JANUARY 2015

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.

ACA FINANCIAL GUARANTY CORP. v GOLDMAN, SACHS & CO.:
FRAUD - FRAUD IN INDUCEMENT - ALLEGATION THAT PLAINTIFF WAS FRAUDULENTLY INDUCED TO ISSUE A FINANCIAL GUARANTY FOR A PORTION OF AN INVESTMENT BY MISREPRESENTATION THAT A NONPARTY HEDGE FUND WAS TAKING A LONG POSITION IN THE INVESTMENT WHEN SUCH FUND ACTUALLY WAS A SHORT SELLER - WHETHER THE APPELLATE DIVISION ERRED IN HOLDING THAT THE AMENDED COMPLAINT FAILED TO ESTABLISH JUSTIFIABLE RELIANCE AS A MATTER OF LAW BECAUSE PLAINTIFF DID NOT PLEAD THAT "IT EXERCISED DUE DILIGENCE BY INQUIRING ABOUT THE NONPUBLIC INFORMATION REGARDING THE HEDGE FUND WITH WHICH IT WAS IN CONTACT PRIOR TO ISSUING THE FINANCIAL GUARANTY, OR THAT IT INSERTED THE APPROPRIATE PROPHYLACTIC PROVISION TO ENSURE AGAINST THE POSSIBILITY OF MISREPRESENTATION";

ACE SECURITIES CORPORATION v DB STRUCTURED PRODUCTS, INC.:
LIMITATION OF ACTIONS - WHEN CAUSE OF ACTION ACCRUES - CONTRACT CAUSE OF ACTION STEMMING FROM BREACH OF REPRESENTATIONS AND WARRANTIES CONTAINED IN AGREEMENTS RELATED TO THE SECURITIZATION OF RESIDENTIAL MORTGAGES - TIMELINESS OF CONTRACT CAUSE OF ACTION UNDER SIX-YEAR STATUTE OF LIMITATIONS;

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;

ALVAREZ v NYLL MANAGEMENT LTD., et al.:
INSURANCE - NO-FAULT AUTOMOBILE INSURANCE - SERIOUS INJURY - WHETHER DEFENDANTS WERE ENTITLED TO SUMMARY JUDGMENT UPON THE GROUND THAT PLAINTIFF FAILED TO ESTABLISH THE EXISTENCE OF A MATERIAL ISSUE OF FACT THAT SHE SUSTAINED A SERIOUS INJURY WITHIN THE MEANING OF INSURANCE LAW § 5102(d);

AMALGAMATED BANK v HELMSLEY-SPEAR, et al.:
JUDGMENTS - DEFAULT JUDGMENT - VACATUR - WHETHER DEFENDANTS SUED AS RECIPIENTS OF A FRAUDULENT TRANSFER MAY MOVE TO VACATE A DEFAULT JUDGMENT ENTERED IN A SEPARATE ACTION AGAINST THE ALLEGEDLY FRAUDULENT TRANSFEROR, WITHOUT SHOWING THAT THE DEFAULT JUDGMENT WAS OBTAINED THROUGH FRAUD OR OTHER WRONGDOING;

AMBERS (NUGENE), PEOPLE v:
CRIMES - RIGHT TO COUNSEL - EFFECTIVE REPRESENTATION - WHETHER DEFENDANT WAS DENIED THE RIGHT TO EFFECTIVE ASSISTANCE OF COUNSEL WHERE HIS COUNSEL FAILED TO RAISE A STATUTE OF LIMITATIONS DEFENSE AS TO CERTAIN COUNTS, OBJECT TO CERTAIN STATEMENTS BY THE PROSECUTOR, MOVE FOR A MISTRIAL OR REQUEST CURATIVE INSTRUCTIONS;

APT, et al. v MORGAN STANLEY DW, INC., et al.:
LIMITATION OF ACTIONS - FRAUD - TOLLING - WHETHER FILING OF ARBITRATION CLAIM TOLLED THE RELEVANT STATUTE OF LIMITATIONS PURSUANT TO CPLR 205(a) - FRAUDULENT CONCEALMENT - SUFFICIENCY OF PLEADING AS TO THE EXISTENCE OF FIDUCIARY RELATIONSHIP BETWEEN BROKER AND CLIENT - WHETHER TRADE CONFIRMATION SLIPS AND MONTHLY STATEMENTS PUT CLIENT ON NOTICE IN 2004 OR 2005 OF ALLEGED FRAUD;

AURORA LOAN SERVICES, LLC v TAYLOR, &c., et al.:
MORTGAGES - FORECLOSURE - STANDING TO COMMENCE ACTION - WHETHER PLAINTIFF DEMONSTRATED PHYSICAL POSSESSION OF THE MORTGAGE NOTE AT THE TIME OF COMMENCEMENT OF THE ACTION - ASSIGNMENT OF MORTGAGE BY MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. (MERS); SUMMARY JUDGMENT;

BANOS, MATTER OF v RHEA, et al.:
LIMITATION OF ACTIONS - FOUR-MONTH STATUTE OF LIMITATIONS - CHALLENGE TO TERMINATION OF SECTION 8 SUBSIDY - WHETHER THE STATUTE OF LIMITATIONS BEGINS TO RUN UPON A SECTION 8 BENEFICIARY'S RECEIPT OF A NOTICE OF DEFAULT LETTER ONLY WHEN THE NEW YORK CITY HOUSING AUTHORITY STRICTLY COMPLIES WITH THE THREE-STEP NOTICE PROCEDURE SET FORTH IN THE FIRST PARTIAL CONSENT JUDGMENT IN WILLIAMS v NEW YORK CITY HOUSING AUTH. (SDNY 1984);

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;

BARKSDALE (ANTHONY), PEOPLE v:
CRIMES - ARREST - PROBABLE CAUSE - WHETHER THE POLICE HAD AN OBJECTIVE CREDIBLE REASON UNDER STEP ONE OF THE DEBOUR INQUIRY TO APPROACH DEFENDANT AND ASK HIM TO EXPLAIN HIS PRESENCE IN THE LOBBY OF AN APARTMENT BASED UPON THE REPUTATION OF THE AREA AND THE FACT THAT THE BUILDING WAS SO PRONE TO TRESPASSING THAT THE LANDLORD HAD EXECUTED A "TRESPASS AFFIDAVIT" REQUESTING POLICE ASSISTANCE IN REMOVING INTRUDERS FROM THE BUILDING;

BARNES (THOMAS), PEOPLE v:
CRIMES - TRESPASSING - WHETHER AN INDIVIDUAL MAY BE PROSECUTED FOR SECOND-DEGREE CRIMINAL TRESPASS IN A PUBLIC HOUSING APARTMENT BUILDING, OR IF SUCH CONDUCT CAN ONLY BE PROSECUTED AS THIRD-DEGREE CRIMINAL TRESPASS; PENAL LAW §§ 140.10(e) AND (f), 140.15(1);

BARNEY-YEBOAH v METRO-NORTH COMMUTER RAILROAD, &c.:
NEGLIGENCE - RES IPSA LOQUITUR - SUMMARY JUDGMENT - TRAIN CEILING UTILITY PANEL SWUNG OPEN AND STRUCK PASSENGER - EXCLUSIVE CONTROL - WHETHER THERE IS A TRIABLE ISSUE OF FACT AS TO WHETHER THE INSTRUMENTALITY CAUSING THE ACCIDENT WAS WITHIN DEFENDANT'S EXCLUSIVE CONTROL;

BARRETO v METROPOLITAN TRANSPORTATION AUTHORITY:
LABOR - SAFE PLACE TO WORK - FALL INTO UNCOVERED MANHOLE - WHETHER DEFENDANTS WERE ENTITLED TO SUMMARY JUDGMENT ON PLAINTIFF'S LABOR LAW § 240(1) CLAIM UPON THE GROUND THAT HIS FAILURE TO COVER THE MANHOLE AS DIRECTED WAS THE SOLE PROXIMATE CAUSE OF HIS INJURIES; PROPRIETY OF SUMMARY JUDGMENT DISMISSING CLAIMS FOR COMMON-LAW NEGLIGENCE AND FOR VIOLATIONS OF LABOR LAW §§ 200 AND 241(6);

BASILE (CURTIS), PEOPLE v:
CRIMES - CRUELTY TO ANIMALS - MENS REA - WHETHER THE PEOPLE ARE REQUIRED TO PROVE THAT A DEFENDANT HAS A CULPABLE MENTAL STATE TO SUPPORT A CONVICTION FOR FAILING TO PROVIDE AN ANIMAL WITH NECESSARY SUSTENANCE IN VIOLATION OF AGRICULTURE AND MARKETS LAW § 353 - DEFENDANT FINANCIALLY UNABLE TO PROVIDE FOR HIS DOG;

BAXIN (JOSE MARTINEZ), PEOPLE v:
CRIMES - SEX OFFENDERS - SEX OFFENDER REGISTRATION ACT (SORA) - WHETHER THE SORA HEARING COURT COMMITTED REVERSIBLE ERROR BY CONSIDERING GRAND JURY MINUTES THAT WERE NOT DISCLOSED TO DEFENDANT AND OVER DEFENSE COUNSEL'S OBJECTION;

BDC FINANCE LLC v BARCLAYS BANK PLC:
CONTRACTS - CONSTRUCTION - TOTAL RETURN SWAP AGREEMENT - FAILURE TO TIMELY REMIT PAYMENT OF EXCESS COLLATERAL PURSUANT TO COLLATERAL CALL - WHETHER CONTRACT PERMITTED BANK TO DISPUTE

AMOUNT OF HEDGE FUND'S COLLATERAL CALL BEFORE REMITTING PAYMENT OF DISPUTED RETURN AMOUNT - EFFECT OF "DELIVERY OF COLLATERAL" CLAUSE;

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;

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";

BOTTOM, MATTER OF v ANNUCCI, &c.:
PRISONS AND PRISONERS - DISCIPLINE OF INMATES - WHETHER A PRISON DISCIPLINARY DETERMINATION CAN BE BASED UPON A LOCAL FACILITY RULE THAT WAS NOT FILED WITH THE SECRETARY OF STATE;

BRANCH, &c. v COUNTY OF SULLIVAN:
COLLEGES AND UNIVERSITIES - COMMUNITY COLLEGE - WRONGFUL DEATH ACTION BY ADMINISTRATOR OF ESTATE OF A STUDENT WHO HAD A FATAL HEART ATTACK IN A COLLEGE DORMITORY BASED ON, AMONG OTHER THINGS, THE FAILURE TO PROVIDE AN AUTOMATED EXTERNAL DEFIBRILLATOR ON CAMPUS - WHETHER THE COUNTY OWED A DUTY OF CARE TO DECEDENT STUDENT BASED ON ITS STATUS AS A LOCAL SPONSOR OF THE COMMUNITY COLLEGE PURSUANT TO EDUCATION LAW, ARTICLE 63;

BROWN & BROWN, INC. et al. v JOHNSON et al.:
EMPLOYMENT RELATIONSHIPS - RESTRICTIVE COVENANT IN EMPLOYMENT CONTRACT - CLAIMED BREACHES OF NONSOLICITATION AND NONINDUCEMENT CLAUSES OF EMPLOYMENT CONTRACT - WHETHER THE FLORIDA CHOICE-OF-LAW CLAUSE IN THE EMPLOYMENT AGREEMENT IS "TRULY OBNOXIOUS" TO NEW YORK PUBLIC POLICY AND UNENFORCEABLE - WHETHER NONSOLICITATION CLAUSE COULD BE PARTIALLY ENFORCED;

BROWN (JARROD), PEOPLE v:
CRIMES - SENTENCE - RESENTENCING UNDER DRUG LAW REFORM ACT, AS AMENDED IN 2011 - ELIGIBILITY - WHETHER A PAROLEE IS IN THE

"CUSTODY" OF THE NEW YORK STATE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION WITHIN THE MEANING OF CPL 440.46(1) AND, THUS, ELIGIBLE FOR RESENTENCING UNDER THAT PROVISION;

BROWN (STANLEY A.), PEOPLE v:
CRIMES - SEX OFFENDERS - SEX OFFENDER REGISTRATION ACT (SORA) - PROPER STANDARD OF PROOF TO BE APPLIED TO DEFENDANT SEEKING TO PROVE THE EXISTENCE OF A MITIGATING FACTOR WARRANTING A DOWNWARD DEPARTURE UNDER SORA; DEGREE OF CONSIDERATION A HEARING COURT SHOULD GIVE TO A CERTIFICATE OF RELIEF FROM CIVIL DISABILITIES WHEN ASSESSING A DEFENDANT POINTS UNDER RISK FACTOR 9 FOR A PRIOR DWI CONVICTION;

BROWN (WILLIAM), PEOPLE v:
CRIMES - UNLAWFUL SEARCH AND SEIZURE - WHETHER THE APPELLATE DIVISION CORRECTLY HELD THAT THE POLICE DID NOT HAVE REASONABLE SUSPICION THAT DEFENDANT WAS INVOLVED IN A CRIME;

BRUMFIELD (MICHAEL S.), PEOPLE v:
GRAND JURY - RIGHT TO APPEAR BEFORE GRAND JURY - REFUSAL TO SIGN WAIVER OF IMMUNITY FORM WITHOUT DELETIONS - WHETHER THE APPELLATE DIVISION ERRED IN CONCLUDING THAT DEFENDANT WAS ENTITLED TO TESTIFY BEFORE THE GRAND JURY AFTER HE MADE DELETIONS TO, AND SIGNED, A WAIVER OF IMMUNITY FORM BECAUSE, AS DELETED, THE FORM COMPLIED WITH THE REQUIREMENTS OF CPL 190.45(1);

BURTON v NEW YORK STATE DEPARTMENT OF TAXATION AND FINANCE:
TAXATION - NONRESIDENT SHAREHOLDERS - PLAINTIFFS' ELECTION UNDER INTERNAL REVENUE CODE § 338(h)(10) TO TREAT STOCK SALE AS AN ASSET SALE - WHETHER TAX LAW § 632(a)(2), AS AMENDED IN 2010, VIOLATES ARTICLE XVI, § 3 OF THE NEW YORK STATE CONSTITUTION BY TREATING THE GAIN FROM THE SALE OF STOCK SUBJECT TO SUCH AN ELECTION AS NEW YORK SOURCE INCOME TAXABLE IN NEW YORK, RATHER THAN AS NON-TAXABLE INCOME FROM THE SALE OF INTANGIBLE PERSONAL PROPERTY;

CALDAVADO a/k/a CALDERARO(ALMA), PEOPLE v:
CRIMES - RIGHT TO COUNSEL - EFFECTIVE REPRESENTATION - WHETHER DEFENDANT WAS ENTITLED TO AN EVIDENTIARY HEARING ON HER CPL 440.10 MOTION ASSERTING INEFFECTIVE ASSISTANCE OF TRIAL COUNSEL IN LIGHT OF GROWING BODY OF MEDICAL EVIDENCE, NOT INTRODUCED AT TRIAL, SUGGESTING THAT "SHAKEN BABY SYNDROME" CAN BE EXPLAINED BY A MEDICAL CONDITION UNRELATED TO PHYSICAL TREATMENT OF THE CHILD;

CANGRO v PARK SOUTH TOWERS ASSOCIATES, et al.:
MOTIONS AND ORDERS - CHALLENGE TO APPELLATE DIVISION ORDER DISMISSING APPEAL FROM A SUPREME COURT ORDER DENYING REARGUMENT AS TAKEN FROM A NON-APPEALABLE PAPER;

C.(ANTHONY), PEOPLE v:
CRIMES - SENTENCE - YOUTHFUL OFFENDER - WHETHER SUPREME COURT PROPERLY EXERCISED ITS DISCRETION IN DENYING DEFENDANT YOUTHFUL OFFENDER TREATMENT;

CAPRIO v NEW YORK STATE DEPARTMENT OF TAXATION AND FINANCE:
STATUTES - RETROACTIVE APPLICATION OF STATUTE - PERSONAL INCOME TAX - WHETHER RETROACTIVE APPLICATION OF 2010 AMENDMENT TO TAX LAW § 632(a)(2) VIOLATES PLAINTIFFS' DUE PROCESS RIGHTS;

CARR (LEE), PEOPLE v:
CRIMES - RIGHT TO COUNSEL - WHETHER TRIAL COURT VIOLATED DEFENDANT'S RIGHT TO COUNSEL BY CONDUCTING AN EX PARTE, UNTRANSCRIBED DISCUSSION WITH THE PEOPLE'S MAIN WITNESS WHO CLAIMED HE WAS TOO ILL TO TESTIFY ON THE DAY HE WAS SCHEDULED; TRIAL COURT'S REFUSAL TO CHARGE THE LESSER INCLUDED OFFENSE OF ASSAULT IN THE THIRD DEGREE;

CARVER, MATTER OF v STATE OF NEW YORK, et al.:
SOCIAL SERVICES - PUBLIC ASSISTANCE - STATE'S ENTITLEMENT TO REIMBURSEMENT FROM FORMER PUBLIC ASSISTANCE RECIPIENT'S LOTTERY WINNINGS - WORK EXPERIENCE PROGRAM (WEP) PARTICIPANT - WHETHER A PUBLIC ASSISTANCE BENEFICIARY WHO WAS STATUTORILY REQUIRED TO PARTICIPATE IN NEW YORK CITY'S WEP AS A CONDITION OF CONTINUED RECEIPT OF BENEFITS (SOCIAL SERVICES LAW § 336[1][d]), WAS AN "EMPLOYEE" ENTITLED TO THE MINIMUM WAGE PROTECTIONS OF THE FEDERAL FAIR LABOR STANDARDS ACT (29 USC § 201, et seq);

CATES, SR. (WALTER), PEOPLE v:
CRIMES - RIGHT TO COUNSEL - WHETHER THE TRIAL COURT VIOLATED DEFENDANT'S RIGHT TO COUNSEL BY CONDUCTING AN EX PARTE, UNTRANSCRIBED DISCUSSION WITH THE PEOPLE'S MAIN WITNESS WHO CLAIMED HE WAS TOO ILL TO TESTIFY ON THE DAY HE WAS SCHEDULED;

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;

CISSE, MATTER OF v GRAHAM:
PARENT, CHILD AND FAMILY - CUSTODY - CHANGE OF CUSTODY - FAMILY COURT ORDER MODIFYING PRIOR CUSTODY ORDER TO CHANGE CUSTODY FROM MOTHER TO FATHER; WHETHER FAMILY COURT'S AFFIRMED FINDING THAT A

SUFFICIENT CHANGE IN CIRCUMSTANCES OCCURRED WARRANTING MODIFICATION OF ITS PRIOR CUSTODY ORDER IN THE CHILD'S BEST INTERESTS HAS A SUFFICIENT BASIS IN THE RECORD;

CONASON et al. v MEGAN HOLDING, LLC et al.:
LIMITATION OF ACTIONS - FOUR-YEAR STATUTE OF LIMITATIONS (CPLR 213-a) - RENT OVERCHARGE - WHETHER APPELLATE DIVISION ERRED IN RULING THAT THE STATUTE OF LIMITATIONS IS NOT A BAR WHERE SIGNIFICANT EVIDENCE OF FRAUD EXISTS ON THE RECORD; ESTOPPEL - COLLATERAL ESTOPPEL - WHETHER SUPREME COURT CORRECTLY DETERMINED THAT DEFENDANTS WERE COLLATERALLY ESTOPPED FROM ARGUING THAT FRAUD DID NOT EXIST; CORPORATIONS - DISREGARDING CORPORATE ENTITY - WHETHER SUPREME COURT ERRED IN PIERCING THE CORPORATE VEIL;

