

CASE ISSUE STATEMENTS- FEBRUARY 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, FEBRUARY 11

Fossella v Adams (No. 15)

APL-2024-33

Parties—Standing—Whether plaintiffs lacked standing to assert certain causes of action; Local Laws—Adoption of Local Laws—Whether Local Law No. 11 (2022) of the City of New York, which created a new class of voters eligible to vote in municipal elections consisting of individuals who are not United States citizens and who meet certain enumerated criteria, was enacted in violation of the New York Constitution and Municipal Home Rule Law.

Burrows v 75-25 153rd Street (No. 16)

APL-2024-48

Landlord and Tenant—Rent Regulation—Whether a tenant must establish the elements of common law fraud to prevail in a rent overcharge case, or fraud within the context of Thornton/Grimm/Conason; whether the Housing Stability and Tenant Protection Act required renewal of a pre-HSTPA rent concession; whether L. 2023, ch. 760 and L. 2024 ch. 95 require reversal.

People v Scott (Marquese) (No. 18)

APL-2024-82

Crimes—Preservation of Issue for Review—Whether defendant was required to preserve his claim that his guilty plea was involuntary because defendant was misinformed with respect to his maximum sentencing exposure.

People v Moss (Dwight) (No. 28)

APL-2024-66

Crimes—Sex Offenders—Where prior conviction for felony sex offense has been deemed unconstitutional for predicate sentencing purposes, whether that prior felony sex conviction can support application of an automatic override in a sex offender risk level adjudication proceeding.

People v Padilla-Zuniga (Juan) (No. 19)

APL-2023-24

Crimes—Plea of Guilty—Whether defendant entered a knowing, voluntary, and intelligent plea; Whether defendant knowingly, voluntarily, and intelligently waived his right to appeal.

WEDNESDAY, FEBRUARY 12

Wright v State of NY (No. 20)

APL-2024-19

State—Claim Against the State— Whether the courts may hold that in enacting the Child Victims Act of 2019 (CVA), the legislature implicitly amended Court of Claims Act § 11(b) to expand the State’s waiver of sovereign immunity for purposes of CVA claims; what degree of particularity is required to sufficiently plead the “time when’ claims asserted pursuant to the CVA arose; what degree of particularity is required to sufficiently plead the “nature of’ claims asserting negligence causes of action.

People v Willis (McKenzie) (No. 21)

APL-2024-35

Motor Vehicles—Aggravated Unlicensed Operation—Whether the accusatory instrument charging aggravated unlicensed operation was jurisdictionally defective because it failed to provide reasonable cause to believe that defendant knew, or had reason to know, that his license was suspended; misdemeanor complaint alleged that defendant failed to answer a New York traffic summons but did not allege that defendant received the summons or was provided notice of license suspension.

People v Martinez-Fernandez (Edward) (No. 22)

APL-2024-37

Motor Vehicles—Aggravated Unlicensed Operation—Whether the accusatory instrument charging aggravated unlicensed operation of a motor vehicle was jurisdictionally defective because it failed to provide reasonable cause to believe that defendant knew, or had reason to know, that his license was suspended; whether accusatory instrument was facially insufficient as to charge of reckless driving.

Gibson, Dunn & Crutcher v Koukis (No. 23)

APL-2023-76

Judgments—Default Judgment-Vacatur—Whether shareholder authorized attorney who signed stipulation with law firm to waive all jurisdictional defenses on his behalf; whether complaint failed to allege sufficiently that shareholder participated in allegedly fraudulent conveyance, precluding exercise of personal jurisdiction.

Matter of Dourdounas v City of NY (No. 24)

APL-2023-205

Limitations of Actions—Four-Month Statute of Limitations—Whether the Appellate Division properly held that pursuing a grievance procedure set forth in a collective bargaining agreement did not function to toll the statute of limitations as to the underlying denial of a retirement incentive.

THURSDAY, FEBRUARY 13

Matter of P.C. v Stony Brook University (No. 25)

APL-2023-207

Colleges and Universities—Disciplinary Proceedings—Whether substantial evidence supported determination that student did not affirmatively consent to sexual conduct.

Matter of LL 410 East 78th v DHCR (No. 26)

APL-2024-45

Landlord and Tenant—Rent Regulation—Whether the courts below properly denied the petition to annual the determination of respondent Division of Housing and Community Renewal, denying petitioner’s application to amend its prior annual apartment registrations.

Rosbaugh et al v Town of Lodi (No. 27)

APL-2024-44

Arbitration—Whether the award of treble damages against the town under Real Property Actions and Proceedings Law section 861 violates public policy and law prohibiting exemplary damages against municipalities.

Golobe v Mielnicki (No. 17)

APL-2023-65

Adverse Possession—Tenants in Common—Whether plaintiff established, by clear and convincing evidence, that he actually, exclusively possessed the property under a claim of right, openly and notoriously, for the statutory period; plaintiff was not aware he owned property as tenant-in-common until after statutory period passed; whether Supreme Court properly dismissed fraud and breach of fiduciary duty counterclaims.