFECTIVE ASSISTANCE OF COUNSEL BASED ON COUNSEL'S ALLEGED FAILURE TO RAISE THE MIRANDA CLAIM;

PALENCIA (CARLOS), PEOPLE v:

MOTOR VEHICLES - OPERATING VEHICLE WHILE UNDER INFLUENCE OF ALCOHOL OR DRUGS - WHETHER THE TRIAL COURT PROPERLY ADMITTED INTO EVIDENCE THE RESULTS OF A PORTABLE BREATH TEST (PBT) - WHETHER PROBATIVE VALUE OF PBT EVIDENCE WAS OUTWEIGHED BY ITS PREJUDICIAL EFFECT;

PARRILLA (ELLIOT), PEOPLE v:

CRIMES - POSSESSION OF WEAPON - WHETHER THE TRIAL COURT ERRED IN INSTRUCTING THE JURY THAT TO BE GUILTY OF POSSESSING A "GRAVITY KNIFE" (PENAL LAW § 265.01[1]), DEFENDANT HAD TO KNOW THAT HE HAD A KNIFE IN HIS POSSESSION, AND NOT THAT THE KNIFE HAD THE CHARACTERISTICS OF A "GRAVITY KNIFE" (PENAL LAW § 265.00[5]) - MENS REA; RIGHT TO IMPARTIAL JURY - TRIAL COURT'S REFUSAL TO DISCHARGE A JUROR WHO REPORTED THAT LIVING NEAR DEFENDANT'S EX-GIRLFRIEND COULD AFFECT HER JUDGMENT IN THE CASE;

PARSON, JR. (ANTHONY), PEOPLE v:

CRIMES - RIGHT TO COUNSEL - EFFECTIVE REPRESENTATION - FAILURE TO ADVANCE MORE VIGOROUS CHALLENGE TO POLICE OFFICER'S TESTIMONY AT SUPPRESSION HEARING REGARDING REASON FOR STOPPING DEFENDANT'S VEHICLE - STOP FOR ALLEGED VIOLATIONS OF VEHICLE AND TRAFFIC LAW § 375(22) AND (30); UNLAWFUL SEARCH AND SEIZURE - CHALLENGE TO LAWFUL BASIS FOR STOP OF DEFENDANT'S VEHICLE AND SEARCH OF HIS PERSON AND HIS CAR - WHETHER STATEMENTS MADE BY DEFENDANT SHOULD HAVE BEEN SUPPRESSED;

PATTERSON (ROBERT), PEOPLE v:

CRIMES - IDENTIFICATION OF DEFENDANT - AUTHENTICATED RECORDS ADMITTED AS CIRCUMSTANTIAL EVIDENCE OF DEFENDANT'S IDENTITY - WHETHER THE TRIAL COURT PROPERLY ADMITTED, PURSUANT TO THE BUSINESS RECORDS EXCEPTION TO THE HEARSAY RULE, SUBSCRIBER INFORMATION FROM PRE-PAID CELLULAR PHONE RECORDS, WHICH THE ACCOUNT HOLDERS WERE NOT OBLIGATED TO PROVIDE AND WHICH THE CELL PHONE COMPANY DID NOT INDEPENDENTLY VERIFY;

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;

PEOPLE &c., v GREENBERG et al.:

FRAUD - MARTIN ACT - DISGORGEMENT - AVAILABILITY OF DISGORGEMENT AND PERMANENT INJUNCTIVE RELIEF AS REMEDIES - WHETHER DEFENDANTS WERE ENTITLED TO SUMMARY JUDGMENT DISMISSING ATTORNEY GENERAL'S COMPLAINT;

PERKINS (ANTHONY), PEOPLE v:

CRIMES - IDENTIFICATION OF DEFENDANT - LINEUP - WHETHER LINEUP IS UNDULY SUGGESTIVE WHERE ONLY ONE LINEUP SUBJECT HAS A PARTICULAR PHYSICAL FEATURE (DREADLOCKS) DESCRIBED BY SOME BUT NOT ALL OF THE IDENTIFYING WITNESSES; FAILURE OF PROSECUTION TO PRESERVE A 911 TAPE RECORDING CONTAINING POTENTIALLY EXCULPATORY INFORMATION; CLAIMED FAILURE OF TRIAL JUDGE TO MAKE FACTUAL FINDINGS REGARDING REASONS PROFFERED FOR A PEREMPTORY CHALLENGE BEFORE CONCLUDING THAT THE CHALLENGE TO A JUROR WAS NOT RACIALLY MOTIVATED;

PERLBINDER HOLDINGS, LLC v SRINIVASAN, et al.:

MUNICIPAL CORPORATIONS - ZONING - VARIANCE - OUTDOOR ADVERTISING - WHETHER THE APPELLATE DIVISION ERRED IN CONSTRUING PETITIONER'S APPEAL TO THE BOARD OF STANDARDS AND APPEALS OF THE CITY OF NEW YORK (BSA) AS A VARIANCE APPLICATION AND DIRECTING BSA, ON REMAND, TO CONSIDER THE VARIANCE REQUEST UNDER NEW YORK CITY CHARTER §666(7) - WHETHER PETITIONER WAS ENTITLED TO MAINTAIN ITS

ADVERTISING SIGN, WITHOUT A VARIANCE, BASED ON ITS GOOD-FAITH RELIANCE ON A PERMIT ISSUED BY THE NEW YORK CITY DEPARTMENT OF BUILDINGS (DOB) AND A 2008 DETERMINATION BY THE MANHATTAN BOROUGH BUILDING COMMISSIONER APPROVING THE ERECTION OF THE SIGN - WHETHER THE APPELLATE DIVISION ERRED IN FINDING AS A MATTER OF LAW THAT PETITIONER'S RELIANCE ON A PERMIT WAS IN GOOD FAITH;

PETKE (HAROLD L.), PEOPLE v:

CRIMES - JURORS - IMPROPER DENIAL OF CHALLENGE FOR CAUSE - WHETHER HARMLESS ERROR ANALYSIS SHOULD BE APPLIED WHERE THE TRIAL COURT FAILED TO DISCHARGE A JUROR FOR CAUSE, DEFENDANT USED A PEREMPTORY CHALLENGE ON THAT JUROR, THE ONE ADDITIONAL JUROR SELECTED AFTER DEFENDANT EXHAUSTED HIS PEREMPTORY CHALLENGES DID NOT PARTICIPATE IN DELIBERATIONS DUE TO A MEDICAL SITUATION, DEFENDANT HAD BEEN GIVEN ADDITIONAL PEREMPTORY CHALLENGES WHEN SELECTING ALTERNATIVE JURORS, AND DEFENDANT CHOOSE NOT TO EXERCISE A PEREMPTORY CHALLENGE ON THE ALTERNATE JUROR WHO REPLACED THE ILL JUROR;

PINK et al. v RICCI, et al.:

