March 2021

NEW FILINGS DIGEST - QUARTERLY UPDATE

This report lists, by title and subject matter, appeals pending as of March 31, 2021. The appeals were previously published as "Court of Appeals New Filings."

Contact the Clerk's Office for additional information on pending appeals.

ACE SECURITIES CORP., &c. v DB STRUCTURED PRODUCTS, INC.:
Limitation of Actions--Commencement of Action after Termination of Prior Action--Whether the trustee of a residential mortgage-backed securities trust is a "plaintiff" within the meaning of CPLR 205(a) when the prior action was commenced by the trust's certificate holders.

ADAMS v ADAMS:
Husband and Wife and Other Domestic Relationships--Whether Family Court properly dismissed the father's petition seeking to, among other things, modify or vacate an order of support, as well as default judgments, claiming that certain Support Collection Unit accounts were duplicative of each other.

ALLEN (CHARO N.), PEOPLE v:
Crimes--Accusatory Instrument--Whether District Court properly dismissed accusatory instrument as facially insufficient where People failed to properly file a certificate of translation.

ANDERSON (KATHON), PEOPLE v:
Crimes--Witnesses--Expert Witnesses--Whether Supreme Court properly denied defendant's request to present expert testimony on the topic of adolescent brain development; defendant, 14 years old at time of the crime, asserted justification defense.

ANDERSON v ANDERSON:
Marriage--Nuptial agreement--Where nuptial agreement is not contemporaneously acknowledged by both parties at the time they sign the agreement, whether the parties must reaffirm agreement for it to be valid.

AURORA ASSOCIATES LLC v LOCATELLI:
Landlord and Tenant--Loft Law--Whether the Appellate Division properly held that the loft unit at issue remained subject to rent regulation because the apartment was located in a pre-1974 building containing six or more residential units, notwithstanding the predecessor owner's purchase of a prior tenant's rights under Multiple Dwelling Law § 286 (12); Whether respondent's motion for summary judgment on the counterclaim for attorneys' fees was properly granted.

AYBAR, et al. v AYBAR, et al.; FORD MOTOR COMPANY et al.:
Courts--Jurisdiction--Whether the Appellate Division improperly ignored this Court's ruling in Bagdon v Philadelphia & Reading Coal & Iron Co. (217 NY 432 [1916]) and the United State Supreme Court's ruling in Neirbo Co. v Bethlehem Shipbuilding Corp. (308 US 165 [1939]), by holding that a foreign corporation's voluntary registration to do business in New York and its designation of New York's Secretary of State as its agent for the service of process was insufficient as a consent to general jurisdiction in New York.

BATAVIA TOWNHOUSES, LTD., et al. v COUNCIL OF CHURCHES HOUSING DEVELOPMENT FUND COMPANY, INC.:
Limitation of Actions--Revival of Time-Barred Claims--Whether mortgage is unenforceable on the ground that the statute of limitations had expired; application of General Obligations Law §§ 17-101 and 17-105.

BERNHARDT, &c. v SCHNEIDER:
Partition--Martial Residence--Whether plaintiff stated a cause of action for partition; alleged constitutional violations.

BLANDFORD (REGINALD), PEOPLE v:
Crimes--Unlawful Search and Seizure--Whether there is record support for the determination that the police had a founded suspicion that criminality was afoot, justifying an extension of the traffic stop and a canine search of the vehicle's exterior.

BONCZAR v AMERICAN MULTI-CINEMA, INC., &c.:
Labor--Safe Place to Work--Whether plaintiff was entitled to partial summary judgment on the issue of liability under Labor Law Sec. 240(1).

BROOKS (KIETH), PEOPLE v a/k/a BROOKS (KEITH):
Crimes--Accusatory Instrument--Whether certificate of translation was necessary to convert accusatory instrument to an information; whether certificate of translation must comply with 22 NYCRR 200.3.

BROWN (GEORGE), PEOPLE v:
Crimes--Appeal--Whether defendant's waiver of appeal forecloses review of his claim that the sentencing court violated CPL 380.50(1) by failing to provide him with the opportunity to make a statement in his own behalf prior to sentencing.

BUSH (JEFFERY), PEOPLE v:
Crimes--Plea of Guilty--Whether defendant is required to preserve his claim that his guilty plea was not knowing, voluntary and intelligent where he was not made aware that he would be subject to a one-year period of conditional discharge until the sentence was pronounced.