CONCEICAO (JOSEPH), PEOPLE v:
CRIMES - PLEA OF GUILTY - WHETHER THE GUILTY PLEA WAS VOLUNTARY, KNOWING AND INTELLIGENT WHERE DEFENDANT WAS NOT INFORMED OF THE RIGHTS HE WAS WAIVING PRIOR TO MAKING HIS GUILTY PLEA - WHETHER DEFENDANT WAS REQUIRED TO PRESERVE FOR APPELLATE REVIEW HIS CHALLENGE TO THE GUILTY PLEA;

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;

COOKE (ROBERT J.), PEOPLE v:
TRIAL - PHYSICALLY RESTRAINED DEFENDANT - STUN BELT - WHETHER THE TRIAL COURT MADE A MODE OF PROCEEDINGS ERROR IN FAILING TO MAKE A FINDING THAT THE APPLICATION OF A STUN BELT TO DEFENDANT DURING TRIAL WAS NECESSARY; WHETHER DEFENDANT KNOWINGLY WAIVED HIS RIGHT TO OBJECT TO THE STUN BELT; WHETHER COUNT FIVE OF INDICTMENT WAS RENDERED DUPLICITOUS BY EVIDENCE AT TRIAL; WHETHER IT WAS ERROR TO ADMIT A PARTIALLY INAUDIBLE AUDIOTAPE;

COOPERATIEVE CENTRALE RAIFFEISEN-BOERENLEENBANK, B.A. v NAVARRO:
CONTRACTS - GUARANTEE TO PAY OBLIGATIONS OF COMPANY ARISING UNDER A PURCHASE AGREEMENT - WHETHER DEFAULT JUDGMENT OBTAINED AGAINST COMPANY CAN BE A VALID "OBLIGATION" SUBJECT TO THE GUARANTEE IF THE JUDGMENT WAS OBTAINED BY COLLUSION - WHETHER WAIVER OF DEFENSES IN GUARANTEE PRECLUDES GUARANTOR FROM ARGUING THAT NO VALID OBLIGATION EXISTED BECAUSE OF COLLUSION - SUMMARY JUDGMENT IN LIEU OF COMPLAINT;

CROWDER (ADAM), PEOPLE v:
CRIMES - SENTENCE - POSTRELEASE SUPERVISION (PRS) - DEFENDANT INFORMED ABOUT PRS WHEN HE WAS CONSIDERING PLEA AGREEMENT, BUT COURT DID NOT DISCUSS THE PRS TERM AT THE PLEA PROCEEDING - WHETHER DEFENDANT'S CLAIM THAT HIS CONVICTION SHOULD BE VACATED ON THE BASIS THAT COUNTY COURT FAILED TO APPRISE HIM OF HIS PRS TERM AT THE TIME OF HIS PLEA IS REVIEWABLE; PRESERVATION; REVIEW-ABILITY OF CATU ERROR (PEOPLE v LOUREE,8 NY3d 541 [2007]); CLAIMED DUE PROCESS VIOLATION IN SENTENCE ENHANCEMENT;

CUSIMANO v SCHNURR:
ARBITRATION - FEDERAL ARBITRATION ACT (FAA) - AGREEMENTS INVOLVING INTERSTATE COMMERCE - COMMERCIAL REAL ESTATE - WHETHER THE APPELLATE DIVISION ERRED IN CONCLUDING THAT THE FAA APPLIED TO THE CONTRACTS AT ISSUE BY LOOKING BEYOND THE FOUR CORNERS OF THE AGREEMENTS AND CONSIDERING TRANSACTIONS THAT OCCURRED AFTER THE AGREEMENTS WERE EXECUTED; WAIVER OF RIGHT TO ARBITRATE - WHETHER PLAINTIFFS WAIVED THEIR RIGHT TO ARBITRATION BY FILING AN ACTION IN COURT AND PARTICIPATING IN LITIGATION BEFORE FILING FOR ARBITRATION - LACK OF PREJUDICE TO DEFENDANTS;

DAVIDSON v STATE OF NEW YORK:
MOTIONS AND ORDERS - DENIAL OF REARGUMENT OF A COURT OF CLAIMS ORDER DENYING CLAIMANT'S MOTION FOR SUMMARY JUDGMENT;

DAVIS et al. v SOUTH NASSAU COMMUNITIES HOSPITAL, et al.:
NEGLIGENCE - DUTY - WHETHER DEFENDANTS OWED A DUTY OF CARE TO PLAINTIFF WHO WAS INJURED WHEN THE BUS HE WAS OPERATING WAS STRUCK BY A VEHICLE DRIVEN BY DEFENDANT'S PATIENT AFTER SHE ALLEGEDLY BECAME UNCONSCIOUS AS A RESULT OF NARCOTIC MEDICATIONS ADMINISTERED TO HER AT DEFENDANT HOSPITAL'S EMERGENCY ROOM; PHYSICIANS AND SURGEONS;

DeJESUS (JOSHUE), PEOPLE v:
CRIMES - RIGHT OF CONFRONTATION - WHETHER POLICE TESTIMONY THAT DEFENDANT WAS ALREADY A SUSPECT BEFORE THE POLICE SPOKE TO THE SOLE WITNESS WHO IDENTIFIED HIM WAS PROPERLY ADMITTED INTO EVIDENCE "FOR THE LEGITIMATE NONHEARSAY PURPOSES OF COMPLETING THE NARRATIVE, EXPLAINING POLICE ACTIONS, PROVIDING THE CONTEXT OF THE INTERVIEW, CORRECTING A MISIMPRESSION CREATED BY DEFENDANT ON CROSS-EXAMINATION AND PREVENTING JURY SPECULATION";

DELEON v NEW YORK CITY SANITATION DEPARTMENT, et al.:
MOTOR VEHICLES - COLLISION - STREET-SWEEPING VEHICLE NOT HAZARD VEHICLE FOR PURPOSES OF RECKLESS DISREGARD STANDARD - PROXIMATE CAUSE;

DEMPSEY, MATTER OF v NEW YORK CITY DEPARTMENT OF EDUCATION et al.:
CIVIL RIGHTS - WHETHER DETERMINATION DENYING APPLICATION FOR CERTIFICATION AS A SCHOOL BUS DRIVER WAS ARBITRARY AND

CAPRICIOUS, AN ABUSE OF DISCRETION OR CONTRARY TO LAW;

DENSON (RAYMOND), PEOPLE v:
CRIMES - KIDNAPPING - ATTEMPT - RESTRAINT OF CHILD LESS THAN 16 YEARS OLD - WHETHER THE EVIDENCE WAS LEGALLY SUFFICIENT TO ESTABLISH THAT DEFENDANT COMMITTED ATTEMPTED KIDNAPPING IN THE SECOND DEGREE; PROOF OF PRIOR CONVICTIONS - WHETHER THE TRIAL COURT PROPERLY EXERCISED ITS DISCRETION IN PERMITTING TESTIMONY REGARDING DEFENDANT'S PRIOR CONVICTION OF SEX CRIME COMMITTED AGAINST A CHILD OVER TWENTY YEARS AGO, AND THE FACTS UNDERLYING THAT CONVICTION, ON THE ISSUE OF DEFENDANT'S INTENT; WHETHER THE ATTEMPTED KIDNAPPING CHARGE SHOULD HAVE BEEN DISMISSED UNDER THE MERGER DOCTRINE; CONFESSION - WHETHER DEFENDANT'S STATEMENTS TO POLICE WERE ADMISSIBLE AS NONCUSTODIAL STATEMENTS AND POST-MIRANDA STATEMENTS; RIGHT TO COUNSEL - ALLEGED INEFFECTIVE ASSISTANCE OF TRIAL COUNSEL IN ALLOWING THE DEFENSE EXPERT TO TESTIFY UNDER THE PREMISE THAT DEFENDANT WAS A PEDOPHILE AND IN FAILING TO OBJECT WHEN THE PROSECUTION'S EXPERT BASED HER CONCLUSIONS ON THAT PREMISE;

DIACK (MICHAEL), PEOPLE v:
CRIMES - SEX OFFENDER - WHETHER NASSAU COUNTY LOCAL LAW 4-2006, WHICH, AMONG OTHER THINGS, PROHIBITS A REGISTERED SEX OFFENDER FROM RESIDING WITHIN ONE THOUSAND FEET OF A SCHOOL, IS PREEMPTED BY NEW YORK STATE SEX OFFENDER MANAGEMENT LAWS;

DIAL, MATTER OF v RHEA, et al.:
LIMITATION OF ACTIONS - FOUR-MONTH STATUTE OF LIMITATIONS - CHALLENGE TO TERMINATION OF SECTION 8 SUBSIDY - WHETHER THE STATUTE OF LIMITATIONS BEGINS TO RUN UPON A SECTION 8 BENEFICIARY'S RECEIPT OF A NOTICE OF DEFAULT LETTER ONLY WHERE THE NEW YORK CITY HOUSING AUTHORITY STRICTLY COMPLIES WITH THE THREE-STEP NOTICE PROCEDURE SET FORTH IN THE FIRST PARTIAL CONSENT JUDGMENT IN WILLIAMS v NEW YORK CITY HOUSING AUTH. (SDNY 1984);

DIAZ (SANDRA), PEOPLE v:
CRIMES - CONTROLLED SUBSTANCES - POSSESSION - SUFFICIENCY OF THE EVIDENCE - WHETHER THE APPELLATE DIVISION ERRED IN CONCLUDING THAT DEFENDANT EXERCISED DOMINION AND CONTROL OVER THE CONTRABAND - WHETHER THE APPELLATE DIVISION ERRED IN RULING THAT THE EVIDENCE ESTABLISHED THE ELEMENTS OF FIRST-DEGREE UNLAWFULLY DEALING WITH A CHILD (PENAL LAW § 260.20[1]) BECAUSE DEFENDANT KNEW OR SHOULD HAVE KNOWN THAT A LARGE AMOUNT OF HEROIN AND DRUG PARAPHERNALIA WERE IN HER APARTMENT, WHERE FOUR CHILDREN UNDER THE AGE OF 18 LIVED; WHETHER PENAL LAW § 260.20(1) IS UNCONSTITUTIONALLY VAGUE FOR FAILING TO GIVE CLEAR NOTICE OF THE PROSCRIBED CONDUCT AND CREATING A RISK OF DISCRIMINATORY ENFORCEMENT;

DiPIPPO (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;

DIXON, MATTER OF v FISCHER:
PRISONS AND PRISONERS - DISCIPLINE OF INMATES - WHETHER THE APPELLATE DIVISION PROPERLY DISMISSED THE PETITION AS MOOT ON THE BASIS THAT PETITIONER RECEIVED ALL THE RELIEF TO WHICH HE WAS ENTITLED IN AN ADMINISTRATIVE REVERSAL OF A DISCIPLINARY DETERMINATION;

DOBINSKI v LOCKHART:
ANIMALS - LIABILITY FOR INJURIES - DOG COLLIDING WITH BICYCLIST - EXISTENCE OF NEGLIGENCE CAUSE OF ACTION AGAINST DOG'S OWNER - WHETHER THE APPELLATE DIVISION CORRECTLY DISMISSED CAUSE OF ACTION FOR STRICT LIABILITY UPON THE GROUND THAT NO TRIABLE ISSUE OF FACT EXISTED AS TO WHETHER DEFENDANTS HAD ACTUAL OR CONSTRUCTIVE KNOWLEDGE THAT THEIR DOG HAD A PROPENSITY TO INTERFERE WITH TRAFFIC;

DOERR v GOLDSMITH:
ANIMALS - LIABILITY FOR INJURIES - DOG COLLIDING WITH BICYCLIST - NEGLIGENCE CAUSE OF ACTION AGAINST DOG'S OWNER;

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;

TYRONE D., MATTER OF v STATE OF NEW YORK:
CRIMES - SEX OFFENDERS - CIVIL COMMITMENT OR SUPERVISION - DENIAL OF MOTION FOR CHANGE OF VENUE - WHETHER MENTAL HYGIENE LAW ARTICLE 10 ALLOWS FOR A CHANGE OF VENUE NOT ONLY FOR TRIALS UNDER THAT ARTICLE, BUT ALSO FOR ANNUAL REVIEW HEARINGS; WHETHER PETITIONER WAIVED HIS RIGHT TO AN ANNUAL REVIEW HEARING; RELIANCE ON EXPERT REPORT WITHOUT TESTIMONY; ALLEGED INEFFECTIVE ASSISTANCE OF COUNSEL; SUFFICIENCY OF THE EVIDENCE THAT

PETITIONER IS A DANGEROUS SEX OFFENDER REQUIRING CONFINEMENT;
DUBARRY (DARIUS), PEOPLE v:
CRIMES - MURDER - DEPRAVED INDIFFERENCE MURDER - JUSTIFICATION DEFENSE - SUBMISSION OF INTENTIONAL MURDER AND DEPRAVED INDIFFERENCE MURDER COUNTS TO THE JURY IN THE CONJUNCTIVE, RATHER THAN IN THE ALTERNATIVE; WITNESSES - UNAVAILABILITY OF WITNESS - WHETHER THE PEOPLE ESTABLISHED BY CLEAR AND CONVINCING EVIDENCE THAT DEFENDANT'S MISCONDUCT PROCURED WITNESS'S UNAVAILABILITY;

MATTER OF DUNN, AN ATTORNEY:
ATTORNEY AND CLIENT - DISCIPLINARY PROCEEDINGS - CENSURE; COLLATERAL ESTOPPEL - WHETHER THE APPELLATE DIVISION PROPERLY GAVE COLLATERAL ESTOPPEL EFFECT TO A SANCTIONS DECISION BY A UNITED STATES MAGISTRATE JUDGE WHICH IS NOT SUBJECT TO REVIEW IN THE FEDERAL COURT SYSTEM UNTIL THE UNDERLYING FEDERAL ACTION IS CONCLUDED;

DURANT (EVERETT M.), PEOPLE v:
CRIMES - ROBBERY - JURY INSTRUCTIONS - WHETHER COUNTY COURT PROPERLY DENIED DEFENDANT'S REQUEST FOR AN ADVERSE INFERENCE CHARGE REQUESTED BECAUSE THE POLICE, ALTHOUGH CAPABLE OF DOING SO, FAILED TO VIDEOTAPE DEFENDANT'S CONFESSION;

ECHEVARRIA, MATTER OF v WAMBUA, et al.:
PARTIES - STANDING - CHALLENGE TO PUBLIC HOUSING OCCUPANCY WAIVER - WHETHER PETITIONER, AS HEAD OF A FIVE-PERSON HOUSEHOLD LIVING IN A TWO-BEDROOM APARTMENT, LACKED STANDING TO CHALLENGE THE DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT'S (HPD) WAIVER OF THE SIX-PERSON OCCUPANCY REQUIREMENT FOR A FOUR-BEDROOM APARTMENT IN A MITCHELL-LAMA BUILDING, WHERE THE WAIVER WAS GRANTED TO ANOTHER FIVE-PERSON FAMILY WHO FILED AN APPLICATION FOR THE APARTMENT, PETITIONER HAD NOT SUBMITTED AN APPLICATION, AND HPD LATER DETERMINED THAT IT DID NOT HAVE AUTHORITY TO GRANT SUCH A WAIVER;

EL-DEHDAN v EL-DEHDAN A/K/A REED:
CONTEMPT - CIVIL CONTEMPT - IN A MATRIMONIAL ACTION, WHETHER PLAINTIFF MET HER BURDEN OF PROOF REGARDING DEFENDANT'S VIOLATION OF AN ORDER DIRECTING HIM TO DEPOSIT WITH PLAINTIFF'S ATTORNEY THE PROCEEDS OF A CERTAIN REAL ESTATE TRANSACTION - WHETHER SUPREME COURT IMPROPERLY DREW AN ADVERSE INFERENCE AGAINST DEFENDANT FOR INVOKING HIS CONSTITUTIONAL PRIVILEGE AGAINST SELF-INCRIMINATION - WHETHER WILLFULNESS IS AN ELEMENT OF CIVIL CONTEMPT;

EXETER BUILDING CORP., MATTER OF v TOWN OF NEWBURGH:
MUNICIPAL CORPORATIONS - ZONING - NONCONFORMING USE - COMMON-LAW VESTED RIGHT - WHETHER PROPERTY OWNER ESTABLISHED A VESTED RIGHT UNDER THE COMMON LAW TO DEVELOP PROPERTY UNDER A FORMER ZONING REGULATION BY TAKING VARIOUS ACTIONS IN RELIANCE UPON CONDITIONAL

APPROVAL OF A SITE PLAN;
FAISON, &c. v LEWIS, &c., et al.:
LIMITATION OF ACTIONS - ACTION TO VOID A DEED AND MORTGAGE BASED ON ALLEGATIONS OF FORGERY - WAIVER OF STATUTE OF LIMITATIONS DEFENSE;

FARIAS v SIMON:
LABOR - SAFE PLACE TO WORK - HOMEOWNER'S EXEMPTIONS UNDER LABOR LAW §§ 240(1) AND 241 - HOMEOWNER DEFENDANTS' ENTITLEMENT TO SUMMARY JUDGMENT;

MATTER OF FIZZINOGLIA, DECEASED:
WILLS - ELECTIVE SHARE OF SURVIVING SPOUSE - WHETHER A PRENUPTIAL AGREEMENT DISQUALIFIED SURVIVING SPOUSE AS A DISTRIBUTEE OF DECEDENT'S ESTATE - WHETHER THE PRENUPTIAL AGREEMENT WAS INVALID AND UNENFORCEABLE ON THE GROUNDS THAT AN ESSENTIAL TERM WAS OMITTED FROM THE AGREEMENT AND THE AGREEMENT WAS UNCONSCIONABLE OR PROCURED THROUGH FRAUD, DURESS, OVERREACHING OR OTHER INEQUITABLE CONDUCT;

MATTER OF JACKSON F. (ANONYMOUS)(SUFFOLK COUNTY DEPARTMENT OF SOCIAL SERVICES; GABRIEL F.) (AND ANOTHER PROCEEDING):
PARENT AND CHILD - ABUSED OR NEGLECTED CHILD - WHETHER FAMILY COURT ERRED IN DRAWING AN ADVERSE INFERENCE AGAINST RESPONDENT FATHER BASED ON HIS FAILURE TO TESTIFY AT THE FACT-FINDING HEARING, AND IN ADMITTING INTO EVIDENCE A CHILD PROTECTIVE SERVICES INTAKE REPORT WITH THE IDENTITY OF THE REPORTER REDACTED; CLAIMED DUE PROCESS VIOLATIONS;

FLANDERS (PERNELL A.), PEOPLE v:
CRIMES - JURORS - JURY INSTRUCTIONS - CLAIM THAT TRIAL COURT'S INSTRUCTION TO THE JURY CONSTRUCTIVELY AMENDED THE INDICTMENT, RENDERING IT DUPLICITOUS; MULTIPLE SHOTS FIRED FROM TWO FIREARMS; CONTINUING OFFENSE; WHETHER SHELL CASINGS WERE PROPERLY ADMITTED INTO EVIDENCE; CLAIMED INEFFECTIVE ASSISTANCE OF COUNSEL; CLAIMED EXCESSIVE SENTENCE;

