

April 10, 2009

NEW FILINGS DIGEST - QUARTERLY UPDATE

This report lists, by title and subject matter, pending appeals previously published as "Court of Appeals New Filings".

Contact the Clerk's Office for additional information.

LAVOUNTAE A., MATTER OF:

PARENT AND CHILD - ABUSED OR NEGLECTED CHILD - PRIMA FACIE CASE OF NEGLECT;

ABNEY (QUENTIN), PEOPLE v:

CRIMES AND CRIMINAL PROCEDURE - IDENTIFICATION OF DEFENDANT - EXPERT TESTIMONY ON RELIABILITY OF EYEWITNESS IDENTIFICATIONS - PEOPLE v LEGRAND (8 NY3d 449); ALLEGED ERROR IN ADMITTING INTO EVIDENCE CERTAIN SCHOOL LOGBOOKS;

ADAMS v GENIE INDUSTRIES, INC.:

PRODUCTS LIABILITY - DEFECTIVELY DESIGNED PRODUCT - CONTINUING DUTY OF PRODUCT MANUFACTURER TO REMEDY OR PROVIDE WARNING OF DANGEROUS DEFECTS BROUGHT TO ITS ATTENTION AFTER THE SALE OF SUCH PRODUCT - SAFER ALTERNATIVE DESIGN;

AFFRI v BASCH:

LABOR - SAFE PLACE TO WORK - HOMEOWNER'S EXEMPTION - WHETHER DEFENDANTS WERE ENTITLED TO SUMMARY JUDGMENT BASED ON APPLICATION OF THE HOMEOWNER EXEMPTION IN LABOR LAW § 240(1) - EXISTENCE OF FACT ISSUES AS TO WHETHER DEFENDANTS EXERCISED SUPERVISORY CONTROL OVER WORK;

ALEMAN (JUAN CARLOS), PEOPLE v:

CRIMES AND CRIMINAL PROCEDURE - INSTRUCTIONS - WHETHER TRIAL COURT'S SUPPLEMENTAL INSTRUCTION TO JURORS DEPRIVED DEFENDANT OF A FAIR TRIAL;

ALLSTATE INSURANCE COMPANY, MATTER OF v RIVERA, et al.:

(Cal. Date - 4/30/09)

INSURANCE - AUTOMOBILE INSURANCE - UNDERINSURED MOTORIST ENDORSEMENT - WHETHER THE TORTFEASOR'S VEHICLE WAS UNINSURED OR UNDERINSURED FOR PURPOSES OF TRIGGERING COVERAGE UNDER SUPPLEMENTARY UNINSURED/UNDERINSURED MOTORIST ENDORSEMENT (SUM) 11 NYCRR 60-2.3(f);

ALMETER (JEREMY), PEOPLE v: (Cal. Date - 4/28/09)

CRIMES AND CRIMINAL PROCEDURE - CONDUCT OF TRIAL JUDGE - JOINT

TRIAL FOR MISDEMEANOR AND VIOLATION CHARGES - JURY DECIDED ASSAULT CHARGE AND JUDGE DECIDED TRESPASS CHARGE - WHETHER DEFENDANT WAS ENTITLED TO HAVE THE JURY CONSIDER BOTH OF THE CHARGES PURSUANT TO CRIMINAL PROCEDURE LAW § 340.40(3);

AMAZON.COM et al. v NEW YORK STATE DEPARTMENT OF TAXATION AND FINANCE et al.:  
CONSTITUTIONAL LAW - VALIDITY OF STATUTE - CHALLENGE TO TAX LAW § 1101(b)(8)(vi);

ANDERSON, et al., MATTER OF v TOWN OF CHILI PLANNING BOARD, et al.:  
ENVIRONMENTAL CONSERVATION - CPLR ARTICLE 78 PROCEEDING TO CHALLENGE A DETERMINATION OF RESPONDENT PLANNING BOARD GRANTING RESPONDENT METALICO ROCHESTER, INC.'S APPLICATION REGARDING INSTALLATION OF A METAL SHREDDER ON THE SITE OF ITS SCRAP METAL PROCESSING FACILITY NEAR THE ROCHESTER INTERNATIONAL AIRPORT;