BUYUND (DONOVAN), PEOPLE v:
Crimes--Sex Offenders--Whether sentencing court's certification of a defendant as a sex offender pursuant to the Sex Offender Registration Act is a part of the sentence component of a judgment of conviction and sentence; whether a conviction for burglary as a sexually motivated felony is a registerable sex offense under Correction Law § 168-a(2)(a).

CALLEN, &c., MATTER OF v NEW YORK CITY LOFT BOARD, et al.:
Landlord and Tenant--Loft Law--Whether respondent Loft Board has the authority to deny a tenant's request to withdraw an application for the legal conversion of a loft from commercial use to residential use pursuant to the Loft Law (see Multiple Dwelling Law 7-C).

CARMONA (VINCENT), PEOPLE v:
Crimes--Identification--Whether Supreme Court erred in relying on People's assurances of familiarity between defendant and complainant in denying defendant's request for a Rodriguez hearing (*see* People v Rodriguez, 79 NY2d 445 [1992]).

CENTER ON PRIVACY & TECHNOLOGY, MATTER OF v NEW YORK CITY POLICE DEPARTMENT:
Constitutional Law--Freedom of Speech--Whether Supreme Court imposed an unconstitutional prior restraint by precluding petitioner from referring to the source of unredacted documents inadvertently disclosed by respondent in response to petitioner's Freedom of Information Law request.

COLUMBIA MEMORIAL HOSPITAL v HINDS:
Insurance--Liability Insurance--Whether employer hospital was entitled to receive cash consideration resulting from the demutualization of an insurance fund where the employer purchased the insurance policy and paid all the premiums but were the employee is named as the sole insured on the policy; whether employee is unjustly enriched by the receipt of the cash consideration resulting from demutualization of insurance fund.

CUCCERALDO (JACK J.), PEOPLE v:
Motor Vehicles--Traffic Infractions--Whether hearing officer properly entered default judgments against defendant when defendant pleaded not guilty to charges alleging violations of the Vehicle and Traffic Law and requested trial but failed to appear for trial and no trial was held.

CUTAIA v THE BOARD OF MANAGERS OF 160/170 VARICK STREET CONDOMINIUM, et al.:
Labor--Safe Place to Work--Whether plaintiff established entitlement to summary judgment on the Labor Law § 240(1) claim; plaintiff was injured when he received electrical shock and fell off ladder; application of Nazario v 222 Broadway, LLC (28 NY3d 1054 [2016]).

DEEM v DiMELLA-DEEM:
Husband and Wife and Other Domestic Relationships--Divorce--Appeal from order that, inter alia, appointed an attorney for the children; alleged constitutional violations.

DERIVAL (PHYLIP), PEOPLE v:
Crimes--Verdict--Whether the Appellate Division erred in reversing the verdict as against the weight of evidence.

DEVEROW (DASHAWN), PEOPLE v:
Crimes--Evidence--Whether the court deprived defendant of his right to present a defense by excluding a defense witness who would have contradicted the sole eyewitness's account and limiting cross-examination of the eyewitness; excluding 911 calls proffered in support of defendant's justification defense; and excluding DNA evidence connecting a gun used in a retaliatory shooting to the victim; Whether the court's Sandoval ruling deprived defendant of his constitutional right to due process and to testify; Whether the court properly denied defendant's Batson challenge to the prosecutor's exercise of peremptory challenges; Whether the court violated defendant's right to a fair trial by allowing the People to bolster their case with improper evidence.

DeWOLF v SYRETT:
Proceeding Against Body or Officer--Dismissal of petition challenging determination placing petitioner on a patient care restriction; alleged constitutional violations.

DeWOLF v WAYNE COUNTY, NEW YORK:
Motions and Orders--Motion to Dismiss--dismissal of petition and denial of recusal motion; alleged constitutional violations.

DOGAN (KEVIN), PEOPLE v:
Crimes--Right to Counsel--Effective Representation--Whether defendant received the effective assistance of counsel at the suppression hearing; Crimes--Vacatur of Judgment of Conviction--Whether the papers in support of defendant's motion to vacate the judgment of conviction were insufficient to warrant a hearing on the motion; defendant argued his plea was not knowing, voluntary or intelligent based on counsel's failure to advise him of potential affirmative defense.

DUARTE (VLADIMIR), PEOPLE v:
Crimes--Right to Representation Pro Se--Whether defendant made a clear and unequivocal request to proceed pro se that would trigger the need for a fully inquiry by the court (*see People v McIntyre*, 36 NY2d 10 [1974]); whether defendant abandoned his request to represent himself.