NEGLIGENCE - DUTY - WHETHER THE DUTY OF A YOUTH HOCKEY ASSOCIATION AS THE FACILITY LESSOR TO HOCKEY SPECTATORS INCLUDED THE DUTY TO PROTECT PLAINTIFFS FROM ASSAULT BY A FELLOW SPECTATOR - FORESEEABILITY OF FIGHT BREAKING OUT IN LIGHT OF HOSTILE ENVIRONMENT IN THE AREA; SUMMARY JUDGMENT - WHETHER AN ISSUE OF FACT EXISTS;

PLOTCH v CITIBANK, N.A.:

CONDOMINIUMS AND COOPERATIVES - LIENS - PRIORITY - WHETHER TWO MORTGAGES, CONSOLIDATED PRIOR TO THE FILING OF A LIEN FOR UNPAID CONDOMINIUM COMMON CHARGES, QUALIFY AS THE FIRST MORTGAGE OF RECORD FOR PURPOSES OF REAL PROPERTY LAW ART. 9-B;

POWELL (REGINALD), PEOPLE v:

CRIMES - EVIDENCE - THIRD-PARTY CULPABILITY - WHETHER THE APPELLATE DIVISION CORRECTLY HELD THAT SUPREME COURT PROPERLY PRECLUDED DEFENDANT FROM PRESENTING EVIDENCE THAT THE MURDER VICTIM HAD A \$500,000 LIFE INSURANCE POLICY NAMING DEFENDANT'S BROTHER AS THE PRIMARY BENEFICIARY ON THE GROUND THAT SUCH EVIDENCE WAS "BASED ON MERE SPECULATION" BECAUSE DEFENDANT HAD NOT STATED THAT HE WAS ACTUALLY ACCUSING HIS BROTHER OF COMMITTING THE MURDER; LESSER INCLUDED OFFENSE - WHETHER THE TRIAL COURT ERRED IN DENYING DEFENDANT'S REQUEST FOR A JURY CHARGE ON MANSLAUGHTER IN THE FIRST DEGREE AS A LESSER-INCLUDED OFFENSE OF MURDER IN THE FIRST DEGREE AND ON CRIMINAL TRESPASS AS A LESSER-INCLUDED OFFENSE OF BURGLARY IN THE SECOND DEGREE; CONFESSION - WHETHER STATEMENTS DEFENDANT MADE AFTER WAIVING HIS MIRANDA RIGHTS WERE SUFFICIENTLY ATTENUATED FROM INADMISSIBLE PRE-MIRANDA STATEMENTS SO THAT THEY WERE PROPERLY ADMITTED AT

TRIAL; SUFFICIENCY OF THE EVIDENCE OF DEFENDANT'S INTENT TO REMAIN UNLAWFULLY IN VICTIM'S HOME TO SUPPORT CONVICTION OF BURGLARY IN THE SECOND DEGREE; ALLEGED PREJUDICIAL TESTIMONY FROM DEFENDANT'S PAROLE OFFICER; TRIAL COURT'S ALLEGED FAILURE TO MEANINGFULLY RESPOND TO JURY NOTE REGARDING CLARIFICATION OF INTENT ELEMENT AS TO MURDER COUNT; SENTENCE - WHETHER SUPREME COURT IMPROPERLY CONSIDERED UNCHARGED CRIMES IN IMPOSING SENTENCE;

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;

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 APPENDI v NEW JERSEY (530 US 466 [2000]) OR ALLEYN v UNITED STATES (____ US ____, 133 S Ct 2151 [2013]); CHALLENGE TO CONSTITUTIONALITY OF PENAL LAW § 70.10 AND CPL 400.20;

PULLMAN v SILVERMAN, et al.:

PHYSICIANS AND SURGEONS - MALPRACTICE - SUMMARY JUDGMENT - WHETHER DEFENDANT DOCTOR WAS ENTITLED TO SUMMARY JUDGMENT DISMISSING COMPLAINT ALLEGING THAT DOCTOR'S NEGLIGENT ADMINISTRATION OF LIPITOR OR THE COMBINATION OF LIPITOR AND AZITHROMYCIN CAUSED PLAINTIFF'S ATRIOVENTRICULAR HEART BLOCK - WHETHER THE COURTS BELOW CORRECTLY HELD THAT PLAINTIFF FAILED TO SUBMIT EVIDENCE SUFFICIENT TO RAISE A TRIABLE ISSUE OF FACT THAT HIS EXPERTS' OPINIONS REGARDING PROXIMATE CAUSATION WERE GENERALLY ACCEPTED IN THE MEDICAL COMMUNITY - NECESSITY FOR PEER REVIEWED RESEARCH DIRECTLY ON POINT;

YANIVETH R., &c. et al. v LTD REALTY CO., et al:

LANDLORD AND TENANT - LANDLORD'S DUTY TO REMOVE LEAD PAINT - WHETHER INFANT EXPOSED TO LEAD PAINT RESIDED IN APARTMENT - INFANT CARED FOR IN HER GRANDMOTHER'S APARTMENT 10-12 HOURS PER DAY; NEGLIGENCE - VIOLATION OF STATUTORY DUTY - ADMINISTRATIVE CODE OF CITY OF NEW YORK §§ 27-2056.3, 27-2056.5; SUMMARY JUDGMENT;

RAMSEY (NORMAN E.), PEOPLE v:

CRIMES - APPEAL - WHETHER DEFENDANT WAS REQUIRED TO SUBMIT AN AFFIDAVIT OF ERRORS UPON TAKING AN APPEAL TO COUNTY COURT, WHERE HE PROVIDED A TRANSCRIPT OF THE PROCEEDING DERIVED FROM AN AUDIO RECORDING OF THE UNDERLYING PROCEEDING INSTEAD OF A TRANSCRIPTION BY A COURT STENOGRAPHER - CPL 460.10(3);

RANCO SAND AND STONE CORP., MATTER OF v VECCHIO:

COURTS - RIPENESS DOCTRINE - PROCEEDING TO REVIEW DETERMINATION OF TOWN BOARD APPROVING RESOLUTION ISSUING POSITIVE DECLARATION PURSUANT TO STATE ENVIRONMENTAL QUALITY REVIEW ACT - WHETHER, UNDER MATTER OF GORDON v RUSH (100 NY2d 236 [2003]), THE TOWN BOARD'S POSITIVE DECLARATION IS RIPE FOR JUDICIAL REVIEW;

RED ZONE LLC v CADWALADER, WICKERSHAM & TAFT, LLP:

