

January 11, 2008

NEW FILINGS DIGEST - QUARTERLY 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.

AG CAPITAL FUNDING PARTNERS, L.P. et al. v STATE STREET BANK AND TRUST COMPANY:

SECURED TRANSACTIONS - SECURITY AGREEMENTS - CLAIMS AGAINST INDENTURE TRUSTEE FOR BREACH OF CONTRACT, BREACH OF DUTIES UNDER TRUST INDENTURE ACT (15 USC § 77aaa, et seq.), BREACH OF FIDUCIARY DUTY AS AN INDENTURE TRUSTEE AND A SECURED PARTY REPRESENTATIVE, AND NEGLIGENCE - EFFECT OF RELEASE IN REORGANIZATION PLAN; COMPEL COMPLIANCE WITH A SUBPOENA PURSUANT TO CPLR 2308;

ADULT HOME AT ERIE STATION, INC., MATTER OF, v ASSESSOR AND BOARD OF ASSESSMENT REVIEW OF CITY OF MIDDLETOWN et al.:

(Cal. Date - 2/5/08)

TAXATION - EXEMPTIONS - PROPERTY USED EXCLUSIVELY FOR CHARITABLE PURPOSES - WHETHER NOT-FOR-PROFIT CORPORATION THAT OPERATED AN ADULT HOME WAS ENTITLED TO EXEMPTION FROM REAL PROPERTY TAXES PURSUANT TO RPTL 420-a(1)(a);

AMERICAN COMMITTEE FOR THE WEIZMANN INSTITUTE OF SCIENCE, MATTER OF, v DUNN:

WILLS - PROBATE - UNDUE INFLUENCE - WHETHER PETITION TO VACATE PROBATE DECREE FAILED TO PLEAD CLAIM SOUNDING IN UNDUE INFLUENCE WHERE DECEDENT CHOSE TO BENEFIT NIECE AFTER DECEDENT'S BROTHER PROVIDED HOSPICE CARE IN HIS HOME DURING DECEDENT'S TERMINAL STAGE OF ILLNESS; DISCOVERY - WHETHER A CHARITY THAT FAILS TO RECEIVE NOTICE OF A PROBATE PROCEEDING UNTIL AFTER THE WILL HAS BEEN ADMITTED TO PROBATE SHOULD BE GIVEN AN OPPORTUNITY TO CONDUCT DISCOVERY TO DEMONSTRATE UNDUE INFLUENCE; STATUTE OF FRAUDS - WHETHER AN ENFORCEABLE AGREEMENT TO MAKE A TESTAMENTARY BEQUEST EXISTED;

APPLIED CARD SYSTEMS, INC., et al., PEOPLE &c., MATTER OF, v:

CONSUMER PROTECTION - DECEPTIVE ACTS AND PRACTICES - CREDIT CARD SOLICITATION OFFERS - RESTITUTION - WHETHER ATTORNEY GENERAL IS BARRED BY RES JUDICATA FROM RECOVERING RESTITUTION ON BEHALF OF INDIVIDUAL CONSUMERS BOUND BY SETTLEMENT OF PRIVATE CLASS ACTION AGAINST RESPONDENTS WHERE THE ATTORNEY GENERAL DID NOT PARTICIPATE IN SUCH SETTLEMENT - RELATIONSHIP OF INJURY TO DECEPTION - EFFECT OF SUBSEQUENT DISCLOSURE OF POLICY TERMS AND

OPTION TO CANCEL INSURANCE; STATUTES - FEDERAL PREEMPTION - CREDIT CARD SOLICITATION OFFERS - WHETHER THE FEDERAL TRUTH IN LENDING ACT PROVISIONS CONCERNING CREDIT CARD SOLICITATIONS (15 USC § 1610[e]) PREEMPT CLAIMS UNDER GENERAL BUSINESS LAW §§ 349 AND 350; CONSUMER PROTECTION - DECEPTIVE ACTS AND PRACTICES - NECESSITY FOR EXTRINSIC EVIDENCE OF CONSUMER CONFUSION TO ESTABLISH A VIOLATION OF GENERAL BUSINESS LAW §§ 349 AND 350;

APPLETON ACQUISITION, LLC, et al. v THE NATIONAL HOUSING PARTNERSHIP, et al.: (Cal. Date - 2/12/08)

PARTNERSHIP - LIMITED PARTNERSHIP - WHETHER A DISSENTING LIMITED PARTNER'S ACTION FOR RESCISSION OF A MERGER TRANSACTION ON THE GROUNDS OF FRAUD AND MISREPRESENTATION, AND FOR DAMAGES ARISING FROM THE GENERAL PARTNER'S BREACH OF FIDUCIARY DUTIES IN EFFECTING THE MERGER, IS BARRED BY PARTNERSHIP LAW § 121-1102(d);

ARAUJO, et al. v TIANO'S CONSTRUCTION CORPORATION et al.:

LABOR - PREVAILING RATE OF WAGES - SUMMARY JUDGMENT - WHETHER COURT PROPERLY DISMISSED PLAINTIFFS' CAUSES OF ACTION AGAINST THEIR EMPLOYER AND ITS SURETY FOR BREACH OF CONTRACT, QUANTUM MERUIT AND UNJUST ENRICHMENT, BASED ON THEIR CLAIMS THAT THEY WERE PAID LESS THAN THE MINIMUM PREVAILING WAGES SET PURSUANT TO THE DAVIS-BACON ACT - DETERMINATION THAT NO PRIVATE RIGHT OF ACTION EXISTS, EITHER DIRECTLY OR INDIRECTLY, TO ENFORCE CONTRACTS REQUIRING PAYMENT OF FEDERAL PREVAILING WAGE SCHEDULES;

BARET (ROMAN), PEOPLE v:

CRIMES AND CRIMINAL PROCEDURE - PLEA OF GUILTY - WITHDRAWAL OF PLEA - DENIAL OF MOTION TO WITHDRAW GUILTY PLEA - ALLEGED COERCION TO ENTER GUILTY PLEA; IDENTIFICATION OF DEFENDANT - DENIAL OF MOTION TO SUPPRESS IDENTIFICATION TESTIMONY WITHOUT A HEARING; APPLICATION FOR DISCLOSURE OF SEARCH WARRANT AND UNDERLYING MATERIALS;

BERNSTEIN &c. et al. v PENNY WHISTLE TOYS, INC. et al.:

(Cal. Date - 2/14/08)

ANIMALS - LIABILITY FOR ANIMAL BITE - BUSINESS OWNER WHO KEEPS DOG IN STORE - NATURE OF DUTY TOWARD CHILD CUSTOMER - ABSENCE OF EVIDENCE THAT DOG EXHIBITED VICIOUS PROPENSITY PRIOR TO INCIDENT; NEGLIGENCE - DUTY; SUMMARY JUDGEMENT;

BERG v ALBANY LADDER COMPANY, INC., et al. (and a third-party action):

NEGLIGENCE - INJURY OF WORKER UNLOADING STEEL TRUSSES FROM A FLATBED TRUCK AT A CONSTRUCTION SITE - LABOR LAW § 240(1) AND 242(6) CLAIMS; SUMMARY JUDGMENT - DISMISSAL OF COMPLAINT;

BI-ECONOMY MARKET, INC. v HARLEYSVILLE INSURANCE CO. OF NEW YORK, et al.:

INSURANCE - ALLEGED BREACH OF TERMS OF INSURANCE CONTRACT - INSURER'S LIABILITY FOR CONSEQUENTIAL DAMAGES - BUSINESS INTERRUPTION INSURANCE; PARTIAL SUMMARY JUDGMENT;

BOTTORFF, MATTER OF, v KIRK, et al.:

PROCEEDING AGAINST BODY OR OFFICER - CPLR ARTICLE 78 PROCEEDINGS AGAINST JUDGE, DISTRICT ATTORNEY AND OTHERS - PROCEEDINGS DISMISSED BY APPELLATE DIVISION;

BROOKS et al. v JUDLAU CONTRACTING, INC.:

INDEMNITY - CONTRACTUAL INDEMNIFICATION - TRIAL COURT DISMISSAL OF THIRD-PARTY CLAIM FOR CONTRACTUAL INDEMNIFICATION - GENERAL CONTRACTOR'S CLAIM FOR INDEMNIFICATION FROM SUBCONTRACTOR FOR INJURY TO IRONWORKER WHO FELL FROM AN OVERPASS WHILE INSTALLING A STEEL GIRDER;

BYBLOS BANK EUROPE, SA v SYRKETI: (Cal. Date - 2/13/08)

JUDGMENTS - FOREIGN JUDGMENTS - COMITY - WHETHER PLAINTIFF BELGIAN BANK WAS ENTITLED TO RECOGNITION AND ENFORCEMENT IN NEW YORK COURTS OF BELGIAN MONEY JUDGMENT ISSUED AFTER TURKISH JUDGMENT REJECTING PLAINTIFF'S CLAIM ON THE MERITS;

CABRERA (BRETT), PEOPLE v: (Cal. Date - 3/13/08)

CRIMES AND CRIMINAL PROCEDURE - CRIMINALLY NEGLIGENT HOMICIDE - WHETHER EVIDENCE WAS SUFFICIENT TO ESTABLISH "DANGEROUS SPEEDING" AND TO SUSTAIN DEFENDANT'S CONVICTIONS OF CRIMINALLY NEGLIGENT HOMICIDE AND ASSAULT WHERE EVIDENCE DEMONSTRATED DEFENDANT DROVE VEHICLE 72 MILES PER HOUR ON A SECTION OF ROAD WITH A POSTED MAXIMUM SPEED LIMIT OF 55 MILES PER HOUR, LOST CONTROL OF THE VEHICLE, AND CRASHED INTO A TELEPHONE POLE AND TREE KILLING THREE OF HIS PASSENGERS AND SEVERELY INJURING A FOURTH; INSTRUCTIONS - CHARGE TO JURY - ALLEGED ERROR BY TRIAL COURT IN FAILING TO CHARGE JURY THAT EXCESSIVE SPEED ALONE WAS INSUFFICIENT TO SUSTAIN A FINDING OF CRIMINAL NEGLIGENCE AND THAT JUNIOR LICENSE VIOLATIONS WERE IRRELEVANT TO ISSUE OF CRIMINAL NEGLIGENCE;