DUKES (KEVIN A.), PEOPLE v:
Crimes--Sex Offenders--Whether the court erred in relying on the facts underlying two juvenile delinquency adjudications contained within defendant's presentence report to grant an upward departure when it was not established that the underlying facts were admissible under Family Court Act § 381.2(1).

ENDARA-CAICEDO, MATTER OF v NEW YORK STATE DEPARTMENT OF MOTOR VEHICLES, et al.:
Motor Vehicles--Revocations or Suspension of Operator's License--Whether Vehicle and Traffic Law § 1194 (2) permits the refusal of a motorist arrested for operating a motor vehicle while under the influence of alcohol or drugs to submit to a chemical test to be used against the motorist in administrative license revocation hearings even if the chemical test is offered, and the refusal occurs, more than two hours after the motorist's arrest.

FERGUSON v LeCLAIR, MATTER OF; LeCLAIR v FERGUSON, MATTER OF:
Parent, Child and Family--Visitation Rights of Grandparents.

FORD, MATTER OF v THE BOARD OF EDUCATION OF THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK, &c. et al.:
Schools--Teachers--Termination of Employment--Whether penalty of termination of petitioner's employment as a teacher is shocking to one's sense of fairness; alleged constitutional violations.

4ALEXF JY L.P. v BILAL, et al.:
Motions and Orders--Denial of CPLR 5704 application.

GALINDO (CARLOS), PEOPLE v:
Crimes--Right to Speedy Trial--Whether the 2020 amendments to CPL 30.30(1), adding a subdivision stating that "the term offense shall include vehicle and traffic law infractions," has retroactive application to cases pending on direct appeal at the time the statute was amended; whether the legislature amended the statutory language so as to abrogate case law that statutory speedy trial analysis does not apply to traffic infractions.

GARCIA (CESAR), PEOPLE v:
Crimes--Right to Jury Trial--Whether defendant was entitled to a jury trial where he was charged with one or more crimes that may have subjected him to deportation, but convicted of single crime that was not deportable offense; retroactive application of People v Suazo (32 NY3d 491 [2018]).

GAWORECKI (RICHARD B.), PEOPLE v:
Crimes--Indictment--Sufficiency of Evidence before Grand Jury--Whether the evidence presented to the grand jury was legally sufficient to establish that defendant committed manslaughter in the second degree or the lesser included offense of criminally negligent homicide; indictment alleged that defendant sold victim heroin, which resulted in victim's subsequent overdose and death.

GILLIAM v DISCOVER BANK et al.:
Judgments--Enforcement--Whether the documentary evidence utterly refuted plaintiff's claims alleging that defendants failed to comply with CPLR 5222-a when restraining a bank account held jointly with plaintiff and his spouse; whether Supreme Court properly held that it could not overrule a court of coordinate jurisdiction and vacate the underlying judgment rendered in a separate action against the spouse; alleged constitutional violations.

GUEVARA (JOSE), PEOPLE v:
Crimes--Evidence--Whether trial court's error in allowing People to introduce photographs taken by police of an M9 bayonet found in a collection of knives in defendant's bedroom was harmless; whether the exclusion of defense counsel from defendant's psychiatric examination by the People's expert constituted harmless error.

HALLOCK, MATTER OF:
Attorney and Client--Disciplinary Proceedings.

HARGROVE (TYJHE), PEOPLE v:
Crimes--Sentence--Whether the sentencing court erred in failing to make a finding on the record as to defendant's eligibility for a youthful offender adjudication.

HEALY v EST DOWNTOWN, LLC, c/o FIRST AMHERST DEVELOPMENT GROUP:
Labor--Safe Place to Work--Whether plaintiff was engaged in an activity protected by Labor Law 240 when he fell from a ladder.

HIMMELSTEIN, McCONNELL, GRIBBEN, DONOGHUE & JOSEPH, LLP, et al. v MATTHEW BENDER & COMPANY, INC, &c.:
Consumer Protection--Deceptive Acts and Practices--Whether plaintiffs stated a cause of action under General Business Law § 349 where the only injury alleged to have resulted from defendant's allegedly deceptive business practices is the amount that plaintiffs paid for the product; Dismissal--Complaint--Whether plaintiffs stated a cause of action for breach of contract, breach of express warranty, or breach of implied covenant of good faith and fair dealing.

