

CASE ISSUE STATEMENTS - SEPTEMBER 2026

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, SEPTEMBER 15

Patterson v Meta Platforms (and related appeals) (Nos. 68-71)

APL 2025-158, 2025-165, 2025-169, 2025-170

Products Liability—Whether the Appellate Division erred by holding that social media platforms are not products subject to products liability principles; whether the Appellate Division erred by holding that plaintiffs' New York state law claims sounding in products liability are preempted by section 230 of the Communications Decency Act; whether the Appellate Division erred by holding that plaintiffs' claims sounding in product liability are barred by the First Amendment; whether plaintiffs stated a claim as to proximate cause; whether judgment can be granted as a matter of law on defendants' superseding, intervening cause affirmative defense.

Kolli v Kaleida Health (No. 72)

APL 2025-85

Insurance—Excess Coverage—Whether the courts below properly determined that decedent was entitled to coverage under defendant/third-party plaintiff Kaleida Health's self-insurance plan; whether the Appellate Division erred in determining that Kaleida's self-insurance plan was excess to MLMIC Insurance Company's policy.

Matter of Vincent v Adams (No. 73)

APL 2025-188

Local Laws—Preemption by State—Whether the local laws at issue that modified the New York City Fighting Homelessness and Eviction Prevention Supplement are preempted by State law.

Genesee County Fish and Game v Sullivan (No. 74)

APL 2025-123

Adverse Possession—Whether summary judgment was properly granted on plaintiff's first and third causes of action seeking relief based on adverse possession.

WEDNESDAY, SEPTEMBER 16

Brown v Z-Live Inc. (No. 75)

APL 2025-138

Intoxicating Liquors—Dram Shop Act—Whether the Appellate Division properly granted summary judgment dismissing the complaint as against certain defendants; whether defendants

merely pointed to gaps in plaintiff's proof rather than submitting evidence negating an element of plaintiff's Dram Shop claim.

People v Martin (Darnell M.) (No. 76)

APL 2025-161

Crimes—Suppression Hearing—Whether Penal Law § 222.05 (3) (a), enacted as part of the Marihuana Regulation and Taxation Act, applies to a post-enactment suppression hearing concerning a pre-enactment search.

People v Cheristin (Joshua) (No. 77)

APL 2025-212

Crimes—Appeal—Waiver of Right to Appeal—Whether an appeal waiver is valid when the plea court informs defendant that the appeal waiver is a condition of the plea prior to the defendant's factual allocution but the full appeal waiver colloquy occurs after the factual allocution;
Crimes—Suppression Hearing—Whether Penal Law § 222.05 (3) (a), enacted as part of the Marihuana Regulation and Taxation Act, applies to a post-enactment suppression hearing concerning a pre-enactment search.

People v Howard (Rahmel) (No. 78)

APL 2025-213

Crimes—Appeal—Waiver of Right to Appeal—Whether an appeal waiver is valid when the plea court informs defendant that the appeal waiver is a condition of the plea prior to the defendant's factual allocution but the full appeal waiver colloquy occurs after the factual allocution.

Matter of Hon. Walter W. Jones (No. 79)

JCR 2026-5

Review of determination of New York State Commission on Judicial Conduct.

THURSDAY, SEPTEMBER 17

People v Mears (Stephen) (No. 80)

APL 2025-147

Crimes—Endangering Welfare of Child—Whether the defense of justification applies to the crime of endangering the welfare of a child and, if so, whether there was any reasonable view of the evidence that defendant's conduct was justified such that a justification charge should have been given to the jury regarding that count.

People v T. (Hannah) (No. 81)

APL 2025-185

Issue: Crimes—Sentence—Whether the Appellate Division was barred from sua sponte reducing defendant's sentence in the interest of justice where defendant validly waived the right to appeal and did not request such relief from the Appellate Division.

People v Ekukpe (David) (No. 82)

APL 2025-167

Crimes—Appeal—Whether, following the enactment of CPL 30.30 (6), appellate review of a statutory speedy trial claim may be waived through an appeal waiver; whether a defendant has a constitutional right that precludes enforcement of an appeal waiver with regard to a statutory speedy trial claim.

People v Nantan (Tammy) (No. 83)

APL 2025-191

Crimes—Plea of Guilty—Forfeiture of Right to Raise Issues on Appeal—Whether CPL 30.30 (6), which provides that an order finally denying a motion to dismiss pursuant to CPL 30.30 (1) shall be reviewable upon an appeal from an ensuing judgment of conviction notwithstanding a plea of guilty, applies retroactively to a plea entered prior to January 1, 2020.