CASTELLANO (ROBERTO), PEOPLE v:

CRIMES AND CRIMINAL PROCEDURE - MURDER - DEPRAVED INDIFFERENCE MURDER - SUFFICIENCY OF THE EVIDENCE - DETERMINING SUFFICIENCY OF THE EVIDENCE BASED UPON ELEMENTS OF CRIME CHARGED TO THE JURY WITHOUT OBJECTION - RETROACTIVE APPLICATION OF PEOPLE v FEINGOLD (7 NY3d 288) TO CONVICTIONS ON DIRECT APPEAL; PRESERVATION;

COOPER, MATTER OF, v SELSKY &c.:

PRISONS AND PRISONERS - DISCIPLINE OF INMATES - WHETHER SUBSTANTIAL EVIDENCE SUPPORTS THE COMMISSIONER'S DETERMINATION OF

GUILTY WITH RESPECT TO THE CHARGES OF VIOLATING PRISON DISCIPLINARY RULES PROHIBITING POSSESSION OF NARCOTICS AND EXCESS TOBACCO PRODUCTS, REFUSING A DIRECT ORDER, SMUGGLING, REFUSING A SEARCH OR FRISK AND POSSESSION OF CONTRABAND; CLAIMED DENIAL OF FAIR HEARING;

CONROY, et al. v STATE COMMITTEE OF THE INDEPENDENCE PARTY et al.:

ELECTIONS - POLITICAL PARTIES - ELECTION LAW § 6-120(3) - VALIDITY OF POLITICAL PARTY RULES VESTING EXECUTIVE COMMITTEE OF THE STATE COMMITTEE OF THE INDEPENDENCE PARTY OF NEW YORK WITH POWER TO ISSUE CERTIFICATES AUTHORIZING THE DESIGNATION OR NOMINATION OF CANDIDATES NOT ENROLLED AS MEMBERS OF THE INDEPENDENCE PARTY OF NEW YORK FOR PUBLIC OFFICES IN THE CITY OF NEW YORK WHICH ARE NOT TO BE FILLED BY ALL VOTERS OF THE CITY OF NEW YORK; ALLEGED VIOLATION OF THE EQUAL PROTECTION CLAUSES OF THE STATE AND FEDERAL CONSTITUTIONS;

COX et al. v NAP CONSTRUCTION COMPANY et al.:

LABOR - PREVAILING RATE OF WAGES - PREEMPTION BY FEDERAL PREVAILING WAGE STATUTE - WHETHER THE DAVIS-BACON ACT (40 USC §§ 3142[a], [b]) PREEMPTS OR OTHERWISE PRECLUDES CLAIMS PURSUANT TO LABOR LAW AND 12 NYCRR 142-3.2 FOR FAILURE TO PAY PREVAILING WAGES, SUPPLEMENTAL BENEFITS AND OVERTIME COMPENSATION TO LABORERS ON A FEDERALLY FUNDED PUBLIC WORKS PROJECT;

CUMBERBATCH (ALVARO), PEOPLE v:

CRIMES AND CRIMINAL PROCEDURE - PLEA OF GUILTY - WHETHER DEFENDANT VOLUNTARILY, KNOWINGLY AND INTELLIGENTLY ENTERED A GUILTY PLEA WHERE THE TRIAL COURT DID NOT INFORM HIM AT THE TIME OF THE PLEA THAT HE WOULD BE SUBJECT TO MANDATORY PERIOD OF POST-RELEASE SUPERVISION;

DAVENPORT, MATTER OF, v STEIN:

DISCLOSURE - EXAMINATION BEFORE TRIAL - MOTION TO COMPEL NON-PARTY WITNESS WHO IS ALSO A DEFENDANT IN A CRIMINAL ACTION TO SUBMIT TO FURTHER DEPOSITION IN CIVIL ACTION (CPLR 3124) - REFUSAL TO ANSWER DEPOSITION QUESTIONS ON GROUND THAT THEY WOULD ELICIT POTENTIALLY SELF-INCRIMINATING RESPONSES;

DERRICK, PEOPLE ex rel., v WARDEN, &c.:

HABEAS CORPUS - ALLEGED INEFFECTIVE ASSISTANCE OF COUNSEL;

DISNEY ENTERPRISES, INC., et al., MATTER OF, v TAX APPEALS TRIBUNAL OF STATE OF NEW YORK: (Cal. Date - 2/13/08)

TAXATION - FRANCHISE TAX ON BUSINESS CORPORATIONS - WHETHER THE BUSINESS ALLOCATION PERCENTAGE USED BY THE DEPARTMENT OF TAXATION AND FINANCE, WHICH INCLUDED THE NEW YORK SALES OF PETITIONER'S WHOLLY-OWNED CALIFORNIA SUBSIDIARY IN THE NUMERATOR OF PETITIONER'S COMBINED GROUP'S RECEIPTS FACTOR, VIOLATED PUBLIC LAW 86-272 (15 USC §§ 381-384); ALLEGED VIOLATION OF DUE PROCESS AND COMMERCE CLAUSE;

DUNCAN, MATTER OF v KELLY, et al.:

PROCEEDING AGAINST BODY OR OFFICER - CIVIL SERVICE - TERMINATION OF EMPLOYMENT - DISCHARGE OF PROBATIONARY POLICE OFFICER;

FAIR PRICE MEDICAL SUPPLY CORP. &c. v THE TRAVELERS INDEMNITY COMPANY:

INSURANCE - NO-FAULT AUTOMOBILE INSURANCE - EFFECT OF INSURER'S FAILURE TO PAY OR DENY CLAIM WITHIN 30 DAYS - WHETHER INSURER IS PRECLUDED FROM INTERPOSING DEFENSE ALLEGING THAT CLAIM FRAUDULENTLY SEEKS REIMBURSEMENT FOR MEDICAL SUPPLIES THAT WERE NOT DELIVERED TO THE INSURED - INSURANCE LAW § 5106(a);

FALK &c. et al. v CHITTENDEN &c.:

ATTORNEY AND CLIENT - DISQUALIFICATION - ACTION FOR DECLARATORY JUDGMENT DISQUALIFYING DEFENDANT POLICE OFFICER'S COUNSEL IN AN UNDERLYING DISCIPLINARY PROCEEDING; WHETHER CONFLICT OF INTEREST EXISTS REQUIRING ATTORNEY DISQUALIFICATION; STANDING - WHETHER POLICE SUPERVISOR WHO BROUGHT DISCIPLINARY CHARGES HAS STANDING TO SEEK ATTORNEY'S DISQUALIFICATION BASED ON SUPERVISOR'S PREVIOUS CONSULTATION WITH ATTORNEY;

FARKAS v FARKAS:

DISMISSAL AND NONSUIT - ABANDONED CASES - DELAY IN SETTLEMENT OF JUDGMENT IN FAVOR OF PLAINTIFF - DEFENDANT'S OPPOSITION TO ENTRY OF PROPOSED JUDGMENT BASED ON UNTIMELINESS (22 NYCRR 202.48[a], [b]) - WHETHER THERE WAS GOOD CAUSE FOR DELAY - LAW OFFICE FAILURE; JUDGMENT - VACATUR;

FEOLA, MATTER OF, v CARROLL:

CIVIL SERVICE - POLICE - DISCIPLINE OF POLICE - WHETHER PUBLIC OFFICERS LAW § 30(1)(e) AUTHORIZED RESPONDENT POLICE COMMISSIONER TO TERMINATE, WITHOUT A DUE PROCESS HEARING, THE EMPLOYMENT OF A POLICE OFFICER CONVICTED OF ENDANGERING THE WELFARE OF A CHILD (PENAL LAW § 260.10[1]), A CLASS A MISDEMEANOR;

FINANCIAL INDUSTRY REGULATORY AUTHORITY, INC. f/k/a/ NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC. v FIERO:

LIMITATION OF ACTIONS - ONE-YEAR STATUTE OF LIMITATIONS - WHETHER PLAINTIFF'S ACTION TO COLLECT A DISCIPLINARY FINE IT HAD IMPOSED IS A PROCEEDING TO CONFIRM AN ARBITRATION AWARD AND THUS SUBJECT TO A ONE-YEAR LIMITATION PERIOD; ASSOCIATIONS - WHETHER NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC. IS AUTHORIZED TO BRING A STATE COURT ACTION TO COLLECT DISCIPLINARY FINES IT HAS IMPOSED;

FINLEY (ROBERT), PEOPLE v:

CRIMES AND CRIMINAL PROCEDURE - PROMOTING PRISON CONTRABAND - WHETHER MARIJUANA IS "DANGEROUS CONTRABAND" WITHIN THE MEANING OF PENAL LAW § 205.00(4) - WHETHER EVIDENCE IS LEGALLY SUFFICIENT TO SUSTAIN DEFENDANT'S CONVICTION OF ATTEMPTED PROMOTING PRISON CONTRABAND IN THE FIRST DEGREE (PENAL LAW § 205.25[2]); JURORS - SELECTION OF JURY - DENIAL OF CHALLENGE FOR CAUSE;

FIVECO, INC., MATTER OF, v HABER:

ARBITRATION - STAY OF ARBITRATION - TIMELINESS - STAY APPLICATION FILED AFTER TIME LIMIT SET FORTH IN CPLR 7503(c) - ALLEGED EXPIRATION OF UNDERLYING AGREEMENT CONTAINING ARBITRATION CLAUSE;

FLAX, PEOPLE, ex rel. v DONELLI:

HABEAS CORPUS - WHEN REMEDY AVAILABLE - ISSUES THAT COULD HAVE BEEN RAISED ON DIRECT APPEAL OR IN CPL ARTICLE 440 MOTION;

ACCOUNTING BY FLEET BANK, AS TRUSTEE OF THE TRUST FOR THE BENEFIT OF BARBARA W. PIEL, &c., MATTER OF: (Cal. Date - 2/6/08)