HOME EQUITY MORTGAGE TRUST SERIES 2006-1, et al. v DLJ MORTGAGE CAPITAL, INC.:
Contracts--Breach or Performance of Contract--Whether the doctrine of relation back permits residential mortgage-backed securities (RMBS) plaintiffs to assert otherwise untimely notice-based claims for any loan in an RMBS trust, and thereby excuse plaintiffs' failure to comply with a contractual precondition to invoking the repurchase remedy, as long as the plaintiffs provided timely pre-suit repurchase demands relating to some specified loans in the trust--Evidence--Demonstrative Evidence--Whether plaintiffs may rely on statistical sampling to prove liability and damages for loans outside of the sample when a RMBS sole remedy provision requires loan-specific proof of breach, materiality, and damages--Contracts--Breach or Performance of Contract--Whether plaintiffs are entitled to recover as damages interest that did not, in fact, accrue when an RMBS contractual provision provides for the payment of "accrued" interest as part of the repurchase remedy.

HUNTERS FOR DEER et al. v TOWN OF SMITHTOWN:
Local Laws--Preemption--Whether Smithtown Town Code § 160-5 is preempted by Environmental Conservation Law § 11-0931(4)(a)(2) with regard to minimum setback limits for the discharge of a bow and arrow.

IBARGUEN (ERIC), PEOPLE v:
Crimes--Unlawful Search and Seizure--Standing--Whether the trial court erred in summarily denying defendant's motion to suppress evidence obtained following police officers' entry and search of the apartment where defendant was arrested when defendant alleged standing based on his status as a social guest; Crimes--Instructions--Whether the trial court's failure to instruct the jury on cross-racial identification constituted reversible error; Whether defendant was deprived of a fair trial by the court's charge regarding flight as consciousness of guilt.

IGNIS DEVELOPMENT, INC. v THE LONG ISLAND COLLEGE HOSPITAL, et al.:
Motions and Orders.

IVERSON (ERIC J.), PEOPLE v:
Motor Vehicles--Traffic Infractions--Whether hearing officer properly entered default judgments against defendant when defendant pleaded not guilty to charges alleging violations of the Vehicle and Traffic Law and requested trial but failed to appear for trial and no trial was held.

JACOB, &c. v FRANKLIN HOSPITAL MEDICAL CENTER, et al.:
Judgments--Summary Judgment--Whether the courts below properly granted defendants' motions for summary judgment.

JIMENEZ (LUIS), PEOPLE v:
Crimes--Justification--Whether the Appellate Division properly concluded that there was no reasonable view of the evidence warranting an instruction on the defense of justification under Penal Law 35.05(2), such that the grand jury proceeding was not defective within the meaning of CPL 210.35(5); defendant allegedly struck dog with stick during altercation.

JOHNSON, MATTER OF v CITY OF NEW YORK; WORKERS' COMPENSATION BOARD:
Workers' Compensation--Award--Whether an award of workers' compensation benefits for a schedule of loss of use (SLU) attributable to an injury to one part of a qualifying limb must be offset by a prior award for an injury involving a different part of the same qualifying limb.

J.P. MORGAN SECURITIES, INC. et al. v VIGILANT INSURANCE COMPANY, et al.:
Insurance--Business Insurance--Disgorgement payment to Securities and Exchange Commission not insurable loss.

KAINER, ESTATE OF, &c., et al. v UBS AG, &c., et al.:
Courts--Forum Non Conveniens--Whether the motion court properly dismissed the action on forum non conveniens grounds without first determining whether it had personal jurisdiction over all defendants.

MATTER OF KOEGEL:
Marriage--Prenuptial Agreement--Whether an acknowledgment accompanying a nuptial agreement, which does not comply with Domestic Relations Law 236(B)(3), may be cured by extrinsic evidence.

KONKUR v UTICA ACADEMY OF SCIENCE CHARTER SCHOOL; TURKISH CULTURAL CENTER AND HIGH WAY EDUCATION, INC.:
Labor--Hours and Wages--Whether the Appellate Division erred in dismissing plaintiff's cause of action pursuant to Labor Law § 198-b on the ground that the statute does not provide for a private right of action.

MATTER OF ESTATE OF KOTSONES:
Executors and Administrators--Breach of Fiduciary Duty--Whether the Appellate Division properly reversed the order of Surrogate's Court, holding that the subject will, trust, and real estate transactions had been procured by undue influence.

KOYKO, &c. v CITY OF NEW YORK, et al.:
Municipal Corporations--Tort Liability--Whether municipality owed special duty to plaintiff so as to give rise to liability for wrongful death; plaintiff alleged that defendants were negligent in their provision of emergency medical services to the decedent; alleged constitutional violations.

MATTER OF KOZIOL, A SUSPENDED ATTORNEY:
Attorney and Client--Reinstatement--Denial of Reinstatement.

