

## **CASE ISSUE STATEMENTS- APRIL 2025**

**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.**

***TUESDAY, APRIL 8***

### **Glen Oaks Village Owners v CNY (No. 42)**

APL 2024-106

Local Laws—Preemption by State—Whether plaintiffs stated a cause of action alleging that Local Law 97, which targets building emission limits to combat climate change and improve air quality and public health by imposing penalties for violating the emission limits, is preempted by New York State’s Climate Leadership and Community Protection Act.

### **Matter of Joshua J v Westchester County Department of Social Services (No. 43)**

APL-2024-12

Appeal—Academic and Moot Questions—Whether the Appellate Division erred in dismissing as academic mother's appeals from permanency hearing orders.

### **People v Hemingway (Carissa) (No. 44)**

APL 2024-102

Crimes—Accusatory Instrument—Whether the trial court’s statutory authority to order amendments to an indictment under CPL 200.70 encompasses an amendment to an alleged underlying offense that is an element of a felony charge.

### **People v T.P. (No. 45)**

APL-2024-71

Crimes—Right to Counsel—Effective Representation—Whether defense counsel was ineffective for failing to request that the court include in its justification charge the “reputation evidence” addendum to the New York Model Criminal Jury Instruction, which would have permitted the jury to take into account the victim’s prior violent acts; whether counsel was ineffective in failing to object to statements made by prosecutor during summation.

***WEDNESDAY, APRIL 9***

### **People v Brenda WW. (No. 46)**

APL-2024-20

Crimes—Sentence—Whether defendant established entitlement to resentencing under the Domestic Violence Survivors Justice Act (See CPL 440.47; Penal Law § 60.12).

**People v Angela VV. (No. 47)**

APL-2024-116

Crimes—Sentence—Whether defendant established entitlement to resentencing under the Domestic Violence Survivors Justice Act (See CPL 440.47; Penal Law § 60.12).

**People v Lewis (Laquawn) (No. 48)**

APL-2023-198

Crimes—Right to Representation Pro Se—Whether defendant’s requests to proceed pro se were unequivocal.

**Matter of Reclaim the Records v NYSDOH (No. 49)**

APL 2024-87

Records—Freedom of Information Law —Whether the release of basic biographical information from the Department of Health’s death index data would constitute an unwarranted invasion of personal privacy under the Freedom of Information Law (*see* Public Officers Law § 87 [2] [b]); whether the disclosure of uncertified death index data is barred under FOIL (*see* Public Officers Law § 87 [2] [a]), because of Public Health Law section 4147(1)(a)’s limitations on access to certified copies or transcripts of death records; whether the Department of Health’s allegation that it must compile its own files to produce them is the creation of a new record, therefore alleviating the Department from producing such records under Public Officers Law section 89(3)(a);

*THURSDAY, APRIL 10*

**Matter of Yi v NYS BPMC (No. 50)**

APL 2024-68

Physicians and Surgeons—Whether clinical guidelines issued by a professional society establish the standard of care applicable to a physician disciplinary proceeding; Whether the Appellate Division can take judicial notice of such guidelines when they have not been introduced in evidence at the administrative disciplinary hearing.

**People v Sherlock (Daniel) (No. 51)**

APL-2024-78

Crimes—Sex Offenders—Whether defendant was properly designated a sexually violent offender pursuant to Correction Law § 168-a(3)(b); whether the assessment of points under risk factors 3 and 5 was error; whether the SORA court abused its discretion in denying defendant’s application for a downward departure.

**Ezrasons Inc. v Rudd (No. 2)**

APL 2024-16

Conflict of Laws—What Law Governs—Whether the courts below erred by dismissing the complaint based on plaintiff’s lack of standing to bring this shareholder derivate action; whether this Court’s decision in *Davis v Scottish Re Group LTD.*, 30 NY3d 247 (2017), requires that Business Corporation Law § 626 be applied to this action involving an English corporation doing business in New York because section 260 of England’s Companies Act of 2006 is procedural and applies only to derivate actions brought in English courts; whether Business Corporations Law § 626 must be applied to this action under the text of Business Corporations Law § 1319, a

statutory choice-of-law rule that plaintiffs purport displaces the common-law internal-affairs doctrine.

**Hausmann v Baumann (No. 3)**

APL 2024-17

Conflict of Laws—What Law Governs— Whether the courts below erred by dismissing the complaint on the ground that the internal affairs doctrine mandated dismissal for lack of standing; whether this Court’s decision in *Davis v Scottish Re Group LTD.*, 30 NY3d 247 (2017), requires that Business Corporation Law § 626 be applied to this action involving a German corporation doing business in New York because section 148 of the German Stock Corporation Law is procedural and applies only to derivative actions brought in German courts; whether Business Corporations Law § 626 must be applied to this action under the text of Business Corporations Law § 1319, a statutory choice-of-law rule that plaintiffs purport displaces the common-law internal-affairs doctrine.