DESCENT AND DISTRIBUTION - RIGHTS OF INHERITANCE - EFFECT OF ADOPTION - WHETHER SURROGATE ERRED IN DETERMINING THAT, BECAUSE BENEFICIARY'S OUT-OF-WEDLOCK CHILD WAS ADOPTED OUT OF FAMILY, SHE WAS NOT "DESCENDANT" OR "CHILD" OF BENEFICIARY AND WAS NOT INCLUDED WITHIN CLASS OF INTENDED REMAINDERPERSONS OR BENEFICIARIES OF TRUSTS ESTABLISHED BEFORE DOMESTIC RELATIONS LAW § 117 WAS AMENDED TO LIMIT RIGHT OF ADOPTED-OUT CHILD TO INHERIT ONLY FROM AND THROUGH ADOPTIVE PARENTS;

FLEMMING, MATTER OF, v. BOYLE &c et al.:

PROCEEDING AGAINST BODY OR OFFICER - DENIAL OF CPLR ARTICLE 78 APPLICATION AND DISMISSAL OF PETITION;

FISCHETTI, MATTER OF, v SCHERER &c. et al.:

PROCEEDING AGAINST BODY OR OFFICER - PROHIBITION - CPLR ARTICLE 78 PETITION CHALLENGING SUPREME COURT ORDER DIRECTING DEFENSE COUNSEL TO REFRAIN FROM PUBLISHING THE COMPLAINANT'S NAME; ALLEGED DENIAL OF DEFENSE COUNSEL'S RIGHT TO FREEDOM OF SPEECH UNDER THE FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION AND DEFENDANT'S RIGHT TO EFFECTIVE ASSISTANCE OF COUNSEL;

FLEMING et al. v GRAHAM, et al.: (Cal. Date - 2/13/08)

WORKERS' COMPENSATION LAW - INJURIES ARISING IN COURSE OF EMPLOYMENT - "PERMANENT AND SEVERE FACIAL DISFIGUREMENT" (WORKERS' COMPENSATION LAW § 11) - AUTOMOBILE ACCIDENT IN EMPLOYER'S VEHICLE; SUMMARY JUDGMENT - WHETHER ISSUES OF FACT EXISTED REGARDING PLAINTIFF'S FACIAL SCARRING AS A SEVERE AND PERMANENT FACIAL DISFIGUREMENT;

FRAZIER (HECTOR), PEOPLE v:

CRIMES AND CRIMINAL PROCEDURE - SENTENCE - POST-RELEASE SUPERVISION - WHETHER SENTENCING COURT'S FAILURE TO MENTION IN OPEN COURT A PERIOD OF POST-RELEASE SUPERVISION AS PART OF THE SENTENCE RENDERS THE POST-RELEASE SUPERVISION COMPONENT OF THE SENTENCE INVALID;

FREYCINET (GARY), PEOPLE v:

CRIMES AND CRIMINAL PROCEDURE - RIGHT OF CONFRONTATION - AUTOPSY REPORT INTRODUCED THROUGH TESTIMONY OF A MEDICAL EXAMINER WHO HAD NEITHER PERFORMED THE AUTOPSY NOR PREPARED THE REPORT - WHETHER AUTOPSY REPORT WAS INADMISSIBLE TESTIMONIAL STATEMENT (CRAWFORD v WASHINGTON, 541 US 36); JUSTIFICATION DEFENSE;

FRUTCHEY &c. et al. v FELICITA et al.:

NEGLIGENCE - EMERGENCY DOCTRINE - SUMMARY JUDGMENT;

G.K. ALAN ASSOCIATES v LAZZARI:

PRINCIPAL AND AGENT - "FAITHLESS AGENT RULE" - FORFEITURE OF COMPENSATION;

GARNER, MATTER OF, v NEW YORK STATE DEPARTMENT OF CORRECTIONAL SERVICES: (Cal. Date - 3/12/08)

CRIMES AND CRIMINAL PROCEDURE - SENTENCE - WHETHER DEPARTMENT OF CORRECTIONAL SERVICES MAY IMPOSE UPON PETITIONER POST-RELEASE SUPERVISION UNDER PENAL LAW §§ 70.00(6) AND 70.45 WHEN THE SENTENCING JUDGE HAD NOT IMPOSED THAT CONDITION AT PETITIONER'S SENTENCING; CPLR ARTICLE 78 PROCEEDING IN THE NATURE OF PROHIBITION;

GASTON, &c. et al. v AMERICAN TRANSIT INSURANCE COMPANY:

(Cal. Date - 2/14/08)

INSURANCE - AUTOMOBILE INSURANCE - UNINSURED MOTORIST CLAIM - ACTION TO RECOVER UNSATISFIED JUDGMENT PURSUANT TO INSURANCE LAW § 3420(a)(2); ISSUE PRECLUSION - COLLATERAL ESTOPPEL - WHETHER DEFAULT JUDGMENT AGAINST INSURER IN PRIOR PROCEEDING TO STAY ARBITRATION OF UNINSURED MOTORIST VEHICLE CLAIMS HAS PRECLUSIVE EFFECT IN ACTION TO RECOVER UNSATISFIED JUDGMENT;

GEORGE (RAYMOND C.), PEOPLE v:

CRIMES AND CRIMINAL PROCEDURE - MURDER - DEPRAVED INDIFFERENCE MURDER - WHETHER THERE WAS LEGALLY SUFFICIENT EVIDENCE TO CONVICT DEFENDANT OF DEPRAVED INDIFFERENCE MURDER; CASE LAW TO BE APPLIED; APPROPRIATE REMEDY WHERE APPELLATE DIVISION DETERMINES THAT CONVICTION FOR DEPRAVED INDIFFERENCE MURDER IS NOT SUPPORTED BY SUFFICIENT EVIDENCE;

GERARD, O/B/O COLARUSSO, PEOPLE ex rel. v KRALIK, et al.:

HABEAS CORPUS - AVAILABILITY OF RELIEF - WRIT SUSTAINED BY APPELLATE DIVISION - RELEASE OF DETAINEE - NO PERIOD OF POST-RELEASE SUPERVISION MENTIONED IN SENTENCING MINUTES OR ORDER OF COMMITMENT;

GIAQUINTO, MATTER OF, v COMMISSIONER OF NEW YORK STATE DEPARTMENT OF HEALTH, et al.:

PROCEEDING AGAINST BODY OR OFFICER - CERTIORARI - CPLR ARTICLE 78 PROCEEDING TO REVIEW A DETERMINATION OF RESPONDENT COMMISSIONER

OF HEALTH AFFIRMING THE DENIAL OF MEDICAID ELIGIBILITY - WHETHER PREVAILING PETITIONER IS ENTITLED TO AN AWARD OF COUNSEL FEES UNDER 42 USC § 1988; SOVEREIGN IMMUNITY - WHETHER CLAIM FOR COUNSEL FEES UNDER 42 USC § 1988 IS BARRED BY ELEVENTH AMENDMENT TO FEDERAL CONSTITUTION;

GOLDMAN v WHITE PLAINS CENTER FOR NURSING CARE, LLC, et al.:
CONTRACTS - EMPLOYMENT CONTRACTS - BREACH OR PERFORMANCE OF CONTRACT - WHETHER PLAINTIFF IS ENTITLED TO PRESUMPTION THAT HER EMPLOYMENT CONTRACT WAS RENEWED FOR CONTINUOUS ONE-YEAR TERMS BASED UPON THE PARTIES' CONDUCT;

HALL (AZIM), PEOPLE v.: (Cal. Date - 2/7/08)
CRIMES AND CRIMINAL PROCEDURE - SUPPRESSION HEARING - BODY CAVITY SEARCH INCIDENT TO ARREST CONDUCTED AT THE POLICE STATION - WHETHER THE SEARCH VIOLATED THE FOURTH AMENDMENT TO THE U.S. CONSTITUTION;

HENNEBERRY, MATTER OF, v ING CAPITAL ADVISERS, LLC, et al.:
(Cal. Date - 2/6/08)
ARBITRATION - POWERS OF ARBITRATOR - WHETHER PETITIONER WAS DENIED DUE PROCESS WHERE ARBITRATOR PLACED BURDEN OF PROOF ON RESPONDENTS DURING THE PROCEEDING, BUT REVERSED THE RULING IN HIS WRITTEN DECISION AND SHIFTED THE BURDEN TO PETITIONER;

HUNTER (JEFFREY BURTON), PEOPLE v.:
CRIMES AND CRIMINAL PROCEDURE - VACATUR OF JUDGMENT OF CONVICTION - DISCLOSURE - ALLEGED FAILURE TO DISCLOSE EXCULPATORY MATERIAL - RAPE COMPLAINT AGAINST A DIFFERENT MAN WHO PLEADED GUILTY TO ATTEMPTED RAPE AFTER DEFENDANT'S TRIAL;

IG SECOND GENERATION PARTNERS, LP, et al., MATTER OF, v NEW YORK STATE DEPARTMENT OF HOUSING & COMMUNITY RENEWAL, &c.:
(Cal. Date - 3/19/08)
LANDLORD AND TENANT - RENT REGULATION - WHETHER DEPARTMENT OF HOUSING AND COMMUNITY RENEWAL (DHCR) HAD AUTHORITY TO CANCEL RENT ARREARS FOLLOWING DISMISSAL OF FAIR MARKET RENT APPEAL WHERE DHCR FOUND THAT RENT CALLED FOR IN LEASE WAS LESS THAN FAIR MARKET VALUE;

INNOPHOS, INC. v RHODIA, S.A., et al.:
CONTRACTS - CONSTRUCTION - WHETHER THE DEFINITION OF "TAXES" IN THE PARTIES' PURCHASE AND SALE AGREEMENT INCLUDED ASSESSMENTS BY AN AGENCY OF THE MEXICAN GOVERNMENT FOR OUTSTANDING WATER EXTRACTION FEES; SUMMARY JUDGMENT - DISCOVERY - WHETHER DISCOVERY WAS REQUIRED TO RESOLVE AN ALLEGED AMBIGUITY IN THE CONTRACT;

