

State of New York

Court of Appeals

Summaries are prepared based on the parties' briefs and are for background purposes only.

To be argued Tuesday, October 14, 2025

GEICO v Mayzenberg (121 F4th 404 [Second Circuit])
Court PASS Docket No. CTQ-2024-00003

Igor Mayzenberg, a licensed acupuncturist in New York, owned three acupuncture professional services corporations. One of these companies, Mingmen Acupuncture, P.C., treated individuals injured in motor vehicle accidents and filed nearly \$4.9 million in no-fault claims with insurer GEICO. The other two companies did not treat patients but paid a group of companies owned by Igor Dovman nearly \$390,000. Mayzenberg claimed the payments were for advertising services, but the Dovman companies did not issue invoices for advertising services, or pay any employees, lease office space, or maintain a website or social medial presence advertising their services. Monthly, an unidentified individual would call Mayzenberg and tell him how much to pay. Mayzenberg did so by check, sometimes leaving the “pay to the order of” section blank.

GEICO commenced this federal action against Mayzenberg and others, alleging a no-fault fraud scheme where Mayzenberg paid Dovman “kickbacks” in exchange for patient referrals. GEICO asserted that Mayzenberg was not eligible for reimbursement under New York’s no-fault insurance law and regulations because providers of health care services are “not eligible for reimbursement” if the provider “fails to meet any applicable New York State or local licensing requirement necessary to perform such service in New York” (11 NYCRR 65-3.16[a][12]). And, GEICO said, Mayzenberg was subject to discipline as a licensed acupuncturist under the Education Law because Education Law § 6530(18) defines medical misconduct as directly or indirectly giving any fee to a third party for referral of a patient.

On appeal to the United States Court of Appeals for the Second Circuit, that court determined that there was no dispute that Mayzenberg paid Dovman for patient referrals, violating Education Law § 6530(18). In theses circumstances, the Second Circuit asked the Court of Appeals to determine whether an insurer can “deny payment for no-fault benefits on the ground that the provider ‘fail[ed] to meet’ a ‘necessary’ State or local licensing requirement under 11 NYCRR 65-3.16(a)(12)?”

Mayzenberg argues that an Education Law disciplinary violation does not constitute a violation of a State or local licensing law, and it can be paid under the no-fault law. GEICO argues that willful, material and sufficiently grave professional misconduct will render a professional ineligible to receive no-fault benefits. The Department of Insurance argues as amicus curiae that an insurer cannot deny payment of no-fault benefits based on the insurer’s determination that professional misconduct has occurred.

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Matter of Parker J. (232 AD3d 1244 [AD4])

Court PASS Docket No. APL-2025-00101 ***case materials not available*

The Department of Children and Family Services commenced this proceeding to terminate mother's parental rights. Family Court assigned mother counsel and after a recess during a fact-finding hearing, mother told the court that she would like to represent herself. Family Court asked mother about her level of education, age, work history, primary language, medication use, and physical and mental conditions. Family Court then asked mother if she had time to think about representing herself and her previous exposure to legal proceedings. Family Court also asked mother if she understood some areas of the law were complicated and she would be expected to perform as an attorney and held to the same legal standard as an attorney. Satisfied with mother's responses, Family Court permitted mother to represent herself. Mother's assigned counsel was kept as "standby" counsel.

Mother represented herself but later asked for a different attorney. Family Court denied the request, explaining that mother had elected to represent herself and her prior attorney would remain as standby counsel.

Family Court determined mother permanently neglected the children and proceeded to the dispositional phase of the proceeding. Mother asked for an attorney. Family Court denied the request and allowed standby counsel to confer with mother regarding the dispositional hearing. Mother requested a suspended judgment.

Family Court denied mother's request for a suspended judgment and terminated her parental rights.

On appeal, the Appellate Division rejected mother's argument that her counsel was ineffective, stating mother received effective representation "during the time that counsel represented her." The court also held that mother "knowingly, intelligently, and voluntarily" waived her right to counsel, pointing to Family Court's "searching inquiry" to determine that mother was aware of the dangers and disadvantages of continuing without an attorney.

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People v Omar Johnson (225 AD3d 453 [AD1])
Court PASS Docket No. APL-2024-00111

The police found a loaded pistol inside Omar Johnson's moped on a public roadway. The gun was unregistered, and Mr. Johnson did not have a gun license.

A grand jury charged Mr. Johnson with criminal possession of a weapon in the second degree and other weapon offenses. Mr. Johnson moved to dismiss the charges based on Second Amendment grounds, relying on *New York State Rifle & Pistol Assn v Bruen* (597 US __ [2022]). Mr. Johnson argued that New York's gun licensing scheme was unconstitutional, and but for this unconstitutional requirement, he would be able to possess the gun. Mr. Johnson claimed that he was only charged with crimes because he did not obtain a license under an unconstitutional licensing system. The People opposed the motion, arguing that the Supreme Court of the United States has never said that a person has a right to possess an unlicensed gun in public. The People also argued that Mr. Johnson could not raise the Second Amendment argument because he never applied for a gun license.

Mr. Johnson pleaded guilty to attempted criminal possession of a weapon in the second degree, waived his right to appeal, and received a sentence of five years' probation.

