

CASE ISSUE STATEMENTS

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, NOVEMBER 14:

Desrosiers v Perry Ellis Menswear (No.121)

APL-2016-00188

Actions--Class Actions--Whether putative class members were entitled to notice of discontinuance of the action under CPLR 908 despite that the time for the individual plaintiff to move for class certification had expired under CPLR 902.

Vasquez v National Securities Corporation (No. 122)

APL-2016-00239

Actions--Class Actions--Whether the notice provision of CPLR 908 applies to an action pleaded as a class action but dismissed prior to class certification--notice to putative class of impending dismissal.

People v Dwight Smith (No. 123)

APL-2016-00187

Crimes--Appeal--Waiver of right to appeal--whether defendant's waiver of the right to appeal was invalid; right to counsel--whether the denial of defendant's requests for a lawyer during pretrial proceedings concerning a DNA test violated defendant's right to counsel; whether dismissal of the indictment is the proper remedy for the deprivation of counsel.

Nomura Home Equity Loan, Inc. v Nomura Credit & Capital, Inc. (No. 39-Reargument)

APL-2016-00024

Contracts--Breach or performance of contract--Residential mortgage-backed securities--Whether the "sole remedy" provision requiring defendant to cure or repurchase mortgage loans not conforming to representations and warranties prohibits plaintiffs from seeking money damages for breach of a contractual provision providing that the contract contains no untrue statements.

WEDNESDAY, NOVEMBER 15:

Global Reinsurance Corp. of America v Century Indemnity Co. (No.124)

CTQ-2016-00005

Insurance--Reinsurance--Whether a per occurrence liability cap in a reinsurance contract limits the total reinsurance available under the contract to the amount of the cap regardless of whether the underlying policy is understood to cover expenses such as, for instance, defense costs.

Matter of Terranova v Lehr (No. 125)

APL-2016-00180

Workers' Compensation--Third-Party Action--Whether claimant, who sustained a work-related injury and obtained a schedule loss of use award, was entitled to ongoing payments for litigation expenses incurred in an action against a third-party tortfeasor.

B. F. v Reproductive Medicine Associates (No. 126)

APL-2016-00159

Physicians and Surgeons--Malpractice--Whether the accrual date for a "wrongful birth" medical malpractice action is the date of birth or the date of the claimed malpractice--CPLR 214-a; statute of limitations; dismissal of claims.

Dennehy v Copperman (No. 127)

APL-2016-00160

Physicians and Surgeons--Malpractice--Whether the accrual date for a "wrongful birth" medical malpractice action is the date of birth or the date of the claimed malpractice--CPLR 214-a; statute of limitations; dismissal of claims.

THURSDAY, NOVEMBER 16:

Matter of The Friends of P.S. 163, Inc., et al. v Jewish Home Lifecare, Manhattan; Matter of Daisy Wright, et al. v Jewish Home Lifecare, Manhattan (No. 128)

APL-2017-00099

Environmental Conservation -- Environmental Quality Review -- Whether respondent Department of Health took the requisite "hard look" at the proposed project's anticipated adverse environmental impacts, including noise and hazardous material impacts, and provided a "reasoned elaboration" of its basis for approving the project, including the remedial measures to be employed to mitigate adverse impacts.

Matter of Lisa T. v King E. T. (No. 129)

APL-2017-00108

Parent, Child and Family--Order of Protection--Whether Family Court erred in imposing an order of protection upon a finding that respondent willfully violated two temporary orders of protection--sufficiency of proof of violation of temporary orders of protection--Family Court Act § 846-a.

Matter of Prometheus Realty v NYC Water Board (No. 130)

APL-2017-00088

Municipal Corporations--Water and Sewer Rates--Whether respondent Water Board's actions in approving a rate increase and one-time credit for certain ratepayers was ultra vires and without a rational basis.

9/18/17