

State of New York Court of Appeals

Summaries are prepared based on the parties' briefs and are for background purposes only.

To be argued Wednesday, November 19, 2025

Matter of Klosterman (225AD3d 1068 [AD3])

Court PASS Docket No. APL-2025-00006

Matter of Almindo (223 AD3d 5 [AD3])

Court PASS Docket No. APL-2025-00005

Matter of Bruyere (224 AD3d 1032 [AD3])

Court PASS Docket No. APL-2025-00007

Matter of Lamphier (225 AD3d 1082 [AD3])

Court PASS Docket No. APL-2025-00008

Matter of Dixon-Domines (225 AD3d 1085 [AD3])

Court PASS Docket No. APL-2025-00010

Matter of Dunn (225 AD3d 1070 [AD3])

Court PASS Docket No. 2025-00012

Claimants are civil service employees who worked full-time for the Department of Corrections and Community Supervision (DOCCS) as instructors or teachers for incarcerated individuals. Claimants were paid an annual salary under a collective bargaining agreement that allowed them to receive their salary either over the 10-month academic year (September–June) or spread across the full calendar year.

Before 2020, claimants were offered optional summer work and could earn additional hourly wages. In 2020, claimants worked through June 2020, were not offered summer work due to the COVID-19 pandemic and returned to their regular positions in September 2020.

For the 2020 summer, claimants applied for and received federal benefits under the federal CARES Act, including Pandemic Unemployment Assistance (PUA), Federal Pandemic Unemployment Compensation (FPUC), and Lost Wage Assistance (LWA).

The New York State Department of Labor determined claimants were not eligible for these benefits because they received an annual salary and were not totally unemployed during the summer of 2020. The Unemployment Insurance Appeal Board upheld the determinations, finding that claimants must be totally unemployed as defined by New York State's Labor Law to be eligible for benefits.

The Appellate Division affirmed the determinations, holding because the Board found claimants were “not totally unemployed and therefore ineligible for unemployment insurance benefits under state law, claimant[s] were] also not eligible to receive federal pandemic assistance under the CARES Act.” The court rejected claimants' argument that eligibility for federal benefits should be governed solely by federal law. Citing federal guidance, the court emphasized that “the terms and conditions of the state law of the applicable state for an individual which apply to claims for, and the payment of, regular compensation apply to the payment of PUA to individuals.”

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Matter of Mantilla v NYC Dept. of Housing Preservation and Dev. (230 AD3d 1006 [AD1])
Court PASS Docket No. APL-2024-00148

Ray Mantilla was a jazz musician who lived in a Mitchell-Lama apartment in Manhattan Plaza. After his death in March 2020, his brother, Kermit Mantilla applied for succession rights to the apartment. Kermit Mantilla claimed he had moved from Florida to New York in 2018 to care for his brother and had lived in the apartment continuously since then.

The New York City Department of Housing Preservation and Development (HPD) denied Kermit Mantilla's application, finding that Kermit Mantilla did not show that the apartment was his primary residence for the required one-year period before Ray Mantilla's death. HPD found Kermit Mantilla's documentation insufficient because some documents were issued after Ray Mantilla's death; bank statements sent to the apartment and addressed to Kermit Mantilla, as Ray Mantilla's power of attorney, were not credible proof of actual residency; and Kermit Mantilla held a valid Florida driver's license during the one- year period. HPD also noted that Kermit Mantilla did not submit any bank statements in his own name, credit card statements, utility bills, voter registration documentation, or correspondence addressed to him at the apartment.

Kermit Mantilla challenged the denial in this CPLR article 78 proceeding. Supreme Court annulled HPD's determination, finding it arbitrary and capricious based on documentation showing Kermit Mantilla received public benefits at the apartment and bank statements showing consistent local activity near the apartment.