LAMB (MICHAEL), PEOPLE v:
Crimes--Jurisdiction of Offenses--Whether New York had territorial jurisdiction to prosecute sex trafficking counts; defendant advanced or profited from prostitution in New York, but coercive conduct against particular victim occurred in New Jersey.

LANTIGUA (GUSTAVO), PEOPLE v:
Crimes--Vacatur of Judgment of Conviction--Whether defendant was entitled to a hearing on his CPL 440.10 motion, claiming ineffective assistance of counsel and alleging that his plea was induced by trial counsel's erroneous advice that defendant's guilty plea would not subject him to mandatory deportation; whether the motion court may consider events that occurred after defendant's guilty plea when reviewing whether defendant's motion papers sufficiently allege that he was prejudiced by counsel's alleged misadvice under Padilla v Kentucky (559 US 356 [2010]).

LASHLEY (SHARON), PEOPLE v:
Crimes--Sentence--Resentence--Filing of proper predicate felony statement.

LEWIS (DAVE), PEOPLE v:
Motor Vehicles--Injuries to Bicyclist--Whether New York City Administrative Code § 19-190(b) and New York State Vehicle and Traffic Law § 1146(c)(1) impose a civil negligence standard of care rather than a criminal negligence standard; whether New

York City Administrative Code § 19-190(b) and New York State Vehicle and Traffic Law § 1146(c)(1), if interpreted to impose a civil negligence standard, are unconstitutional for using a civil negligence standard as a basis for criminal liability; Whether New York City Administrative Code § 19-190(b), if interpreted to impose a civil negligence standard, is preempted by state law; Whether the evidence was legally sufficient to support the verdict.

LIVIDINI v GOLDSTEIN:
Courts--Transfer or Removal to Other Courts--Residency--Whether, for purposes of a motion to change venue, venue was properly placed in Bronx County under CPLR 503 (a) or (d) when an individual defendant listed a Bronx County address with a licensing agency but it was undisputed that the address was not his principal place of business.

MABRY (NATHANIEL), PEOPLE v:
Crimes--Unlawful Search and Seizure--Whether the police had reasonable suspicion to pursue and stop defendant; whether the police were justified in searching the defendant's backpack incident to his arrest; Whether the warrantless search of the defendant's backpack incident to arrest was justified; Crimes--Right to Counsel--Whether counsel was ineffective.

MALERBA, MATTER OF:
Attorney and Client—Disciplinary Proceedings.

MANKO v SHOREFRONT APARTMENTS, LLC:
Motions and orders.

MAPLE MEDICAL, LLP v AREVALO, etc.:
Insurance--Liability Insurance--Whether the cash consideration paid as part of the conversion from a mutual insurance company to a stock insurance company belongs to a physician who was a policy holder of the medical malpractice insurance policy or to the medical practice that employed the physician and paid the premiums on the policy.

MAPLE MEDICAL, LLP v GOLDENBERG, etc.:
Insurance--Liability Insurance--Whether the cash consideration paid as part of the conversion from a mutual insurance company to a stock insurance company belongs to a physician who was a policy holder of the medical malpractice insurance policy or to the medical practice that employed the physician and paid the premiums on the policy.

MAPLE MEDICAL, LLP v MUTIC, etc.:
Insurance--Liability Insurance--Whether the cash consideration paid as part of the conversion from a mutual insurance company to a stock insurance company belongs to a physician who was a policy holder of the medical malpractice insurance policy or to the medical practice that employed the physician and paid the premiums on the policy.

MAPLE MEDICAL, LLP v SCOTT, etc.:
Insurance--Liability Insurance--Whether the cash consideration paid as part of the conversion from a mutual insurance company to a stock insurance company belongs to a physician who was a policy holder of the medical malpractice insurance policy or to the medical practice that employed the physician and paid the premiums on the policy.

MAPLE MEDICAL, LLP v SUNDARAM, etc.:
Insurance--Liability Insurance--Whether the cash consideration paid as part of the conversion from a mutual insurance company to a stock insurance company belongs to a physician who was a policy holder of the medical malpractice insurance policy or to the medical practice that employed the physician and paid the premiums on the policy.

MAPLE MEDICAL, LLP v YOUKELES, etc.:
Insurance--Liability Insurance--Whether the cash consideration paid as part of the conversion from a mutual insurance company to a stock insurance company belongs to a physician who was a policy holder of the medical malpractice insurance policy or to the medical practice that employed the physician and paid the premiums on the policy.

