

## **CASE ISSUE STATEMENTS- OCTOBER 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, OCTOBER 14***

### **Government Employees Insurance Company v Mayzenberg (No. 83)**

CTQ 2024-3

Insurance—No-Fault Automobile Insurance—If an insurer determines a healthcare provider has improperly paid others for patient referrals, in violation of New York Education Law § 6530 (18) and 8 NYCRR § 29.1 (b) (3), can the insurer deny payment for no-fault benefits on the ground that the provider 'fail[ed] to meet' a 'necessary' State or local licensing requirement under 11 NYCRR § 65-3.16(a)(12)?

### **Matter of Parker J. (No. 85)**

APL 2025-101

Parent and Child—Termination of Parental Rights—Whether mother knowingly, intelligently, and voluntarily waived her right to counsel.

### **People v Johnson (Omar) (No. 86)**

APL 2024-111

Crimes—Appeal--Whether defendant's waiver of his right to appeal forecloses review of his claim that his weapon possession conviction is unconstitutional under *New York State Rifle & Pistol Assn., Inc. v Bruen* (597 US 1 [2022]); whether defendant has standing to challenge the constitutionality of the New York weapon licensing provision underlying his conviction even though he did not apply for a license to possess the weapon; whether the trial court erred in rejecting defendant's claim that all counts in the indictment had to be dismissed because they violated his Second Amendment right to carry a firearm in public by requiring him to obtain a license under an unconstitutional licensing scheme.

### **People v Leighton R. (No. 87)**

APL 2024-92

Crimes—Unlawful Search and Seizure—Whether anonymous tip was sufficiently corroborated to provide police with reasonable suspicion to stop defendant's vehicle.

### **Clarke v Town of Newburgh (No. 84)**

APL 2025-110

Elections—Whether the vote-dilution provisions of the John R. Lewis Voting Rights Act of New York violate the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution and the New York Constitution.

*WEDNESDAY, OCTOBER 15*

**Matter of Claim of McLaurin (No. 88); Matter of Claim of Matthews (No. 89); Matter of Claim of Anderson (No. 90); Matter of Claim of Djanuzakov (No. 91)**

APL 2024-94; APL 2024-95; APL 2024-96; APL 2024-97

Workers' Compensation—Whether a claimant's fear of contracting a virus at their place of employment constitutes an accidental injury that is compensable under section 2, paragraph 7 of the Workers' Compensation Law.

**Matter of Aungst v Family Dollar (No. 92)**

APL 2024-64

Workers' Compensation—Whether the Board's "prevalence" theory was appropriately created by the Board based on the caselaw cited in support of that theory and, if so, whether it was properly applied by the Board and the Appellate Division; whether the Board and the Appellate Division properly concluded that claimant sustained a consequentially-related stroke.

**Matter of Claim of Garcia (No. 93)**

APL 2024-127

Workers' Compensation—Whether Workers' Compensation Law article 8-A, which provides an exception to the two-year filing requirement for participants in the World Trade Center rescue, recovery, and cleanup operations, applies to a surviving spouse's death benefits claim.

**People v Williams (Locksley) (No. 94)**

APL 2024-103

Crimes—Right to Speedy Trial—Whether an inaccurate CPL 30.30(5-a) certification renders the People's statement of readiness invalid.

**People v Sargeant (Derek) (No. 95)**

APL 2024-169

Crimes—Jurors—Whether defendant's conviction by an 11-member jury violated his constitutional right to a jury of 12 after the trial court concluded that defendant "forfeited" his right by engaging in misconduct.

*THURSDAY, OCTOBER 16*

**Article 13 LLC V Lasalle National Bank Association (No. 96)**

CTQ 2025-1

Mortgages—Foreclosure—1. Whether, or to what extent does, Section 7 of the Foreclosure Abuse Prevention Act, codified at N.Y. C.P.L.R. § 213 (4) (b), apply to foreclosure actions commenced before the statute's enactment? 2. Whether FAPA's retroactive application violates the right to substantive and procedural due process under the New York Constitution, N.Y. Const., art. I, § 6?

**Van Dyke v U.S. Bank, National Association (No. 97)**

APL 2025-100

Mortgages—Foreclosure—Whether the Foreclosure Abuse Prevention Act applies retroactively; whether the retroactive application of the Act is unconstitutional.

**Ben-Dor v Alchemy Consultant LLC (No. 98)**

APL 2024-178

Banks and Banking—Negligence—Whether plaintiff, a customer at bank, adequately pleaded that the bank assumed a duty to abide by its publicized anti-fraud procedures, giving rise to special relationship between customer and bank, thereby stating a claim against the bank sounding in negligence.

**People v Wiggins (Jaylin) (No. 99)**

APL 2024-59

Crimes—Verdict—Whether guilty verdict is against the weight of the evidence; Crimes—Jurors—Whether County Court erred in denying defendant’s request to discharge juror as grossly unqualified; whether County Court abused its discretion in denying motion for mistrial based on the ground that the jury was tainted by racial bias; whether County Court’s handling of jury note violated *People v O’Rama* (78 NY2d 270 [1991]).