ATTORNEY AND CLIENT - MALPRACTICE - ALLEGED NEGLIGENT DRAFTING OF AGREEMENT - WHETHER PLAINTIFF WAS ENTITLED TO SUMMARY JUDGMENT; LIMITATION OF ACTIONS - TOLLING - WHETHER THE APPELLATE DIVISION ERRED IN CONCLUDING THAT THE STATUTE OF LIMITATIONS WAS TOLLED BY THE CONTINUOUS REPRESENTATION DOCTRINE; WHETHER THE COURT'S BELOW ERRED IN DISMISSING DEFENDANT'S AFFIRMATIVE DEFENSE OF COMPARATIVE NEGLIGENCE;

RETAMOZZO v FRIEDLAND, et al.:

MOTIONS AND ORDERS - APPELLATE DIVISION ORDER DENYING PLAINTIFF'S MOTION FOR REARGUMENT OR LEAVE TO APPEAL TO THE COURT OF APPEALS FROM AN APPELLATE DIVISION ORDER THAT DENIED PLAINTIFF'S MOTION TO VACATE AN ORDER AND ENSUING JUDGMENT DISMISSING THE VERIFIED AMENDED COMPLAINT AS A SANCTION FOR WILFULLY REFUSING TO COMPLY WITH DISCOVERY ORDERS;

REYNOLDS (BAASIL), PEOPLE v:

CRIMES - PLEA OF GUILTY - CONDITIONAL PLEA AGREEMENTS IN WHICH DEFENDANT AGREED TO SUBMIT TO A FURTHER SIX MONTH INCARCERATION PRIOR TO SENTENCING, AMONG OTHER THINGS; OUTLEY HEARING TO DETERMINE VALIDITY OF DEFENDANT'S ARREST - WHETHER JUDGE ERRONEOUSLY APPLIED A PROBABLE CAUSE STANDARD INSTEAD OF DETERMINING WHETHER DEFENDANT'S ARREST WAS THE RESULT OF A FALSE OR MALICIOUS REPORT BY A COMPLAINANT;

RICKETTS (RICARDO), PEOPLE v:

CRIMES - RIGHT OF CONFRONTATION - ALLEGED VIOLATION OF RIGHT OF CONFRONTATION WHEN TRIAL COURT ALLOWED TWO UNDERCOVER POLICE OFFICERS TO TESTIFY ANONYMOUSLY WITHOUT THRESHOLD SHOWING OF NECESSITY FOR ANONYMOUS TESTIMONY; ALLEGED IMPROPER REMARKS MADE BY PROSECUTOR; SENTENCE - CLAIMED EXCESSIVE SENTENCE;

RIVERA, &c. v MONTEFIORE MEDICAL CENTER:

DISCLOSURE - SCOPE OF DISCLOSURE - MEDICAL EXPERT - ADEQUACY OF RESPONSE TO DEMAND FOR INFORMATION CONCERNING EXPERT WITNESS - CHALLENGE TO APPELLATE DIVISION HOLDING THAT TRIAL COURT PROPERLY DENIED AS UNTIMELY PLAINTIFF'S APPLICATION DURING TRIAL TO PRECLUDE DEFENDANT'S EXPERT FROM TESTIFYING THAT A SUDDEN HEART ATTACK, RATHER THAN PNEUMONIA, CAUSED DECEDENT'S DEATH ON GROUND THAT SUCH TESTIMONY CAME AS A SURPRISE BECAUSE DEFENDANT'S EXPERT DISCLOSURE STATEMENT PURSUANT TO CPLR 3101(d) LACKED SPECIFICITY AS TO EXPERT'S OPINION ON CAUSATION - WHETHER TRIAL MOTION WAS UNTIMELY BECAUSE PLAINTIFF FAILED TO OBJECT TO LACK OF SPECIFICITY IN DEFENDANT'S EXPERT DISCLOSURE STATEMENT UPON RECEIPT OF THAT DOCUMENT - WHETHER EXPERT TESTIMONY CONCERNING HEART ATTACK SHOULD HAVE BEEN PRECLUDED AS UNDULY SPECULATIVE;

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;

ROLLINS v FENCERS CLUB, INC., et al.:

CIVIL RIGHTS - DISCRIMINATION BASED ON AGE - DISCRIMINATION IN EMPLOYMENT - WHETHER THE APPELLATE DIVISION CORRECTLY HELD THAT DEFENDANTS WERE NOT ENTITLED TO SUMMARY JUDGMENT DISMISSING PLAINTIFF'S CLAIM OF AGE-BASED DISCRIMINATION IN VIOLATION OF THE NEW YORK CITY HUMAN RIGHTS LAW;

ROMERO (ANTHONY) (a/k/a ROBERT ROSA), PEOPLE v:

CRIMES - HARMLESS AND PREJUDICIAL ERROR - IMPROPER ADMISSION OF STATEMENTS MADE WITHOUT BENEFIT OF MIRANDA WARNINGS - WHETHER EVIDENCE OF GUILT WAS OVERWHELMING; IDENTIFICATION OF DEFENDANT - WHETHER THE HEARING COURT PROPERLY DENIED SUPPRESSION OF SHOW-UP IDENTIFICATION - WHETHER THE EVIDENCE WAS LEGALLY SUFFICIENT TO ESTABLISH DEFENDANT'S IDENTITY AS THE PERPETRATOR;

ROSSBOROUGH (RONALD D.), PEOPLE v:

CRIMES - SENTENCE - VALIDITY OF DEFENDANT'S WAIVER OF HIS RIGHT TO BE PRESENT DURING SENTENCING; APPEAL - WAIVER OF RIGHT TO APPEAL - WHETHER DEFENDANT'S WAIVER OF THE RIGHT TO APPEAL INCLUDES DEFENDANT'S CONTENTION THAT COUNTY COURT ERRED IN SENTENCING HIM IN ABSENTIA;

JAMAL S., MATTER OF:

CRIMES - UNLAWFUL SEARCH AND SEIZURE - WHETHER THE POLICE SEARCH, WHICH INVOLVED REQUIRING THE JUVENILE TO REMOVE HIS SHOES WHILE HE WAS HELD IN TEMPORARY DETENTION PENDING HIS MOTHER'S ARRIVAL AT THE POLICE STATION, WAS REASONABLE;

MATTER OF KENNETH S., &c.:

CRIMES - UNLAWFUL SEARCH AND SEIZURE - WHETHER POLICE MAY LAWFULLY TAKE A JUVENILE INTO CUSTODY FOR VIOLATING A PAROLE CONDITION SET BY A COURT AS A CONDITION FOR RELEASE PENDING TRIAL; WHETHER POLICE MAY TRANSPORT A MINOR DETAINED FOR TRUANCY TO A POLICE STATION RATHER THAN TO SCHOOL; SUPPRESSION HEARING - DENIAL OF MOTION - WHETHER POLICE WERE JUSTIFIED IN CONDUCTING WARRANTLESS SEARCH OF SUSPECTED TRUANT'S BOOK BAG;

S.L. (ANONYMOUS) v J.R. (ANONYMOUS):