On appeal, the Appellate Division held that Mr. Johnson's valid waiver of his right to appeal prevented the court from considering whether his conviction is unconstitutional under *Bruen*. Noting that there are only a "narrow class of appellate claims" that cannot be waived as part of a plea bargain, the court reasoned the Mr. Johnson's claim did not fit within that narrow class because it did not "go to the heart of the adjudicative process, and plainly does not do so any more than the host of constitutional claims" that are waivable.

Alternatively, the court held that Mr. Johnson could not challenge the gun licensing scheme because he did not apply for a gun license, and he did not establish that his conviction was unconstitutional under *Bruen*.

Mr. Johnson argues that his constitutional challenge to his conviction cannot be waived, he can raise a Second Amendment claim without applying for a license, and his conviction is unconstitutional under *Bruen*. The People and intervenor Attorney General argue that Mr. Johnson validly waived his constitutional claim, he lacks standing to raise a constitutional claim and his constitutional challenge lacks merit.

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To be argued Tuesday, October 14, 2025

People v Leighton R. (223 AD3d 597 [AD1])

Court PASS Docket No. APL-2024-00092

***case materials not available on Court-PASS, contact Clerk's Office*

In June 2014, around 11 p.m., an unidentified man called 911, said that he was at the intersection of 233rd Street and White Plains Road, and reported that he had been shot but that he did not need an ambulance. The caller identified the shooters as two black men driving a white Mercedes-Benz and told the dispatcher he knew where they lived and provided the dispatcher with their home address. The caller refused to give his full name or telephone number. Police were unable to identify or locate the caller.

At the same time, police officers in a marked patrol car received a radio transmission that a man was shot on the corner of 233rd Street and White Plains Road. The police officers—who were approximately four blocks from that intersection—drove towards that location and received additional information that two black males in a white Mercedes-Benz were responsible for the shooting. The responding officers received another radio transmission from a foot patrol officer, who said he was at that corner and didn't hear any shots. The responding officers saw a white Mercedes-Benz and pulled the car over. The driver, Leighton R., told the police officers that he and his passenger were coming from Mount Vernon, gave the officers his license, and told the officers they could “check” the car.

The officers then received a radio transmission with the home address provided by the caller; the address matched the address on Leighton R.'s license. The police officers handcuffed Leighton R. and his passenger outside of the car. One officer pulled on the car's glove box to open it, but it was locked. Through a gap, the officer could see a gun inside the glove box. The officer also smelled gunpowder. The officer opened the glove box with the car's key and retrieved a gun and ammunition.

Leighton R. was charged with criminal possession of a weapon in the second degree. He moved to suppress the gun, ammunition and statements he made to the police as the fruit of an unlawful arrest. The trial court denied the motion, rejecting Leighton R.'s arguments challenging the initial stop of the car, the reliability of the anonymous 911 caller, and the search of the car. Leighton R. pleaded guilty to attempted criminal possession of a weapon in the second degree and was sentenced to three years' probation.

On appeal, the Appellate Division said the trial court properly denied the suppression motion, noting that the anonymous tip was “sufficiently corroborated to provide the police with reasonable suspicion to stop” the car because within “a minute of receiving the radio dispatch that the anonymous caller had reported being shot by two black men in a white Mercedes-Benz at the intersection of 233rd Street and White Plains Road, the responding officers observed” Leighton R. and a passenger in a car fitting the description within a block of the reported scene. Following the stop, the court said, the police officers were justified in searching the car and glove box based on consent, probable cause, and the automobile exception.

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Clarke v Town of Newburgh (237 AD3d 14 [AD2])
Court PASS Docket No. APL-2025-00110

In 2022, the New York State Legislature enacted the John R. Lewis Voting Rights Act of New York (NYVRA), to recognize that the New York State constitution protects the right to vote, encourage all eligible voters to participate in political processes to the maximum extent, and ensure that voters who are members of racial, color and language-minority groups shall have an equal opportunity to participate in the political processes of the state.

Based on a “vote dilution” provision in the NYVRA, six individual voters who live in the Town of Newburgh sued the Town and its Board. The five members of the Town Board are chosen through at-large elections. According to the voters, Black and Hispanic communities are 25% and 15% of the Town’s population, respectively, but every person ever elected to the Town Board has been white. The voters asked for a new election method for the Board—either by a districting plan or an alternative method of election.

In response, the Town argued that the NYVRA’s vote dilution provision violated the Equal Protection Clauses of the United States and New York State constitutions. Because, generally, a municipality such as a Town cannot challenge an act of the State Legislature, the voters argued that the Town did not have capacity to challenge the constitutionality of the vote dilution provision.

The trial court agreed with the Town, saying the Town could challenge the constitutionality of the NYVRA under an exception to the general rule because, applying that exception, if the Town had to comply with the law by enacting a different election system, they would be required to violate the Equal Protection Clause. The court further held that the NYVRA violated federal law and could not stand. The court directed that the NYVRA be stricken in its entirety and not applied to any political subdivisions in New York.

On appeal, the Appellate Division reversed. The court held that the Town could not challenge the constitutionality of the NYVRA under the exception because it did not establish that its compliance with the NYVRA would force it to violate the Equal Protection Clause.