

## **CASE ISSUE STATEMENTS – MARCH 2023**

**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, MARCH 14***

### **TCR Sports Broadcasting v WN Partner (No. 13)**

APL-2020-175

Arbitration—Agreement to 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.

### **Cordero v Transamerica Annuity Service (No. 21)**

CTQ 22-01

“Does a plaintiff sufficiently allege a breach of the implied covenant of good faith and fair dealing under New York law if he pleads that the defendant drastically undermined a fundamental objective of the parties’ contract, even when the underlying duty at issue was not explicitly referred to in the writing?”

### **Singh v City of New York (No. 22)**

APL-2021-166

Municipal Corporations— Notice of Claim—Where plaintiffs asserted a General Business Law § 349 claim against the City of New York, whether plaintiffs were required to serve a notice of claim in accordance with General Municipal Law § 50-e; Covenants—Covenants of Good Faith and Fair Dealing—whether plaintiffs stated a claim for breach of the covenant of good faith and fair dealing.

***WEDNESDAY, MARCH 15***

### **Grady v Chenango Valley CSD (No. 23)**

APL-2021-41

Negligence—Assumption of Risk—Whether defendants were entitled to summary judgment dismissing the complaint on the ground that plaintiff assumed the risk of injury; plaintiff alleged injuries sustained after being struck by baseball during practice drill were caused by defendants’ negligence.

### **Secky v New Paltz Central School District (No. 24)**

APL-2022-3

Negligence—Assumption of Risk—Whether a question of fact exists as to whether infant plaintiff assumed the risk of injuries sustained during basketball drill.

### **People v Solomon (Yermia a/k/a Jeremy) (No. 25)**

APL-2022-96

Crimes—Information—Whether a superior court information is jurisdictionally defective when it misstates the victim’s date of birth and the age of the victim is an element of the charged offense.

***THURSDAY, MARCH 16***

**Estate of Maika (No. 26)**

APL-2022-87

Powers—Powers of Attorney—Whether transfer of real property to attorneys in fact was improper gift; attorneys in fact, two children of property owner, voted with other attorneys in fact to transfer property to them as compensation for services rendered to parent.

**People v Debellis (Anthony) (No. 27)**

APL-2022-107

Crimes—Right to Counsel—Effective Representation—Whether defendant was deprived the effective assistance of counsel as the result of counsel's failure to request a jury instruction on the defense of voluntary surrender of a firearm (Penal Law 265.20[a][1][f]); whether defense counsel created a conflict of interest when, in response to defendant's pro se motion to set aside the verdict on ineffective assistance of counsel grounds, counsel stated that he had been effective at trial.

**People v Perdue (Thomas P.) (No. 28)**

APL 2022-81

Crimes—Identification of Defendant—Whether defendant was deprived of a fair trial when there was no pretrial identification procedure and defendant was identified in court for the first time; whether the trial court erred by permitting the People to present testimony on redirect examination.