THE INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA v HSBC BANK USA:
BONDS - ACTION TO RECOVER SUMS PAID PURSUANT TO BOND GUARANTEEING

PAYMENT OF TAX RECEIPTS OF CIGARETTE WHOLESALER TO STATE OF NEW YORK - WHETHER CLAIMS OF BONDING COMPANY AGAINST BANK WHERE TAX RECEIPTS WERE DEPOSITED ARE BARRED BY RES JUDICATA AS A RESULT OF PROCEEDINGS IN BANKRUPTCY CASE OF CIGARETTE WHOLESALER; SUMMARY JUDGMENT;

JENKINS (JONATHAN), PEOPLE v.:

CRIMES AND CRIMINAL PROCEDURE - PLEA BARGAINING - ENFORCEMENT OF AGREEMENT - COMPLIANCE WITH CONDITIONS OF PLEA AGREEMENT - SPECIFIC PERFORMANCE; CLAYTON MOTION (People v Clayton, 41 AD2d 204) - PRESERVATION OR WAIVER OF ISSUES RAISED IN WITHDRAWN MOTION;

JERICHO WATER DISTRICT v ONE CALL USERS COUNCIL, INC., et al.:
(Cal. Date - 3/19/08)

PUBLIC UTILITIES - CONTRIBUTORS TO COSTS OF OPERATING A ONE-CALL NOTIFICATION SYSTEM FOR SAFETY OF THOSE DIGGING NEAR UNDERGROUND FACILITIES - WHETHER PLAINTIFF WATER DISTRICT IS A "MUNICIPALITY" WITHIN THE MEANING OF GENERAL BUSINESS LAW § 761(3) AND THEREFORE EXEMPT FROM CONTRIBUTING TO THE ONE-CALL SYSTEM COSTS; MUNICIPAL CORPORATIONS;

JOHNSON, MATTER OF, v NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL PROTECTION et al.:

CIVIL SERVICE - TERMINATION OF EMPLOYMENT - WHETHER PETITIONER'S CONVICTION OF CRIMINAL POSSESSION OF A FORGED INSTRUMENT IN THE THIRD DEGREE OPERATED AS A FORFEITURE OF HIS EMPLOYMENT WITH THE NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL PROTECTION PURSUANT TO NEW YORK CITY CHARTER § 1116(a);

JOHNSON (FATIN), PEOPLE v.:

CRIMES AND CRIMINAL PROCEDURE - APPEAL - PRESERVATION - JURY INSTRUCTIONS ON DEPRAVED INDIFFERENCE MURDER; IDENTIFICATION OF DEFENDANT - LINEUP - DENIAL OF APPLICATION FOR COURT-ORDERED LINEUPS TO BE CONDUCTED IN A SEQUENTIAL AND DOUBLE-BLIND FASHION;

JONES (ANTHONY), PEOPLE v.: (Cal. Date 2/7/08)

APPEAL - APPELLATE DIVISION - DISMISSAL OF APPEAL - FUGITIVE DISENTITLEMENT DOCTRINE - WHETHER APPELLATE DIVISION PROPERLY DISMISSED APPEAL OF FORMER FUGITIVE RETURNED TO CUSTODY AND AVAILABLE TO OBEY MANDATE OF COURT;

JONES v BILL et al.:

MOTOR VEHICLES - LIABILITY OF OWNER OF LEASED VEHICLE - 49 USC § 30106 (THE "GRAVES" AMENDMENT) - WHETHER THE GRAVES AMENDMENT APPLIES TO BAR AN ACTION AGAINST A LESSOR WHERE THE ACTION AGAINST THE LESSEE WAS COMMENCED BEFORE THE EFFECTIVE DATE OF THE GRAVES AMENDMENT AND THE COMPLAINT WAS AMENDED TO ADD THE LESSOR AFTER THE EFFECTIVE DATE OF THE GRAVES AMENDMENT; JOINDER OF A

PARTY - CPLR 1003;

LANDAU, P.C. &c. et al. v LAROSSA, MITCHELL & ROSS, et al.:
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PLAINTIFF'S CLAIMS FOR LACK OF STANDING - TIME TO COMMENCE NEW
ACTION (CPLR 205[a]); LEGAL MALPRACTICE;

LEIGHTON v LEIGHTON:

HUSBAND AND WIFE - DIVORCE - PRENUPTIAL AGREEMENT AND POSTNUPTIAL
AMENDMENT; SUMMARY JUDGMENT;

LEON (JOSE), PEOPLE v.:

CRIMES AND CRIMINAL PROCEDURE - RIGHT OF CONFRONTATION - WHETHER
A FINGERPRINT COMPARISON DOCUMENT IS INADMISSIBLE UNDER CRAWFORD
v WASHINGTON (541 US 36 [2004]) AT A DEFENDANT'S PREDICATE FELONY
HEARING;

LEWIS, PEOPLE ex rel., v GRAHAM:

HABEAS CORPUS - WHEN REMEDY AVAILABLE - ISSUES RAISED IN PETITION
COULD ALSO BE RAISED IN MOTION TO VACATE JUDGMENT OF CONVICTION
OR ON DIRECT APPEAL - CLAIM THAT INDICTMENT IS JURISDICTIONALLY
DEFECTIVE;

LINGLE (JOHN), PEOPLE v: (Cal. Date - 3/12/08)

CRIMES AND CRIMINAL PROCEDURE - SENTENCE - WHETHER TRIAL COURT'S
FAILURE TO PRONOUNCE IN OPEN COURT A PERIOD OF POST-RELEASE
SUPERVISION AS PART OF THE SENTENCE RENDERS THE POST-RELEASE
SUPERVISION COMPONENT OF THE SENTENCE INVALID - WRITTEN NOTATION
REGARDING POST-RELEASE SUPERVISION IN COURT CLERK'S FILE; CLAIMED
ERROR IN TRIAL COURT'S REFUSAL TO CHARGE THIRD DEGREE ARSON AS A
LESSER INCLUDED OFFENSE OF SECOND DEGREE ARSON; DENIAL BY TRIAL
COURT OF DEFENSE REQUEST FOR EMERGENCY CPL 730 PSYCHIATRIC
EXAMINATION OF DEFENDANT;

LITWACK v PLAZA REALTY INVESTORS, INC., et al.:

NEGLIGENCE - MAINTENANCE OF PREMISES - ACTION TO RECOVER DAMAGES
FOR PERSONAL INJURIES ALLEGEDLY CAUSED BY TOXIC MOLD IN AN
APARTMENT - WHETHER DEFENDANTS CREATED OR HAD NOTICE OF THE
ALLEGED MOLD HAZARD; SUMMARY JUDGMENT - EXPERT OPINION;

THOSE CERTAIN UNDERWRITERS AT LLOYDS, LONDON, et al. v OCCIDENTAL
GEMS, et al.:

DISCLOSURE - EXAMINATION BEFORE TRIAL - WHETHER PART OWNER OF
ISRAELI COMPANY THAT OWNS ONE OF THE DEFENDANT CORPORATIONS
SHOULD BE COMPELLED TO TRAVEL FROM HIS RESIDENCE IN BELGIUM TO
NEW YORK TO SUBMIT TO A DEPOSITION - SCOPE OF DISCLOSURE -
WHETHER A CORPORATE DEFENDANT MUST PRODUCE DOCUMENTS FROM AND
GIVE TESTIMONY ABOUT A CERTAIN ARBITRATION PROCEEDING IN BELGIUM
TO WHICH CORPORATE DEFENDANT WAS NOT A PARTY;

LOVE'M SHELTERING, INC., MATTER OF, v COUNTY OF SUFFOLK, et al.:

COUNTIES - COMPTROLLER - VALIDITY OF AUDIT - WHETHER AUDIT
PROCESS PERFORMED BY COUNTY COMPTROLLER WAS UNCONSTITUTIONAL AND

FINAL AUDIT REPORT WAS NULL AND VOID;

LUCIANO (RUBEN), PEOPLE v:

CRIMES AND CRIMINAL PROCEDURE - JURORS - SELECTION OF JURY - REMEDY FOR BATSON VIOLATION - WHETHER FORFEITURE OF PEREMPTORY CHALLENGES USED TO UNSUCCESSFULLY STRIKE PROSPECTIVE JURORS IN A DISCRIMINATORY MANNER IS AN APPROPRIATE REMEDY;

LUCAS (DELON), PEOPLE v:

CRIMES AND CRIMINAL PROCEDURE - MURDER - WHETHER TRIAL COURT ERRED IN DENYING MOTION TO DISMISS THE FIRST-DEGREE MURDER COUNT OF THE INDICTMENT - WHETHER THE KIDNAPING OFFENSE, THE AGGRAVATOR SUPPORTING ELEVATION OF THE INTENTIONAL MURDER TO A FIRST DEGREE OFFENSE, WAS SUBSUMED IN THE MURDER OFFENSE ITSELF - PEOPLE v CAHILL (2 NY3d 13 [2003]);

MANN v ABEL et al.: (Cal. Date - 2/5/08)

LIBEL AND SLANDER - NEWSPAPER ARTICLE - ACTUAL MALICE - ALLEGED VIOLATION OF NEWSPAPER'S FREE SPEECH RIGHTS UNDER FEDERAL AND STATE CONSTITUTIONS; DAMAGES - COMPENSATORY AND PUNITIVE;

MARKOWITZ, MATTER OF, v SERIO, et al.:

RECORDS - FREEDOM OF INFORMATION LAW (FOIL) - ANNUAL REPORTS CERTAIN AUTO INSURERS ARE REQUIRED TO FILE WITH THE DEPARTMENT OF INSURANCE PURSUANT TO 11 NYCRR 218.7 (REGULATION 90), WHICH DEEMS SUCH REPORTS PUBLIC RECORDS - WHETHER SUCH REPORTS ARE EXEMPT FROM DISCLOSURE UNDER FOIL'S SUBSTANTIAL COMPETITIVE INJURY EXCEPTION (PUBLIC OFFICERS LAW § 87[2][d]);