PARENT, CHILD AND FAMILY - CUSTODY - WHETHER THE APPELLATE DIVISION ERRED IN HOLDING THAT A CUSTODY DETERMINATION CAN BE MADE WITHOUT AN EVIDENTIARY HEARING ON THE BASIS THAT THE RECORD CONTAINS ADEQUATE RELEVANT INFORMATION; CLAIMED DUE PROCESS VIOLATION;

SADEK v WESLEY, et al.:

WITNESSES - EXPERT WITNESS - PRECLUSION OF TESTIMONY - TRIAL COURT GRANTED MOTION TO PRECLUDE NEUROLOGICAL EXPERT FROM TESTIFYING UPON THE GROUND THAT EXPERT'S FIRST REPORT, WHICH STATED THERE WAS A PROBABLE CAUSAL RELATIONSHIP BETWEEN MOTOR VEHICLE ACCIDENT AND PLAINTIFF'S EMBOLIC STROKE, WAS NEGATED BY EXPERT'S SUPPLEMENTAL REPORT BECAUSE THAT REPORT DID NOT SUFFICIENTLY ESTABLISH CAUSATION - WHETHER THE APPELLATE DIVISION ERRED IN HOLDING THAT EXPERT'S FIRST REPORT PROVIDED A SUFFICIENT BASIS TO ALLOW THE EXPERT TO TESTIFY AS TO THE CAUSE OF PLAINTIFF'S EMBOLIC STROKE AND THE SUPPLEMENTAL REPORT ONLY PROVIDED GROUNDS TO IMPEACH EXPERT'S ANTICIPATED TRIAL TESTIMONY; WHETHER THE APPELLATE DIVISION CORRECTLY DETERMINED THAT NEW EXPERT'S PROPOSED TESTIMONY SHOULD NOT HAVE BEEN PRECLUDED BECAUSE IT DID NOT ENTIRELY CONCERN A NEW THEORY OF CAUSATION TO THE EXTENT HE WAS PREPARED TO TESTIFY THAT THE ACCIDENT WAS A PROBABLE CAUSE OF DISLODGING THE BLOOD CLOT THAT CAUSED PLAINTIFF'S STROKE - NECESSITY FOR A FRYE HEARING - WHETHER EVIDENCE AT FRYE HEARING SUFFICIENTLY ESTABLISHED THE RELIABILITY OF EXPERT'S ASSERTIONS AS TO CAUSATION - TIMING OF IN LIMINE MOTIONS;

SCHULMAN v MILLER:

PARENT, CHILD AND FAMILY - SUPPORT - EFFECT OF EMANCIPATION OF ONE CHILD ON FATHER'S UNALLOCATED SUPPORT OBLIGATION FOR TWO CHILDREN - INTERPRETATION OF PROVISIONS OF PARTIES' STIPULATION OF SETTLEMENT; COUNSEL FEES;

SCHULZ v SILVER:

CONSTITUTIONAL LAW - APPROPRIATIONS - ACTION SEEKING DECLARATION THAT DEFENDANT'S USE OF PUBLIC FUNDS TO SETTLE VICTIM'S COMPLAINTS OF SEXUAL HARASSMENT BY A MEMBER OF THE STATE ASSEMBLY VIOLATED THE NEW YORK CONSTITUTION, ARTICLE VII, § 8(1); STANDING; GOVERNMENTAL IMMUNITY FOR DISCRETIONARY ACTS;

SERRANO (MARINO), PEOPLE v:

CRIMES - APPEALS - ABSENCE OF DEFENDANT - INVOLUNTARY DEPORTATION - WHETHER THE APPELLATE DIVISION ERRED IN DISMISSING DEFENDANT'S APPEAL ON THE GROUND THAT HE HAD BEEN DEPORTED AND WAS NO LONGER AVAILABLE TO OBEY THE MANDATE OF THE COURT;

SHERIDAN v SHERIDAN:

PARENT AND CHILD - CUSTODY - WHETHER A SOUND AND SUBSTANTIAL BASIS EXISTED IN THE RECORD FOR SUPREME COURT'S DETERMINATION TO AWARD SOLE LEGAL AND PHYSICAL CUSTODY TO MOTHER WITH VISITATION TO FATHER;

SHERMAN v NEW YORK STATE THRUWAY AUTHORITY:

NEGLIGENCE - SNOW AND ICE - STORM IN PROGRESS - WHETHER DEFENDANT WAS ENTITLED TO SUMMARY JUDGMENT DISMISSING THE CLAIM UPON THE GROUND THAT THERE WAS A STORM IN PROGRESS WHEN PLAINTIFF SLIPPED AND FELL ON ICE - APPLICATION WHERE THERE IS NO LONGER ANY APPRECIABLE ACCUMULATION OF ICE OR SNOW WHEN ACCIDENT OCCURS;

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;

SINCERBEAUX (DENNIS J.), PEOPLE v:

CRIMES - SEX OFFENDERS - SEX OFFENDER REGISTRATION ACT (SORA) - WHETHER POINTS WERE IMPROPERLY ASSESSED UNDER RISK FACTOR 9 BECAUSE DEFENDANT'S CONVICTION FOR ENDANGERING THE WELFARE OF A CHILD WAS NOT SEXUAL IN NATURE, AND WHETHER THERE IS SUFFICIENT EVIDENCE TO SUPPORT THE IMPOSITION OF POINTS UNDER RISK FACTORS 1 AND 5;

SILVERMAN, &c. v SILVER, &c., et al.:

JUDGES - JUDICIAL SALARIES - SEPARATION OF POWERS DOCTRINE - REMEDY FOR VIOLATION OF SEPARATION OF POWERS DOCTRINE - WHETHER LEGISLATION THAT CREATED A COMMISSION ON JUDICIAL COMPENSATION TO RECOMMEND PROSPECTIVE-ONLY ADJUSTMENTS TO JUDICIAL PAY, VIOLATES

MATTER OF MARON v SILVER AND OTHER CASES DECIDED THEREWITH (14 NY3d 230 [2010]), BECAUSE IT DOES NOT PROVIDE FOR CONSIDERATION OF RETROACTIVE COMPENSATION - ENTITLEMENT TO DAMAGES FOR BACK PAY BASED UPON RETROACTIVE PAY INCREASES;

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 (CHARLES), PEOPLE v:

CRIMES - TRIAL - CROSS-EXAMINATION OF POLICE WITNESSES - USE OF FACTUAL ALLEGATIONS IN FEDERAL CIVIL RIGHTS LAWSUITS AGAINST ARRESTING OFFICERS TO SHOW THAT OFFICERS WERE ACCUSED OF FABRICATING CHARGES IN DRUG SALE CASES SIMILAR TO DEFENDANT'S CASE - LIMITATION OF CROSS EXAMINATION BASED UPON IRRELEVANT OR COLLATERAL MATTERS; INSTRUCTIONS - CIRCUMSTANTIAL EVIDENCE CHARGE - WHETHER THE APPELLATE DIVISION ERRED IN DETERMINING THAT THE TRIAL COURT PROPERLY DECLINED TO GIVE A CIRCUMSTANTIAL EVIDENCE CHARGE BECAUSE THE PEOPLE'S CASE WAS NOT BASED ENTIRELY ON CIRCUMSTANTIAL EVIDENCE;