ANONYMOUS, AN APPLICANT FOR ADMISSION TO THE BAR, MATTER OF:  
ATTORNEY AND CLIENT - ADMISSION TO PRACTICE;

ARAFET (NASIN), PEOPLE v:  
CRIMES AND CRIMINAL PROCEDURE - PROOF OF OTHER CRIMES - PROOF OF OTHER HIJACKINGS OF TRACTOR TRAILERS AND THEFTS OF THEIR CARGO - WHETHER PROOF OF SIMILAR MODUS OPERANDI IN TWO OTHER HIJACKINGS WAS ADMISSIBLE IN THIS CASE; CELL PHONE RECORDS;

AWARDS.COM et al. v KINKO'S, INC., et al.:  
CONTRACTS - BREACH OR PERFORMANCE OF CONTRACT - MATERIALITY OF DEFAULT - FAILURE TO MAKE ONE PAYMENT OF MONTHLY FEE - LOST PROFITS - PARTIES' CONTEMPLATION OF LOST PROFITS AS A POTENTIAL BASIS FOR DAMAGES IN THE EVENT OF BREACH - SPECULATIVE NATURE OF SUCH DAMAGES;

AYERS v O'BRIEN et al.:  
NEGLIGENCE - EXEMPTION FROM LIABILITY FOR PERSON ENGAGED IN EMERGENCY OPERATION OF AN AUTHORIZED VEHICLE - VEHICLE AND TRAFFIC LAW §§ 101, 114-b AND 1104 - MOTION BY PLAINTIFF DEPUTY SHERIFF TO DISMISS AFFIRMATIVE DEFENSE ASSERTED BY DEFENDANTS ALLEGING THAT PLAINTIFF'S OWN CULPABLE CONDUCT CAUSED OR CONTRIBUTED TO HIS DAMAGES;

BACKUS (DEREK), PEOPLE v:  
CRIMES AND CRIMINAL PROCEDURE - SENTENCE - CONCURRENT AND CONSECUTIVE ONE-YEAR TERMS - APPROPRIATE CORRECTIVE ACTION WHERE APPELLATE COURT VACATES AN ILLEGAL SENTENCE ENTERED ON A CONVICTION FOLLOWING A GUILTY PLEA WHERE DEFENDANT HAS SERVED ONE YEAR OF HIS SENTENCE - REMITTAL FOR FURTHER PROCEEDINGS INCLUDING RESENTENCING OR MOTION BY PEOPLE TO VACATE THE PLEA AND SET ASIDE THE CONVICTION AS OPPOSED TO MODIFICATION BY APPELLATE COURT TO DIRECT THAT ILLEGAL CONSECUTIVE SENTENCES RUN CONCURRENTLY;

BAILEY (ERIC), PEOPLE v: (Cal. Date - 5/6/09)

CRIMES AND CRIMINAL PROCEDURE - POSSESSION OF FORGED INSTRUMENT - PENAL LAW § 170.30 - SUFFICIENCY OF THE EVIDENCE - INTENT ELEMENT - CHALLENGE TO APPELLATE DIVISION RULING THAT THE "TOTALITY OF THE EVIDENCE, INCLUDING DEFENDANT'S STATEMENT TO THE POLICE EVINCING A CONSCIOUSNESS OF GUILT, AND THE LACK OF ANY REASON FOR DEFENDANT TO BE CARRYING COUNTERFEIT BILLS IN A SHOPPING DISTRICT OTHER THAN TO PASS THEM, SUPPORTED THE INFERENCE THAT HE POSSESSED THE BILLS WITH THE REQUISITE INTENT"; CONFESSION - WHETHER DEFENDANT'S PRE-MIRANDA WARNING STATEMENT TO POLICE DURING ROUTINE ARREST PROCESSING WAS SUBJECT TO SUPPRESSION;