FLINTLOCK CONSTRUCTION SERVICES v WEISS:
ARBITRATION - DENIAL OF PETITION TO PERMANENTLY STAY ARBITRATION OF PUNITIVE DAMAGES CLAIM - WHETHER THE APPELLATE DIVISION CORRECTLY RULED THAT THE PETITION WAS PROPERLY DENIED UNDER MASTROBUONO v SHEARSON LEHMAN HUTTON (514 US 52 [1995]), WHERE THE RELEVANT AGREEMENTS PROVIDED FOR ARBITRATION PURSUANT TO THE RULES OF THE AMERICAN ARBITRATION ASSOCIATION BECAUSE, UNDER THE FEDERAL ARBITRATION ACT, IT IS FOR THE ARBITRATORS, NOT THE COURTS, TO DETERMINE THE AVAILABILITY OF PUNITIVE DAMAGES IN THE ABSENCE OF LANGUAGE EXPRESSLY EXCLUDING CLAIMS FOR PUNITIVE DAMAGES, EVEN THOUGH THE AGREEMENTS PROVIDE FOR APPLICATION OF NEW YORK LAW AND THE PUBLIC POLICY OF NEW YORK PROHIBITS ARBITRATION OF PUNITIVE DAMAGES;

FLUSHING SAVINGS BANK, FSB v BITAR &c., et al.:
MORTGAGES - FORECLOSURE - DEFICIENCY JUDGMENT - WHETHER AFFIDAVIT OF PLAINTIFF'S APPRAISER WAS TOO CONCLUSORY TO ESTABLISH A PRIMA FACIE SHOWING OF THE FAIR MARKET VALUE OF THE PROPERTY AS OF THE FORECLOSURE SALE DATE - DENIAL OF PLAINTIFF'S UNOPPOSED APPLICATION FOR A DEFICIENCY JUDGMENT WITHOUT EXPRESSED FINDING AS TO PROPERTY VALUE, HEARING ON VALUATION OR OPPORTUNITY FOR PLAINTIFF TO CURE ALLEGED INSUFFICIENCY IN PROOF;

MICHAEL O. F. (ANONYMOUS), MATTER OF (AND ANOTHER PROCEEDING):
PARENT, CHILD AND FAMILY - ABUSED OR NEGLECTED CHILD - APPELLATE DIVISION ORDER AFFIRMING DENIAL OF MOTION TO VACATE FACT-FINDING ORDER;

FORD (DENNIS), PEOPLE v:
CRIMES - SEX OFFENDERS - SEX OFFENDER REGISTRATION ACT (SORA) - WHETHER HEARING COURT'S DETERMINATION DESIGNATING DEFENDANT A LEVEL THREE OFFENDER IS SUPPORTED BY CLEAR AND CONVINCING EVIDENCE - WHETHER DEFENDANT WAS PROPERLY ASSESSED POINTS UNDER RISK FACTOR 12 WHERE HE DID NOT PARTICIPATE IN A SEX OFFENDER PROGRAM WHILE INCARCERATED BECAUSE HIS LENGTHY DISCIPLINARY RECORD PREVENTED HIS PARTICIPATION;

FRONT, INC. v KHALIL:
LIBEL AND SLANDER - PRIVILEGE - ALLEGEDLY DEFAMATORY STATEMENTS MADE BY COUNSEL IN CONTEXT OF PROSPECTIVE LITIGATION - WHETHER, AND UNDER WHAT CIRCUMSTANCES, SUCH STATEMENTS ARE ENTITLED TO AN ABSOLUTE PRIVILEGE; TORTS - INTERFERENCE WITH BUSINESS RELATIONS - SUFFICIENCY OF PLEADING;

GARAY (BENNY), PEOPLE v:
CRIMES - RIGHT TO COUNSEL - WHETHER TRIAL COURT VIOLATED DEFENDANT'S RIGHT TO COUNSEL BY DISCHARGING A JUROR WHO CALLED IN SICK PRIOR TO THE ARRIVAL OF DEFENDANT'S COUNSEL; WHETHER TRIAL COURT ERRED IN DENYING DEFENDANT'S REQUEST FOR A SUPPRESSION HEARING; COURTROOM CLOSURE DURING TESTIMONY OF UNDERCOVER POLICE OFFICERS;

GARCIA v CITY OF NEW YORK, et al.:
TORTS - FALSE IMPRISONMENT - FALSE ARREST - WHETHER THE APPELLATE DIVISION CORRECTLY DETERMINED THAT PLAINTIFF FAILED TO REBUT THE PRESUMPTION OF PROBABLE CAUSE RAISED BY A GRAND JURY INDICTMENT - ALLEGED POLICE COERCION AND PERJURED TESTIMONY; CIVIL RIGHTS - FEDERAL CIVIL RIGHTS CLAIM - WHETHER PLAINTIFF ESTABLISHED THE EXISTENCE OF A TRIABLE ISSUE OF FACT TO SUPPORT A CLAIM OF MUNICIPAL LIABILITY UNDER 42 USC § 1983;

GARCIA (RICHARD), PEOPLE v:
CRIMES - EVIDENCE - OUT-OF-COURT STATEMENT - WHETHER THE TRIAL COURT PROPERLY PERMITTED THE PEOPLE TO INTRODUCE EVIDENCE THAT THE VICTIM'S NONTESTIFYING SISTER TOLD A DETECTIVE THAT THE VICTIM HAD BEEN HAVING AN UNSPECIFIED "PROBLEM" WITH DEFENDANT, BECAUSE SUCH TESTIMONY WAS PRESENTED NOT FOR THE TRUTH OF THE MATTER ASSERTED, BUT TO EXPLAIN WHY THE POLICE FOCUSED ON DEFENDANT AND SPENT YEARS TRYING TO LOCATE HIM - ABSENCE OF A LIMITING INSTRUCTION - HARMLESS ERROR;

GARY (ALFRED), PEOPLE v:
CRIMES - CONSPIRACY - DEFENDANT CLAIMS HEARSAY EVIDENCE MISTAKENLY STIPULATED INTO EVIDENCE WITH LARGE NUMBER OF DOCUMENTS SHOULD NOT HAVE BEEN ADMITTED INTO EVIDENCE - SUFFICIENCY OF EVIDENCE TO SUPPORT CONSPIRACY CHARGE; CLAIMED REPUGNANCY OF VERDICT DUE TO ACQUITTALS ON OTHER CHARGES BASED ON THE SAME FACTS UNDERLYING SCHEME TO DEFRAUD;

GENTIL, MATTER OF v MARGULIS, et al.:
PROCEEDING AGAINST BODY OR OFFICER - PROHIBITION - CPLR ARTICLE 78 PROCEEDING TO PROHIBIT RESPONDENTS FROM RETRYING PETITIONER ON TWO COUNTS OF THE INDICTMENT IN PEOPLE v GENTIL ON THE GROUND THAT TO DO SO WOULD SUBJECT HIM TO DOUBLE JEOPARDY - TRIAL COURT DECLINED TO ACCEPT A PARTIAL VERDICT - DISCHARGE OF JUROR - MISTRIAL;

GIBSON (JOHN), PEOPLE v:
CRIMES - UNLAWFUL SEARCH AND SEIZURE - WHETHER EXIGENT CIRCUMSTANCES EXISTED TO JUSTIFY THE WARRANTLESS ENTRY INTO DEFENDANT'S APARTMENT - REASONABLE BELIEF THAT ARMED PERPETRATOR COULD BE IN BUILDING - SEIZURE OF GUN THAT WAS PURPORTEDLY IN PLAIN VIEW; ARREST - PROBABLE CAUSE - HEARSAY STATEMENTS - BASIS FOR KNOWLEDGE TRANSMITTED THROUGH CHAIN OF INFORMANTS; SUPPRESSION HEARING - DENIAL OF MOTION TO REOPEN HEARING; SENTENCE - ALLEGEDLY EXCESSIVE AND HARSH SENTENCE; INDICTMENT - SUFFICIENCY OF FACTUAL ALLEGATIONS - POSSESSION OF WEAPON;

GITELSON v QUINN:
CONTRACTS - MISTAKE - MUTUAL MISTAKE - ACTION TO ENFORCE ORAL AGREEMENT TO, AMONG OTHER THINGS, COMMENCE A LOST WILL PROCEEDING - EXISTENCE OF ISSUE OF FACT AS TO WHETHER DEFENDANT WAS NEGLIGENT IN HER SEARCH FOR THE ORIGINAL WILL - WHETHER THE APPELLATE DIVISION ERRED IN RULING THAT DEFENDANT WAS NOT ENTITLED TO SUMMARY JUDGMENT DISMISSING THE COMPLAINT BASED ON MUTUAL MISTAKE;

GOLDMAN (ARON), PEOPLE v:
CRIMES - ENTERPRISE CORRUPTION - MEDICAL CLINIC USED TO FACILITATE INSURANCE FRAUD - LEGAL SUFFICIENCY OF THE EVIDENCE -

WHETHER THE "CRIMINAL ENTERPRISE" DEFINED IN PENAL LAW § 460.10(3) MUST BE STRUCTURED SO AS TO PERMIT THE ENTERPRISE TO CONTINUE IN EXISTENCE WITHOUT THE INVOLVEMENT OF ONE OR MORE KEY PARTICIPANTS; INSTRUCTIONS - ACCESSORIAL LIABILITY - WHETHER THE TRIAL COURT'S JURY INSTRUCTIONS ON ACCESSORIAL LIABILITY CONVEYED THE APPROPRIATE LEGAL STANDARD; RIGHT TO COUNSEL - ALLEGED INEFFECTIVE ASSISTANCE OF TRIAL COUNSEL FOR FAILING TO PRESERVE CERTAIN ISSUES FOR APPELLATE REVIEW;

GOLO (ALLY), PEOPLE v:
CRIMES - SENTENCE - DRUG LAW REFORM ACT OF 2009 - RESENTENCING DENIED BASED ON SUBSTANTIAL JUSTICE - WHETHER TRIAL COURT HAS AUTHORITY TO DENY A MOTION FOR RESENTENCING WITHOUT HOLDING A HEARING;

GONZALEZ (RICHARD), 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 ONLY 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]) - SCIENTER ELEMENT OF CRIME; SEARCH - WHETHER POLICE STOP AND SEARCH OF DEFENDANT WAS JUSTIFIED;

GONZALEZ, PEOPLE ex rel. v SMITH, &c.:
HABEAS CORPUS - WHEN REMEDY APPROPRIATE - CLAIMS THAT COULD HAVE BEEN OR WERE PREVIOUSLY RAISED ON DIRECT APPEAL AND IN COLLATERAL PROCEEDINGS;

GORDON v CHUBB GROUP OF INSURANCE COMPANY, et al.;
INTEREST - COMPUTATION - CLAIMED DUE PROCESS, SEPARATION OF POWERS, AND EQUAL PROTECTION VIOLATIONS;

GRACE v LAW, et al.:
ATTORNEY AND CLIENT - MALPRACTICE - WHETHER PLAINTIFF WAIVED HIS LEGAL MALPRACTICE CLAIM BY VOLUNTARILY DISCONTINUING THE UNDERLYING MEDICAL MALPRACTICE CASE AFTER MOST CLAIMS HAD BEEN DISMISSED, INCLUDING THOSE AGAINST THE TREATING PHYSICIAN, AND NO APPEAL WAS TAKEN; SUMMARY JUDGMENT - EVIDENTIARY STANDARD;

GRAHAM (CLIFFORD), PEOPLE v:
CRIMES - CONFESSION - WHETHER STATEMENTS DEFENDANT MADE TO POLICE SHOULD HAVE BEEN SUPPRESSED BECAUSE THEY WERE GIVEN DURING A CUSTODIAL INTERROGATION AND WITHOUT THE PRIOR ADMINISTRATION OF MIRANDA WARNINGS - WHETHER THE APPELLATE DIVISION CORRECTLY HELD THAT THOSE STATEMENTS WERE NOT SUBJECT TO SUPPRESSION BECAUSE THE POLICE COULD INFER FROM DEFENDANT'S CONDUCT AND HIS ATTORNEY'S ASSURANCES THAT DEFENDANT WAIVED HIS MIRANDA RIGHTS AND THAT SUCH WAIVER WAS MADE ON THE ADVICE OF COUNSEL;

GRAHAM COURT OWNER'S CORP. v TAYLOR:
LANDLORD AND TENANT - LEASE - ATTORNEYS' FEE PROVISION - WHETHER THE APPELLATE DIVISION CORRECTLY HELD THAT A PROVISION IN A LEASE GIVING LANDLORD THE RIGHT TO CANCEL THE LEASE IF TENANT DID NOT TIMELY CURE A DEFAULT, REGAIN POSSESSION OF THE PREMISES THROUGH A SUMMARY HOLDOVER PROCEEDING, RE-RENT THE APARTMENT AND USE ANY RENT THEREFROM TO PAY LANDLORD'S EXPENSES, INCLUDING ITS LEGAL FEES, TRIGGERS THE TENANT'S RECIPROCAL RIGHT TO LEGAL FEES UNDER THE IMPLIED COVENANT PROVIDED BY REAL PROPERTY LAW § 234;

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;

GREATER JAMAICA DEVELOPMENT CORP., et al. MATTER OF v NEW YORK CITY TAX COMMISSION, et al.:
TAXATION - EXEMPTIONS - PARKING FACILITIES OWNED AND OPERATED BY A CHARITABLE NOT-FOR-PROFIT CORPORATION WITH A MISSION TO PROMOTE BUSINESS DEVELOPMENT IN A SPECIFIC AREA - WHETHER THE APPELLATE DIVISION CORRECTLY RULED THAT THE PUBLIC PARKING FACILITIES WERE ENTITLED TO A TAX EXEMPTION UNDER RPTL 420-a;

GREATER NEW YORK TAXI ASSOCIATION, et al. v THE NEW YORK CITY TAXI AND LIMOUSINE COMMISSION:
MUNICIPAL CORPORATIONS - REGULATION OF TAXICAB BUSINESS - WHETHER NEW YORK CITY TAXI AND LIMOUSINE COMMISSION (TLC) EXCEEDED ITS AUTHORITY BY ISSUING RULE REQUIRING NEW TAXICABS TO BE SPECIFIC MODEL MADE BY SINGLE MANUFACTURER - WHETHER THE TLC VIOLATED THE SEPARATION OF POWERS DOCTRINE BY DESIGNATING A NON-HYBRID, NON-ACCESSIBLE VEHICLE AS THE CITY'S OFFICIAL TAXICAB;

GROSS (GORDON), PEOPLE v:
CRIMES - RIGHT TO COUNSEL - EFFECTIVE REPRESENTATION - FAILURE TO OBJECT TO THE PROSECUTION'S PRESENTATION OF AND REFERENCE TO TESTIMONY OF CERTAIN NON-EXPERT WITNESSES ON THE GROUND THAT SUCH TESTIMONY BOLSTERED THE TESTIMONY OF THE VICTIM OF A CHILD SEX CRIME - WHETHER THE APPELLATE DIVISION CORRECTLY RULED THAT THE TESTIMONY DID NOT CONSTITUTE IMPROPER BOLSTERING BECAUSE IT WAS NOT ADMITTED FOR ITS TRUTH, AND THAT COUNSEL'S FAILURE TO OBJECT TO THAT TESTIMONY THEREFORE DID NOT CONSTITUTE INEFFECTIVE ASSISTANCE - WHETHER DEFENSE COUNSEL WAS INEFFECTIVE FOR FAILING TO CONSULT WITH OR PRESENT TESTIMONY FROM A MEDICAL EXPERT ON

DEFENDANT'S BEHALF;

GUMBS et al. v FLUSHING TOWN CENTER III, L.P. et al.:
DISCLOSURE - MEDICAL RECORDS AND REPORTS - CPLR 3126 MOTION TO STRIKE COMPLAINT UPON PLAINTIFFS' REFUSAL TO PROVIDE MEDICAL AUTHORIZATIONS - WHETHER DEFENDANTS DEMONSTRATED THAT THE RECORDS SOUGHT WERE RELATED TO THE CLAIMED INJURIES, INCLUDING PERMANENT DISABILITY, LOSS OF FUTURE EARNINGS AND LOSS OF ENJOYMENT OF LIFE;

GUTHRIE (REBECCA), PEOPLE v:
CRIMES - FAILURE TO STOP AT A STOP SIGN - WHETHER A POLICE OFFICER'S REASONABLE BELIEF THAT DEFENDANT HAD RUN A STOP SIGN PROVIDED PROBABLE CAUSE FOR A TRAFFIC STOP, EVEN THOUGH THE STOP SIGN WAS NOT AUTHORIZED; DRIVING WHILE INTOXICATED - WHETHER THE "FRUIT OF THE POISONOUS TREE" DOCTRINE REQUIRES SUPPRESSION OF BLOOD-ALCOHOL EVIDENCE OBTAINED AS A RESULT OF A TRAFFIC STOP BASED UPON DEFENDANT'S FAILURE TO STOP AT AN UNAUTHORIZED STOP SIGN;

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;

HARDY (PETTIS), PEOPLE v:
CRIMES - INSTRUCTIONS - WHETHER THE TRIAL COURT PROPERLY DECLINED TO GIVE THE JURY A CIRCUMSTANTIAL EVIDENCE CHARGE ON THE BASIS THAT THERE WAS BOTH DIRECT AND CIRCUMSTANTIAL EVIDENCE OF DEFENDANT'S GUILT; TRIAL - MISTRIAL - DENIAL OF MISTRIAL MOTIONS - WHETHER THE TRIAL COURT ERRED IN GIVING SUPPLEMENTAL CHARGES TO ENCOURAGE THE JURY TO REACH A VERDICT IN RESPONSE TO TWO NOTES FROM THE JURY INDICATING DEADLOCK, WHERE THE TRIAL WAS RELATIVELY UNCOMPLICATED AND THE JURY DELIBERATIONS WERE LENGTHY; EVIDENCE - WHETHER THE TRIAL COURT IMPROPERLY ADMITTED TESTIMONY OF TWO PROSECUTION WITNESSES NARRATING SURVEILLANCE VIDEOTAPES;

HARRIS (DAVON), PEOPLE v:
CRIMES - RIGHT TO COUNSEL - EFFECTIVE REPRESENTATION - WHETHER DEFENDANT RECEIVED EFFECTIVE ASSISTANCE OF COUNSEL WHEN HIS TRIAL ATTORNEY FAILED TO RAISE A STATUTE OF LIMITATIONS DEFENSE THAT WOULD HAVE BARRED PROSECUTION ON ONE OF THE TWO INDICTED CRIMES; SUFFICIENCY OF EVIDENCE OF DEFENDANT'S INTENT TO STEAL PROPERTY WHEN HE ENTERED THE DWELLING; FAILURE OF TRIAL COURT TO GRANT DEFENDANT'S FOR-CAUSE CHALLENGE TO A JUROR; CLAIMED DUE PROCESS VIOLATIONS;