MARMELSTEIN v KEHILLAT NEW HEMPSTEAD etc. et al.:

TORTS - CAUSES OF ACTION FOR BREACH OF FIDUCIARY DUTY AND INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS AGAINST RABBI WHO COUNSELED AND ENGAGED IN SEXUAL RELATIONSHIP WITH MEMBER OF SYNAGOGUE - CIVIL RIGHTS LAW § 80-a;

MARTIN v GOORD:

PRISONS AND PRISONERS - INMATE GRIEVANCE - GOOD TIME CREDIT;

MASTER, MATTER OF, et al. v POHANKA et al.:

ELECTIONS - CERTIFICATE OF NOMINATION - INVALIDATION OF WILSON-PAKULA CERTIFICATES (ELECTION LAW § 6-120[3]) ISSUED BY THE SUFFOLK COUNTY WORKING FAMILIES PARTY EXECUTIVE COMMITTEE - ALLEGED VIOLATION OF ONE-PERSON, ONE-VOTE PRINCIPLE OF THE NEW YORK AND FEDERAL CONSTITUTIONS - ELECTION LAW §§ 2-100, 2-104 AND 2-114; STATUTE OF LIMITATIONS; NECESSARY PARTIES;

MCCURDY v THE STATE OF NEW YORK: (Cal. Date - 2/12/08)

EMINENT DOMAIN - AWARD - APPROPRIATE MEASURE OF CONSEQUENTIAL DAMAGES FOR TAKING OF TEMPORARY EASEMENT OF ROAD FRONTAGE WHERE SUBJECT PARCEL IS UNDEVELOPED VACANT PROPERTY - WHETHER DAMAGES ARE BASED ON RENTAL VALUE OF ENTIRE REMAINDER, RATHER THAN THE PORTION OF THE PROPERTY ACTUALLY ENCUMBERED BY THE TEMPORARY

EASEMENT;

MEEKINS (DWAIN), PEOPLE v:

CRIMES AND CRIMINAL PROCEDURE - EVIDENCE - DNA IDENTIFICATION TESTS - WHETHER PRIVATE LABORATORY'S DNA REPORT WAS PROPERLY ADMITTED UNDER THE BUSINESS RECORDS EXCEPTION TO THE HEARSAY RULE THROUGH TESTIMONY OF EXPERTS IN DNA ANALYSIS AND FORENSIC BIOLOGY EMPLOYED BY THE LABORATORY AND THE MEDICAL EXAMINER'S OFFICE WHERE THE WITNESSES HAD NO PERSONAL ROLE IN THE DNA TESTING; RIGHT OF CONFRONTATION - WHETHER DNA REPORT WAS INADMISSIBLE TESTIMONIAL STATEMENT (CRAWFORD v WASHINGTON) [541 US 36] AND DAVIS v WASHINGTON [126 S Ct 2266];

MELROSE COMMONS URBAN RENEWAL AREA PHASE II, MATTER OF, v CITY OF NEW YORK:

EMINENT DOMAIN - AWARD - WHETHER ITEMS AT THE BUSINESS PREMISES ARE COMPENSABLE AS TRADE FIXTURES IN THE CONTEXT OF EMINENT DOMAIN;

MILL CREEK PHASE 1 STATEN ISLAND BLUEBELT SYSTEM, MATTER OF, v VIGLIAROLO, et al.:

INTEREST - RATE OF INTEREST - WHETHER INTEREST RATE ON TAX LIEN AGAINST THE SUBJECT PROPERTY CONTINUED TO ACCRUE AT A RATE OF EIGHTEEN PERCENT AFTER THE CITY ACQUIRED THE SUBJECT PROPERTY THROUGH A CONDEMNATION PROCEEDING OR WAS LIMITED TO SIX PERCENT PURSUANT TO GENERAL MUNICIPAL LAW § 3-a(2);

MONTILLA (FRANKLYN), PEOPLE v:

CRIMES AND CRIMINAL PROCEDURE - POSSESSION OF A WEAPON - WHETHER ESSENTIAL ELEMENT OF WEAPON POSSESSION IN THE THIRD DEGREE (PENAL LAW § 265.02[1]), THAT DEFENDANT BE "PREVIOUSLY CONVICTED OF ANY CRIME," IS SATISFIED BY DEFENDANT'S GUILTY PLEA TO A PRIOR CRIME (see CPL 1.20[13]), OR ALSO REQUIRES IMPOSITION OF A SENTENCE BEFORE THE WEAPON POSSESSION CRIME IS COMMITTED;

MORALES v D&A FOOD SERVICE, et al.:

LABOR - SAFE PLACE TO WORK - LABOR LAW § 240(1) - LIABILITY OF OWNER WHERE CONSTRUCTION WORK AT ISSUE WAS PERFORMED WITHOUT OWNER'S KNOWLEDGE AND IN VIOLATION OF LEASE PROVISION REQUIRING OWNER'S PRIOR CONSENT; SUMMARY JUDGMENT; LANDLORD AND TENANT;

NYCTL 1999-1 TRUST, et al. v 114 TENTH AVENUE ASSOCIATION, INC., et al.:

MORTGAGES - FORECLOSURE - DENIAL OF MOTION TO VACATE JUDGMENT OF FORECLOSURE AND SALE AND TO SET ASIDE RESULTING SALE - ALLEGED VIOLATIONS OF DUE PROCESS;

9TH & 10TH STREET, LLC, MATTER OF, v BOARD OF STANDARDS AND APPEALS OF THE CITY OF NEW YORK: (Cal. Date - 2/13/08)

MUNICIPAL CORPORATIONS - ZONING - BUILDING PERMIT - WHETHER THE DEPARTMENT OF BUILDINGS' DENIAL OF A BUILDING PERMIT TO PETITIONER

ON THE GROUNDS THAT PETITIONER COULD NOT PRODUCE DOCUMENTATION OF EVENTUAL INSTITUTIONAL CONTROL OVER A PROPOSED DORMITORY BUILDING CONSTITUTED AN IMPERMISSIBLE ADMINISTRATIVE ANTICIPATORY PUNISHMENT;

936 SECOND AVENUE, L.P. v SECOND CORPORATE DEVELOPMENT COMPANY, INC., et al.:

LANDLORD AND TENANT - RENT - INTERPRETATION OF RENT VALUATION PROVISION OF NET LEASE - WHETHER THE LEASE PROVISION PRECLUDES AN APPRAISER FROM CONSIDERING THE LEASE ITSELF AS AN ENCUMBRANCE WHEN VALUING THE PROPERTY FOR THE PURPOSE OF ESTABLISHING RENT FOR A RENEWAL TERM; DECLARATORY JUDGMENT;

ODOM, MATTER OF, v SELSKY:

APPEAL - APPELLATE DIVISION - DENIAL OF APPLICATION FOR RENEWAL; PRISONS AND PRISONERS - DISCIPLINE OF INMATES;

ONEBEACON AMERICA INSURANCE CO. v NL INDUSTRIES, INC., et al.:

CONTRACTS - BREACH OR PERFORMANCE OF CONTRACT - DISMISSAL OF ACTION FOR BREACH OF AGREEMENT PROVIDING FOR DISMISSAL AS A REMEDY IF EITHER PARTY FILED AN ACTION IN VIOLATION OF THE AGREEMENT;

ORNSTEIN v. NEW YORK CITY HEALTH AND HOSPITALS CORPORATION, et al.:

NEGLIGENCE - NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS - WHETHER PLAINTIFF HAS A VIABLE CLAIM FOR EMOTIONAL AND PSYCHOLOGICAL INJURY RESULTING FROM EXPOSURE TO THE VIRUS THAT CAUSES ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) TO THE EXTENT SUCH CLAIM IS BASED UPON DAMAGES SUSTAINED MORE THAN SIX MONTHS AFTER PLAINTIFF'S EXPOSURE TO THE AIDS VIRUS BECAUSE INFECTION IS BELIEVED UNLIKELY WHEN THE VICTIM TESTS NEGATIVE FOR THE PRESENCE OF THE VIRUS MORE THAN SIX MONTHS AFTER EXPOSURE;

P.A. BUILDING COMPANY v CITY OF NEW YORK: (Cal. Date - 3/13/08)

LANDLORD AND TENANT - LEASE - RENT ESCALATION CLAUSE - WHETHER LANDLORD PROPERLY PASSED TO TENANT CITY A SHARE OF THE ASBESTOS REMOVAL COST AS AN OPERATING EXPENSE; WAIVER OF ARGUMENT; INTEREST ACCRUAL;

PALL CORPORATION, MATTER OF, v BOARD OF ASSESSORS et al.:

(Cal. Date - 3/11/08)

TAXATION - TAX REFUND - WHETHER PAYMENTS IN LIEU OF TAXES (PILOT PAYMENTS) ARE CONTRACTUAL OR ARE SUBJECT TO THE PROVISIONS OF THE TAX LAWS; WHETHER NASSAU COUNTY ADMINISTRATIVE CODE § 6-26.0(b)(3)(c), THE "NO CHARGE-BACK" PROVISION, WHICH REQUIRES NASSAU COUNTY TO ABSORB COST OF ANY TAX REFUND OR CREDIT AWARDED TO A PETITIONER IN TAX CERTIORARI PROCEEDINGS, APPLIES TO PILOT PAYMENTS;

PANTELIDIS, MATTER OF, v NEW YORK CITY BOARD OF STANDARDS AND APPEALS, et al.:

MUNICIPAL CORPORATIONS - ZONING - VARIANCE - WHETHER SUPREME COURT ERRED IN HOLDING A HEARING TO DETERMINE PETITIONER'S GOOD FAITH RELIANCE ON BUILDING PERMIT REVOKED AFTER COMPLETION OF WORK - WHETHER MATTER SHOULD HAVE BEEN REMANDED TO AGENCY FOR DETERMINATION WHETHER TO ISSUE AN AREA VARIANCE;

PEARSON &c. v NEW YORK CITY HEALTH AND HOSPITALS CORPORATION et al.:

MUNICIPAL CORPORATIONS - NOTICE OF CLAIM - LATE NOTICE - MOTHER SERVED NOTICE OF CLAIM ON BEHALF OF INFANT DAUGHTER OVER SIX MONTHS AFTER DAUGHTER'S LAST HOSPITAL APPOINTMENT;

PEOPLE &c. v GRASSO:

ATTORNEY GENERAL - POWERS - WHETHER THE ATTORNEY GENERAL HAS AUTHORITY TO ASSERT CAUSES OF ACTION AGAINST DIRECTORS AND OFFICERS OF NOT-FOR-PROFIT CORPORATIONS THAT ARE NOT EXPRESSLY AUTHORIZED BY THE NOT-FOR-PROFIT CORPORATION LAW;

PEREZ v TIME MOVING AND STORAGE, INC.

