

CASE ISSUE STATEMENTS – APRIL 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, APRIL 19

ACE Securities v DB Structured Prods. (No. 34)

APL-2020-126

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 certificateholders.

Matter of Policarpio v Rally Restoration; WCB (No. 35)

APL-2021-08

Workers' Compensation—Disability Benefits—Whether substantial evidence supports the Board's determination that claimant failed to demonstrate labor market attachment after July 31, 2018.

People v Cesar Garcia (No. 17) (reargument)

APL-2019-174

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]).

WEDNESDAY, APRIL 20

Columbia Memorial Hospital v Hinds (No. 36)

APL-2021-01

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 where 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.

Schoch v Lake Champlain OB-GYN, P.C. (No. 37)

APL-2020-169

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.

Maple Medical v Scott; Goldenberg; Arevalo; Sundaram; Mutic; Youkeles (No. 38, 39, 40, 41, 42 and 43)

APL-2021-45; 46; 47; 48; 49; 50

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 policyholder of the medical malpractice insurance policy or to the medical practice that employed the physician and paid the premiums on the policy.

People v Marc Mitchell (No. 44)

APL-2021-14

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.

THURSDAY, APRIL 21

Batavia Townhouses v Council of Churches (No. 45)

APL 2021-21

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.

People v Dashawn Deverow (No. 46)

APL 2020-102

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.

People v Rodriguez (Luis A.) (No. 51)

APL 2021-02

Crimes—Evidence—Whether screenshots purporting to depict selected portions of a text message conversation between defendant and the complainant were properly admitted into evidence.