HARRIS (DUPREE), PEOPLE v:
CRIMES - PROOF OF OTHER CRIMES - IN CASE WHERE DEFENDANT WAS CHARGED WITH BRIBING AND TAMPERING WITH THREE WITNESSES TO A

HOMICIDE, WHETHER THE TRIAL COURT ERRED IN ADMITTING EVIDENCE THAT A DIFFERENT WITNESS TO THE HOMICIDE WAS MURDERED SHORTLY BEFORE THE HOMICIDE TRIAL AND THAT DEFENDANT HAD SOUGHT TO CONTACT HIM;

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;

HATTON (FRANKIE), PEOPLE v:
CRIMES - PLEA OF GUILTY - FORFEITURE OF RIGHT TO RAISE ISSUES ON APPEAL - JURISDICTIONAL SUFFICIENCY OF ACCUSATORY INSTRUMENT - WHETHER DEFENDANT WAIVED HIS RIGHT TO PROSECUTION BY INFORMATION BY A BLANKET WAIVER OF THE READING OF THAT RIGHT MADE BY HIS ATTORNEY IN THE CONTEXT OF AN UNRELATED CASE OUTSIDE OF DEFENDANT'S PRESENCE OR BY SUBSEQUENTLY PLEADING GUILTY; CRIMES - INFORMATION - INSUFFICIENT INFORMATION CHARGING FORCIBLE TOUCHING - WHETHER THE ACCUSATORY INSTRUMENT CONTAINED SUFFICIENT FACTUAL - ALLEGATIONS RELATED TO THE "PURPOSE" ELEMENT OF FORCIBLE TOUCHING;

HAWKINS, MATTER OF v BERLIN &c., et al.:
SOCIAL SERVICES - PUBLIC ASSISTANCE - WHETHER PETITIONER IS ENTITLED TO DISTRIBUTION OF CHILD SUPPORT ARREARS COLLECTED BY RESPONDENTS TO REIMBURSE PUBLIC ASSISTANCE PROVIDED BY PETITIONER'S HOUSEHOLD DURING A PERIOD WHEN THE CHILD SUPPORT BENEFICIARY WAS NOT PART OF THE HOUSEHOLD; SOCIAL SERVICES LAW § 158(5); WHETHER RESPONDENTS' DETERMINATIONS WERE ARBITRARY AND CAPRICIOUS;

HEATLEY (TODD R.), PEOPLE v:
CRIMES - MURDER - INTENT TO KILL - WEIGHT OF EVIDENCE - ANALYSIS OF SUFFICIENCY OF EVIDENCE WITHIN CONTEXT OF WEIGHT OF THE EVIDENCE REVIEW - APPROPRIATE REMEDY - WHETHER APPELLATE DIVISION ERRED IN REDUCING CONVICTION OF MURDER IN THE FIRST DEGREE TO THE LESSER INCLUDED OFFENSE OF MANSLAUGHTER IN THE FIRST DEGREE; EVIDENCE - DEMONSTRATIVE EVIDENCE - PROSECUTORIAL MISCONDUCT; RIGHT TO COUNSEL - ALLEGED INEFFECTIVE ASSISTANCE OF TRIAL COUNSEL;

HELTZ v BARRATT et al.:
MOTOR VEHICLES - COLLISION - WHETHER TRIABLE ISSUE OF FACT EXISTED AS TO WHETHER DEFENDANT BARRATT EXERCISED THE REQUISITE CARE IN ATTEMPTING TO AVOID THE COLLISION - SUMMARY JUDGMENT; NEGLIGENCE;
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;

HENDERSON (WILLIAM), PEOPLE v:
CRIMES - MURDER - FELONY MURDER - SUFFICIENCY OF THE EVIDENCE WHERE PREDICATE FELONY OF BURGLARY IS BASED UPON INTENT TO COMMIT ASSAULT OR MURDER AT TIME OF ENTRY; INSTRUCTIONS - DENIAL OF REQUEST TO CHARGE LESSER INCLUDED OFFENSE OF MANSLAUGHTER IN SECOND DEGREE - WHETHER THE APPELLATE DIVISION ERRED IN CONCLUDING THAT THE ONLY REASONABLE VIEW OF THE EVIDENCE WAS THAT DEFENDANT'S STABBING OF VICTIM WAS INTENTIONAL AND NOT RECKLESS;

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;

HOGAN, MATTER OF v DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION:
MOTIONS AND ORDERS - CHALLENGE TO APPELLATE DIVISION ORDER THAT, AMONG OTHER THINGS, DENIED AS UNTIMELY PETITIONER'S MOTION TO VACATE DISMISSAL OF A CPLR ARTICLE 78 PROCEEDING;

HOLLANDER, MATTER OF v THE CITY OF NEW YORK COMMISSION ON HUMAN RIGHTS:
CIVIL RIGHTS - DISCRIMINATION BASED ON AGE - WHETHER THE DOCTRINE OF ELECTION OF REMEDIES BARS PETITIONER FROM FILING A CLAIM OF AGE DISCRIMINATION AGAINST A NIGHTCLUB WITH THE CITY OF NEW YORK COMMISSION ON HUMAN RIGHTS, WHERE THE NEW YORK STATE DIVISION OF HUMAN RIGHTS PREVIOUSLY DISMISSED PETITIONER'S COMPLAINT ALLEGING GENDER DISCRIMINATION AGAINST THE NIGHTCLUB WITH RESPECT TO THE SAME UNDERLYING INCIDENT;

HOLLEY (TODD), PEOPLE v:
CRIMES - IDENTIFICATION OF DEFENDANT - PHOTOGRAPHIC ARRAY - WHETHER THE APPELLATE DIVISION ERRED IN CONCLUDING THAT THE PROCEDURE BY WHICH A WITNESS IDENTIFIED DEFENDANT FROM A SERIES OF PHOTO ARRAYS GENERATED BY THE POLICE PHOTO MANAGER COMPUTER SYSTEM WAS NOT UNDULY SUGGESTIVE AND THAT A DIFFERENT CONCLUSION WAS NOT WARRANTED BECAUSE THE POLICE FAILED TO PRESERVE THE PHOTO ARRAYS VIEWED BY THE WITNESS; LINEUP - WHETHER THE APPELLATE DIVISION CORRECTLY DETERMINED THAT THE RECORD SUPPORTED THE HEARING COURT'S FINDING THAT THE LINEUP WAS NOT UNDULY SUGGESTIVE;

HOLMES v BUSINESS RELOCATION SERVICES, INC.:
WORKERS' COMPENSATION - EXISTENCE OF EMPLOYER-EMPLOYEE RELATIONSHIP - SPECIAL EMPLOYEE - WHETHER THE APPELLATE DIVISION ERRED IN HOLDING THAT ISSUES OF FACT EXIST AS TO WHETHER DEFENDANT WAS SPECIAL EMPLOYER OF INJURED PLAINTIFF;

HUTCHINSON v SHERIDAN HILL HOUSE CORP.:
NEGLIGENCE - SIDEWALKS - TRIP AND FALL ON METAL SCREW OR OTHER OBJECT PROTRUDING FROM THE SIDEWALK - SUMMARY JUDGMENT GRANTED TO DEFENDANT BASED UPON TRIVIAL NATURE OF DEFECT, LACK OF NOTICE, AND SPECULATIVE AND CONCLUSORY NATURE OF PLAINTIFF'S EXPERT REPORT;

INOA (JOSE), PEOPLE v:
CRIMES - WITNESSES - EXPERT WITNESS - WHETHER TRIAL COURT ERRED IN PERMITTING A POLICE DETECTIVE TO TESTIFY AS AN EXPERT WITH REGARD TO CODED OR UNEXPLAINED LANGUAGE IN RECORDED TELEPHONE CONVERSATIONS BETWEEN DEFENDANT AND HIS CODEFENDANT;

ISRAEL (DANIEL), PEOPLE v:
CRIMES - EVIDENCE - OTHER UNCHARGED CRIMES - WHETHER THE TRIAL COURT ERRED IN PERMITTING THE PEOPLE TO INTRODUCE REBUTTAL EVIDENCE OF TWO UNCHARGED CRIMES WHERE THE WITNESSES LACKED DIRECT KNOWLEDGE OF PROVOCATION (PEOPLE v SANTARELLI, 49 NY2d 241); WHETHER IN THE CONTEXT OF AN EXTREME EMOTIONAL DISTURBANCE DEFENSE, INCIDENTS OF UNCHARGED VIOLENCE MAY BE ADMISSIBLE EVEN IF THE DEGREE OF VIOLENCE IS NOT COMMENSURATE WITH THE CONDUCT UNDERLYING THE CHARGES;

IZZO (VINCENT), PEOPLE v:
CRIMES - SEX OFFENDERS - SEX OFFENDER REGISTRATION ACT - LEVEL II SEX OFFENDER - CHALLENGE TO ASSESSMENT OF 30 POINTS UNDER RISK FACTOR 3 (NUMBER OF VICTIMS) DUE TO THREE OR MORE VICTIMS - CHALLENGE TO ASSESSMENT OF 20 POINTS UNDER RISK FACTOR 7 (RELATIONSHIP BETWEEN OFFENDER AND VICTIM) FOR ENGAGING IN "GROOMING" BEHAVIOR WITH HIS VICTIMS FOR THE PRIMARY PURPOSE OF VICTIMIZATION - DEFENDANT'S ENTITLEMENT TO A DOWNWARD DEPARTURE FROM THE PRESUMPTIVE RISK LEVEL CLASSIFICATION - EFFECT OF COUNTY COURT'S FAILURE TO EXPRESSLY REFERENCE IN ITS OPINION DEFENDANT'S REQUEST FOR A DOWNWARD DEPARTURE;

JARVIS (KHARYE), PEOPLE v:
CRIMES - RIGHT TO COUNSEL - EFFECTIVE REPRESENTATION - DEFENSE COUNSEL'S FAILURE TO OBJECT TO TESTIMONY THAT HE SUCCESSFULLY SOUGHT TO PRECLUDE - DEFENSE COUNSEL'S PRESENTATION OF ALIBI EVIDENCE WITH ERRONEOUS DATE/TIMING;

JF CAPITAL ADVISORS, LLC v THE LIGHTSTONE GROUP, LLC, et al.:
CONTRACTS - QUANTUM MERUIT - STATUTE OF FRAUDS - GENERAL OBLIGATIONS LAW § 5-701(a)(10) - "NEGOTIATING THE PURCHASE ... OF ANY REAL ESTATE ... OR ... BUSINESS OPPORTUNITIES" - ACTION SEEKING COMPENSATION FROM DEFENDANTS FOR FINANCIAL ADVISORY SERVICES PLAINTIFF PROVIDED UNDER AN ALLEGED ORAL CONTRACT IN CONNECTION WITH DEFENDANTS' ACQUISITION OF CERTAIN HOTELS AND OTHER INVESTMENT OPPORTUNITIES - WHETHER PLAINTIFF'S CLAIMS FOR QUANTUM MERUIT AND UNJUST ENRICHMENT WERE PROPERLY DISMISSED AS BARRED BY THE STATUTE OF FRAUDS;

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 - WARRRANTLESS 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 (RAUL), PEOPLE v:
CRIMES - RIGHT TO COUNSEL - DEFENDANT, REPRESENTED BY COUNSEL ON A SERIES OF BURGLARY CHARGES, AGREED TO ASSIST PROSECUTORS IN THE INVESTIGATION OF A STABBING WHICH HE SAID HAD BEEN CONFESSED TO BY SOMEONE ELSE - DURING SUBSEQUENT POLICE QUESTIONING ABOUT THE STABBING, DEFENDANT CONFESSED TO COMMITTING THE ASSAULT HIMSELF - WHETHER DEFENDANT'S SUBSEQUENT WAIVER OF MIRANDA RIGHTS WAS VALID UNDER THE CIRCUMSTANCES; SUPPRESSION HEARING;

JONES (ANTHONY), PEOPLE v:
CRIMES - SENTENCE - MANDATORY SURCHARGE - WHETHER THE SENTENCING JUDGE HAS DISCRETION TO GRANT DEFENDANT RELIEF FROM THE MANDATORY SURCHARGE AT THE TIME OF SENTENCING, OR WHETHER DEFENDANT WAS REQUIRED TO SEEK SUCH RELIEF BY MOTION FOR RESENTENCING PURSUANT TO CPL 420.10(5);

JONES (CLEMON), PEOPLE v:
CRIMES - SENTENCE - PERSISTENT VIOLENT FELONY OFFENDER - WHETHER THE PERSISTENT FELONY OFFENDER STATUTE (PENAL LAW § 70.10) SHOULD BE INTERPRETED TO HAVE A REQUIREMENT THAT NON-NEW YORK PREDICATE FELONIES HAVE A NEW YORK EQUIVALENT, AS DOES THE SECOND FELONY OFFENDER STATUTE (PENAL LAW § 70.06);

JORDAN, &c. v METROPOLITAN JEWISH HOSPICE, et al.:
JUDGMENTS - DEFAULT JUDGMENT - WRONGFUL DEATH ACTION - DENIAL OF MOTION FOR DEFAULT JUDGMENT UPON THE GROUND THAT PLAINTIFF WAS NOT AUTHORIZED TO COMMENCE THE ACTION;

JORGENSEN (JENNIFER), PEOPLE v:
CRIMES - EVIDENCE - SUFFICIENCY OF EVIDENCE - DEFENDANT, WHILE PREGNANT, CRASHED INTO ANOTHER CAR - DEFENDANT'S CHILD, BORN IN EMERGENCY C-SECTION, DIED DAYS AFTER THE ACCIDENT - WHETHER EVIDENCE WAS LEGALLY SUFFICIENT TO CONVICT DEFENDANT OF MANSLAUGHTER IN THE SECOND DEGREE CONCERNING THE CHILD; ADMISSION OF EVIDENCE - WHETHER THE TRIAL COURT ERRED IN PERMITTING ADMISSION OF EVIDENCE OF DRUGS TAKEN BY DEFENDANT DURING HER PREGNANCY; CLAIMED INFLAMMATORY COMMENTS BY PROSECUTOR DURING SUMMATION; CLAIMED DUE PROCESS VIOLATIONS;

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;

MATTER OF TRENASIA J. (AND THREE OTHER PROCEEDINGS):
PARENT, CHILD AND FAMILY - ABUSED OR NEGLECTED CHILD - SEXUAL ABUSE - WHETHER THE APPELLATE DIVISION ERRED IN HOLDING THAT APPELLANT WAS A PERSON LEGALLY RESPONSIBLE FOR HIS NIECE WITHIN THE MEANING OF THE FAMILY COURT ACT - SUFFICIENCY OF THE EVIDENCE OF ABUSE AND DERIVATIVE NEGLECT - BURDEN OF PROOF - ADMISSIBILITY OF CHILDREN'S STATEMENTS UNDER FAMILY COURT ACT § 1046(a)(vi);

JURGINS (MARK), PEOPLE v:
CRIMES - SENTENCE - SECOND FELONY OFFENDER - EQUIVALENCY OF FOREIGN FELONY CONVICTION - WHETHER A DEFENDANT CAN RAISE A CHALLENGE TO THE EQUIVALENCY OF A FOREIGN FELONY CONVICTION FOR THE FIRST TIME IN A CPL 440.20 MOTION - EQUIVALENCY OF PRIOR WASHINGTON, D.C. CONVICTION FOR ROBBERY UNDER A STATUTE THAT DEFINES ROBBERY TO INCLUDE "STEALTHY SEIZURE OR SNATCHING";

KASCKAROW, MATTER OF v BOARD OF EXAMINERS OF SEX OFFENDERS OF STATE OF NEW YORK:
PROCEEDING AGAINST BODY OR OFFICER - CERTIORARI - CPLR ARTICLE 78 PROCEEDING TO REVIEW DETERMINATION OF BOARD OF EXAMINERS OF SEX OFFENDERS OF THE STATE OF NEW YORK THAT PETITIONER IS REQUIRED TO REGISTER AS A SEX OFFENDER PURSUANT TO THE SEX OFFENDER REGISTRATION ACT (SORA) (CORRECTION LAW ART. 6-C) - WHETHER A PLEA IN FLORIDA OF NOLO CONTENDERE TO A FELONY SEX CRIME CONSTITUTES A "CONVICTION" UNDER SORA SUCH THAT REGISTRATION AS A SEX OFFENDER IS REQUIRED IN NEW YORK;

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;

KESCHNER (MATTHEW), PEOPLE v:
CRIMES - ENTERPRISE CORRUPTION - MEDICAL CLINIC USED TO FACILITATE INSURANCE FRAUD - LEGAL SUFFICIENCY OF THE EVIDENCE - WHETHER THE "CRIMINAL ENTERPRISE" DEFINED IN PENAL LAW § 460.10(3) MUST BE STRUCTURED SO AS TO PERMIT THE ENTERPRISE TO CONTINUE IN EXISTENCE WITHOUT THE INVOLVEMENT OF ONE OR MORE KEY PARTICIPANTS; INSTRUCTIONS - ACCESSORIAL LIABILITY - WHETHER THE TRIAL COURT'S JURY INSTRUCTIONS ON ACCESSORIAL LIABILITY CONVEYED THE APPROPRIATE LEGAL STANDARD; RIGHT TO COUNSEL - ALLEGED INEFFECTIVE ASSISTANCE OF TRIAL COUNSEL FOR FAILING TO PRESERVE

CERTAIN ISSUES FOR APPELLATE REVIEW;

KICKERTZ, MATTER OF v NEW YORK UNIVERSITY:
PROCEEDING AGAINST BODY OR OFFICER - CERTIORARI - CPLR ARTICLE 78 PROCEEDING SEEKING TO ANNUL RESPONDENT UNIVERSITY'S DETERMINATION EXPELLING PETITIONER FROM ITS DENTAL COLLEGE; WHETHER RESPONDENT COMPLIED WITH ITS OWN POLICIES AND WHETHER ITS DETERMINATION WAS ARBITRARY AND CAPRICIOUS; CHALLENGE TO RESULT FOLLOWING PRE-ANSWER DISMISSAL OF PROCEEDING;

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;

KIMSO APARTMENTS, LLC v GANDHI:
PLEADING - AMENDMENT - COUNTERCLAIM - DEFENDANT'S APPLICATION AT THE CONCLUSION OF TRIAL TO CONFORM THE PLEADINGS TO THE PROOF TO INCLUDE A COUNTERCLAIM ALLEGING THAT PLAINTIFFS BREACHED A SETTLEMENT AGREEMENT BY FAILING TO MAKE PAYMENTS ALLEGEDLY OWED TO HIM PURSUANT TO THAT AGREEMENT AND FOR JUDGMENT IN HIS FAVOR ON THAT COUNTERCLAIM - WHETHER THE APPELLATE DIVISION ERRED IN DETERMINING THAT SUPREME COURT SHOULD HAVE DENIED DEFENDANT'S APPLICATION AS BARRED BY THE DOCTRINE OF LACHES;

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;

LAMONT (JAFARI), PEOPLE v:
CRIMES - EVIDENCE - SUFFICIENCY OF EVIDENCE - ATTEMPTED ROBBERY IN THE SECOND DEGREE - WHETHER THE EVIDENCE IS SUFFICIENT TO ESTABLISH BEYOND A REASONABLE DOUBT DEFENDANT'S INTENT TO COMMIT ROBBERY;