SMITH (GLENN S.), PEOPLE v:

CRIMES - APPEAL - WHETHER DEFENDANT WAS REQUIRED TO SUBMIT AN AFFIDAVIT OF ERRORS UPON TAKING AN APPEAL TO APPELLATE TERM, WHERE DEFENDANT PROVIDED AN ELECTRONIC RECORDING OF THE UNDERLYING PROCEEDING INSTEAD OF A STENOGRAPHIC TRANSCRIPTION - CPL 460.10(3);

SMITH (RONI), PEOPLE v:

CRIMES - SENTENCE - SECOND VIOLENT FELONY OFFENDER - RETROACTIVE APPLICATION OF PEOPLE v CATU (4 NY3d 242 [2005]) - WHETHER A CONVICTION BY GUILTY PLEA WAS OBTAINED IN VIOLATION OF DEFENDANT'S RIGHTS UNDER THE FEDERAL CONSTITUTION AND THEREFORE COULD NOT BE COUNTED AS A PREDICATE FELONY (see CPL 400.15[7][b]), WHERE THE DEFENDANT WAS NOT ADVISED AT THE TIME OF THE PLEA THAT THE SENTENCE WOULD INCLUDE POSTRELEASE SUPERVISION AND THE PLEA WAS ACCEPTED BEFORE CATU WAS DECIDED - WHETHER DEFENDANT WAS PRECLUDED FROM RELYING ON CATU CHALLENGE TO INVALIDATE THE USE OF THE PRIOR CONVICTION AS A PREDICATE FELONY

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;

SPEAKS (LOUIS), PEOPLE v:

CRIMES - IDENTIFICATION OF DEFENDANT - LINEUP - NO REQUIREMENT THAT LINEUP PARTICIPANTS BE NEARLY IDENTICAL TO DEFENDANT - WHETHER THE LINEUP IN WHICH DEFENDANT WAS IDENTIFIED BY A WITNESS WAS UNDULY SUGGESTIVE; CRIMES - EVIDENCE - WHETHER THE ADMISSION OF TESTIMONY OF A DETECTIVE RECOUNTING DESCRIPTION OF PERPETRATOR GIVEN BY NONTESTIFYING AND TESTIFYING WITNESSES VIOLATED THE HEARSAY RULE OR DEFENDANT'S RIGHT OF CONFRONTATION; WHETHER DEFENDANT WAS DEPRIVED OF THE EFFECTIVE ASSISTANCE OF COUNSEL BECAUSE HIS ATTORNEY FAILED TO OBJECT TO THE PROSECUTOR'S ALLEGEDLY IMPROPER COMMENTS DURING SUMMATION;

SPOLETA CONSTRUCTION, LLC v ASPEN INSURANCE UK LIMITED, &c., et al.:

INSURANCE - COVERAGE - WHETHER PLAINTIFF GENERAL CONTRACTOR ON A CONSTRUCTION PROJECT PROVIDED TIMELY NOTICE OF AN "OCCURRENCE" SUCH THAT IT WAS ENTITLED TO COVERAGE AS AN ADDITIONAL INSURED UNDER THE COMMERCIAL GENERAL LIABILITY INSURANCE POLICY ISSUED BY DEFENDANT ASPEN TO SUBCONTRACTOR; DECLARATORY JUDGMENT ACTION SEEKING DEFENSE AND INDEMNIFICATION IN UNDERLYING PERSONAL INJURY ACTION BY INJURED WORKER;

SPRINGER, MATTER OF v BOARD OF EDUCATION et al.:

SCHOOLS - TEACHERS - WITHDRAWAL OF RESIGNATION BY TENURED STAFF - WHETHER THE APPELLATE DIVISION ERRED IN HOLDING THAT PETITIONER FAILED TO COMPLY WITH THE PROCEDURE FOR WITHDRAWING HIS RESIGNATION AS A TENURED TEACHER, WHERE HE APPLIED AND WAS HIRED FOR A TEACHING POSITION UNDER HIS PRIOR LICENSE NUMBER AND AT THE SAME SALARY HE WAS PAID WHEN HE RESIGNED SEVERAL MONTHS EARLIER; ENTITLEMENT TO HEARING PURSUANT TO EDUCATION LAW § 3020-a;

STATE OF NEW YORK, MATTER OF v ANTHONY N.:

CRIMES - SEX OFFENDERS - CIVIL COMMITMENT OR SUPERVISION - MENTAL ABNORMALITY - DIAGNOSIS OF BORDERLINE PERSONALITY DISORDER (BPD) - WHETHER BPD CAN CONSTITUTE A MENTAL ABNORMALITY REQUIRING CIVIL COMMITMENT;

STATE OF NEW YORK, MATTER OF v DENNIS K. (ANONYMOUS):

CRIMES - SEX OFFENDERS - CIVIL COMMITMENT OR SUPERVISION - MENTAL ABNORMALITY - WHETHER LEGALLY SUFFICIENT EVIDENCE SUPPORTED THE JURY FINDING THAT DENNIS K. HAD A MENTAL ABNORMALITY UNDER MENTAL HYGIENE LAW § 10.03(i) - ANTISOCIAL PERSONALITY DISORDER AND

PARAPHILIA NOT OTHERWISE SPECIFIED NONCONSENT; CONFINEMENT REQUIRED - WHETHER LEGALLY SUFFICIENT EVIDENCE SUPPORTED THE FINDING THAT DENNIS K. WAS A DANGEROUS SEX OFFENDER REQUIRING CONFINEMENT; TRIAL - INSTRUCTIONS - WHETHER THE APPELLATE DIVISION ERRED IN HOLDING THAT, IN LIGHT OF SUPREME COURT'S JURY CHARGE, THE SUMMATION REMARKS BY THE ASSISTANT ATTORNEY GENERAL DID NOT DEPRIVE DENNIS K. OF A FAIR TRIAL, AND THAT SUPREME COURT DID NOT IMPROVIDENTLY EXERCISE ITS DISCRETION IN DECLINING TO GIVE THE SPECIFIC CHARGE REQUESTED BY COUNSEL FOR DENNIS K.; DISCLOSURE - PENALTY FOR FAILURE TO DISCLOSE - PRECLUSION OF EXPERT TESTIMONY - WHETHER SUPREME COURT ERRED IN NOT PRECLUDING OR LIMITING THE TESTIMONY OF THE STATE'S EXPERT WITNESSES AT THE DISPOSITIONAL HEARING;

STATE OF NEW YORK, MATTER OF v RICHARD TT.:

CRIMES - SEX OFFENDERS - CIVIL COMMITMENT OR SUPERVISION - SEX OFFENDER MANAGEMENT TREATMENT ACT (SOMTA) - WHETHER THE APPELLATE DIVISION CORRECTLY HELD THAT SUPREME COURT ABUSED ITS DISCRETION IN GRANTING RESPONDENT'S MOTION TO VACATE ORDERS DETERMINING THAT RESPONDENT HAS A MENTAL ABNORMALITY AND WAS A DANGEROUS SEX OFFENDER REQUIRING CONFINEMENT - SUFFICIENCY OF THE EVIDENCE OF MENTAL ABNORMALITY UNDER MATTER OF STATE OF NEW YORK v DONALD DD. (24 NY3d 174 [2014]);

STEAM PIPE EXPLOSION AT 41ST STREET AND LEXINGTON AVENUE, MATTER OF (TASSA v TEAM INDUSTRIAL SERVICES, INC.):

DISCLOSURE - DISCOVERY AND INSPECTION - MOTION TO COMPEL INSPECTION OF CONFIDENTIAL SETTLEMENT AGREEMENT - WHETHER DEFENDANT/THIRD PARTY DEFENDANT TEAM INDUSTRIAL SERVICES, INC.'S (TIS) LITIGATION FILES, INCLUDING A CONFIDENTIAL SETTLEMENT AGREEMENT PERTAINING TO AN UNRELATED TEXAS ACTION, WERE "MATERIAL AND NECESSARY" TO THE PROSECUTION BY OR DEFENSE OF DEFENDANTS/THIRD PARTY PLAINTIFFS CONSOLIDATED EDISON, INC. AND CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. (COLLECTIVELY, CON ED);

STEPHENS (HARVERT), PEOPLE v:

CONSTITUTIONAL LAW - VALIDITY OF ORDINANCE - WHETHER A SYRACUSE NOISE CONTROL ORDINANCE WAS UNCONSTITUTIONALLY VAGUE UNDER PEOPLE v NEW YORK TRAP ROCK CORP. (57 NY2d 371 [1982]);

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);

STONEHILL CAPITAL MANAGEMENT, LLC v BANK OF THE WEST:
CONTRACTS - FORMATION OF CONTRACT - OFFER AND ACCEPTANCE - WHETHER DEFENDANT BANK OF THE WEST CLEARLY AND UNEQUIVOCALLY ACCEPTED PLAINTIFFS' OFFER TO PURCHASE A LOAN WHERE DEFENDANT STATED THAT IT WOULD NOT BE BOUND WITHOUT AN EXECUTED WRITING;

SUN v YEUNG, et al.:
APPEAL - CHALLENGE TO APPELLATE DIVISION ORDER THAT DISMISSED PLAINTIFF'S APPEAL FROM A SUPREME COURT ORDER GRANTING DEFENDANTS' UNOPPOSED MOTION TO DISMISS THE COMPLAINT, UPON THE GROUND THAT PLAINTIFF WAS NOT AGGRIEVED BY THE SUPREME COURT ORDER BECAUSE HE DID NOT OPPOSE DEFENDANTS' MOTION - FAILURE TO COMPLY WITH PLEADING REQUIREMENTS - FAILURE TO STATE A CAUSE OF ACTION;

XIU JIAN SUN v WUHUA JING et al.:
LIMITATION OF ACTIONS - MEDICAL MALPRACTICE - WHETHER THE COMPLAINT WAS PROPERLY DISMISSED AS TIME-BARRED TO THE EXTENT IT ALLEGED CLAIMS FOR MEDICAL MALPRACTICE AND OTHERWISE FOR FAILING TO STATE A CAUSE OF ACTION;

SUTTNER, &c. v A.W. CHESTERTON COMPANY et al.:
PRODUCTS LIABILITY - FAILURE TO WARN OF DANGER - WHETHER THE COURTS BELOW ERRED IN HOLDING THAT VALVE MANUFACTURER HAD A DUTY TO WARN OF THE DANGERS INHERENT IN THE USE OF ASBESTOS-CONTAINING GASKETS THAT WERE COMPONENTS OF THE VALVES, BUT WHICH DEFENDANT DID NOT MANUFACTURE OR SELL;

TARDI (WILSON J.), PEOPLE v:
CRIMES - SUPPRESSION HEARING - EVIDENCE SEIZED FROM VEHICLE WHICH WAS IMPOUNDED AFTER DEFENDANT'S ARREST AND SUBJECTED TO INVENTORY SEARCH PURSUANT TO POLICE DEPARTMENT'S WRITTEN POLICY; CLAIMED UNCONSTITUTIONALITY OF SEARCH AND POLICE POLICY;

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;

THREE AMIGOS SJL REST., INC., v CBS NEWS, INC., et al.:

LIBEL AND SLANDER - ACTIONABLE WORDS - WHETHER DEFENDANTS' MOTION TO DISMISS LIBEL CLAIMS ASSERTED BY CERTAIN INDIVIDUAL PLAINTIFFS WAS PROPERLY GRANTED UPON THE GROUND THAT THE CHALLENGED STATEMENTS WERE NOT "OF AND CONCERNING" THOSE PLAINTIFFS;

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;

TONAWANDA SENECA NATION, MATTER OF v NOONAN:

PROCEEDING AGAINST BODY OR OFFICER - PROHIBITION - CPLR ARTICLE 78 PROCEEDING BROUGHT IN APPELLATE DIVISION TO PROHIBIT SURROGATE FROM EXERCISING JURISDICTION OVER REAL PROPERTY SITUATED WITHIN TERRITORY OF INDIAN NATION - WHETHER THE APPELLATE DIVISION PROPERLY DETERMINED THAT THE PROCEEDING SHOULD HAVE BEEN COMMENCED IN SUPREME COURT;

230 PARK AVENUE HOLDCO, LLC v KURZMAN KARELSEN & FRANK, LLP:

LANDLORD AND TENANT - LEASE - RIGHT TO SUBLEASE OR ASSIGN - WHETHER THE COURTS BELOW PROPERLY INTERPRETED A STIPULATION OF SETTLEMENT AS GRANTING THE TENANT THE RIGHT TO LOCATE PROSPECTIVE TENANTS FOR THE PREMISES; WHETHER THE COURTS BELOW CORRECTLY CONCLUDED THAT TRIABLE ISSUES OF FACT EXIST AS TO WHETHER THE LANDLORD BREACHED THE STIPULATION;

TURTURRO, et al. v CITY OF NEW YORK, et al.:

MUNICIPAL CORPORATIONS - TORT LIABILITY - WHETHER THE MUNICIPAL DEFENDANT ESTABLISHED ITS ENTITLEMENT TO QUALIFIED IMMUNITY FOR ITS TRAFFIC PLANNING DECISION REGARDING A ROADWAY FOR WHICH IT HAD RECEIVED COMPLAINTS OF SPEEDING AND LACK OF TRAFFIC SIGNALS - WHETHER PLAINTIFFS FAILED TO ESTABLISH THAT ANY ACT OR OMISSION BY THE MUNICIPAL DEFENDANT WAS A PROXIMATE CAUSE OF THE INJURIES TO AN INFANT PLAINTIFF HIT BY A SPEEDING CAR; WHETHER PLAINTIFFS WERE PROPERLY ALLOWED TO ADDRESS AT TRIAL THE MANNER IN WHICH THE MUNICIPAL DEFENDANT RESPONDED TO COMPLAINTS OF SPEEDING AS A LAW ENFORCEMENT MATTER;

UNITED STATES FIDELITY AND GUARANTY COMPANY, et al. v AMERICAN
RE-INSURANCE COMPANY, et al.:

APPEALS - ALLEGED VIOLATION OF COURT OF APPEALS REMITTITUR;

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;

VILLAR v HOWARD:

MUNICIPAL CORPORATIONS - NOTICE OF CLAIM - NOTICE NOT REQUIRED FOR CLAIM AGAINST SHERIFF ARISING OUT OF SEXUAL ASSAULT OF INMATE - NO DUTY BY COUNTY TO INDEMNIFY SHERIFF - WHETHER THE APPELLATE DIVISION ERRED IN HOLDING THAT PLAINTIFF WAS NOT REQUIRED TO SERVE A NOTICE OF CLAIM UNDER GENERAL MUNICIPAL LAW § 50-e; NEGLIGENCE - DUTY - DUTY TO PROTECT INMATE FROM SEXUAL ASSAULT BY FELLOW JAIL INMATE - POTENTIAL LIABILITY FOR DEPUTIES' NEGLIGENT TRAINING AND SUPERVISION - WHETHER THE APPELLATE DIVISION ERRED IN CONCLUDING THAT DEFENDANT OWED A DUTY OF CARE TO PLAINTIFF; SHERIFFS AND CONSTABLES - LIABILITY FOR NEGLIGENCE - SEXUAL ASSAULT OF JAIL INMATE - NO IMMUNITY OWING TO ALLEGEDLY DISCRETIONARY ACTS OF SHERIFF - WHETHER THE APPELLATE DIVISION ERRED IN HOLDING THAT THE ISSUE WHETHER DEFENDANT'S ALLEGED ACTS OF NEGLIGENCE WERE DISCRETIONARY AND THUS IMMUNE FROM LIABILITY CONSTITUTED A FACTUAL QUESTION THAT CANNOT BE DETERMINED AT THE PLEADING STAGE;

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;

ESTATE OF WAGNER, MATTER OF (AARISMAA; WAGNER):

APPEAL - APPELLATE DIVISION - MOTION TO HOLD SURROGATE IN CONTEMPT OF COURT;

MATTER OF THE ESTATE OF WAGNER, DECEASED (AARISMAA; WAGNER):

APPEAL - CHALLENGE TO APPELLATE DIVISION ORDER DENYING MOTION TO SETTLE THE RECORD FROM A PROCEEDING IN SURROGATE'S COURT UPON THE GROUND THAT PETITIONER FAILED TO DEMONSTRATE THE EXISTENCE OF A VIABLE APPEAL;

WALLACE (BOBBY), PEOPLE v:

CRIMES - SUPPRESSION HEARING - STATEMENTS MADE BY DEFENDANT TO POLICE PRIOR TO HIS ARREST - WHETHER DEFENDANT WAS "IN CUSTODY" FOR PURPOSES OF THE RULE SET FORTH IN MIRANDA v ARIZONA - WHETHER THE "PUBLIC SAFETY" EXCEPTION TO THE MIRANDA RULE APPLIES IN THIS CASE WHERE THE OFFICERS WERE NOT CONCERNED FOR THEIR SAFETY AND THE "WEAPON" AT ISSUE WAS NOT AN INHERENTLY DANGEROUS ITEM LIKE A GUN OR KNIFE;

WARRINGTON (BRANDON), PEOPLE v:

CRIMES - JURORS - SELECTION OF JURY - WHETHER TRIAL COURT ERRED IN DENYING DEFENDANT'S MOTION TO DISMISS PROSPECTIVE JUROR NO. 383 FOR CAUSE - WHETHER TRIAL COURT ELICITED A "PERSONAL, UNEQUIVOCAL ASSURANCE OF IMPARTIALITY" AFTER JUROR NO. 383 VOLUNTEERED A DIFFICULTY BEING FAIR IN THE TRIAL INVOLVING A FIVE-YEAR-OLD VICTIM;

WATSON, et al. v STATE OF NEW YORK (TWO APPEALS):

STATE - CLAIM AGAINST STATE - DISMISSAL OF CLAIMS BY COURT OF CLAIMS;

WESTCHESTER JOINT WATER WORKS, MATTER OF v ASSESSOR OF CITY OF RYE, et al.:

TAXATION - ASSESSMENT - REAL PROPERTY TAX LAW ARTICLE 7 PROCEEDINGS TO REVIEW ASSESSMENTS ON TWO PARCELS OF REAL PROPERTY, ONE LOCATED WHOLLY WITHIN THE RYE NECK DISTRICT AND ONE WHOLLY LOCATED IN THE RYE CITY SCHOOL DISTRICT - NOTICE OF THE PROCEEDINGS INITIALLY GIVEN ONLY TO THE SUPERINTENDENT OF THE CITY SCHOOL DISTRICT - WHETHER THE COURTS BELOW ERRED IN DETERMINING THAT THE DISMISSAL OF THE PROCEEDINGS PURSUANT TO RPTL 708(3) PRECLUDED CPLR 205(a) RELIEF TO RECOMMENCE THE PROCEEDINGS;

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;

WHITE (MORRIS H.), PEOPLE v:

CRIMES - TRIAL - MISTRIAL - WHETHER THE TRIAL COURT ABUSED ITS DISCRETION AS A MATTER OF LAW BY DENYING DEFENDANT'S MOTION FOR A MISTRIAL - COMMENTS LINKING DEFENDANT'S SISTER WITH THE LOCAL DRUG SUBCULTURE MADE BY PROSPECTIVE JUROR ULTIMATELY EXCUSED FOR

CAUSE - TESTIFYING POLICE OFFICER'S IDENTIFICATION OF DEFENDANT'S SISTER IN THE COURTROOM DURING THE TRIAL - STATEMENT VOLUNTEERED BY POLICE WITNESS THAT, UPON HIS ARREST, DEFENDANT ASKED TO WORK AS A POLICE INFORMANT; ALLEGED PROSECUTORIAL MISCONDUCT; REMITTAL TO APPELLATE DIVISION FOR CONSIDERATION WHETHER SENTENCE WAS HARSH AND SEVERE;