McDOWELL, MATTER OF v BLUE POINT FIRE DEPARTMENT:
Proceeding Against Body or Officer--Whether the Appellate Division erred by remitting the matter for a hearing and not granting the broader relief of reinstatement.

MENTAL HYGIENE LEGAL SERVICE, &c., MATTER OF v DELANEY, &c, et al.:
Proceeding Against Body or Officer--Mandamus--When Remedy Available--Whether mandamus was available to challenge placement of developmentally disabled child in hospital emergency room while child waited for a residential placement; Social Services--Medical Assistance--Whether Medicaid Act's requirement that medical assistance "shall be furnished with reasonable promptness to all eligible individuals" (42 USC § 1396a [a] [8]) gives rise to a private right of action; Civil rights--Discrimination Based on Disability--Whether respondent's failure to provide child with certain services violated the Americans with Disabilities Act.

MILLER, MATTER OF v ANNUCCI, &c, et al.:
Appeal--Timeliness--Whether the Appellate Division properly dismissed the appeal as untimely.

MITCHELL (MARC), PEOPLE v:
Crimes--Accusatory Instrument--Whether the misdemeanor complaint provided reasonable cause to believe that defendant was guilty of fraudulent accosting; whether accosting element was satisfied by allegation that defendant asked pedestrians to give donations to the homeless.

MURRAY (HASAHN D.), PEOPLE v:
Crimes--Jurors--Whether an alternate juror who had been discharged and gone home was "available for service" under CPL 270.35(1) to replace a seated juror who had been discharged.

NAHUM, MATTER OF v NEW YORK STATE DEPARTMENT OF MOTOR VEHICLES:
Proceeding Against Body or Officer--Whether petitioner was deprived of an impartial hearing.

NEMETH, etc. v BRENNTAG NORTH AMERICA, etc, et al.:
Products Liability--Exposure to Toxic Substances--Whether plaintiff presented sufficient evidence that her peritoneal mesothelioma was caused by respirable asbestos contained in talcum powder used by plaintiff over an 11-year period; defendant supplied asbestos-contaminated talc for talcum powder; Trial--Fair Trial--whether plaintiff's counsel's remarks on summation and the trial court's failure to issue a curative instruction deprived defendant of a fair trial.

NINIVAGGI v COUNTY OF NASSAU; MERRICK UNION FREE SCHOOL DISTRICT:
Negligence--Assumption of Risk--Whether Supreme Court properly dismissed the complaint on the basis of primary assumption of risk; plaintiff injured when he stepped into a hole on a grassy field while playing catch.

PELTAN v CISLER &c.,:
Husband and Wife and Other Domestic Relationships--Divorce.

PEOPLE ex rel. E. S. v SUPERINTENDENT, LIVINGSTON CORRECTIONAL FACILITY et al.:
Crimes--Sex Offenders--Whether the mandatory school grounds condition set forth in Executive Law § 259-c(14) applies to those adjudicated youthful offenders who are serving sentences for enumerated sex offenses against victims under the age of eighteen.

POLICARPIO, MATTER OF v RALLY RESTORATION CORP., et al.; WORKERS' COMPENSATION BOARD:
Workers' Compensation–Disability Benefits–Whether substantial evidence supports the Board's determination that claimant failed to demonstrate labor market attachment after July 31, 2018.

POWELL (HOWARD), PEOPLE:
Crimes--Witnesses--Whether Supreme Court erred in denying, after a hearing, defendant's motion to present expert testimony on the topic of false confessions.

PROTECT THE ADIRONDACKS v NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION:
Constitutional Law--State Constitutional Law--Whether the plan of defendants Adirondack Park Agency and Department of Environmental Conservation to construct Class II Community Connector trails in the Forest Preserve of the Adirondack Park would result in an unconstitutional destruction of "timber" in violation of article XIV, § 1.

REIS v J.B. KAUFMAN REALTY CO., LLC, et al.:
Landlord and Tenant--Lease--Whether the parties' 2021 letter agreement containing a commercial lease renewal provision was an unenforceable agreement to agree.

REVIS et al. v SCHWARTZ, et al.:
Arbitration--Matters Arbitrable--Whether plaintiff Darrelle Revis and defendant Neil Schwartz agreed to arbitrate the threshold question of the arbitrability of their dispute; whether the nonsignatory defendants are entitled to compel arbitration.

REXFORD &c., MATTER OF v GOULD ERECTORS & RIGGERS, INC., et al.:
Workers' Compensation--Reopened cases--Workers' Compensation Law 25-a(1-a).