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;

LASHWAY (STEVEN), PEOPLE v:
CRIMES - SEX OFFENDERS - SEX OFFENDER REGISTRATION ACT (SORA) - DEFENDANT'S RIGHT TO DISCOVERY UNDER SORA - ACCESS TO DOCUMENTS UPON WHICH THE BOARD OF EXAMINERS OF SEX OFFENDERS BASED ITS REPORT RECOMMENDING THAT DEFENDANT REMAIN A RISK LEVEL THREE SEX OFFENDER; COUNTY COURT'S DENIAL OF ADJOURNMENT OF PROCEEDING SO THAT REQUESTED DOCUMENTS COULD BE OBTAINED; ALLEGED DUE PROCESS VIOLATION;

ESTATE OF LEWIS, DECEASED, MATTER OF:
WILLS - OBJECTIONS - REVOCATION - PRESUMPTION OF REVOCATION BY DESTRUCTION BASED UPON PETITIONER'S FAILURE TO PRODUCE ALL COPIES OF FIRST WILL - ALLEGED FAILURE OF COURTS BELOW TO EXERCISE EQUITY POWER - EFFECT OF TESTIMONY REGARDING LOST SECOND WILL AND DECEDENT'S INTENT TO REVOKE THE FIRST WILL;

LLIBRE (MARCOS), PEOPLE v:
CRIMES - RIGHT TO COUNSEL - EFFECTIVE REPRESENTATION - COUNSEL'S FAILURE TO INFORM DEFENDANT OF HIS RIGHT TO APPEAL AND TO FILE A NOTICE OF APPEAL - WHETHER THE APPELLATE DIVISION ERRED IN DENYING DEFENDANT'S APPLICATION FOR A WRIT OF ERROR CORAM NOBIS SEEKING LEAVE TO FILE A LATE NOTICE OF APPEAL - PEOPLE v SYVILLE (15 NY3d 392 [2010]);

LIN (JIN CHENG), PEOPLE v:
CRIMES - EVIDENCE - WHETHER THE TRIAL COURT ERRED IN PRECLUDING ADMISSION INTO EVIDENCE OF DEFENDANT'S COMPLAINT OF MISTREATMENT BY POLICE AND A VIDEOTAPE OF DEFENDANT'S INTERVIEW BY AN ASSISTANT DISTRICT ATTORNEY; CONFESSION - VOLUNTARINESS OF CONFESSION - PRE-ARRAIGNMENT DELAY AND CIRCUMSTANCES SURROUNDING INTERROGATION DURING THAT TIME; DIRECTION TO JURY TO CONTINUE DELIBERATIONS AFTER TRIAL COURT REFUSED TO ACCEPT VERDICT ON GROUNDS OF REPUGNANCY - WHETHER TRIAL COURT ERRED IN REFUSING TO DIRECT THE JURY TO RECONSIDER VERDICT IN ITS ENTIRETY;

LINARES, MATTER OF v EVANS:
PROCEEDING AGAINST BODY OR OFFICER - CERTIORARI - CPLR ARTICLE 78 PROCEEDING CHALLENGING AN 11/8/11 DETERMINATION OF THE BOARD OF PAROLE DENYING PETITIONER'S REQUEST FOR PAROLE RELEASE - WHETHER THE PAROLE BOARD'S FAILURE TO PROMULGATE REGULATIONS PURSUANT TO EXECUTIVE LAW § 259-c(4) PRIOR TO PETITIONER'S PAROLE HEARING MAKES THE BOARD'S DETERMINATION IMPROPER; AGGRIEVEMENT; WHETHER THE BOARD'S DETERMINATION IS SUPPORTED BY THE RECORD; PROPRIETY OF THE BOARD'S SUBMISSION OF DOCUMENTS TO SUPREME COURT FOR IN

CAMERA REVIEW;

LOPEZ, MATTER OF v EVANS:
PAROLE - REVOCATION - WHETHER THE DUE PROCESS CLAUSE OF THE FEDERAL CONSTITUTION PROHIBITS A PAROLE REVOCATION PROCEEDING FROM GOING FORWARD AGAINST A PAROLEE WHO, ONLY A SHORT TIME EARLIER, WAS FOUND MENTALLY INCOMPETENT TO STAND TRIAL IN A CRIMINAL PROSECUTION BASED ON THE SAME CHARGES THAT ARE AT ISSUE IN THE REVOCATION PROCEEDING;

LOVETT (CLEVELAND), PEOPLE v:
CRIMES - SENTENCE - DENIAL OF MOTION FOR RESENTENCING UNDER DRUG LAW REFORM ACT OF 2004; ILLEGAL SENTENCE - AUTHORITY OF APPELLATE DIVISION TO REMIT TO SUPREME COURT FOR RESENTENCING ON RECKLESS ENDANGERMENT IN THE FIRST DEGREE; RIGHT TO COUNSEL - EFFECTIVE REPRESENTATION - FAILURE TO OBJECT TO JURY INSTRUCTIONS;

LOWE (FABRICE), PEOPLE v:
INFANTS - YOUTHFUL OFFENDERS - WHERE A YOUTH WHO IS INELIGIBLE FOR YOUTHFUL OFFENDER STATUS BECAUSE OF THE NATURE OF THE CRIME REQUESTS SUCH STATUS, WHETHER SENTENCING COURT IS REQUIRED TO MAKE PARTICULARIZED FINDING OF NO MITIGATING CIRCUMSTANCES UNDER PENAL LAW § 720.10(3) BEFORE REJECTING THE REQUEST - PEOPLE v RUDOLPH (21 NY3d 497 [2013]);

LOZINAK, MATTER OF v BOARD OF EDUCATION OF WILLIAMSVILLE CENTRAL SCHOOL DISTRICT:
EMPLOYMENT RELATIONSHIPS - WRONGFUL DISCHARGE - CPLR ARTICLE 78 PROCEEDING TO VACATE RESPONDENT'S DECISION TERMINATING EMPLOYMENT OF ACCOUNT CLERK TYPIST FOR SCHOOL DISTRICT - WHETHER THE COURTS BELOW ERRED IN DETERMINING THAT THE EMPLOYEE'S ACTIONS DID NOT INVOLVE GRAVE MORAL TURPITUDE - WHETHER THE EMPLOYEE'S TERMINATION SHOCKED THE CONSCIENCE;

LYNCH (RICKY A.), PEOPLE v:
CRIMES - DOUBLE JEOPARDY - WHETHER DEFENDANT'S PROSECUTION IN SUFFOLK COUNTY FOR FORGERY AND OTHER CRIMES ARISING FROM HIS FILING OF A FRAUDULENT APPLICATION FOR A NON-DRIVER IDENTIFICATION CARD ISSUED IN SUFFOLK COUNTY IS BARRED BY STATUTORY DOUBLE JEOPARDY WHERE DEFENDANT WAS CAUGHT WITH THE FAKE CARD IN WESTCHESTER AND PLEADED GUILTY IN THAT COUNTY TO CRIMINAL POSSESSION OF A FORGED INSTRUMENT IN THE THIRD DEGREE - WHETHER THE CRIMES WERE "SO CLOSELY RELATED IN CRIMINAL PURPOSE OR OBJECTIVE AS TO CONSTITUTE ELEMENTS OR INTEGRAL PARTS OF A SINGLE CRIMINAL VENTURE" (CPL 40.10[2]) - APPLICATION OF CPL 40.30(2)(a);

MACK (TERRANCE L.), PEOPLE v:
CRIMES - JURORS - WHETHER COUNTY COURT COMMITTED REVERSIBLE ERROR BY ACCEPTING THE JURY VERDICT WITHOUT FIRST RESPONDING TO THREE

NOTES FROM THE JURY;

MALAY v CITY OF SYRACUSE, et al.:
LIMITATION OF ACTIONS - COMMENCEMENT OF ACTION WITHIN SIX MONTHS AFTER TERMINATION OF PRIOR ACTION (CPLR 205[a]) - WHETHER PRIOR FEDERAL ACTION WAS TERMINATED WITHIN THE MEANING OF CPLR 205(a) WHEN FEDERAL DISTRICT COURT DISMISSED PLAINTIFF'S FEDERAL AND STATE CLAIMS, WHERE PLAINTIFF TOOK AN APPEAL TO THE FEDERAL CIRCUIT COURT AND FILED THE SECOND ACTION IN STATE COURT WHILE THE APPEAL WAS PENDING, ALTHOUGH THE APPEAL WAS LATER DISMISSED FOR FAILURE TO PROSECUTE;

MANKO v GABAY, &c., et al. (AND OTHER ACTIONS):
APPEAL - APPELLATE DIVISION - DISMISSAL OF APPEAL FOR FAILURE TO PERFECT - DENIAL OF MOTION FOR LEAVE TO APPEAL TO COURT OF APPEALS;

MANOUEL, MATTER OF, et al. v BOARD OF ASSESSORS, et al.:
TAXATION - ASSESSMENT - SMALL CLAIMS ASSESSMENT REVIEW (SCAR)(RPTL ARTICLE 7) - REQUIREMENT THAT PROPERTY BE "OWNER-OCCUPIED" - WHETHER NON-OCCUPYING OWNERS OF A SINGLE-FAMILY HOUSE MAY CHALLENGE A TAX ASSESSMENT IN A SCAR PROCEEDING WHERE THE HOUSE IS OCCUPIED ON A RENT-FREE BASIS BY ONE OF THEIR MOTHERS;

MARGERUM, et al. v CITY OF BUFFALO, et al.:
CIVIL RIGHTS - DISCRIMINATION IN EMPLOYMENT - CLAIM THAT CITY DEFENDANTS DISCRIMINATED AGAINST CERTAIN FIREFIGHTERS BY ALLOWING PROMOTIONAL ELIGIBILITY LISTS CREATED PURSUANT TO THE CIVIL SERVICE LAW TO EXPIRE SOLELY ON THE GROUND THAT PLAINTIFFS, WHO WERE NEXT IN LINE FOR PROMOTION, ARE CAUCASIAN - REDUCTION OF RECOVERY FOR ECONOMIC DAMAGES; NOTICE OF CLAIM (GENERAL MUNICIPAL LAW § 50-i); LIABILITY OF CITY UNDER HUMAN RIGHTS LAW UNDER STANDARD SET IN RICCI v DeSTEFANO (557 US 557);

MARSHALL (KAITY), PEOPLE v:
CRIMES - IDENTIFICATION OF DEFENDANT - TRIAL COURT HELD LIMITED HEARING TO DETERMINE WHETHER THE SINGLE PHOTO IDENTIFICATION PROCEDURE THAT THE PEOPLE CONDUCTED WITH THE COMPLAINING WITNESS OVER A YEAR AFTER THE INCIDENT WAS PERMISSIBLE AS "TRIAL PREPARATION" - PRE-WADE HEARING PURSUANT TO PEOPLE v HERNER (85 NY2d 877 [1995]); DUE PROCESS;

MARTENS, &c., et al., v NERONI et al.:
PROCEEDING AGAINST BODY OR OFFICER - CERTIORARI - COMBINED CPLR ARTICLE 78 PROCEEDING AND DECLARATORY JUDGMENT ACTION CHALLENGING THE COMMISSIONER OF ENVIRONMENTAL CONSERVATION'S DETERMINATION ADOPTING AN ADMINISTRATIVE LAW JUDGE'S RECOMMENDATION TO IMPOSE A CIVIL PENALTY AGAINST FREDERICK NERONI AND TO REQUIRE REMEDIATION FOR DAMMING A PROTECTED STREAM AND CREATING AN ARTIFICIAL POND WITHOUT A PERMIT; CLAIMED DENIAL OF DUE PROCESS, LACK OF SUBJECT MATTER JURISDICTION, AND STATUTE OF LIMITATIONS VIOLATION;

PRECLUSIVE EFFECT OF APPELLATE DIVISION DISMISSAL OF PRIOR APPEAL FOR FAILURE TO PROSECUTE;

MARTINEZ (ANTONIO), PEOPLE v:
CRIMES - SENTENCE - IMPOSITION AFTER TRIAL OF MAXIMUM SENTENCE OF IMPRISONMENT WHERE PEOPLE PREVIOUSLY OFFERED A PLEA WITH A PROBATIONARY SENTENCE - CHALLENGE TO SENTENCE FOR UNCONSTITUTIONALLY PENALIZING DEFENDANT FOR EXERCISING HIS RIGHT TO TRIAL;

McGOVERN, MATTER OF v MOUNT PLEASANT CENTRAL SCHOOL DISTRICT:
SCHOOLS - TEACHERS - NOTICE OF CLAIM (EDUCATION LAW § 3813[1]) - CPLR ARTICLE 78 PROCEEDING TO REVIEW BOARD OF EDUCATION DETERMINATION DENYING PETITIONER TENURE AND TERMINATING HER EMPLOYMENT AS A PROBATIONARY TEACHER - WHETHER PETITIONER WAS EXEMPT FROM THE EDUCATION LAW NOTICE OF CLAIM REQUIREMENT;

MENDEZ (EDWIN), PEOPLE v:
CRIMES - JURORS - RESPONSE TO JURY INQUIRIES - WHETHER THE APPELLATE DIVISION ERRED IN CONCLUDING THAT, ALTHOUGH THE RECORD WAS SILENT REGARDING THE TRIAL COURT'S RESPONSES TO THREE JURY NOTES, REVERSAL WAS NOT REQUIRED BECAUSE THE JURY NOTES REQUESTED MATERIALS NOT IN EVIDENCE AND THUS WERE NOT SUBSTANTIVE INQUIRIES REQUIRING COMPLIANCE WITH CPL 310.30 IN ACCORDANCE WITH THE PROCEDURE SET FORTH IN PEOPLE v O'RAMA (78 NY2d 270 [1991]), AND ONLY NECESSITATED THE MINISTERIAL ACTION OF INFORMING THE JURY THAT NONE OF THE REQUESTED ITEMS WERE IN EVIDENCE - NOTES REQUESTING TRANSCRIPTS OF RECORDED TELEPHONE CONVERSATIONS AND WHETHER THERE WERE ANY 911 CALLS RELATED TO THE INCIDENT; JUSTIFICATION - WHETHER THE TRIAL COURT IMPROPERLY LIMITED DEFENDANT'S EVIDENCE OF COMPLAINANT'S PRIOR VIOLENT ACTS;

MERCADO (JEFFREY), PEOPLE v:
CRIMES - UNLAWFUL SEARCH AND SEIZURE - SEARCH OF VEHICLE AND TRUNK - FOUNDED SUSPICION OF CRIMINALITY BASED UPON TOTALITY OF KNOWN CIRCUMSTANCES - VOLUNTARINESS OF CONSENT TO SEARCH OF VEHICLE AND TRUNK;

MIDDLEBROOKS (WILLIAM), PEOPLE v:
INFANTS - YOUTHFUL OFFENDERS - WHETHER SENTENCING COURT IS REQUIRED TO DETERMINE IF DEFENDANT CONVICTED OF "ARMED FELONIES" IS ELIGIBLE FOR YOUTHFUL OFFENDER STATUS PURSUANT TO PENAL LAW § 720.10(3) - PEOPLE v RUDOLPH (21 NY3d 497[2013]);

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;

MONARCH CONSULTING, INC., et al., MATTER OF v NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH PA. (AND TWO OTHER PROCEEDINGS):
ARBITRATION - AGREEMENT TO ARBITRATE - WHETHER INSUREDS ARE COMPELLED TO ARBITRATE THEIR DISPUTES WITH THEIR WORKERS' COMPENSATION INSURANCE CARRIER EVEN THOUGH THE CARRIER FAILED TO FILE THE ARBITRATION AGREEMENTS WITH THE CALIFORNIA DEPARTMENT OF INSURANCE AS CALIFORNIA LAW REQUIRES;

PEOPLE ex rel. MOORE v SUPERINTENDENT OF COXSACKIE CORRECTIONAL FACILITY:
HABEAS CORPUS - AVAILABILITY OF RELIEF - CPLR 7002(b);

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;

NEALON (KENNETH), PEOPLE v:
CRIMES - APPEAL - PRESERVATION OF ISSUE FOR REVIEW - MEANINGFUL NOTICE OF JURY NOTES - FAILURE TO OBJECT - WHETHER THE TRIAL COURT COMMITTED A MODE OF PROCEEDINGS ERROR WHEN, ACCORDING TO THE ORIGINAL TRIAL RECORD, IT READ THE CONTENTS OF THREE JURY NOTES REQUESTING CHARGE CLARIFICATIONS FOR THE FIRST TIME IN FRONT OF THE JURY AND IMMEDIATELY RESPONDED; IF SO, WHETHER THE APPELLATE DIVISION PROPERLY REFUSED TO CONSIDER THE RESETTLED TRIAL RECORD;

NEGRON (JULIO), PEOPLE v:
CRIMES - RIGHT TO COUNSEL - EFFECTIVE REPRESENTATION - WHETHER DEFENDANT WAS DENIED HIS RIGHT TO EFFECTIVE ASSISTANCE OF COUNSEL WHEN HIS TRIAL COUNSEL FAILED TO OBJECT TO THE TRIAL COURT'S IMPROPER USE OF THE "CLEAR LINK" STANDARD FOR THE INTRODUCTION OF THIRD-PARTY CULPABILITY EVIDENCE, AMONG OTHER FAILURES; CRIMES - DISCLOSURE - FAILURE TO DISCLOSE EXCULPATORY MATERIAL - WHETHER THE PEOPLE COMMITTED PREJUDICIAL BRADY VIOLATIONS BY FAILING TO DISCLOSE THAT DEFENDANT'S NEIGHBOR FLED WITH A CACHE OF WEAPONS THE NIGHT OF THE SHOOTING, WHICH INCLUDED THE SAME CALIBER OF AMMUNITION USED IN THE SHOOTING;

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;

NICHOLSON (CHRISTOPHER A.), PEOPLE v:
CRIMES - WITNESSES - REBUTTAL WITNESS IN CHILD SEX PROSECUTION - WHETHER SUPREME COURT ERRED IN ALLOWING THE PEOPLE TO CALL DEFENDANT'S EX-WIFE AS A REBUTTAL WITNESS TO REBUT CERTAIN TESTIMONY OFFERED BY DEFENDANT'S ONLY WITNESS, HIS FORMER GIRLFRIEND; WITNESSES - EXPERT WITNESS - WHETHER SUPREME COURT ERRED IN ADMITTING THE TESTIMONY OF AN EXPERT WITH RESPECT TO CHILD SEXUAL ABUSE ACCOMMODATION SYNDROME; RIGHT TO COUNSEL - CLAIMED INEFFECTIVE ASSISTANCE;

NICOMETI v VINEYARDS OF FREDONIA, LLC et al. (AND A THIRD-PARTY ACTION):
NEGLIGENCE - PROXIMATE CAUSE - PLAINTIFF INJURED WHEN HIS STILTS SLIPPED ON ICE WHILE HE WAS INSTALLING CEILING INSULATION AT A CONSTRUCTION SITE - WHETHER THERE IS A TRIABLE ISSUE OF FACT WHETHER PLAINTIFF'S ACTIONS WERE THE SOLE PROXIMATE CAUSE OF HIS INJURIES; LABOR LAW § 240; SUMMARY JUDGMENT;

