

CASE ISSUE STATEMENTS – JANUARY 2024

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, JANUARY 9

Tax Equity Now NY v City of New York (No. 1)

APL 2022-49

Taxation—Real Property Tax—Whether the complaint stated a cause of action that the New York City property tax system violates RPTL § 305 (2); whether the complaint adequately pleaded a violation of the Federal Fair Housing Act; whether the complaint adequately pleaded violations of article XVI, § 2 of the New York State Constitution and the federal and state Equal Protection and Due Process Clauses.

Matter of Clifton Park Apts v DHR (No. 2)

APL 2022-179

Civil Rights—Discrimination in Housing--Whether the Appellate Division properly concluded that substantial evidence did not support the finding that petitioners took adverse action against respondent CityVision Services, Inc.; whether the Appellate Division should have remitted for further proceedings upon concluding that the Administrative Law Judge did not apply the correct burden-shifting analysis under one prong of the test for retaliation.

People v Novas (Danny) (No. 12)

APL 2022-190

Motor Vehicles—Leaving Scene of Incident--Whether defendant’s conviction of leaving the scene of an incident without reporting was supported by legally sufficient evidence; whether there was legally sufficient evidence that defendant knew or had “cause to know” that personal injury had been caused to the victim under Vehicle and Traffic Law § 600 (2) (a).

People ex rel Rankin v Brann (No. 4)

APL-2022-131

Habeas Corpus—When Remedy Available—Whether criminal defendant who was released on bail and subsequently arrested for new violent felonies while on bail was entitled to evidentiary hearing under CPL 530.60 (2)(c) before the court could revoke bail and remand defendant to custody.

Brookdale Physicians v Department of Finance (No. 5)

APL 2021-56

Taxation—Whether the building owned by petitioner, a not-for-profit organization, that is leased to respondent, a for-profit corporation, qualifies for tax exempt status under Real Property Tax Law § 420-a.

WEDNESDAY, JANUARY 10

Petróleos de Venezuela S.A. v MUFG Union Bank, N.A. (No. 6)

Given PDVSA's argument that the Governing Documents are invalid and unenforceable for lack of approval by the National Assembly, does New York Uniform Commercial Code section 8-110(a)(1) require that the validity of the Governing Documents be determined under the Law of Venezuela, “the local law of the issuer's jurisdiction”?

2. Does any principle of New York common law require that a New York court apply Venezuelan substantive law rather than New York substantive law in determining the validity of the Governing Documents?

3. Are the Governing Documents valid under New York law, notwithstanding the PDV Entities' arguments regarding Venezuelan law?

Consolidated Restaurant Ops v Westport Insurance (No. 7)

APL 2022-160

Insurance—Property Insurance—Whether the actual, suspected, or threatened presence of COVID-19 in plaintiff's restaurants caused “direct physical loss or damage” to the properties within the meaning of the insurance policy issued to plaintiff by defendant.

People v Boone (Nathaniel) (No. 8)

APL 2022-53

Crimes—Sex Offenders--In a Sex Offender Registration Act (SORA) proceeding, whether the SORA hearing court erred as a matter of law or abused its discretion when it denied defendant's request for an adjournment of the SORA hearing pending the outcome of a civil commitment proceeding against defendant pursuant to Mental Hygiene Law article 10.

People v Cotto (Albert) (No. 9)

APL-2022-129

Crimes—Sex Offenders—Whether the SORA hearing court abused its discretion or otherwise erred as a matter of law when it denied defendant's request for an adjournment of the SORA hearing pending the outcome of an evaluation by a case review team under Mental Hygiene Law (MHL) § 10.05 (e) as to whether he is a sex offender requiring civil management pursuant to MHL article 10.

People v Watts (Darryl) (No. 10)

APL 2023-57

Crimes—Sex Offenders—Whether defendant was denied due process when SORA hearing court denied request to hold a competency hearing prior to the risk level classification hearing.

THURSDAY, JANUARY 11

Bazdaric v Almah Partners (No. 11)

APL 2022-83

Labor—Safe Place to Work—Whether the Appellate Division properly granted summary judgment dismissing plaintiffs' Labor Law § 241 (6) claim because a plastic covering placed on the stairs of an escalator to protect it from dripping paint was integral to the work of painting.

People v Aguilar (Gonzalo) (No. 3)

APL-2022-134

Crimes—Jurors—Whether trial court erred in declining to re-instruct jury on justification in response to jury note requesting definitions of the crimes charged; Crimes—Witnesses—Whether trial court deprived defendant of due process and the presumption of innocence by instructing jury that defendant was interested in outcome of proceedings.

People v Ramirez (Fernando) (No. 13)

APL 2023-16

Crimes—Jurors—Whether defendant was deprived of his constitutional right to meaningfully participate in jury selection by the County Court’s COVID-19 safety procedures; whether there was legally sufficient evidence that defendant committed aggravated vehicular homicide and manslaughter in the second degree; whether the trial court should have granted a mistrial.

People v Seignious (Jayquaine) (No. 14)

APL 2022-59

Crimes—Lesser Included Offenses—Whether the trial court properly submitted to the jury second-degree burglary as a lesser-included offense of second-degree burglary as a sexually-motivated felony on the People’s request under CPL 300.50 (2).