

CASE ISSUE STATEMENTS - MARCH 2025

Broome County Courthouse, Binghamton, NY

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, MARCH 11

Matter of Dynamic Logic v Tax Appeals Tribunal (No. 35)

APL-2024-80

Taxation—Sales and Use Taxes—Whether petitioner's AdIndex service is an information service under Tax Law section 1105(c)(1), which refers to "[t]he furnishing of information by printed, mimeographed or multigraphed matter or by duplicating written or printed matter in any other manner, including the services of collecting, compiling, or analyzing information of any kind or nature and furnishing reports thereof to other persons"; if petitioner's service is an information service, whether it qualifies for the exclusion from tax in section 1105(c)(1) for "the furnishing of information which is not or may not be substantially incorporated in reports furnished to other persons"

People v Christopher Farrell (No. 30)

APL-2023-136

Constitutional Law—Validity of Statute—Whether Agriculture and Markets Law § 353 is void for vagueness as applied to veterinary neglect.

Schulze v City of Newburgh FD (No. 32)

APL-2024-13

Workers' Compensation—Reimbursement—Whether employer is entitled, pursuant to Workers' Compensation Law § 25 (4) (a) or § 30 (2), to reimbursement of General Municipal Law § 207-a (2) payments made to firefighter receiving performance of duty retirement allowance under Retirement and Social Security Law § 363-c.

WEDNESDAY, MARCH 12

Katleski v Cazenovia Golf Club (No. 33)

APL-2024-32

Negligence—Assumption of Risk—Whether the Appellate Division properly held that plaintiff assumed the risk of being struck by an errant golf ball, while acknowledging differing expert

opinions and identifying disputes on whether defendant golf course unreasonably increased the risk to plaintiff.

Maharaj v City of New York (No. 34)

APL-2023-115

Negligence—Assumption of Risk—Whether doctrine of primary assumption of risk was applicable in personal injury action; plaintiff injured after tripping over hole while playing cricket.

Flanders v Goodfellow (No. 29)

APL-2023-155

Animals—Liability for Animal Bite—Whether plaintiff demonstrated material issues of fact with respect to defendants' knowledge of their dog's vicious propensities; whether the courts below properly granted summary judgment on plaintiff's negligence cause of action for injuries caused by a domestic animal.

People v Kevin Cleveland (No. 36)

APL-2023-134

Crimes—Unlawful Search and Seizure—Whether the police pursuit of defendant was supported by a reasonable suspicion of criminality.

THURSDAY, MARCH 13

Nellenback v Madison County (No. 37)

APL-2024-14

Judgments—Summary Judgment—Whether summary judgment was properly granted in defendant's favor dismissing plaintiff's negligent supervision claim.

Carlson v Colangelo (No. 38)

APL-2024-65

Trusts—Whether the Appellate Division erred by violating the state's public policy of strictly construing *in terrorem* clauses by holding that a beneficiary, who is unrelated to a decedent and who has no legal capacity to contest or set aside a will or trust agreement, violated the *in terrorem* clause in a trust agreement by commencing an action to enforce and construe the terms of such trust agreement; whether the Appellate Division erred by violating the state's public policy of strict construction of *in terrorem* clauses by permitting a trustee of a revocable trust agreement to use an *in terrorem* clause as a means to distribute bequests only to herself, and against a beneficiary who sought to receive her bequests by the commencement of an action to enforce and construe the terms of such trust agreement.

Tuckett v State of New York (No. 39)

APL-2024-10

State—Unjust Conviction and Imprisonment Act—Whether the trial court improperly relied on documents and facts not in evidence in rendering its decision; whether, when evaluating the claim under the Unjust Conviction Act, the trial court erred in determining that the complainant's recantation was unconvincing; whether claimant is entitled to judgment in his favor.

People v Sin (Hu) (No. 40)

APL-2023-130

Crimes—Fair Trial—Whether defendant was deprived of a fair trial by County Court's *Molineux* ruling, admitting testimony about defendant's prior uncharged acts of abuse against two of the victim's other family members.