

CASE ISSUE STATEMENTS- MAY 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 Appeal Public Access and Search System (Court-PASS), which is accessible from the home page on the Court's website.

WEDNESDAY, MAY 15

Matter of Elizabeth Street Garden v City of New York (No. 60)

APL-2023-00163

Environmental Conservation—Environmental Quality Review—Whether respondent New York City Department of Housing and Preservation identified areas of environmental concern, took a hard look at them, and made a reasoned elaboration of the basis for its determination.

MAK Technology Holdings v Anyvision Interactive Technologies (No. 61)

APL-2023-00068

Contracts—Ambiguous Contracts—Whether the Appellate Division properly held that the contract, as amended, is ambiguous.

United Jewish Community of Blooming Grove v Washingtonville CSD (No. 62)

APL-2022-00181

Schools—Transportation of Pupils—Whether Education Law § 3635 requires central school districts to transport nonpublic school students to and from school on days when a district's public schools are closed; whether the failure to provide nonpublic school students with transportation on days when public schools are closed denies nonpublic school students' right to equal protection under the State Constitution.

Liggett v Lew Realty (No. 63)

APL-2023-00131

Landlord and Tenant-Rent Regulation—Whether stipulation entered into by plaintiff's predecessor tenant and building owner—which provided that the initial legal regulated rent was \$1,650 per month, but required tenant to pay only \$650 per month, plus applicable Rent Guideline Board increases – was void as an impermissible waiver of rent stabilization rights; whether plaintiff must establish the elements of common law fraud; whether the Court implicitly overruled *Kent v Beford Apts*, 237 AD2d 140 (1st Dept 1997) in *Jazilek v Abart Holdings, LLP*, 10 NY3d 943 (2008).

People v King (Alvin) (No. 64)

APL-2023-00129

Crimes—Right to Speedy Trial—Whether CPL article 245, the provisions of which tied the People's declaration of readiness for trial to a certificate of compliance with the article's discovery requirements, invalidate a statement of readiness which was made prior to the effective date of the article.

THURSDAY, MAY 16

Matter of PLSNY v DOCCS (No. 65)

APL-2023-00048

Records—Freedom of Information Law—Whether the Appellate Division erred in declining to apply the mootness exception to reach the merits of the portion of the petition challenging the application of Freedom of Information Law exemptions to certain materials when respondent Department of Corrections and Community Supervision disclosed those materials during the pendency of the proceeding.

Matter of Karlin v Stanford (No. 66)

APL-2022-00182

Parole—Revocation—Whether condition of parole supervision, which required petitioner to refrain from viewing and accessing materials depicting sexual activity or nudity, is unconstitutionally overbroad and violates petitioner's First Amendment rights.

209 AD3d 1189 (AD3)

People v Matthew Corr (No. 67)

APL-2023-00003

Crimes—Sex Offenders—Whether, for the purpose of calculating the “twenty years from the initial date of registration” that a level one sex offender must register under Correction Law § 168-h(1), the 20-year registration period should include the duration of time registered as a sex offender in another state prior to residing in New York.

People v Bryan McDonald (No. 68)

APL-2023-00004

Crimes—Sex Offenders—Whether, for the purpose of calculating the “twenty years from the initial date of registration” that a level one sex offender must register under Correction Law § 168-h(1), the 20-year registration period should include the duration of time registered as a sex offender in another state prior to residing in New York.

People v Sidbury (Steven) (No. 19)

APL-2022-00148

Crimes—Arson—Whether the verdict was based on legally sufficient evidence; defendant set fire to a cuffing port in the door of his jail cell. Whether defendant's notice of intent to introduce expert psychiatric testimony under CPL 250.10 was insufficient; whether counsel was ineffective for failing to request a lesser-included charge.