RODRIGUEZ (LUIS), PEOPLE v:
Crimes--Evidence--Whether screenshots purporting to depict selected portions of a text message conversation between defendant and the complainant were properly admitted into evidence.

ROMINE v LAURITO et al.:
Motions and Orders.

ROMUALDO (FERNANDO), PEOPLE v:
Crimes--Verdict--Sufficiency of the Evidence--Whether the verdict convicting defendant of murder in the second degree was supported by legally sufficient evidence; whether the verdict was against the weight of the evidence.

SALIS v SALIS:
Motions and Orders.

SASSI v MOBILE LIFE SUPPORT SERVICES, INC.:
New York State Human Rights Law (Executive Law 296)--Employment Discrimination--Pleading--Sufficiency of Pleading.

SCHNEIDER (JOSEPH), PEOPLE v:
Crimes--Eavesdropping Warrants--Whether Supreme Court lacked jurisdiction to issue eavesdropping warrants against defendant to intercept cellular telephone calls and electronic messages that were made and received outside New York State; interpretation of the word "executed" in CPL article 700; alleged constitutional violations.

SCHOCH v LAKE CHAMPLAIN OB-GYN, P.C.:
Insurance--Liability Insurance--Whether defendant employer was entitled to receive cash consideration resulting from the demutualization of an insurance fund where the employer purchased the insurance policy and paid all the premiums but where the employee is named as the sole insured on the policy; whether plaintiff is unjustly enriched by the receipt of the cash consideration resulting from demutualization of insurance fund.

SEGAL v OFFICE OF COURT ADMINISTRATION:
Appeal--Appealable Paper--Order denying motion to vacate.

SHANKS (BRADFORD L.), PEOPLE v:
Crimes--Appeal--Whether the Appellate Division properly upheld the waiver of appeal--Crimes--Right to Counsel--Whether the Appellate Division erred in holding that defendant properly forfeited his right to counsel at trial--Whether the Appellate Division erred in holding that defendant's claim of pervasive judicial bias was precluded by the appeal waiver.

SLADE (KENNETH), PEOPLE v:
Crimes--Accusatory Instrument--Whether certificate of translation was required to convert complaint to information; denial of CPL 30.30 motion.

STATE OF NEW YORK v FRANCISCO R. (ANONYMOUS):
Crimes--Sex Offenders--Civil Commitment or Supervision--Whether Supreme Court erred in allowing expert witness to give hearsay basis testimony; alleged due process and confrontation clause violations.

STATE OF NEW YORK, MATTER OF v JOSEPH R., &c.:
Constitutional Law--Due Process of Law--Whether speedy trial protections afforded to criminal defendants at trial and juveniles in delinquency proceedings under the Equal Protection Clause and Due Process Clause of the Constitution also apply to persons civilly confined pursuant to Mental Hygiene Law article 10.

STEFANIAK v ZULKHARNAIN:
Attorney and Client--Compensation--Award of nunc pro tunc attorney's fees.

TAYLOR (QUANIECE S.), PEOPLE v:
Crimes--Jurors--Selection of Jury--Whether the People's statement that a juror "was from Trinidad" and not African American constituted a facially nondiscriminatory basis for a preemptory strike under step two of the Baston analysis (*see* Batson v Kentucky, 476 US 779 [1986]); Whether defendant's Batson challenge as to the juror was preserved for appellate review.

TCR SPORTS BROADCASTING HOLDING, LLP v WN PARTNER, LLC, et al.:
Arbitration--Agreement of Arbitrate--Forum--Whether courts have the power, after vacating an arbitration award based on "evident partiality" related to the forum, to order rehearing in a forum other than that provided for in the parties' arbitration agreement.

THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS, SERVANT: XIU JIAN SUN v NORTHWELL HEALTH, LONG ISLAND JEWISH MEDICAL CENTER:
Motions and Orders.

TORRES (CARLOS), PEOPLE v:
Constitutional Law--Validity of Statute--Whether Administrative Code of the City of New York § 19-190 is unconstitutional because it criminalizes an act committed without "due care," a civil negligence standard rather than a criminal negligence standard; whether Administrative Code § 19-190 is preempted by state law.

TOUSSAINT v THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY, et al.:
Labor--Safe Place to Work--Whether the requirement in the Industrial Code that a "designated person" operate a power buggy is sufficiently specific to support a claim under Labor Law § 241(6).

