

CASE ISSUE STATEMENTS - JANUARY 2021

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 5

Freedom Mortgage Corp. v Engel (No. 1)

APL-2019-114

Mortgages—Foreclosure--Whether mortgagee's voluntary discontinuance of prior foreclosure action constituted an affirmative act of revocation of its prior election to accelerate the mortgage debt; prior foreclosure action discontinued by so-ordered stipulation, which was silent on issue of revocation of election to accelerate.

Ditech Financial v Naidu (No. 2)

APL-2020-23

Mortgages--Acceleration Clause--Whether plaintiff's execution of a stipulation to discontinue prior foreclosure action constituted an affirmative act to revoke plaintiff's election to accelerate the mortgage, thereby rendering subsequent foreclosure action timely.

Vargas v Deutsche Bank Nat'l Trust Co. (No. 3)

APL-2020-26

Mortgages--Acceleration Clause--Whether letter from defendant's predecessor-in-interest, which informed plaintiff that the mortgage debt would be accelerated if he failed to cure his default, accelerated the loan balance and commenced the statute of limitations for foreclosure action; whether discontinuance of prior foreclosure action constituted an affirmative act by defendant to revoke acceleration.

Wells Fargo v Ferrato (No. 4)

APL-2020-138

Mortgages—Foreclosure-- Whether plaintiff failed to affirmatively revoke acceleration of mortgage debt, where plaintiff voluntarily discontinued foreclosure action.

WEDNESDAY, JANUARY 6

Matter of Juarez v NYS Office of Victim Services (No. 5)

APL 2019-182

Administrative Law--Rule Making--Whether New York State Office of Victim Services exceeded its authority under Executive Law article 22 to adopt regulations for the approval of crime victims' counsel fee requests by amending its regulations to provide that such awards may be considered only for fees incurred in successful administrative reconsideration reviews and judicial review (9 NYCRR 525.9 [a], [c]).

Greene v Esplanade Venture Partnership (No. 6)

APL-2019-209

Pleading--Amendment--Whether Supreme Court improvidently exercised its discretion to grant that branch of plaintiffs' motion which was for leave to amend the complaint to add a cause of action sounding in negligent infliction of emotional distress, alleging, among other things, that plaintiff grandmother suffered emotional distress as a result of witnessing the fatal injury sustained by her granddaughter while plaintiff grandmother was within the "zone of danger."

People v Badji (No. 7)

APL 2019-136

Crimes--Larceny--Whether a defendant may be convicted of grand larceny based on the theft of the victim's credit card where the People present proof that defendant used victim's credit card number to make purchases but did not possess the physical credit card; Crimes--Identification of Defendant--whether the trial court properly admitted non-eyewitness testimony regarding identification of defendant; Crimes--Evidence-- whether best evidence rule applies to video stills where the People did not introduce video surveillance tape from which the video stills were taken.

THURSDAY, JANUARY 7

Doe v Bloomberg (No. 8)

APL-2019-218

Civil Rights—New York City Human Rights Law--Whether an individual owner or officer of corporate employer may be held strictly liable under the New York City Human Rights Law (Administrative Code of City of NY § 8-107[13][b]) where plaintiff fails to allege that individual owner or officer encouraged, condoned or approved of alleged discriminatory conduct.

People v Tyrone D. Gordon (No. 9)

APL-2019-84

Crimes--Search Warrant--Whether Supreme Court properly granted suppression of physical evidence seized from two vehicles during execution of search warrant that permitted a search of the "entire premises" located at a specific residential address, but did not particularize that a search of the vehicles was permitted.

People v Drury Duval (No. 10)

APL-2020-28

Crimes--Search Warrant--Whether the search warrant on its face gave adequate constitutional notice of which particular unit in the house would be searched; whether the motion court was authorized to rely on materials not incorporated into the warrant to uphold its validity.