NOMURA ASSET CAPITAL CORPORATION, et al. v CADWALADER, WICKERSHAM & TAFT, LLP:
ATTORNEY AND CLIENT - MALPRACTICE - ACTION AGAINST LAW FIRM ALLEGING FAILURE TO PROVIDE APPROPRIATE LEGAL ADVICE AND THE RENDERING OF LEGAL OPINION WITHOUT PERFORMING THE NECESSARY DUE DILIGENCE, IN CONNECTION WITH THE SECURITIZATION OF A POOL OF COMMERCIAL MORTGAGE LOANS; SUMMARY JUDGMENT;

O'BRIEN, MATTER OF v DiNAPOLI, &c.:
CIVIL SERVICE - RETIREMENT AND PENSION BENEFITS - DISABILITY RETIREMENT - WHETHER AN APPLICATION FOR DISABILITY RETIREMENT BENEFITS IS TIMELY FILED IF IT IS RECEIVED BY THE RETIREMENT SYSTEM VIA FAX ON THE DATE OF, BUT MINUTES AFTER, THE RETIREMENT

SYSTEM MEMBER'S DEATH - RETIREMENT AND SOCIAL SECURITY LAW §363-b-2 NYCRR 366.2;

O'DANIEL (WILLIAM), PEOPLE v:
CRIMES - RIGHT TO COUNSEL - REPLACEMENT COUNSEL - COUNSEL, INITIALLY CHOSEN BY DEFENDANT'S RETAINED COUNSEL AS A SECOND CHAIR, ULTIMATELY REPRESENTED DEFENDANT AT TRIAL DUE TO RETAINED COUNSEL'S HEALTH PROBLEMS - WHETHER DEFENDANT WAS DENIED THE RIGHT TO COUNSEL, INCLUDING THE RIGHT TO COUNSEL OF HIS CHOICE - WHETHER REPLACEMENT COUNSEL PROVIDED EFFECTIVE ASSISTANCE OF COUNSEL; WITNESSES - EXPERT WITNESS - WHETHER THE TRIAL COURT ERRED IN ALLOWING A NURSE PRACTITIONER TO TESTIFY THAT HER EXAMINATION OF A CHILD SHOWED EVIDENCE OF SEXUAL ABUSE;

OLMOSPEREZ, MATTER OF v EVANS &c.:
PAROLE - DENIAL - CPLR ARTICLE 78 PROCEEDING TO REVIEW DETERMINATION OF BOARD OF PAROLE DENYING PETITIONER PAROLE RELEASE - FAILURE OF PAROLE BOARD TO ISSUE AND PROMULGATE WRITTEN GUIDELINES PURSUANT TO EXECUTIVE LAW § 259-c(4) TO ASSESS RISKS AND NEEDS FOR PAROLE DECISIONS BEFORE DETERMINATION MADE IN THIS CASE;

ORTIZ (LUIS), PEOPLE v:
CRIMES - COLLATERAL ESTOPPEL - WHETHER THE PEOPLE WERE BARRED FROM PRESENTING ON DEFENDANT'S RETRIAL EVIDENCE THAT DEFENDANT HELD A RAZOR BLADE TO THE VICTIM'S NECK - DEFENDANT WAS ACQUITTED OF BURGLARY IN THE FIRST DEGREE AT THE FIRST TRIAL BUT CONVICTED OF ROBBERY IN THE SECOND DEGREE, AND THE ONLY DIFFERENCE BETWEEN THE TWO OFFENSES WAS WHETHER DEFENDANT USED OR THREATENED USE OF A DANGEROUS INSTRUMENT - WHETHER CASE IS DISTINGUISHABLE FROM PEOPLE v O'TOOLE (22 NY3d 335 [2013]);

PACHERILLE (ANTHONY), PEOPLE v:
CRIMES - APPEAL - WAIVER OF RIGHT TO APPEAL SENTENCING COURT'S DENIAL OF YOUTHFUL OFFENDER STATUS - SENTENCING COURT BELIEVED THAT THE PLEA AGREEMENT PRECLUDED YOUTHFUL OFFENDER TREATMENT FOR THE 16-YEAR-OLD DEFENDANT;

PACQUETTE (DEAN), PEOPLE v:
CRIMES - IDENTIFICATION OF DEFENDANT - WHETHER THE APPELLATE DIVISION CORRECTLY HELD THAT THE IDENTIFICATION OF DEFENDANT BY A "GHOST OFFICER" IN A "BUY AND BUST" CASE WAS CONFIRMATORY AND, THUS, DID NOT REQUIRE CPL 710.30(1)(b) NOTICE;

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";

PASTALOVE, MATTER OF v KELLY &c., et al.:
CIVIL SERVICE - RETIREMENT AND PENSION BENEFITS - ACCIDENTAL DISABILITY RETIREMENT - POLICE OFFICER RESPONDING TO FIRE EMERGENCY - TRIP AND FALL OVER FIRE HOSE THAT WAS FILLED WITH WATER AS OFFICER WAS ATTEMPTING TO STEP OVER IT;

PATTERSON, MATTER OF v GRAZIANO, et al.:
PROCEEDING AGAINST BODY OR OFFICER - MANDAMUS - CPLR ARTICLE 78 PROCEEDING TO VACATE RESPONDENT'S DETERMINATION DENYING PETITIONER RELEASE ON PAROLE;

PATROLMEN'S BENEVOLENT ASSOCIATION OF THE CITY OF NEW YORK, INC. &c., et al. v CITY OF NEW YORK, et al.:
INJUNCTIONS - PRELIMINARY INJUNCTION - WHETHER PETITIONERS ESTABLISHED A LIKELIHOOD OF SUCCESS ON THE MERITS OF THE CLAIM TO BE ARBITRATED - WHETHER ARBITRATION AWARD IN PETITIONERS' FAVOR WOULD BE RENDERED INEFFECTUAL WITHOUT PROVISIONAL RELIEF;

PAVONE (ANTHONY), PEOPLE v:
CRIMES - HARMLESS AND PREJUDICIAL ERROR - VIOLATION OF DEFENDANT'S RIGHT TO REMAIN SILENT BY, AMONG OTHER THINGS, PEOPLE'S ELICITING OF TESTIMONY IN ITS CASE-IN-CHIEF THAT DEFENDANT FAILED TO MENTION EXTREME EMOTIONAL DISTURBANCE WHEN HE WAS APPREHENDED - WHETHER THE APPELLATE DIVISION, AFTER CONCLUDING THAT THE ISSUE WAS LARGELY UNPRESERVED, ERRED IN HOLDING THAT, IN ANY EVENT, THE ADMISSION OF THE CHALLENGED EVIDENCE WAS HARMLESS "IN LIGHT OF THE OVERWHELMING EVIDENCE ESTABLISHING BOTH DEFENDANT'S GUILT BEYOND A REASONABLE DOUBT AND HIS CORRESPONDING FAILURE TO PROVE HIS AFFIRMATIVE DEFENSE OF EXTREME EMOTIONAL DISTURBANCE BY A PREPONDERANCE OF THE EVIDENCE"; RIGHT TO COUNSEL - ALLEGED INEFFECTIVE ASSISTANCE OF TRIAL COUNSEL IN FAILING, WITH ONE EXCEPTION, TO OBJECT TO TESTIMONY AND ARGUMENT CONCERNING DEFENDANT'S PRETRIAL SILENCE REGARDING EXTREME EMOTIONAL DISTURBANCE, IN FAILING TO REQUEST A LIMITING INSTRUCTION ON THAT ISSUE, AND IN FAILING TO PROVIDE THE DEFENSE EXPERT WITH MATERIALS NEEDED TO ADEQUATELY PREPARE AN EXTREME EMOTIONAL DISTRESS DEFENSE;

PEGASUS AVIATION I, INC., et al. v VARIG LOGISTICA S.A., et al.:
EVIDENCE - LOSS OR DESTRUCTION OF EVIDENCE - RELEVANCE OF SPOLIATED DOCUMENTS - WHETHER MP DEFENDANTS EXERCISED SUFFICIENT CONTROL OVER DEFENDANT VARIG LOGISTICA TO RENDER THE MP DEFENDANTS LIABLE FOR SANCTIONS FOR EVIDENCE SPOLIATION BASED ON VARIG LOGISTIC'S LOSS OF ITS ELECTRONICALLY STORED INFORMATION;

PELLEGRINO (STEPHEN), PEOPLE v:
CRIMES - PLEA OF GUILTY - SUFFICIENCY OF ALLOCUTION - WAIVER OF

CONSTITUTIONAL RIGHTS - WHETHER DEFENDANT'S COLLOQUY AT CRIMINAL COURT WAS SUFFICIENT UNDER BOYKIN v ALABAMA (395 US 238 [1969]) AND PEOPLE v TYRELL (22 NY3d 359 [2013]) WHERE IT CONTAINED NO DISCUSSION OF THE RIGHTS DEFENDANT WAS WAIVING BY ENTERING THE PLEA, PURSUANT TO WHICH HE PLEADED GUILTY TO A MISDEMEANOR IN RETURN FOR A NEGOTIATED SENTENCE OF A $250 FINE;

PELLETIER v LAHM:
NEGLIGENCE - EMERGENCY DOCTRINE - WHETHER THE TRIAL COURT ERRED IN GIVING AN EMERGENCY DOCTRINE CHARGE TO THE JURY AND DENYING PLAINTIFF'S CPLR 4404(a) MOTION;

PEOPLE, et al. v SPRINT NEXTEL CORP., et al.:
TAXATION - SALES AND USE TAXES - COMPLAINT ALLEGING VIOLATION OF NEW YORK FALSE CLAIMS ACT (STATE FINANCE LAW § 189[1][g]), EXECUTIVE LAW § 63(12) AND TAX LAW, ARTICLE 12, BY KNOWINGLY MAKING FALSE STATEMENTS MATERIAL TO AN OBLIGATION TO PAY SALES TAX PURSUANT TO TAX LAW § 1105(b)(2) - SALES TAX ON INTERSTATE VOICE SERVICE SOLD BY A MOBILE PROVIDER; PREEMPTION BY FEDERAL MOBILE TELECOMMUNICATIONS SOURCING ACT (4 USC § 116, et seq.) - WHETHER EX POST FACTO CLAUSE OF THE U.S. CONSTITUTION (ART. 1, § 10) BARS RETROACTIVE EFFECT OF CIVIL PENALTIES SOUGHT UNDER NEW YORK FALSE CLAIMS ACT;

PEREZ (FREDERICO), PEOPLE v:
CRIMES - PLEA OF GUILTY - SUFFICIENCY OF ALLOCUTION - WAIVER OF CONSTITUTIONAL RIGHTS - WHETHER A GUILTY PLEA TO A VIOLATION, WHICH REQUIRED ONLY THE PAYMENT OF A $100 FINE, MUST BE VACATED UNDER PEOPLE v TYRELL (22 NY3d 359 [2003]) BECAUSE DEFENDANT WAS NOT ADVISED OF HIS CONSTITUTIONAL RIGHTS UNDER BOYKIN v ALABAMA (395 US 238[1969]);

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;

PICKERING-GEORGE v WAMBUA:
PUBLIC HOUSING - RENT SUBSIDY - TERMINATION - CHALLENGE TO APPELLATE DIVISION JUDGMENT CONFIRMING DETERMINATION TERMINATING PETITIONER'S SECTION 8 RENT SUBSIDY;

PLATEK v ALLSTATE INDEMNITY COMPANY:
INSURANCE - EXCLUSIONS - WATER DAMAGE - EXCEPTION FOR "EXPLOSION" - WHETHER THE APPELLATE DIVISION ERRED IN HOLDING THAT THE "EXPLOSION" EXCEPTION WAS AMBIGUOUS AND, THUS, HAD TO BE CONSTRUED IN FAVOR OF THE INSURED;

P.(MATTHEW), PEOPLE v:
CRIMES - INFORMATION - CHALLENGE TO SUFFICIENCY - LARCENY - SUFFICIENCY OF ALLEGATIONS THAT DEFENDANT IMPROPERLY USED A KEY THAT DID NOT BELONG TO HIM TO LET TWO UNDERCOVER POLICE OFFICERS (AND HIMSELF) INTO THE SUBWAY THROUGH AN EMERGENCY EXIT GATE IN EXCHANGE FOR MONEY - PEOPLE v HIGHTOWER (18 NY3d 249 [2011]); THEFT OF SERVICES - SUFFICIENCY OF ALLEGATIONS BASED ON THE SWORN STATEMENT OF A TRANSIT POLICE OFFICER THAT HE OBSERVED DEFENDANT ENTER THE SUBWAY "BEYOND THE TURNSTILES" AND WITHOUT "PAYING THE REQUIRED FARE" BY "WALKING THROUGH AN EXIT GATE";

POLEUN (JAMES R.), PEOPLE v:
CRIMES - SEX OFFENDERS - SEX OFFENDER REGISTRATION ACT (SORA) (CORRECTION LAW ART. 6-C) - WHETHER DEFENDANT WAS DENIED DUE PROCESS OF LAW WHEN THE HEARING COURT ACCEPTED HIS WAIVER OF APPEARANCE AND HELD A HEARING TO ASSESS HIS RISK LEVEL IN HIS ABSENCE, ALTHOUGH HE EXPRESSED HIS DESIRE TO BE PRESENT AT THE HEARING AND PROFFERED AN EXCUSE FOR HIS INABILITY TO ATTEND;

POWERS, MATTER OF v ST. JOHN'S UNIVERSITY SCHOOL OF LAW:
(Cal. Date - 2/10/15)
COLLEGES AND UNIVERSITIES - ADMISSION - WHETHER LAW SCHOOL ACTED ARBITRARILY AND CAPRICIOUSLY BY RESCINDING PETITIONER'S ADMISSION AFTER HE COMPLETED MORE THAN 1 1/2 YEARS OF COURSE WORK, WHERE IT DETERMINED THAT PETITIONER'S LAW SCHOOL APPLICATION CONTAINED MISREPRESENTATIONS AND MATERIAL OMISSIONS REGARDING HIS PRIOR CRIMINAL BACKGROUND - WHETHER THE PENALTY OF RESCISSION WAS SO DISPROPORTIONATE TO THE OFFENSE AS TO CONSTITUTE AN ABUSE OF DISCRETION AS A MATTER OF LAW - PETITIONER'S ENTITLEMENT TO INVOKE GRIEVANCE PROCEDURE IN LAW SCHOOL'S STUDENT HANDBOOK;

MATTER OF PREYER (DISCHE; COMMISSIONER OF LABOR):
UNEMPLOYMENT INSURANCE - CONTRIBUTIONS - TIMELINESS OF REQUEST FOR HEARING - EMPLOYER'S FAILURE TO HAVE MAIL FORWARDED PROPERLY - WHETHER THE DEPARTMENT OF LABOR VIOLATED EMPLOYER'S DUE PROCESS RIGHTS BY ISSUING UNEMPLOYMENT INSURANCE BENEFITS AWARD BASED SOLELY ON CLAIMANT'S SUBMISSIONS OR BY MAILING ITS DETERMINATION TO EMPLOYER'S OUT-OF-STATE ADDRESS RATHER THAN IN-STATE ADDRESS;

PS 157 LOFTS LLC, et al. v AUSTIN, et al.:
PUBLIC HOUSING - SUCCESSION RIGHTS - TWO-YEAR RESIDENCY REQUIREMENT - CLAIMED IMPAIRMENT OF CONTRACT OBLIGATION; CLAIMED DEPRIVATION OF RIGHT TO JURY TRIAL; CLAIMED DUE PROCESS VIOLATION;

PS 157 LOFTS LLC, et al. v AUSTIN, et al.:
PUBLIC HOUSING - SUCCESSION RIGHTS - TWO-YEAR RESIDENCY REQUIREMENT - CLAIMED IMPAIRMENT OF CONTRACT OBLIGATION; CLAIMED DEPRIVATION OF RIGHT TO JURY TRIAL; CLAIMED DUE PROCESS VIOLATION;

VERONICA P., MATTER OF v RADCLIFF A.:
PARENT, CHILD AND FAMILY - ORDER OF PROTECTION - WHETHER THE APPELLATE DIVISION ERRED IN DISMISSING APPEAL IN A FAMILY OFFENSE PROCEEDING AS MOOT UPON THE GROUND THAT THE ORDER OF PROTECTION AT ISSUE HAD EXPIRED, WHERE FAMILY COURT DETERMINED THAT RESPONDENT COMMITTED ACTS THAT CONSTITUTED HARASSMENT IN THE SECOND DEGREE (PENAL LAW § 240.26) - STIGMA;

RAM I, LLC, MATTER OF v NEW YORK STATE DIVISION OF HOUSING AND COMMUNITY RENEWAL, et al.:
LANDLORD AND TENANT - RENT REGULATION - LUXURY DEREGULATION OF RENT-CONTROLLED APARTMENT UNAVAILABLE FOLLOWING ACCEPTANCE OF CERTAIN TAX BENEFITS - WHETHER AN APARTMENT THAT WAS SUBJECT TO RENT CONTROL PRIOR TO RECEIVING J-51 TAX BENEFITS REMAINS EXEMPT FROM LUXURY DEREGULATION BY VIRTUE OF ITS RENT-CONTROLLED STATUS AFTER THE J-51 BENEFITS EXPIRE, NOTWITHSTANDING THE FACT THAT IT WAS OTHERWISE QUALIFIED FOR LUXURY DEREGULATION; WHETHER DHCR'S INTERPRETATION OF ADMINISTRATIVE CODE OF THE CITY OF NEW YORK § 26-403(e)(2)(j), AS APPLIED TO THIS CASE, VIOLATES THE OWNER'S EQUAL PROTECTION RIGHTS;

RCM ELMWOOD LLC, et al. v NIZNIK:
LANDLORD AND TENANT - EVICTION - MOTION TO STAY WARRANT OF EVICTION;

REMET CORPORATION v ESTATE OF JAMES R. PYNE (DECEASED), et al.:
INDEMNITY - CONTRACTUAL INDEMNIFICATION - ENVIRONMENTAL REMEDIATION COSTS - NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION (DEC) LETTER IDENTIFYING PLAINTIFF AS A POTENTIALLY RESPONSIBLE PARTY, REQUESTING PLAINTIFF TO DEVELOP, IMPLEMENT AND FINANCE A REMEDIAL PROGRAM FOR HAZARDOUS WASTE SITE, AND STATING THAT, IF PLAINTIFF DID NOT ACT, DEC WOULD PERFORM THE REMEDIATION AND SEEK RECOVERY FROM PLAINTIFF - WHETHER THE APPELLATE DIVISION CORRECTLY HELD THAT DEC'S LETTER DID NOT REQUIRE PLAINTIFF TO TAKE ACTION, AND THUS, THAT PLAINTIFF WAS NOT ENTITLED TO INDEMNIFICATION PURSUANT TO AN AGREEMENT RESULTING FROM ACTIONS THAT PLAINTIFF "IS REQUIRED TO TAKE UNDER OR IN CONNECTION WITH ANY ENVIRONMENTAL LAW OR ENVIRONMENTAL PERMIT";

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;