APPEAL - APPELLATE DIVISION - DISMISSAL OF APPEAL - DENIAL OF MOTION TO ENLARGE TIME TO PERFECT APPEAL - ACTION AGAINST MOVING COMPANY REMOVED FROM SUPREME COURT TO CIVIL COURT OF THE CITY OF NEW YORK;

PLUDEMAN v NORTHERN LEASING SYSTEMS, INC., et al.:

(Cal. Date - 3/18/08)

PLEADING - SUFFICIENCY OF PLEADING - FRAUD - WHETHER PLAINTIFFS' ALLEGATIONS OF FRAUD SATISFIED THE PLEADING REQUIREMENTS OF CPLR 3016(b);

POLICE BENEVOLENT ASSOCIATION OF NEW YORK STATE TROOPERS et al. v DIVISION OF NEW YORK STATE POLICE, et al.:

PARTIES - STANDING - WHETHER STATE TROOPERS SUBJECTED TO AN INITIAL CRITICAL INCIDENT INQUIRY AND THEIR POLICE BENEVOLENT ASSOCIATION HAVE STANDING TO BRING AN ACTION SEEKING A DECLARATION THAT ALL NEW YORK STATE TROOPERS AND OFFICERS HAVE A RIGHT TO COUNSEL AND UNION REPRESENTATION AT ALL STAGES OF A CRITICAL INCIDENT INVESTIGATION;

PRESERVER INSURANCE COMPANY v RYBA, et al.:

INSURANCE - DISCLAIMER OF COVERAGE - APPLICABILITY OF INSURANCE LAW § 3420(d) - WHETHER NEW YORK'S RULE REQUIRING UNLIMITED LIABILITY IN WORKERS' COMPENSATION INSURANCE POLICIES PRECLUDES ENFORCEMENT OF A \$100,000 LIMIT IN AN EMPLOYERS' LIABILITY INSURANCE POLICY ISSUED IN NEW JERSEY;

PULTZ et al. v ECONOMAKIS:

LANDLORD AND TENANT - RENT REGULATION - RECOVERY OF PREMISES FOR OWNER OCCUPANCY - WHETHER LANDLORD MUST OBTAIN APPROVAL FROM THE

DIVISION OF HOUSING AND COMMUNITY RENEWAL (DHCR) BEFORE IT MAY RECOVER THE REMAINING RENT-STABILIZED APARTMENTS IN A 15-UNIT BUILDING AND CONVERT THE BUILDING INTO A SINGLE-FAMILY HOME FOR PERSONAL USE PURSUANT TO THE OWNER-OCCUPANCY PROVISIONS OF THE RENT STABILIZATION LAW AND CODE;

JAVIER R. (ANONYMOUS), MATTER OF:

APPEAL - ACADEMIC AND MOOT QUESTION - APPELLATE DIVISION
DISMISSAL OF APPEAL AS MOOT - APPLICATION PURSUANT TO FAMILY COURT ACT § 1028 FOR RETURN OF CHILD TO PARENTS AFTER TEMPORARY REMOVAL FROM HOME - DURING PENDENCY OF APPEAL TO APPELLATE DIVISION, FAMILY COURT MODIFIED ITS PRIOR ORDER AND RETURNED CHILD TO CUSTODY OF PARENTS;

RAMOS v HOWARD INDUSTRIES, INC.: (Cal. Date - 2/6/08)

PRODUCTS LIABILITY - DEFECTIVELY DESIGNED PRODUCT - SUMMARY JUDGMENT - WHETHER, IN A PRODUCTS LIABILITY CLAIM ALLEGING A MANUFACTURING DEFECT IN A PRODUCT UNAVAILABLE FOR INSPECTION, DEFENDANT MANUFACTURER OF TRANSFORMERS SATISFIED ITS BURDEN ON A MOTION FOR SUMMARY JUDGMENT BY SUBMITTING EVIDENCE THAT ESTABLISHED ITS PRODUCTS WERE GENERALLY DESIGNED AND MANUFACTURED UNDER STATE OF THE ART CONDITIONS AND COMPLIED WITH ALL APPLICABLE INDUSTRY STANDARDS, AND THE PRODUCT WOULD HAVE BEEN INDIVIDUALLY TESTED TO ENSURE COMPLIANCE WITH CUSTOMER SPECIFICATIONS AND INDUSTRY REQUIREMENTS;

RAMROOP, MATTER OF, v FLEXO-CRAFT PRINTING, INC., et al.:

WORKERS' COMPENSATION - EXTENT OF DISABILITY - WHETHER CLAIMANT'S STATUS AS AN UNDOCUMENTED ALIEN INELIGIBLE FOR EMPLOYMENT IN THE UNITED STATES PRECLUDES HIS RECOVERY OF "ADDITIONAL COMPENSATION" BENEFITS UNDER WORKERS' COMPENSATION LAW § 15(3)(v) - WORKERS' COMPENSATION LAW § 17;

RAWLINS (MICHAEL), PEOPLE v.:

CRIMES AND CRIMINAL PROCEDURE - RIGHT OF CONFRONTATION - WHETHER FINGERPRINT COMPARISON REPORTS ADMITTED INTO EVIDENCE UNDER THE BUSINESS RECORDS EXCEPTION WERE TESTIMONIAL SUCH THAT THEIR ADMISSION VIOLATED DEFENDANT'S RIGHT OF CONFRONTATION;

REGIONAL ECONOMIC COMMUNITY ACTION PROGRAM, INC., MATTER OF, v BERNASKI: (Cal. Date - 2/5/08)

TAXATION - EXEMPTIONS - WHETHER PROPERTIES OWNED BY TAX-EXEMPT CORPORATION ARE EXEMPT FROM TAXATION UNDER RPTL 420-a - USE OF PROPERTY PRIMARILY FOR CHARITABLE PURPOSES;

REYNOSO, MATTER OF, v DENNISON, &c.:

AUTOMATIC DISMISSAL OF APPELLATE DIVISION APPEAL FOR FAILURE TO PERFECT PURSUANT TO 22 NYCRR 1000.12(b);

RIVERSIDE SYNDICATE, INC. v MUNROE et al.:

LANDLORD AND TENANT - RENT REGULATION - WHETHER COURT-APPROVED STIPULATION OF SETTLEMENT BETWEEN LANDLORD AND TENANTS IN 1996 SUMMARY PROCEEDING VIOLATES RENT STABILIZATION CODE (9 NYCRR) § 2520.13 AND MAY BE DECLARED NULL AND VOID AS AGAINST PUBLIC POLICY; ESTOPPEL - WAIVER;

TOWN OF RYE et al., MATTER OF, v NEW YORK STATE BOARD OF REAL PROPERTY SERVICES, et al.: (Cal. Date - 2/5/08)

TAXATION - REAL PROPERTY TAX - CPLR ARTICLE 78 PROCEEDING TO CHALLENGE DETERMINATION OF NEW YORK STATE BOARD OF REAL PROPERTY SERVICES THAT DENIED TOWN OF RYE'S APPLICATION FOR A SEGMENT SPECIAL EQUALIZATION RATE FOR SCHOOL TAX APPORTIONMENT IN THE PART OF THE CITY OF RYE LOCATED WITHIN THE RYE NECK UNION FREE SCHOOL DISTRICT; DISMISSAL OF PROCEEDING BASED ON PETITIONERS' "LACK OF CAPACITY"; STANDING;

SALTERS (KYLE), PEOPLE v:

CRIMES AND CRIMINAL PROCEDURE - PROMOTING PRISON CONTRABAND - WHETHER MARIJUANA IS "DANGEROUS CONTRABAND" WITHIN THE MEANING OF PENAL LAW § 205.00(4) - WHETHER EVIDENCE IS LEGALLY SUFFICIENT TO SUSTAIN DEFENDANT'S CONVICTION OF ATTEMPTED PROMOTING PRISON CONTRABAND IN THE FIRST DEGREE; LESSER INCLUDED CHARGE; PRISONS AND PRISONERS;

SAMIEN TO, et al. v WORLD YACHT, INC. et al.:

LABOR - HOURS AND WAGES - WHETHER APPELLATE DIVISION PROPERLY DISMISSED CAUSE OF ACTION BY PLAINTIFFS ALLEGING THAT EMPLOYER IMPROPERLY CHARACTERIZED GRATUITIES AS SERVICE CHARGES AND UNLAWFULLY RETAINED THESE GRATUITIES PAID BY PATRONS PURCHASING CRUISE DINING TICKETS; WHETHER APPELLATE DIVISION PROPERLY DISMISSED CAUSE OF ACTION FOR UNJUST ENRICHMENT BASED ON PARTIES' ORAL AGREEMENT CONCERNING PLAINTIFFS' COMPENSATION; ALLEGED VIOLATION OF LABOR LAW § 196-d AND BUSINESS LAW § 349;

SANATASS et al. v CONSOLIDATED INVESTING COMPANY, INC., et al.:

(Cal. Date - 3/13/08)

LABOR - SAFE PLACE TO WORK - LABOR LAW §§ 240(1) AND 241(6) - LIABILITY OF OWNER WHERE CONSTRUCTION WORK AT ISSUE WAS PERFORMED WITHOUT OWNER'S CONSENT AND IN VIOLATION OF THE LEASE; SUMMARY JUDGMENT; LANDLORD AND TENANT;

SANONYMOUS v SANONYMOUS: (Cal. Date - 3/18/08)

