

CASE ISSUE STATEMENTS – FEBRUARY 2022

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.

TUESDAY, FEBRUARY 8

Ferreira v City of Binghamton (No. 10)

CTQ 2020-7

Municipal Corporations—The United States Court of Appeals for the Second Circuit certified the following question to this Court: “Does the ‘special duty’ requirement—that, to sustain liability in negligence against a municipality, the plaintiff must show that the duty breached is greater than that owed to the public generally—apply to claims of injury inflicted through municipal negligence, or does it apply only when the municipality’s negligence lies in its failure to protect the plaintiff from an injury inflicted other than by a municipal employee?”

U.S. Bank National Association v DLJ (No. 11) (reargument)

APL-2020-18

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.

White v Cuomo (No. 12) (reargument)

APL 2020-27

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.

WEDNESDAY, FEBRUARY 9

Revis v Schwartz (No. 13)

APL-2021-10

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.

People v Burgos (Angelo) (No. 14)

APL 2021-89

Crimes—Right to Counsel-- Whether defendant was deprived of the right to be represented by counsel of his choice when counsel did not disclose that he was suspended in another jurisdiction for a pattern of misconduct in neglecting client matters in criminal cases; whether counsel was constructively suspended from the practice of law at the time of defendant’s trial when reciprocal discipline was imposed by the Appellate Division, suspending counsel nunc pro tunc to a date preceding trial.

The Moore Charitable Foundation v PJT Partners (No. 15)

APL 2020-137

Negligence—Negligent Supervision—Whether the complaint states a cause of action for negligent supervision.

THURSDAY, FEBRUARY 10

Toussaint v Port Authority (No. 16) (reargument)

APL 2019-198

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).

People v Bush (Jeffrey) (No. 18)

APL 2020-164

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.