WILLIAMS (CHRISTIAN), PEOPLE v:

CRIMES - PLEA OF GUILTY - WITHDRAWAL OF PLEA - ILLEGALITY OF AGREED UPON SENTENCE - WHETHER THE APPELLATE DIVISION CORRECTLY HELD THAT DEFENDANT'S JUDGMENT OF CONVICTION, ENTERED UPON A GUILTY PLEA, MUST BE VACATED BECAUSE THE RECORD DISCLOSED THAT NEITHER THE COURT NOR THE PARTIES REALIZED THAT THE AGREED UPON SENTENCE, TO BE IMPOSED IF DEFENDANT COMPLIED WITH THE CONDITIONS OF THE PLEA, WAS ILLEGAL; CRIMES - APPEAL - PRESERVATION OF ISSUE FOR REVIEW - CONSTITUTIONAL CLAIM THAT GUILTY PLEA VIOLATED DUE PROCESS - WHETHER DEFENDANT WAS REQUIRED TO PRESERVE HIS CONSTITUTIONAL CLAIM BY MOVING TO WITHDRAW HIS PLEA;

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 (CHARLES K.), PEOPLE v:

CRIMES - CONFESSION - VOLUNTARY NATURE OF STATEMENTS - WHETHER THE PEOPLE SHOULD HAVE BEEN PRECLUDED FROM CROSS-EXAMINING DEFENDANT WITH STATEMENTS HE MADE TO POLICE AFTER INVOKING HIS MIRANDA RIGHTS - CLAIM THAT POLICE UNLAWFULLY CONTINUED TO QUESTION DEFENDANT KNOWING THAT HIS POST-MIRANDA STATEMENTS COULD BE USED FOR IMPEACHMENT PURPOSES; IDENTIFICATION OF DEFENDANT - PHOTOGRAPHIC ARRAY - INCLUSION OF SINGLE SUSPECT'S PHOTOGRAPH IN SUCCESSIVE ARRAYS - WHETHER THE APPELLATE DIVISION CORRECTLY HELD THAT IDENTIFICATION EVIDENCE DID NOT HAVE TO BE SUPPRESSED WHERE DIFFERENT PHOTOGRAPHS OF DEFENDANT WERE USED IN EACH PHOTO ARRAY AND WERE PLACED IN A DIFFERENT LOCATION WITHIN EACH ARRAY, AND THE FILLERS WERE VERY SIMILAR IN APPEARANCE TO DEFENDANT;

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;

WOODSIDE MANOR NURSING HOME, MATTER OF v SHAH:

HEALTH - MEDICAID REIMBURSEMENT RATES - WHETHER (1) PUBLIC HEALTH LAW § 2808(17)(b), WHICH ESTABLISHED A MORATORIUM AND CAP ON THE DEPARTMENT OF HEALTH'S REVISION OF MEDICAID RATE APPEALS BY RESIDENTIAL HEALTH CARE FACILITIES, APPLIES RETROACTIVELY TO RATE APPEALS FILED PRIOR TO ITS ENACTMENT; (2) RETROACTIVE APPLICATION UNCONSTITUTIONALLY DEPRIVES PETITIONERS OF VESTED PROPERTY RIGHTS; AND (3) PETITIONERS ARE ENTITLED UNDER STATE AND FEDERAL LAWS AND REGULATIONS TO A WRIT OF MANDAMUS COMPELLING DETERMINATION OF THEIR RATE APPEALS;

WRIGHT (GARY), PEOPLE v:

CRIMES - RIGHT TO COUNSEL - EFFECTIVE REPRESENTATION - ACTUAL OR POTENTIAL CONFLICT OF INTEREST - WHETHER THE APPELLATE DIVISION ERRED IN HOLDING THAT (1) DEFENDANT FAILED TO SHOW THAT AN ACTUAL CONFLICT OF INTEREST EXISTED BETWEEN HIS DEFENSE COUNSEL AND THE ALBANY COUNTY DISTRICT ATTORNEY, WHOSE OFFICE WAS PROSECUTING DEFENDANT, (2) EVEN ASSUMING THE EXISTENCE OF A POTENTIAL CONFLICT OF INTEREST, DEFENDANT FAILED TO SHOW THAT ANY SUCH CONFLICT OPERATED ON HIS DEFENSE, AND (3) COUNTY COURT WAS NOT REQUIRED TO DISQUALIFY THE DISTRICT ATTORNEY'S OFFICE IN ANY FURTHER PROCEEDINGS THAT MAY OCCUR IN THIS CASE; EFFECT OF DISTRICT ATTORNEY'S FAILURE TO FILE AN AFFIDAVIT IN RESPONSE TO DEFENDANT'S CPL 440 MOTION;

MATTER OF YOGA VIDA NYC, INC. v COMMISSIONER OF LABOR:

UNEMPLOYMENT INSURANCE - EMPLOYEE OR INDEPENDENT CONTRACTOR - SUFFICIENT CONTROL OVER INSTRUCTORS TO CREATE EMPLOYMENT RELATIONSHIP - WHETHER SUBSTANTIAL EVIDENCE SUPPORTS THE BOARD'S DETERMINATION THAT NON-STAFF INSTRUCTORS, WHO TAUGHT YOGA CLASSES AT BOTH YOGA VIDA AND OTHER VARIOUS LOCATIONS, WERE IN FACT YOGA VIDA'S EMPLOYEES RATHER THAN INDEPENDENT CONTRACTORS, THUS REQUIRING YOGA VIDA TO MAKE ADDITIONAL UNEMPLOYMENT INSURANCE CONTRIBUTIONS;

YOUNG (TERRENCE), PEOPLE v:

CRIMES - RIGHT TO SPEEDY TRIAL - PEOPLE'S SECOND STATEMENT OF READINESS NOT ILLUSORY - WHETHER THE PEOPLE'S SUBSEQUENT STATEMENT OF UNREADINESS RENDERED THEIR SECOND OFF-CALENDAR CERTIFICATE OF READINESS ILLUSORY; WHETHER THE TRIAL-COURT ERRED IN CURTAILING DEFENSE COUNSEL'S CROSS-EXAMINATION OF A POLICE WITNESS;

ZITO v NEW YORK CITY OFFICE OF PAYROLL ADMINISTRATION, et al.:

DISMISSAL AND NONSUIT - DISMISSAL OF COMPLAINT - ACTION BY FORMER SUBSTITUTE TEACHER EMPLOYED BY DEFENDANT NEW YORK CITY DEPARTMENT OF EDUCATION WHO WAS UNABLE TO OBTAIN A REFUND OF FICA TAXES ERRONEOUSLY PAID IN PRIOR YEARS - CLAIMED NEGLIGENCE, FRAUD, BREACH OF FIDUCIARY AND OTHER DUTIES; CLAIMED DUE PROCESS VIOLATIONS;