

CASE ISSUE STATEMENTS - SEPTEMBER 2018

The calendar is subject to change. Please contact the Clerk's Office for any updated information.

If available, briefs, records and appendices can be viewed and downloaded from the Court of Appeals Public Access and Search System (Court-PASS), which is accessible from the homepage on the Court's website.

WEDNESDAY, SEPTEMBER 5

Matter of LeadingAge New York, Inc. v Shah

APL-2017-00150

Proceeding Against Body or Officer--Certiorari--CPLR article 78 proceedings challenging executive order and regulations imposing limits on administrative costs and executive compensation of health care providers that receive State financial assistance--Executive Order No. 39 and 10 NYCRR part 1002; claimed unconstitutionality of compensation cap as violative of separation of powers doctrine under New York State Constitution; whether Department of Health regulations at issue are arbitrary and capricious.

Matter of Hon. Leticia D. Astacio

JCR- 2018-00004

Review of SCJC determination of removal.

Matter of Lacey L. (Stephanie L.; Administration for Children's Services)

APL-2017-00247

Social Services--Foster Care--Whether the Americans With Disabilities Act applies in Family Court article 10 proceeding in evaluating whether agency made reasonable efforts to achieve the permanency goal of returning the subject child to the parent, who suffers from a cognitive disability.

THURSDAY, SEPTEMBER 6

Deutsche Bank National Trust Co. v Flagstar Capital Markets Corp.

APL-2016-00237

Contracts--Breach or performance of contract--Whether statute of limitations bars a breach of contract action brought more than six years after seller made allegedly false representations and warranties regarding loan underlying residential mortgage-backed securities--contract provision specifying set of conditions that would delay cause of action's accrual--enforceability of accrual clause.

U.S. National Bank Assoc. v DLJ Mortgage Capital

APL-2017-00116

Contracts--Conditions Precedent--Where plaintiff trustee failed to comply with a contractual condition precedent to bringing suit, whether the timely claims were properly dismissed without prejudice to refile pursuant to CPLR 205(a); limitation of action--commencement of action after termination of prior action.

U.S. National Bank Assoc. v DLJ Mortgage Capital (3 actions)

APL-2017-00115

Limitation of Actions--Commencement of action after termination of prior action--Where complaint was dismissed because plaintiff failed to satisfy a condition precedent and plaintiff lacked standing to sue, whether CPLR 205(a) applies to allow trustee, which was substituted as plaintiff, to commence a new action; whether trustee may rely on relation-back doctrine of CPLR 203(f).

Matter of Hon. Terrence C. O'Connor

JCR-2018-00003

Review of SCJC determination of removal.

WEDNESDAY, SEPTEMBER 12

Expressions Hair Design v Schneiderman

CTQ-2017-00004

Consumer Protection--Consumer Credit--Whether a merchant complies with General Business Law § 518 so long as the merchant posts the total dollars-and-cents price charged to credit card users.

International Union of Painters & Allied Trades v NYS Dept. of Labor

APL-2017-00087

Labor--Hours and Wages--Whether, under Labor Law § 220(3-e), apprentices who are registered individually under a bona fide apprenticeship may work and be paid as apprentices even if the work they are performing is not work in the same trade or occupation as their apprenticeship program.

People v Raymond Crespo (reargument)

APL-2017-00046

Crimes--Right to Representation Pro Se--Whether defendant's requests to proceed pro se, made during jury selection, were timely asserted.

THURSDAY, SEPTEMBER 13

Matter of Haug v State University of New York at Potsdam

APL-2017-00194

Schools--Students--Whether substantial evidence supported university's determination finding a student guilty of sexual misconduct in violation of the student code of conduct; proceeding against body or officer--CPLR article 78 proceeding to review the university's determination; evidence--hearsay accounts of incident as reported by complainant to campus police officer and director of student conduct.

People v Jakim Grimes

APL-2017-00167

Crimes—Right to Counsel—Effective Representation—whether, under the New York State Constitution, an attorney's failure to file a criminal leave application on a defendant's behalf at the Court of Appeals deprives the defendant of the effective assistance of counsel or due process of law.

People v Steven Baisley

APL-2017-00187

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

6/19/18