TRENTON BUSINESS ASSISTANCE CORPORATION, &c., v O'CONNELL, &c.:
Constitutional Law--Equal Protection of Laws--Whether plaintiff--a not-for-profit corporation that is incorporated in New Jersey, authorized to do business in New York, and a certified development company under the United States Small Business

Administration's 504 Loan Program--stated a cause of action, alleging that, as applied to plaintiff, the requirement that, while operating as a certified development company in New York, it pay a mortgage recording tax pursuant to Tax Law § 253 (1), while its New York-based competitors were afforded an exemption under Not–For–Profit Corporation Law § 1411(f), violated the Equal Protection Clause of the United States Constitution, the Commerce Clause of the United States Constitution, and the Equal Protection Clause of the New York Constitution.

U.S. BANK NATIONAL ASSOCIATION, &c. v DLJ MORTGAGE CAPITAL, INC.:
Contracts--Breach or Performance of Contracts--Whether the doctrine of relation back permits a residential mortgage-backed securities (RMBS) plaintiff-trustee to assert otherwise untimely notice-based claims for any loan in an RMBS trust, and thereby excuse the plaintiff's failure to comply with a contractual precondition to invoking the repurchase remedy, when the plaintiff provided timely pre-suit repurchase demands relating to some specified loans in the trust; Whether plaintiffs are entitled to recover as damages interest that did not, in fact, accrue when an RMBS contractual provision provides for the payment of "accrued" interest as part of the repurchase remedy.

VENDETTI v ZYWIAK, et al.:
Civil Rights--Federal Civil Rights Claim--Whether defendants' conduct rendered them liable under 42 USC § 1983 for retaliation predicated on violations of the First Amendment.

VERNEAU, MATTER OF v CONSOLIDATED EDISON CO. OF NEW YORK, INC., et al.:
Workers' Compensation--Reopened cases--Workers' Compensation Law 25-a(1-a).

WALLS (JOHN W.), PEOPLE v:
Crimes--Unlawful Search and Seizure--Whether the police had reasonable suspicion of criminal activity to stop the vehicle in which defendant was an occupant.

WESTCHESTER FIRE INSURANCE CO. v SCHORSCH et al.:
Insurance--Directors and Officers Liability Policy--Whether a directors and officers liability policy's bankruptcy exception, which allows claims asserted by the "bankruptcy trustee" or "comparative authority," applies to claims raised by a creditor trust, as a post-confirmation litigation trust, to restore coverage removed by the insured versus insured exclusion.

WEST 58TH STREET COALITION, INC. et al., MATTER OF v CITY OF NEW YORK, et al.:
Municipal Corporations--Unsafe Buildings--Whether respondents rationally determined that the building was a class A multiple dwelling "apartment hotel" and properly classified in the "R-2" occupancy group under the current New York City Building Code (Administrative Code of City of NY, title 28, ch 7, § BC 310.1.2); whether competing evidence raises a question of fact necessitating a hearing on the issue of whether the building's use is consistent with general safety and public welfare.

WHITE, et al. v CUOMO &c., et al.:
Constitutional Law--State Constitutional Law--Whether article 14 of the Racing Pari-Mutuel and Breeding Law violates article I, section 9 of the New York State Constitution.

WILKINS (WILLIAM A.), PEOPLE v:
Crimes--Right to be Present at Trial--Whether the absence of defendant from two sidebar conferences with prospective jurors requires reversal; Crimes--Harmless and Prejudicial Error--Whether the trial court's delivery of an instruction, without a request for such an instruction from defendant, that it was to draw no adverse inference from defendant's failure to testify was reversible error; Whether reversal is required because the court sua sponte explained to the jury that the third person at defendant's table was a deputy and referred to defendant's custodial status.

WILLIAMS (DON), PEOPLE v:
Crimes--Instructions--Whether the trial court erred when, in response to a jury note, it projected a portion of the court's final instructions on a screen in view of the jury and simultaneously reread that portion of the charge to the jury; Crimes--Fair Trial--Whether defendant was deprived of a fair trial by a remark made by the court and comments of the prosecutor on summation and during cross-examination; Crimes--Jurors--Whether the trial court erred in denying defendant's for cause challenge of a prospective juror.

WORTHAM (TYRONE), PEOPLE v:
Crimes--Confession--Statement Made in Response to Pedigree Question--Whether admissions made in response to routine booking questions asked during the execution of a search warrant that are not designed to elicit an incriminating response are admissible under the pedigree exception to the requirements of Miranda v Arizona (384 US 436), even if the answer is reasonably likely to be incriminating; Crimes--Evidence--DNA Identification Tests--Whether defendant was entitled to a hearing pursuant to Frye v United States (293 F 1013 [DC Cir 1923]) to determine the reliability of forensic statistical tool DNA evidence.