REPANTI (STEVEN), PEOPLE v:
CRIMES - LESSER INCLUDED OFFENSES - WHETHER HARASSMENT IN THE SECOND DEGREE IS A LESSER INCLUDED OFFENSE OF ATTEMPTED ASSAULT IN THE THIRD DEGREE, WHERE THE FACTUAL ALLEGATIONS UNDERLYING BOTH CHARGES ARE IDENTICAL EXCEPT FOR THE MENS REA ELEMENT - WHETHER THE INTENT TO CAUSE PHYSICAL INJURY INCLUDES BY NECESSARY IMPLICATION THE INTENT TO HARASS, ALARM OR ANNOY THE PERSON SOUGHT TO BE INJURED - PEOPLE v MOYER (27 NY2d 252 [1970]);

RIVERA (DAVID), PEOPLE v:
CRIMES - WITNESSES - PHYSICIAN-PATIENT PRIVILEGE (CPLR 4505) - WHETHER TESTIMONY OF PSYCHIATRIST TO WHOM DEFENDANT ADMITTED SEXUAL ABUSE OF A CHILD WAS PROPERLY ADMITTED AT TRIAL IN LIGHT OF WITNESS'S PRIOR REPORTING OF DEFENDANT'S STATEMENTS TO THE ADMINISTRATION FOR CHILDREN'S SERVICES;

ROBERITES (JESSE), PEOPLE v:
CRIMES - JURORS - NOTE FROM JURY - TRIAL COURT'S FAILURE TO NOTIFY PRO SE DEFENDANT OF JURY NOTE REQUESTING EXHIBITS - WHETHER TRIAL COURT'S FAILURE CONSTITUTES A MODE OF PROCEEDINGS ERROR REQUIRING REVERSAL OF THE JUDGMENT, EVEN IF THE ISSUE WAS NOT PRESERVED AT TRIAL;

RODRIGUEZ (SERGIO), PEOPLE v:
CRIMES - SENTENCE - CONCURRENT AND CONSECUTIVE TERMS - CHANGE, ON RESENTENCING, FROM CONCURRENT TO CONSECUTIVE SENTENCES - WHETHER THE IMPOSITION OF CONSECUTIVE SENTENCES FOR ASSAULT AND FIRST DEGREE ROBBERY VIOLATED PENAL LAW § 70.25(2) WHERE THE ASSAULT, A SHOOTING, OCCURRED IN THE COURSE OF THE ROBBERY; REMARKS MADE BY RESENTENCING COURT; CLAIMED VIOLATION OF DUE PROCESS;

ROSARIO (LUCIANO), PEOPLE v:
CRIMES - APPEAL - DENIAL OF APPLICATION FOR A WRIT OF ERROR CORAM NOBIS - ALLEGED INEFFECTIVE ASSISTANCE OF APPELLATE COUNSEL FOR FAILING TO INFORM DEFENDANT ABOUT THE APPELLATE PROCESS AND FAILING TO FILE A NOTICE OF APPEAL FROM DEFENDANT'S GUILTY PLEA;

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;

SEAN R., &c. v BMW OF NORTH AMERICA, LLC, et al.:
EVIDENCE - SCIENTIFIC EVIDENCE - FAILURE OF SCIENTIFIC LITERATURE TO SUPPORT EXPERT'S PROFFERED THEORY - WHETHER THE TESTIMONY OF PLAINTIFF'S EXPERTS, WHO THEORIZED THAT EXPOSURE TO GASOLINE FUMES CAUSED PLAINTIFF'S BIRTH DEFECTS, WAS PROPERLY PRECLUDED WHERE THE MEDICAL LITERATURE SHOWED THAT SOME CONSTITUENT CHEMICALS CONTAINED IN GASOLINE CAN LEAD TO BIRTH DEFECTS, NOT THAT EXPOSURE TO GASOLINE VAPORS CAN CAUSE SUCH DEFECTS;

RUSSO, MATTER OF v NEW YORK CITY DEPARTMENT OF EDUCATION:
SCHOOLS - TEACHERS - INCOMPETENCE - WHETHER THE APPELLATE DIVISION ERRED IN CONCLUDING THAT PENALTY OF TERMINATION WAS SHOCKING TO SENSE OF FAIRNESS AND REMANDING TO AGENCY FOR IMPOSITION OF A LESSER PENALTY;

RUTLEDGE (MICHAEL), PEOPLE v:
CRIMES - CONFESSION - VALIDITY OF DEFENDANT'S WAIVER OF MIRANDA RIGHTS - WHETHER STATEMENTS MADE TO POLICE SHOULD HAVE BEEN SUPPRESSED WHERE, PRIOR TO GIVING THE MIRANDA WARNINGS TO DEFENDANT, A DETECTIVE TOLD DEFENDANT, AMONG OTHER THINGS, THAT HE NEEDED TO TALK TO THE INTERROGATORS, THAT IT WAS IN HIS BEST INTEREST TO TELL THE INTERROGATORS HIS SIDE OF THE STORY, THAT THE EVIDENCE AGAINST HIM WAS STRONG, AND THAT THE PROSECUTOR WOULD HELP HIM IF HE COOPERATED;

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;

DELROY S., MATTER OF:
INFANTS - JUVENILE DELINQUENTS - WHETHER, IN LIGHT OF THE APPELLATE DIVISION HOLDING THAT 11-YEAR OLD GAVE INCULPATORY STATEMENT WHILE SUBJECTED TO CUSTODIAL INTERROGATION WITHOUT THE BENEFIT OF MIRANDA WARNINGS, THE APPELLATE DIVISION PROPERLY DETERMINED THAT FAMILY COURT'S ERROR IN FAILING TO SUPPRESS THE STATEMENT WAS HARMLESS BEYOND A REASONABLE DOUBT; JUSTIFICATION DEFENSE;

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;

SAINT v SYRACUSE SUPPLY COMPANY:
LABOR - SAFE PLACE TO WORK--WHETHER PLAINTIFF WAS "ALTERING" A STRUCTURE WITHIN THE MEANING OF LABOR LAW § 240(1) AND WAS ENGAGED IN "CONSTRUCTION WORK" WITHIN THE MEANING OF LABOR LAW § 241(6) WHEN HE WAS APPLYING A NEW ADVERTISEMENT TO THE FACE OF A BILLBOARD; WHETHER THE APPELLATE DIVISION ERRED IN DISMISSING PLAINTIFF'S LABOR LAW § 240(2) CLAIM REGARDING SCAFFOLDING MORE THAN 20 FEET FROM THE GROUND;

SANDERS (OSCAR), PEOPLE v:
CRIMES - SUPPRESSION HEARING - SEARCH AND SEIZURE OF DEFENDANT'S CLOTHING LYING ON THE FLOOR OF A HOSPITAL ROOM IN A CLEAR PLASTIC BAG, AS POSSIBLE EVIDENCE OF A CRIME IN WHICH POLICE BELIEVED DEFENDANT WAS THE VICTIM - AFTER SEARCH OF BAG, OFFICER CONCLUDED DEFENDANT'S WOUNDS WERE SELF-INFLICTED AND ARRESTED DEFENDANT FOR CRIMINAL POSSESSION OF A WEAPON; WHETHER TRIAL COURT ERRED IN CONDUCTING AN OFF-THE-RECORD SANDOVAL HEARING OUTSIDE OF DEFENDANT'S PRESENCE; CLAIMED VIOLATIONS OF CONSTITUTIONAL RIGHTS;

SANDERS (RASAUN), PEOPLE v:
CRIMES - APPEAL - WAIVER OF RIGHT TO APPEAL - WHETHER DEFENDANT'S WAIVER OF HIS RIGHT TO APPEAL WAS KNOWING AND VOLUNTARY - COUNTY COURT DID NOT INDICATE THAT APPEAL SUBJECT TO WAIVER WAS TO A HIGHER COURT - PROSECUTOR ASKED DEFENDANT IF HE UNDERSTOOD HE WAS WAIVING HIS RIGHT TO APPEAL TO THE APPELLATE DIVISION, SECOND DEPARTMENT - SIGNIFICANCE OF DEFENDANT'S BACKGROUND AND FAMILIARITY WITH CRIMINAL JUSTICE SYSTEM; SUPPRESSION HEARING - WHETHER COUNTY COURT PROPERLY DENIED SUPPRESSION OF CERTAIN STATEMENTS MADE AFTER AN FBI AGENT ADVISED DEFENDANT HE MIGHT BE A CANDIDATE FOR THE FEDERAL DEATH PENALTY; CLAIMED INSUFFICIENCY OF PLEA ALLOCUTION FOR INTENTIONAL ACT;

SANS (MICHAEL), PEOPLE v:
CRIMES - POSSESSION OF WEAPON - SUFFICIENCY OF ACCUSATORY INSTRUMENT - MISDEMEANOR COMPLAINT CHARGING CRIMINAL POSSESSION OF A WEAPON IN THE FOURTH DEGREE BASED UPON DEFENDANT'S POSSESSION OF A GRAVITY KNIFE - PEOPLE v DREYDEN (15 NY3d 100 [2010]);

SCIARA, et al. v SURGICAL ASSOCIATES OF WESTERN NEW YORK, P.C., et al.:
WITNESSES - RIGHTS OF COUNSEL FOR NONPARTY WITNESS AT DEPOSITION - CPLR 3113(c) - 22 NYCRR 221.2 AND 221.3;

SCOTT (HAKIM B.), PEOPLE v:
CRIMES - MANSLAUGHTER - WHETHER THE EVIDENCE WAS SUFFICIENT TO SUPPORT THE CONVICTION OF DEFENDANT FOR MANSLAUGHTER IN THE FIRST

DEGREE - WHETHER THERE WAS EVIDENCE OF "A COMMUNITY OF PURPOSE" WITH THE CODEFENDANT WHO RETRIEVED AND USED THE BASEBALL BAT TO BEAT THE VICTIM WHILE DEFENDANT CHASED ANOTHER VICTIM; JURY INSTRUCTIONS - WHETHER DEFENDANT WAS DEPRIVED OF HIS RIGHT TO BE PRESENT FOR ALL MATERIAL STAGES OF HIS TRIAL - JURY INSTRUCTION CORRECTING DATES OF CRIMES GIVEN WITHOUT COUNSEL OR DEFENDANT IN COURTROOM;

SELECTIVE INSURANCE COMPANY OF AMERICA, et al. v COUNTY OF RENSSELAER:
INSURANCE - LIABILITY INSURANCE - POLICE PROFESSIONAL LIABILITY POLICY - SETTLEMENT OF CLASS ACTION LAWSUIT SEEKING DAMAGES FOR INDIVIDUALS STRIP SEARCHED PURSUANT TO AN ALLEGEDLY UNCONSTITUTIONAL POLICY - WHETHER THE UNDERLYING ALLEGATIONS IN THE CLASS ACTION LAWSUIT REQUIRE COUNTY TO PAY INSURERS ONE DEDUCTIBLE FOR ONE OCCURRENCE OR SEPARATE DEDUCTIBLES FOR EACH CLASS ACTION PLAINTIFF - WHETHER THE ATTORNEYS' FEES AND COSTS ARISING OUT OF THE CLASS ACTION LAWSUIT ARE TO BE ALLOCATED RATABLY TO EACH CLASS ACTION PLAINTIFF; WHETHER THE INSURERS ACTED IN BAD FAITH IN THEIR REPRESENTATION OF THE COUNTY IN THE CLASS ACTION LAWSUIT; WHETHER INSURERS ARE LIABLE FOR COUNTY'S ATTORNEYS' FEES IN DEFENDING THIS ACTION;

SHANNON, &c., MATTER OF (FAMILY SERVICE SOCIETY OF YONKERS v WESTCHESTER COUNTY DEPARTMENT OF SOCIAL SERVICES):
INCAPACITATED AND MENTALLY DISABLED PERSONS - GUARDIAN FOR PERSONAL NEEDS OR PROPERTY MANAGEMENT - PRIORITY OF CLAIMS UPON DEATH OF PERSON WHO HAD RECEIVED MEDICAID - COMPETING CLAIMS OF SOCIAL SERVICES DEPARTMENT AND SKILLED NURSING FACILITY - WHETHER NURSING FACILITY'S CLAIMS AS A GENERAL CREDITOR AGAINST A GUARDIANSHIP ACCOUNT, WHICH CLAIM AROSE DURING AN INCAPACITATED PERSON'S LIFETIME, HAS PRIORITY OVER A CLAIM ASSERTED BY A DEPARTMENT OF SOCIAL SERVICES WITH PREFERRED CREDITOR STATUS - SOCIAL SERVICES LAW §§ 104 AND 369;

SHAULOV (BORIS), PEOPLE v:
CRIMES - RAPE - EVIDENCE CONCERNING BOTH PROMPT OUTCRY AND DELAYED OUTCRY AT TRIAL - WHETHER THE TRIAL COURT ERRED IN DENYING DEFENDANT'S MOTION FOR A MISTRIAL ON THE GROUND OF UNFAIR SURPRISE WHERE THE PEOPLE INTENDED TO PROCEED WITH THE CASE AS ONE INVOLVING A DELAYED OUTCRY BUT THE COMPLAINANT TESTIFIED AT TRIAL THAT SHE HAD MADE A PROMPT OUTCRY; ALLEGED VIOLATION OF DEFENDANT'S RIGHT TO CONFRONTATION AND DEPRIVATION OF THE EFFECTIVE ASSISTANCE OF TRIAL COUNSEL;

SIERRA CLUB, et al., MATTER OF v VILLAGE OF PAINTED POST, et al.:
PARTIES - STANDING - ENVIRONMENTAL PROTECTION - COMPLAINT OF TRAIN NOISE NEWLY INTRODUCED INTO NEIGHBORHOOD - WHETHER THE

APPELLATE DIVISION ERRED IN HOLDING THAT RESIDENT LACKED STANDING BECAUSE HE FAILED TO ESTABLISH INJURY DIFFERENT FROM THAT OF PUBLIC AT LARGE - ALLEGED PRESUMPTION OF STANDING BASED UPON RESIDENT'S PROXIMITY TO A RAIL LINE THAT TRAVERSED THE ENTIRE VILLAGE AND TRAIN NOISE; SEQRA REVIEW;

SHIPLEY et al. v CITY OF NEW YORK et al.:
DEAD BODIES - RIGHT OF SEPULCHER - RELEASE OF DECEDENT'S BODY BY MEDICAL EXAMINER'S OFFICE WITHOUT NOTIFICATION TO NEXT OF KIN THAT DECEDENT'S BRAIN HAD BEEN REMOVED AND RETAINED FOR FURTHER EXAMINATION;

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;

SMALL (SAMUEL), PEOPLE v a/k/a SMALLS (SAMUEL):
GRAND JURY - RIGHT TO APPEAR BEFORE GRAND JURY - DEFENDANT IN CUSTODY FOR ONE BURGLARY WHEN FELONY COMPLAINT ISSUED CHARGING HIM WITH ANOTHER BURGLARY WAS NOT ARRESTED OR ARRAIGNED ON THE SECOND CHARGE - WHETHER DEFENDANT WAS ENTITLED TO NOTICE THAT THE SECOND CHARGE WOULD BE PRESENTED TO THE GRAND JURY; SECOND VIOLENT FELONY OFFENDER STATUS - TOLLING OF TIME TO EXTEND 10-YEAR LIMITATION ON PRIOR FELONIES (PENAL LAW § 70.04[1]) WHERE DEFENDANT WAS GRANTED HABEAS CORPUS RELIEF FROM INCARCERATION FOR PRIOR PAROLE VIOLATION;

SMALLS (DENNIS P.), PEOPLE v:
CRIMES - ACCUSATORY INSTRUMENT - SUFFICIENCY - CRIMINAL POSSESSION OF CONTROLLED SUBSTANCE - WHETHER CONFIRMATORY SCIENTIFIC TESTING IS REQUIRED FOR AN INFORMATION TO ADEQUATELY ALLEGE THAT THE RESIDUE ON A CRACK PIPE CONTAINS COCAINE (PEOPLE v KALIN, 12 NY3d 225 [2009]);

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);

SOARES, &c., MATTER OF v CARTER, et al.:
PROCEEDING AGAINST BODY OR OFFICER - PROHIBITION - WHETHER WRIT OF PROHIBITION LIES WHERE A DISTRICT ATTORNEY SEEKS AN ORDER PROHIBITING A JUDGE FROM EXERCISING HIS CONTEMPT POWER OVER THE DISTRICT ATTORNEY WHO HAS ELECTED NOT TO CONTINUE A CRIMINAL

PROSECUTION;

SOLLA, MATTER OF v BERLIN:
STATE - EQUAL ACCESS TO JUSTICE ACT (EAJA)(CPLR ARTICLE 86) - ATTORNEY'S FEES - WHETHER THE EAJA PERMITS THE AWARD OF ATTORNEY'S FEES BASED ON THE "CATALYST THEORY" THAT THE LITIGATION RESULTED IN THE STATE'S VOLUNTARY GRANTING OF THE RELIEF SOUGHT;

SOTO (VICTOR), PEOPLE v:
CRIMES - EVIDENCE - DECLARATION AGAINST INTEREST - WHETHER A STATEMENT IN WHICH AN INDIVIDUAL ADMITS TO CONDUCT CONSTITUTING AN OFFENSE IS A STATEMENT AGAINST PENAL INTEREST, WHERE THE DECLARANT BELIEVES THAT THE CONDUCT MAY BE ILLEGAL BUT DOES NOT KNOW WHETHER IT IS ILLEGAL;

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;

PEOPLE &c., ex rel. DeLIA, ON BEHALF OF SS. (ANONYMOUS) v MUNSEY:
HABEAS CORPUS - INVOLUNTARY COMMITMENT - PATIENT'S RIGHT TO IMMEDIATE RELEASE WHERE HOSPITAL FILES AN INVOLUNTARY RETENTION APPLICATION AFTER EXPIRATION OF THE INITIAL RETENTION PERIOD - WHETHER MENTAL HYGIENE LAW § 33.15(b) REQUIRES SUPREME COURT TO CONDUCT AN EXAMINATION INTO PATIENT'S ALLEGED MENTAL DISABILITY AND RETENTION BEFORE GRANTING WRIT OF HABEAS CORPUS IN A PROCEEDING BROUGHT PURSUANT TO CPLR ARTICLE 70;

STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY, MATTER OF v FITZGERALD:
INSURANCE - AUTOMOBILE INSURANCE - SUPPLEMENTARY UNINSURED/UNDERINSURED MOTORIST (SUM) ENDORSEMENT - WHETHER A POLICE VEHICLE IS A "MOTOR VEHICLE" WITHIN THE MEANING OF THE SUM ENDORSEMENT CONTAINED IN THE INSURANCE POLICY AT ISSUE;

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 ENRIQUE T.:
CRIMES - SEX OFFENDERS - CIVIL COMMITMENT OR SUPERVISION - VALIDITY OF STATUTE - PRETRIAL DETENTION - WHETHER MENTAL HYGIENE LAW §10.06(k) VIOLATES THE DUE PROCESS CLAUSES OF THE NEW YORK AND FEDERAL CONSTITUTIONS ON ITS FACE AND AS APPLIED - WHETHER THE APPELLATE DIVISION ERRED BY APPLYING THE FUGITIVE DISENTITLEMENT DOCTRINE - ADMISSION INTO EVIDENCE OF SEX OFFENDER TREATMENT RECORDS ALLEGEDLY DISCLOSED IN VIOLATION OF THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA);