PARENT AND CHILD - CUSTODY - CHALLENGE TO VARIOUS ORDERS ENTERED IN DIVORCE ACTION;

SCHORR, MATTER OF, v NEW YORK CITY DEPARTMENT OF HOUSING

PRESERVATION AND DEVELOPMENT, et al.: (Cal Date. - 2/12/08)

PUBLIC HOUSING - SUCCESSION RIGHTS - APPLICABILITY OF DOCTRINE OF EQUITABLE ESTOPPEL TO CREATE TENANCY IN MITCHELL-LAMA HOUSING; RETALIATORY EVICTION;

SIMMONS (DONNIE), PEOPLE v:

CRIMES AND CRIMINAL PROCEDURE - RIGHT TO COUNSEL - EFFECTIVE REPRESENTATION - ALLEGED FAILURE OF DEFENDANT'S COUNSEL TO EFFECT DEFENDANT'S INTENT TO TESTIFY BEFORE THE GRAND JURY;

SMALLS v AJI INDUSTRIES, INC., et al.:

JUDGMENTS - SUMMARY JUDGMENT - LIABILITY OF CORPORATE DEFENDANTS IN MOTOR VEHICLE ACCIDENT OCCURRING WHEN DRIVER TURNED LEFT AT THIRTY-FIVE TO FORTY MILES AN HOUR, SKIDDED ON WET PAVEMENT, AND HIT A REFUSE CONTAINER, OWNED BY CORPORATE DEFENDANTS, PARKED ON SIDE OF THE ROAD;

SMALLEY, et al. v THE DREYFUS CORPORATION, et al.:

MASTER AND SERVANT - AT-WILL EMPLOYMENT - TERMINATION OF EMPLOYMENT - WHETHER AT-WILL EMPLOYEES MAY SUE THEIR FORMER EMPLOYER FOR FRAUDULENT INDUCEMENT BASED ON THEIR RELIANCE ON EMPLOYER'S ASSERTION THAT IT HAD NO PLAN TO MERGE THEIR GROUP WITH ANOTHER GROUP;

SOLOW MANAGEMENT CORP. v TANGER et al.:

SHERIFFS AND CONSTABLES - POUNDAGE FEES (CPLR 8012[b]) - CITY MARSHALL'S ENTITLEMENT TO POUNDAGE WHERE JUDGMENT DEBTORS FILED APPEAL BOND AFTER MARSHALL'S LEVY AND MARSHALL DID NOT COLLECT ON THE LEVY BUT RELEASED IT WITHOUT COMPLYING WITH CPLR 5204;

SOROKINA, MATTER OF, v HANSELL, &c., et al.:

SOCIAL SERVICES - PUBLIC ASSISTANCE AND FOOD STAMPS - CPLR ARTICLE 78 PROCEEDING TO ANNUL A DETERMINATION DISCONTINUING PETITIONER'S PUBLIC ASSISTANCE AND FOOD STAMPS;

SPARBER (DANIEL), PEOPLE v: (Cal. Date - 3/12/08)

CRIMES AND CRIMINAL PROCEDURE - SENTENCE - WHETHER TRIAL COURT'S FAILURE TO MENTION A PERIOD OF POST-RELEASE SUPERVISION AS PART OF THE SENTENCE RENDERS THE POST-RELEASE SUPERVISION COMPONENT OF THE SENTENCE INVALID - COURT CLERK'S WRITTEN NOTATION REGARDING POST-RELEASE SUPERVISION ON COMMITMENT PAPERS;

SPOTA, MATTER OF, v JACKSON:

INDIANS - INTERNAL TRIBAL AFFAIRS - PROCEEDING UNDER INDIAN LAW § 8 TO REMOVE AN ALLEGED INTRUDER ON THE RESERVATION - WHETHER STATE COURTS HAVE AUTHORITY UNDER INDIAN LAW § 8 TO DETERMINE WHETHER ESTRANGED WIFE OF A BLOOD-RIGHT MEMBER OF THE TRIBE IS AN "INTRUDER";

COMMITTEE TO SAVE ST. BRIGID'S, INC., et al. v EGAN, et al.:

RELIGIOUS CORPORATIONS AND ASSOCIATIONS - DEMOLITION OF CHURCH BUILDING - RES JUDICATA - REVOCATION OF DEMOLITION PERMITS - ALLEGED VIOLATION OF RELIGIOUS CORPORATION LAW § 5 - BREACH OF FIDUCIARY DUTY - PARISHIONERS' STANDING TO SUE UNDER NOT-FOR-PROFIT CORPORATION LAW § 623;

STEEL LOS III/GOYA FOODS, INC., MATTER OF, v BOARD OF ASSESSORS OF COUNTY OF NASSAU, et al.: (Cal. Date - 3/11/08)

TAXATION - TAX REFUND - WHETHER NASSAU COUNTY ADMINISTRATIVE CODE § 6-26.0(b)(3), UNDER WHICH THE COUNTY IS RESPONSIBLE FOR THE REFUND OF TAX OVERPAYMENTS RECEIVED BY THE COUNTY, TOWNS AND SCHOOLS DISTRICTS, APPLIES TO REFUNDS OF PAYMENTS-IN-LIEU-OF - TAXES (PILOT PAYMENTS); WHETHER PILOT PAYMENTS ARE CONTRACTUAL OR ARE SUBJECT TO THE PROVISIONS OF THE TAX LAWS;

SUAREZ, MATTER OF, v JOHNSON et al.:

PROCEEDING AGAINST BODY OR OFFICER - PROHIBITION - WHETHER DOUBLE JEOPARDY CLAUSES OF STATE AND FEDERAL CONSTITUTIONS BAR APPELLANT'S FURTHER PROSECUTION FOR FIRST DEGREE MANSLAUGHTER AFTER ACQUITTAL ON INTENTIONAL MURDER COUNT - "SAME OFFENSE"; COLLATERAL ESTOPPEL;

SUM v TISHMAN SPEYER PROPERTIES, INC., et al.:

ARBITRATION - MATTERS ARBITRABLE - WHETHER PLAINTIFF'S UNION-NEGOTIATED AGREEMENT TO WAIVE HER RIGHT TO A JUDICIAL FORUM FOR HER GENDER DISCRIMINATION CLAIM IS ENFORCEABLE - FEDERAL ARBITRATION ACT - CPLR 7503(a) MOTION TO COMPEL ARBITRATION; CIVIL RIGHTS - DISCRIMINATION BASED ON GENDER; COLLECTIVE BARGAINING AGREEMENT;

SUSAN ANONYMOUS, MATTER OF, v JAMES ANONYMOUS:

PARENT AND CHILD - SUPPORT - WHETHER FAMILY COURT LACKED SUBJECT MATTER JURISDICTION TO GRANT A NEW SUPPORT ORDER DIRECTING RESPONDENT PAY CHILD SUPPORT UNTIL SON REACHED THE AGE OF 21 WHERE PRIOR CONNECTICUT JUDGMENT DIRECTED CHILD SUPPORT ONLY UNTIL SON REACHED AGE OF 18 (FEDERAL FULL FAITH AND CREDIT FOR CHILD SUPPORT ORDERS ACT; UNIFORM INTERSTATE FAMILY SUPPORT ACT); ATTORNEYS' FEES - WHETHER FAMILY COURT PROPERLY GRANTED PETITIONER ATTORNEYS' FEES;

SWIDERSKA v NEW YORK UNIVERSITY et al.:

LABOR - SAFE PLACE TO WORK - WHETHER INJURED PLAINTIFF WAS ENGAGED IN ACTIVITY COVERED BY LABOR LAW § 240(1) WHEN SHE FELL FROM A HEIGHT OF APPROXIMATELY THREE FEET WHILE CLEANING AN INTERIOR WINDOW AT A 19-STORY DORMITORY BUILDING PURSUANT TO A COMMERCIAL CONTRACT BETWEEN PLAINTIFF'S EMPLOYER AND DEFENDANT LESSEE OF THE BUILDING;

TAG 380, LLC v ComMET 380, INC.:

LANDLORD AND TENANT - LEASE - WHETHER THE PARTIES' LEASE REQUIRES THE TENANT TO MAINTAIN INSURANCE ON THE PREMISES NOT EXCLUDING TERRORISM AS A CAUSE FOR THE SPECIFICALLY COVERED PERILS; DECLARATORY JUDGMENT; DAMAGES; ATTORNEYS' FEES; REIMBURSEMENT FOR INSURANCE PREMIUMS PAID BY LANDLORD;

TAVERAS (JOSE MARTIN), PEOPLE v: (Cal. Date - 2/7/08)
 APPEAL - APPELLATE DIVISION - DISMISSAL OF APPEAL - FUGITIVE
 DISENTITLEMENT DOCTRINE - FORMER FUGITIVE RETURNED TO CUSTODY AND
 AVAILABLE TO OBEY MANDATE OF COURT; CRIMES AND CRIMINAL
 PROCEDURE;

THOMAS (ROBERT), PEOPLE v: (Cal. Date - 3/12/08)
 CRIMES AND CRIMINAL PROCEDURE - SENTENCE - POST-RELEASE
 SUPERVISION - WHETHER SENTENCING COURT'S FAILURE TO PRONOUNCE IN
 OPEN COURT A PERIOD OF POST-RELEASE SUPERVISION AS PART OF THE
 SENTENCE RENDERS THE POST-RELEASE SUPERVISION COMPONENT OF THE
 SENTENCE INVALID - WHETHER DEFENDANT'S WAIVER OF HIS RIGHT TO
 APPEAL PRECLUDES HIM FROM ARGUING THE INVALIDITY OF THE POST-
 RELEASE SUPERVISION - PRESERVATION OF ISSUE FOR REVIEW;

TORRANCE, MATTER OF, v STOUT et al.:
 PUBLIC OFFICERS - DEMOTION OF PARK FOREMAN FOR EMPLOYEE
 MISCONDUCT - CIVIL SERVICE LAW § 75 - WHETHER PENALTY SET BY
 COMMISSIONER OF WESTCHESTER COUNTY DEPARTMENT OF PARKS,
 RECREATION AND CONSERVATION WAS SHOCKING TO ONE'S SENSE OF
 FAIRNESS; ARTICLE 78 PROCEEDING;

