

Rule 500.27 Certified Questions

Below is a listing of Rule 500.27 certified questions pending before the Court, stating the issue(s) certified and their status. Please call the Clerk's Office if you have any questions.

For those certified questions that proceed to briefing in the normal course, the briefing schedule generally will be: appellant's brief to be filed 60 days after the Court accepts the certification; respondent's brief to be filed 45 days after the date set for the filing of appellant's brief; and a reply brief, if any, to be filed 15 days after the date set for the filing of respondent's brief.

The Court welcomes motions for amicus curiae participation from those qualified and interested in the subject matter of these certified questions. Please refer to Rule 500.23 and direct any questions to the Clerk's Office.

BESSEMER TRUST COMPANY, N.A. v BRAMIN:

By order entered August 24, 2010, the United States Court of Appeals for the Second Circuit certified the following question to this Court:

"What degree of participation in a new employer's solicitation of a former employer's client by a voluntary seller of that client's good will constitutes improper solicitation?"

The Court accepted the certification of question on September 21, 2010. The case currently is being briefed.

COMMODITY FUTURES TRADING COMMISSION v WALSH/SECURITIES AND EXCHANGE COMMISSION v WG TRADING INVESTORS:

By order entered August 13, 2010, the United States Court of Appeals for the Second Circuit certified the following questions to this Court:

"(1) Does 'marital property' within the meaning of New York Domestic Relations Law § 236 include the proceeds of fraud?"

2) Does a spouse pay 'fair consideration' according to the terms of New York Debtor and Creditor Law § 272 when she relinquishes in good faith a claim to the proceeds of fraud?"

The Court accepted the certification of questions on September 16, 2010. The case currently is being briefed.

NML CAPITAL, et al. v REPUBLIC OF ARGENTINA:

By order entered September 23, 2010, the United States Court of Appeals for the Second Circuit certified the following questions to this Court:

(1) "Is a bond provision requiring the issuer of the bond to make, on dates certain, bi-annual interest payments on principal 'until the principal hereof is paid' properly construed as an obligation to pay interest for so long as the principal is outstanding, including after the date of maturity?"

(2) "Is a bond provision requiring the issuer of the bond to make, on dates certain, bi-annual interest payments on principal 'until the principal hereof is paid' properly construed as an obligation to pay interest for so long as the principal is outstanding, including after acceleration?"

(3) "If either of the foregoing questions is answered in the affirmative, does that obligation provide a valid basis for awarding statutory interest under N.Y. C.P.L.R. § 5001(a) on post-maturity or post-acceleration interest payments that came due but were never paid?"

The Court accepted the certification of questions on October 14, 2010. The case currently is being briefed.

PENGUIN GROUP (USA), INC. v AMERICAN BUDDHA:

By order entered June 15, 2010, the United States Court of Appeals for the Second Circuit certified the following question to this Court:

"In copyright infringement cases, is the situs of injury for purposes of determining long-arm jurisdiction under N.Y. CPLR 302(a)(3)(ii) the location of the infringing action or the residence or location of the principal place of business of the copyright holder?"

The Court accepted the certification of question on June 29, 2010. The case is scheduled for argument on February 9, 2011.