STATE OF NEW YORK, MATTER OF v HUMBERTO G.:
CRIMES - SEX OFFENDERS - CIVIL COMMITMENT OR SUPERVISION - WHETHER THE COURTS BELOW ERRED IN DETERMINING THAT HUMBERTO G. WAS A DETAINED SEX OFFENDER - WHETHER DIAGNOSIS OF ANTISOCIAL PERSONALITY DISORDER ALONE CAN SUPPORT A FINDING THAT HUMBERTO G. SUFFERED FROM A "MENTAL ABNORMALITY" AS DEFINED IN MENTAL HYGIENE LAW § 10.03(i);

STATE OF NEW YORK, MATTER OF v MICHAEL M.:
CRIMES - SEX OFFENDERS - CIVIL COMMITMENT OR SUPERVISION - WHETHER THE IMPLEMENTATION AND REVOCATION OF STRICT AND INTENSIVE SUPERVISION AND TREATMENT (SIST) VIOLATED APPELLANT'S DUE PROCESS RIGHTS - LEAST RESTRICTIVE PLACEMENT;

STATE OF NEW YORK, MATTER OF v ROBERT F.:
CRIMES - SEX OFFENDERS - CIVIL COMMITMENT OR SUPERVISION - WHETHER SUPREME COURT ERRED BY PERMITTING THE STATE'S EXPERT TO PROVIDE REBUTTAL TESTIMONY AT A DISPOSITIONAL HEARING VIA TWO-WAY VIDEO CONFERENCE - WHETHER THE HEARING COURT IS REQUIRED TO MAKE A FINDING OF "GOOD CAUSE" OR "EXCEPTIONAL CIRCUMSTANCES" BEFORE PERMITTING A REBUTTAL WITNESS TO TESTIFY VIA TWO-WAY VIDEO CONFERENCE INSTEAD OF IN PERSON;

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;

SYDORIAK (TYSON), 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 TO JURY FOR THE FIRST TIME IN PRESENCE OF COUNSEL AND DEFENDANT, AND RESPONDED TO JURY WITHOUT FIRST GETTING INPUT FROM COUNSEL;

TAYLOR (RHIAN), PEOPLE v:
CRIMES - JURORS - NOTICE OF SUBSTANTIVE JURY INQUIRY - WHERE THE PARTIES AGREED THAT THE COURT COULD PROVIDE THE JURY WITH ANY "REQUESTED EXHIBITS" WITHOUT CONSULTING COUNSEL, WHETHER THE TRIAL COURT COMMITTED AN ERROR UNDER PEOPLE v O'RAMA (78 NY2d 270), WHERE IT DID NOT CONSULT COUNSEL BEFORE RESPONDING TO A JURY NOTE ASKING "TO SEE THE BENEFITS OFFERED" TO THE PEOPLE'S TWO COOPERATING WITNESSES BY PROVIDING THE JURY WITH THE WRITTEN COOPERATION AGREEMENT AS TO ONE OF THE WITNESSES, WHICH WAS IN EVIDENCE, WHERE THE BENEFITS OFFERED TO THE OTHER WITNESS WERE REFLECTED ONLY IN TESTIMONY AND NOT IN ANY EXHIBIT; IDENTIFICATION OF DEFENDANT - PHOTOGRAPHIC ARRAY - WHETHER DEFENDANT "OPENED THE DOOR" TO A WITNESS TESTIFYING TO AN EXTRAJUDICIAL IDENTIFICATION OF A PHOTOGRAPH OF DEFENDANT; WHETHER THE TRIAL COURT ERRED IN ALLOWING A DETECTIVE TO TESTIFY THAT DEFENSE COUNSEL WAS PRESENT AT A LINEUP OBSERVED BY A WITNESS;

PEOPLE ex rel. BOURLAYE T. v CONNOLLY &c.:
CRIMES - SEX OFFENDERS - CIVIL COMMITMENT OR SUPERVISION - DENIAL OF WRIT OF HABEAS CORPUS - WHETHER PETITIONER IS A "DETAINED SEX OFFENDER" AS DEFINED IN MENTAL HYGIENE LAW § 10.03(g)(5) AND THUS THE PROPER SUBJECT OF A PETITION FOR CIVIL MANAGEMENT WHERE PETITIONER WAS ON "IMMIGRATION PAROLE" AWAITING DEPORTATION BY U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT AND SERVING A PERIOD OF PAROLE SUPERVISED BY THE NEW YORK STATE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION WHEN, WITHOUT COMMITTING A PAROLE VIOLATION, HE WAS ARRESTED AND TRANSPORTED BACK TO A STATE CORRECTIONAL FACILITY, AND THE MENTAL HYGIENE LAW ARTICLE 10 PROCEEDING WAS NOT COMMENCED UNTIL AFTER PETITIONER'S REINCARCERATION;

TEXEIRA, MATTER OF v FISCHER &c.:
PRISONS AND PRISONERS - DISCIPLINE OF INMATES - VIOLATION OF A PRISONER'S RIGHT TO CALL A WITNESS AT A DISCIPLINARY HEARING - WHETHER THE PROPER REMEDY FOR SUCH A VIOLATION IS EXPUNGEMENT OR REMITTAL FOR A NEW HEARING;

THOMAS (PATRICK), PEOPLE v:
CRIMES - UNLAWFUL SEARCH AND SEIZURE - WHETHER THE APPELLATE DIVISION CORRECTLY HELD THAT THE POLICE DID NOT HAVE A REASONABLE SUSPICION THAT DEFENDANT WAS INVOLVED IN A CRIME;

THOMAS v NEW YORK CITY HOUSING AUTHORITY:
MUNICIPAL CORPORATIONS - NOTICE OF CLAIM - SUFFICIENT PARTICULARITY OF NOTICE - WHETHER PLAINTIFF'S NOTICE OF CLAIM ALLEGING A DEFECTIVE FLOOR LANDING GAVE SUFFICIENT NOTICE OF A CLAIM CONCERNING A DEFECTIVE HANDRAIL;

THOMPSON (FREDDIE), PEOPLE v:
CRIMES - SENTENCE - RESENTENCE - WHETHER THE COURTS BELOW PROPERLY CALCULATED THE 10-YEAR LOOK-BACK PERIOD IN ADJUDICATING DEFENDANT A SECOND VIOLENT FELONY OFFENDER; WHETHER DEFENDANT WAS DEPRIVED OF A FAIR TRIAL BY COMMENTS MADE DURING SUMMATION; WHETHER SUPREME COURT ERRED IN DENYING DEFENDANT'S MOTION TO REOPEN THE WADE HEARING;

TIPALDO v LYNN:
LABOR - WHISTLEBLOWER LAW (CIVIL SERVICE LAW § 75-b) - RETALIATORY PERSONNEL ACTION AGAINST CITY DEPARTMENT OF TRANSPORTATION (DOT) EMPLOYEE WHO REPORTED TO THE DEPARTMENT OF INVESTIGATION (DOI) THAT TWO OF HIS SUPERVISORS VIOLATED BIDDING RULES - WHETHER THE APPELLATE DIVISION CORRECTLY DETERMINED THAT IT WAS FUTILE FOR PLAINTIFF TO FIRST REPORT THE ALLEGED VIOLATION TO THE INTERNAL DOT "APPOINTING AUTHORITY," AS REQUIRED BY THE STATUTE, BECAUSE THE SAME PEOPLE WHO COMMITTED THE ALLEGED VIOLATION WERE THE "APPOINTING AUTHORITY," AND THAT PLAINTIFF'S INFORMAL REPORT TO HIS IMMEDIATE SUPERVISORS AND HIS FORMAL REPORT TO THE DOI "SATISFACTORILY MET" THE STATUTORY REQUIREMENT; INTEREST - INTEREST ON AWARD - PRE-DETERMINATION INTEREST - WHETHER THE APPELLATE DIVISION CORRECTLY HELD THAT PRE-DETERMINATION INTEREST IS AVAILABLE TO A PREVAILING PLAINTIFF IN AN ACTION BROUGHT UNDER CIVIL SERVICE LAW § 75-b;

TORRES v JONES, et al. (AND ANOTHER ACTION):
TORTS - CIVIL RIGHTS - FALSE ARREST, FALSE IMPRISONMENT AND UNREASONABLE SEIZURE - WHETHER THE APPELLATE DIVISION ERRED IN HOLDING THAT PLAINTIFF FAILED TO RAISE A TRIABLE ISSUE OF FACT REGARDING THE EXISTENCE OF PROBABLE CAUSE FOR HER ARREST; MALICIOUS PROSECUTION - WHETHER THE APPELLATE DIVISION ERRED IN HOLDING THAT PLAINTIFF FAILED TO REBUT THE PRESUMPTION OF

PROBABLE CAUSE CREATED BY THE GRAND JURY'S INDICTMENT AND FAILED TO RAISE A TRIABLE ISSUE OF FACT THAT HER ARREST AND PROSECUTION WERE MOTIVATED BY ACTUAL MALICE; QUALIFIED IMMUNITY; APPEARANCE BY INDIVIDUAL DEFENDANT IN ACTION;

TRUMP VILLAGE SECTION 3, INC. v CITY OF NEW YORK, et al.:
TAXATION - REAL PROPERTY TRANSFER GAINS TAX - APPLICABILITY OF TAX TO RESIDENTIAL COOPERATIVE CORPORATION UPON THE BASIS THAT A TAXABLE TRANSFER OR CONVEYANCE OF REAL PROPERTY OCCURRED WHEN THE CORPORATION VOLUNTARILY DISSOLVED ITSELF, TERMINATED ITS PARTICIPATION IN THE MITCHELL-LAMA HOUSING PROGRAM AND RECONSTITUTED ITSELF AS A FOR-PROFIT COOPERATIVE BY AMENDING ITS CERTIFICATE OF INCORPORATION, BYLAWS AND STANDARD OCCUPANCY AGREEMENT; STATUTE OF LIMITATIONS - WHETHER THE DECLARATORY JUDGMENT ACTION IS TIME-BARRED;

TUNG, et al., MATTER OF v CHINA BUDDHIST ASSOCIATION, et al.:
RELIGIOUS CORPORATIONS AND ASSOCIATIONS - MEETINGS - WHETHER THE APPELLATE DIVISION CORRECTLY DETERMINED THAT THE ISSUES RAISED BY PETITIONERS ARE RELIGIOUS IN NATURE AND CANNOT BE DECIDED THROUGH THE APPLICATION OF NEUTRAL PRINCIPLES OF LAW; CLAIMED FIRST AMENDMENT AND FOURTEENTH AMENDMENT VIOLATIONS;

UNIVERSAL AMERICAN CORP. v NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA.:
INSURANCE - CONSTRUCTION OF POLICY - COMPUTER FRAUD POLICY - WHETHER THE COURTS BELOW PROPERLY DETERMINED THAT THE POLICY AT ISSUE IS NOT AMBIGUOUS AND THAT THE INSURED'S LOSSES WERE NOT COVERED BY THE POLICY - CONSTRUCTION OF THE TERM "FRAUDULENT ... ENTRY OF ELECTRONIC DATA";

VARENGA (NATANAEL SAGASTUMEAL), PEOPLE v:
CRIMES - RIGHT TO COUNSEL - EFFECTIVE REPRESENTATION - WHETHER THE TRIAL COURT ERRED IN DENYING DEFENDANT A HEARING ON HIS MOTION TO VACATE HIS CONVICTION ON THE GROUND THAT HE WAS DEPRIVED OF HIS RIGHT TO THE EFFECTIVE ASSISTANCE OF COUNSEL BY HIS ATTORNEY'S ALLEGED FAILURE TO ADVISE HIM OF THE IMMIGRATION CONSEQUENCES OF HIS GUILTY PLEA - FINALITY OF DEFENDANT'S CONVICTION IN RELATION TO TIMING OF U.S. SUPREME COURT DECISION IN PADILLA v KENTUCY (559 US 356); RETROACTIVE EFFECT OF PADILLA DECISION;

VIVIANE ETIENNE MEDICAL CARE, P.C. &c. v COUNTRY-WIDE INSURANCE CO.:
INSURANCE - NO-FAULT AUTOMOBILE INSURANCE - PLAINTIFF'S BURDEN OF PROOF ON A MOTION FOR SUMMARY JUDGMENT - EVIDENCE SUFFICIENT FOR PRIMA FACIE CASE - EFFECT OF INSURANCE CARRIER'S FAILURE TO TIMELY DENY THE CLAIM; SUMMARY JUDGMENT;

WALKER (CHRISTOPHER E.), PEOPLE v:
CRIMES - JUSTIFICATION - PROPER JURY CHARGE - WHETHER THE PATTERN JURY INSTRUCTION ON THE "INITIAL AGGRESSOR EXCEPTION" TO THE JUSTIFICATION DEFENSE MISSTATES THE APPLICABLE LAW WHERE THE DEFENDANT CLAIMS HE USED FORCE TO SHIELD ANOTHER PERSON FROM ATTACK IN AN ONGOING ALTERCATION;

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;

WALTON v STRONG MEMORIAL HOSPITAL, et al.:
LIMITATION OF ACTIONS - MEDICAL MALPRACTICE - "FOREIGN OBJECT" EXCEPTION (CPLR 214-a) - FAILURE TO REMOVE POLYVINYL CATHETER FROM HEART AFTER SURGERY - WHETHER THE APPELLATE DIVISION ERRED IN CONCLUDING THAT PORTION OF POLYVINYL CATHETER THAT BROKE OFF AND REMAINED IN PATIENT AFTER ALL OTHER CATHETERS WERE REMOVED WAS A FIXATION DEVICE AND NOT A FOREIGN OBJECT BECAUSE THE CATHETERS WERE INTENTIONALLY PLACED INSIDE PLAINTIFF'S BODY TO MONITOR ATRIAL PRESSURE FOR A FEW DAYS AFTER HEART SURGERY;

WASHINGTON (KAREEM), PEOPLE v:
CRIMES - RIGHT TO COUNSEL - EFFECTIVE REPRESENTATION - WHETHER DEFENDANT WAS DENIED THE EFFECTIVE ASSISTANCE OF CONFLICT-FREE COUNSEL, WHERE, AFTER THE JURY RENDERED A VERDICT, THE TRIAL COURT DENIED DEFENDANT'S PRO SE MOTION FOR PRETRIAL ASSIGNMENT OF NEW COUNSEL IN RELIANCE ON DEFENSE COUNSEL'S REPRESENTATIONS THAT DEFENDANT'S ALLEGATIONS OF INEFFECTIVE ASSISTANCE WERE INCORRECT;

WELLS FARGO BANK, N.A. v HAIZLIP, et al.:
MORTGAGES - FORECLOSURE - APPLICATION FOR WRIT OF ASSISTANCE DIRECTING SHERIFF TO PUT FORECLOSING BANK INTO POSSESSION OF FORECLOSED PROPERTY (RPAPL § 221) - FORECLOSURE JUDGMENT ENTERED ON DEFAULT;

WILLIAMS (PAUL), PEOPLE v:
CRIMES - INSTRUCTIONS - SEX CRIMES - WHETHER THE APPELLATE DIVISION ERRED IN DETERMINING THAT THE JURY COULD NOT HAVE CONVICTED DEFENDANT OF SEXUAL ABUSE IN THE FIRST DEGREE BASED ON A THEORY NOT CHARGED IN THE SUPERSEDING INDICTMENT BECAUSE NO EVIDENCE SUPPORTING THE UNCHARGED THEORY WAS PRESENTED AT TRIAL; ARGUMENT AND CONDUCT OF COUNSEL - PROSECUTOR'S IMPROPER COMMENTS REGARDING DEFENDANT'S SILENCE - HARMLESS ERROR; SENTENCE -

CONCURRENT AND CONSECUTIVE TERMS - WHETHER SENTENCES IMPOSED ON CONVICTIONS OF SEXUAL ABUSE IN THE FIRST DEGREE AND RAPE IN THE THIRD DEGREE MUST RUN CONCURRENTLY BECAUSE THEY AROSE FROM ONE CONTINUOUS ACT;

WILLIAMS (TERRANCE), PEOPLE v:
CRIMES - RECKLESS ENDANGERMENT - DEPRAVED INDIFFERENCE - ENGAGING IN UNPROTECTED SEX WITHOUT DISCLOSING HIV POSITIVE STATUS - SUFFICIENCY OF THE EVIDENCE BEFORE THE GRAND JURY AS TO WHETHER DEFENDANT'S CONDUCT CONSTITUTED DEPRAVED INDIFFERENCE AND POSED A GRAVE OR "VERY SUBSTANTIAL" RISK OF DEATH TO THE VICTIM;

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;

WRAGG (WILLIE L.), PEOPLE v:
CRIMES - SENTENCE - SECOND CHILD SEXUAL ASSAULT FELONY OFFENDER - WHETHER THE PEOPLE ARE PERMITTED TO SEEK A SENTENCING ENHANCEMENT PURSUANT TO PENAL LAW § 70.07 BY FILING A CPL 400.19 SECOND CHILD SEXUAL ASSAULT FELONY OFFENDER STATEMENT AFTER THE COMMENCEMENT OF TRIAL; RIGHT TO COUNSEL - EFFECTIVE REPRESENTATION - WHETHER DEFENDANT RECEIVED INEFFECTIVE ASSISTANCE OF COUNSEL WHEN, AMONG OTHER THINGS, HIS ATTORNEY FAILED TO OBJECT TO THE TESTIMONY OF A POLICE OFFICER WHO REFERRED TO THE VICTIM'S PRE-ARREST IDENTIFICATION OF DEFENDANT;

WRIGHT (HOWARD S.), PEOPLE v:
CRIMES - MURDER - SUFFICIENCY OF EVIDENCE - WHETHER EVIDENCE IS SUFFICIENT TO ESTABLISH INTENTIONAL MURDER - CIRCUMSTANTIAL EVIDENCE; CLAIMED PROSECUTORIAL MISCONDUCT - STATEMENTS MADE BY PROSECUTOR DURING OPENING STATEMENT AND SUMMATION CONCERNING DNA EVIDENCE; CLAIMED INEFFECTIVE ASSISTANCE OF COUNSEL - DEFENSE COUNSEL'S FAILURE TO OBJECT TO PROSECUTOR'S STATEMENTS;

SIDNEY W., MATTER OF v CHANTA J.:
CHILDREN BORN OUT OF WEDLOCK - ACKNOWLEDGMENT OF PATERNITY - MATERIAL MISTAKE OF FACT - WHETHER THE APPELLATE DIVISION ERRED IN HOLDING THAT A PARTY SEEKING TO VACATE AN ACKNOWLEDGMENT OF PATERNITY NEED ONLY ARTICULATE "SOME BASIS" FOR THE ALLEGATIONS OF NONPATERNITY;

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;

ZELICHENKO v 301 ORIENTAL BOULEVARD, LLC:
NEGLIGENCE - MAINTENANCE OF PREMISES - TRIP AND FALL ON STAIRS DUE TO CHIP ON EDGE OF STEP - WHETHER SUMMARY JUDGMENT WAS PROPERLY GRANTED TO DEFENDANT UPON THE GROUND THAT, AS A MATTER OF LAW, THE CHIP WAS A TRIVIAL DEFECT AND DID NOT CONSTITUTE A TRAP OR NUISANCE;