TUTRANI, et al. v COUNTY OF SUFFOLK, et al.:
 NEGLIGENCE - PROXIMATE CAUSE - PLAINTIFF, WHO STOPPED HER VEHICLE
 AND AVOIDED HITTING POLICE CAR THAT CAME TO ABRUPT STOP IN FRONT
 OF HER, WAS HIT BY ANOTHER CAR FROM BEHIND - DETERMINATION THAT
 POLICE OFFICER WAS NOT A PROXIMATE CAUSE OF THE ACCIDENT AS A
 MATTER OF LAW;

TZOLIS, et al. v WOLFF, et al.:
 LIMITED LIABILITY COMPANIES - WHETHER, IN THE ABSENCE OF EXPRESS
 LANGUAGE IN THE LIMITED LIABILITY COMPANY LAW, A MEMBER OF A
 LIMITED LIABILITY COMPANY HAS STANDING TO SUE DERIVATIVELY ON THE
 COMPANY'S BEHALF;

CITY OF UTICA, MATTER OF, v TOWN OF FRANKFORT et al.:
 MUNICIPAL CORPORATIONS - ANNEXATION OF TERRITORY - GENERAL
 MUNICIPAL LAW ARTICLE 17 - WHETHER THE APPELLATE DIVISION
 PROPERLY CONCLUDED THAT A PROPOSED ANNEXATION OF LAND FROM
 HERKIMER COUNTY AND THE TOWN OF FRANKFORT TO THE CITY OF UTICA
 WAS IN THE OVERALL PUBLIC INTEREST, OR ERRED BY DISPENSING WITH
 THE SPECIAL ELECTION REQUIREMENT OF GENERAL MUNICIPAL LAW § 713;

UMALI (ISAIAS), PEOPLE v: (Cal. Date - 3/19/08)
 CRIMES AND CRIMINAL PROCEDURE - RIGHT TO COUNSEL - TRIAL COURT
 ORDER PROHIBITING DEFENSE COUNSEL FROM SPEAKING TO DEFENDANT
 ABOUT HIS TRIAL TESTIMONY FOR TWO DAYS; JURY INSTRUCTIONS -
 JUSTIFICATION;

URBAEZ (MARCOS), PEOPLE v: (Cal. Date - 2/12/08)

CRIMES AND CRIMINAL PROCEDURE - RIGHT TO JURY TRIAL - ALLEGED DUE PROCESS VIOLATION WHERE CHARGE AGAINST DEFENDANT WAS REDUCED FROM AGGRAVATED HARASSMENT IN THE SECOND DEGREE TO ATTEMPTED AGGRAVATED HARASSMENT IN THE SECOND DEGREE TO AVOID A JURY TRIAL;

VAN NOSTRAND v FROEHLICH et al.:

INTEREST - PREJUDGMENT INTEREST - DATE FROM WHICH PREJUDGMENT INTEREST IS TO BE CALCULATED UNDER CPLR 5002 IN AN AUTOMOBILE-RELATED PERSONAL INJURY ACTION WHERE THE SERIOUS INJURY THRESHOLD IS AN ISSUE;

VENIGALLA, et al., MATTER OF, v NORI et al.:

RELIGIOUS CORPORATIONS AND ASSOCIATIONS - ALLEGED JUDICIAL INTRUSION INTO MATTERS OF RELIGIOUS DOCTRINE - ENFORCEMENT OF HINDU TEMPLE SOCIETY OF NORTH AMERICA'S (THE SOCIETY'S) 1970 BY-LAWS - WHETHER SOCIETY'S 1970 BY-LAWS CONFLICT WITH ARTICLE 9 OF THE RELIGIOUS CORPORATION LAW AND THE SOCIETY'S ARTICLES OF INCORPORATION AND PRACTICES;

VIGILANT INSURANCE COMPANY, et al. v THE BEAR STEARNS COMPANIES:

(Cal. Date 2/6/08)

CONTRACTS - FORMATION OF CONTRACT - WHETHER TRIABLE ISSUES OF FACT EXIST CONCERNING ALLEGATION THAT DEFENDANT BREACHED THE INSURANCE POLICIES' PROVISION PROHIBITING DEFENDANT FROM SETTLING ANY CLAIMS OR ASSUMING ANY CONTRACTUAL OBLIGATIONS WITHOUT PLAINTIFFS' CONSENT; INSURANCE - EXCLUSIONS - WHETHER DEFENDANT IS ENTITLED TO SUMMARY JUDGMENT ON ISSUE OF WHETHER INVESTMENT BANKING EXCLUSION IN POLICIES APPLIED CONCERNING ALLEGATION THAT DEFENDANT'S RESEARCH ANALYSTS WERE UNDULY INFLUENCED BY INVESTMENT BANKING CONCERNS; INSURANCE - DISCLAIMER OF COVERAGE - WHETHER AN INSURED'S COMMITMENT TO PROVIDE INDEPENDENT RESEARCH AND INVESTOR EDUCATION PROGRAMS IN THE FUTURE AS PART OF A SETTLEMENT IS COVERED LOSS UNDER AN INSURANCE POLICY; ALLEGED VIOLATION OF SUPREMACY CLAUSE AND NULLIFICATION OF JUDGMENT OF UNITED STATES DISTRICT COURT CONCERNING DISGORGEMENT;

VUCETOVIC v EPSOM DOWNS, INC.:

NEGLIGENCE - DUTY - MAINTENANCE OF PREMISES - WHETHER TREE WELLS ARE PART OF THE "SIDEWALK" FOR PURPOSES OF ADMINISTRATIVE CODE OF THE CITY OF NEW YORK § 7-210;

WARE (ANTHONY), PEOPLE v: (Cal. Date - 3/12/08)

CRIMES AND CRIMINAL PROCEDURE - SENTENCE - POST-RELEASE SUPERVISION - WHETHER SENTENCING COURT'S FAILURE TO MENTION IN OPEN COURT A PERIOD OF POST-RELEASE SUPERVISION AS PART OF THE SENTENCE RENDERS THE POST-RELEASE SUPERVISION COMPONENT OF THE

SENTENCE INVALID;

WHITE (GARY), PEOPLE v: (Cal. Date - 3/13/08)

CRIMES AND CRIMINAL PROCEDURE - CONFESSION - WHETHER, IN THE ABSENCE OF AN INCRIMINATING PRE-MIRANDA STATEMENT BY DEFENDANT, THERE WAS A NEED TO DETERMINE WHETHER PRE- AND POST-MIRANDA SESSIONS WERE PART OF A "SINGLE CONTINUOUS CHAIN OF EVENTS" IN DECIDING WHETHER SUPPRESSION OF DEFENDANT'S CONFESSION TO POLICE WAS WARRANTED;

WILSON v GALICIA CONTRACTING & RESTORATION CORP. et al.:

(Cal. Date - 3/18/08)

MOTIONS AND ORDERS - VACATUR OF ORDER - COMPLIANCE WITH CPLR 3215(f) AND WHETHER NONCOMPLIANCE RENDERS A DEFAULT JUDGMENT A NULLITY; WHETHER PLAINTIFF'S COUNSEL WAS OBLIGATED TO WITHDRAW HIS REPRESENTATION PURSUANT TO 22 NYCRR 1200.15;

WINDHAM (JOSEPH), PEOPLE v: (Cal. Date 2/14/08)

CRIMES AND CRIMINAL PROCEDURE - SEX OFFENDERS - SEX OFFENDER REGISTRATION ACT (SORA) - WHETHER A DEFENDANT SENTENCED IN 1991 TO CONCURRENT TERMS OF ONE TO THREE YEARS FOR FIRST DEGREE SEXUAL ABUSE AND FOUR TO TWELVE YEARS FOR FIRST DEGREE ROBBERY, WHO WAS INCARCERATED ON SORA'S EFFECTIVE DATE OF JANUARY 21, 1996, IS SUBJECT TO ADJUDICATION UNDER SORA;

WORTH CONSTRUCTION CO., INC. v ADMIRAL INSURANCE COMPANY, et al.:

(Cal. Date - 3/11/08)

INSURANCE - DUTY TO DEFEND AND INDEMNIFY - WHETHER CONTRACTOR'S ADMISSION IN UNDERLYING PERSONAL INJURY ACTION THAT SUBCONTRACTOR WAS NOT AT FAULT PRECLUDED IT FROM CLAIMING THAT IT WAS COVERED AS ADDITIONAL INSURED UNDER SUBCONTRACTOR'S INSURANCE POLICY;

YARBOROUGH v CITY OF NEW YORK:

MUNICIPAL CORPORATIONS - NOTICE OF STREET DEFECT - SUMMARY JUDGMENT - TRIABLE ISSUE OF FACT - PERSONAL INJURY ALLEGEDLY CAUSED BY POTHOLE IN STREET - CITY'S ALLEGED AFFIRMATIVE CREATION OF A DANGEROUS CONDITION AS AN EXCEPTION TO THE CITY'S PRIOR WRITTEN NOTICE REQUIREMENT UNDER ADMINISTRATIVE CODE OF THE CITY OF NEW YORK § 7-201(c)(2) - WHETHER PLAINTIFF WAS REQUIRED TO SUBMIT EVIDENCE THAT CITY'S REPAIR OF POTHOLE IMMEDIATELY RESULTED IN A DANGEROUS CONDITION;

ZALK (AN ATTORNEY), MATTER OF:

ATTORNEY AND CLIENT - DISCIPLINARY PROCEEDINGS - WHETHER THE DEAD MAN'S STATUTE (CPLR 4519) APPLIES TO BAR RESPONDENT ATTORNEY FROM TESTIFYING IN DEFENSE OF PROFESSIONAL MISCONDUCT CHARGES AS TO CONVERSATIONS HE HAD WITH HIS DECEASED CLIENT; WAIVER; ALLEGED ABUSE OF DISCRETION BY APPELLATE DIVISION;