On appeal, in a 3-2 decision, a majority of the Appellate Division disagreed with Supreme Court, holding that HPD's determination was entitled to deference and had a rational basis. The majority emphasized that a reviewing court cannot substitute its own view of the evidence for HPD's, even if the court would have reached a different result. The majority said HPD's determination had a rational basis and should be upheld.

The dissenting Justices disagreed, saying "[w]hat the majority refers to as deference" does not require it to "ignore the lack of a rational basis on the part of HPD for denying the petition."

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Matter of The Coalition for Fairness v City of New York (233 AD3d 433 [AD1])
Court PASS Docket No. APL-2025-00028

In 2021, the City of New York rezoned the SoHo and NoHo neighborhoods, historically limited to “Joint Live-Work Quarters for Artists” (JLWQA). Under the new zoning, occupants of JLWQA units who were not certified artists or who held familial succession rights could legalize their occupancies by applying to convert their units from JLWQA to unrestricted residential use. A permit for such conversion requires a payment of a one-time, nonrefundable Arts Fund fee of \$100 per square foot into the newly created SoHo/NoHo Arts Fund. The fee is due upon application, regardless of whether the permit is granted or denied.

Petitioners, a community organization and several residents, challenged the fee as an unconstitutional “exaction” under *Nollan v California Coastal Commission* (483 US 825) and *Dolan v City of Tigard* (512 US 825). Petitioners argued that the fee was a permit condition that had no “nexus” to the City’s land-use interest and was not “roughly proportional” to the impact of the conversion.

The trial court dismissed the claim, holding the fee was a monetary obligation, not a taking.

The Appellate Division disagreed, holding that the Arts Fund fee was a permit condition and was unconstitutional because there was no essential nexus between the fee and a valid land-use interest, and the fee was not “roughly proportional” to the impact caused by the conversion of JLWQA units.

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To be argued Wednesday, November 19, 2025

People v Samuel Shaw (229 AD3d 1180 [AD4])
Court PASS Docket No. APL-2024-00129

In June 2018, two men were shot and killed while sitting in a car in a Rochester parking lot, and a woman in a nearby car was shot and severely injured. Law enforcement identified Samuel Shaw as the suspected shooter. In July 2018, Mr. Shaw spent the night and next day at a friend's apartment. Law enforcement arrived at the apartment without a warrant. Mr. Shaw exited the apartment and was arrested outside. Mr. Shaw's friend, the tenant of the apartment, consented to a search of the apartment. During the search, law enforcement found a gun in a toilet tank.

Before trial, Mr. Shaw challenged the search of the apartment and moved to suppress the gun. Mr. Shaw also challenged his arrest under *People v Payton* (445 US 573), which prohibits warrantless, nonconsensual entries into a home to make a routine felony arrest absent exigent circumstances.

County Court denied the motion, holding that Mr. Shaw lacked standing to challenge the search of the apartment because he was an overnight guest who had overstayed his welcome and did not have an expectation of privacy in the toilet tank of the apartment. County Court summarily denied Mr. Shaw's *Payton* claim without a hearing.

A jury convicted Mr. Shaw of two counts of first-degree murder, one count of attempted murder in the second degree, assault in the first degree and criminal possession of a weapon in the second degree.

On appeal, the Appellate Division, in a 4-1 decision, affirmed the convictions. The majority held that Mr. Shaw had standing to raise a *Payton* claim as an overnight guest. The majority said that where, as here, law enforcement's "manner of entry constitute[s] 'coercive circumstances suggesting that defendant was submitting to authority' by leaving the apartment," defendant did not voluntarily exit the premises, resulting in a *Payton* violation. The majority concluded, however, that suppression of the gun was not required because the apartment's tenant voluntarily consented to the search.

The dissenting Justice concluded the tenant's consent was not voluntary and, even if it was voluntary, it was not "sufficiently attenuated" from the *Payton* violation to "purge the taint of illegality." The dissenting Justice would have suppressed the gun and dismissed the weapon possession count but found the error harmless as to the other convictions.