BALIC (DZEMIL), PEOPLE v: (Cal. Date - 5/1/09)

CRIMES AND CRIMINAL PROCEDURE - SEX OFFENDER REGISTRATION ACT (SORA) - WHETHER A CRIMINAL COMPLAINT, PREPARED BY A POLICE OFFICER BASED ON INFORMATION FROM THE VICTIM AND ALLEGING THAT DEFENDANT COMMITTED A SEX CRIME OF WHICH HE WAS NEVER CONVICTED, CONSTITUTES "RELIABLE HEARSAY" WITHIN THE MEANING OF CORRECTION LAW § 168-n(3) AND "CLEAR AND CONVINCING" EVIDENCE OF THE FACTS ALLEGED;

BALZARINI, MATTER OF v SUFFOLK COUNTY DEPARTMENT OF SOCIAL SERVICES:

SOCIAL SERVICES - MEDICAL ASSISTANCE - COMMUNITY SPOUSE INCOME ALLOWANCE - MEANING OF "EXCEPTIONAL CIRCUMSTANCES RESULTING IN SIGNIFICANT FINANCIAL DISTRESS" - 42 USC § 1396r-5(e)(2)(B) - SOCIAL SERVICES LAW § 366-c(8)(b);

BANC OF AMERICA SECURITIES LLC v SOLOW BUILDING CO. II, LLC:

LANDLORD AND TENANT - ALTERATION OF LEASED PREMISES - LEASE PROVISION PROVIDING THAT TENANT'S SOLE REMEDY FOR CLAIM THAT LANDLORD UNREASONABLY WITHHELD OR DELAYED CONSENT TO ALTERATION PROPOSALS IS AN ACTION FOR SPECIFIC ENFORCEMENT, INJUNCTION OR DECLARATORY JUDGMENT, OR AN ARBITRATION PROCEEDING - ASSERTION THAT SUCH PROVISION IS UNENFORCEABLE BECAUSE LANDLORD'S REFUSAL TO TIMELY REVIEW AND APPROVE PROPOSED ALTERATIONS CONSTITUTES BAD FAITH - SUFFICIENCY OF ALLEGATIONS OF LANDLORD'S BAD FAITH NONPERFORMANCE OF LEASE PROVISION IN CAUSE OF ACTION FOR CONSEQUENTIAL DAMAGES;

BARBARA D. v FRANCIS D. (AND RELATED PROCEEDING):

PARENT AND CHILD - VISITATION - SUPERVISED VISITATION; HABEAS CORPUS;

BARKLEE 94, LLC v O'KEEFE:

LANDLORD AND TENANT - SUMMARY HOLDOVER PROCEEDING - RENT STABILIZED APARTMENT - CLAIMED VIOLATION OF "NO ALTERATION" CLAUSE OF LEASE; LIMITATION OF ACTIONS; APPEAL - APPELLATE DIVISION - DENIAL OF MOTION FOR LEAVE TO APPEAL FROM APPELLATE TERM ORDER; CLAIMED DENIAL OF DUE PROCESS;

BAZAKOS v LEWIS: (Cal. Date - 6/3/09)

LIMITATION OF ACTIONS - WHAT STATUTE GOVERNS - WHETHER A CLAIM FOR DAMAGES ARISING FROM INJURIES ALLEGEDLY CAUSED BY A PHYSICIAN DURING AN "INDEPENDENT MEDICAL EXAMINATION" CONDUCTED IN CONNECTION WITH AN UNDERLYING PERSONAL INJURY LAWSUIT SOUNDS IN MEDICAL MALPRACTICE (SUBJECT TO A 2 1/2-YEAR STATUTE OF LIMITATIONS) OR IN ORDINARY NEGLIGENCE (SUBJECT TO A THREE-YEAR STATUTE OF LIMITATIONS);

BLOOMINGDALES, INC. v NEW YORK CITY TRANSIT AUTHORITY:

(Cal. Date - 5/6/09)

LIMITATION OF ACTIONS - WHEN CAUSE OF ACTION ACCRUES - SEVERANCE OF STORM DRAINPIPE - PLAINTIFF'S EASEMENT TO SEWER - TIMELINESS OF TRESPASS AND PRIVATE NUISANCE CLAIMS FOR COSTS TO RESTORE CUT DRAINPIPE - APPLICABILITY OF CONTINUOUS WRONG DOCTRINE;

BORRELL (JULIO), PEOPLE v:

CRIMES AND CRIMINAL PROCEDURE - SENTENCE - CONCURRENT AND CONSECUTIVE TERMS - WHETHER THE APPELLATE DIVISION ERRED IN DIRECTING THAT THE CONCURRENT SENTENCES IMPOSED ON CERTAIN COUNTS OF THE INDICTMENT RUN CONSECUTIVELY TO THE SENTENCES IMPOSED ON OTHER COUNTS OF THAT INDICTMENT;

BOYD (PAUL), PEOPLE v:

CRIMES AND CRIMINAL PROCEDURE - VOLUNTARINESS OF GUILTY PLEA - WAIVER OF RIGHT TO APPEAL - PRESERVATION; POST-RELEASE SUPERVISION - APPROPRIATE REMEDY WHERE POST-RELEASE SUPERVISION NOT PRONOUNCED AS PART OF SENTENCE;

BROWN (MICHAEL), PEOPLE v:

CRIMES AND CRIMINAL PROCEDURE - TIMELINESS OF PROSECUTION - DNA EVIDENCE FROM 1993 CRIME PROCESSED IN 2002 AS PART OF A DNA BACKLOG PROJECT, WHICH WAS MATCHED TO A DNA SAMPLE TAKEN OF DEFENDANT IN 2002, RESULTING IN DEFENDANT'S INDICTMENT IN 2003 - APPLICATION OF FIVE-YEAR EXTENSION OF STATUTE OF LIMITATIONS WHERE DEFENDANT'S WHEREABOUTS "WERE CONTINUOUSLY UNKNOWN AND CONTINUOUSLY UNASCERTAINABLE BY THE EXERCISE OF REASONABLE DILIGENCE" (CPL 30.10[4][a][ii]); RIGHT OF CONFRONTATION - DNA EVIDENCE PREPARED BY PRIVATE LAB - TRIAL TESTIMONY FROM A CRIMINOLOGIST EMPLOYED BY THE OFFICE OF THE CHIEF MEDICAL EXAMINER, WHO WAS FAMILIAR WITH THE PRIVATE LAB'S PRACTICES, PROTOCOLS AND ACCREDITATION - WHETHER THE CONFRONTATION CLAUSE OF THE SIXTH AMENDMENT TO THE U.S. CONSTITUTION REQUIRES THE TESTIMONY OF A PERSON EMPLOYED BY THE PRIVATE LAB THAT PREPARED A DNA PROFILE LINKING DEFENDANT TO A CRIME;

BUCHANAN (INGVUE E.), PEOPLE v: (Cal. Date - 5/7/09)

CRIMES AND CRIMINAL PROCEDURE - PHYSICAL RESTRAINT OF DEFENDANT IN MURDER TRIAL - REQUIREMENT THAT DEFENDANT WEAR STUN BELT UNDER CLOTHING AT TRIAL - CLAIMED VIOLATION OF DUE PROCESS AND FAIR

TRIAL;

BUFFALO CRUSHED STONE, INC. v TOWN OF CHEEKTOWAGA:

(Cal. Date - 6/4/09)

MUNICIPAL CORPORATIONS - ZONING - NONCONFORMING USE - MINING AND QUARRYING - WHETHER CERTAIN PARCELS OF LAND ARE ENTITLED TO NONCONFORMING USE STATUS;

BUFFALO PROFESSIONAL FIREFIGHTERS ASSOCIATION v MASIELLO, et al.:

ARBITRATION - CONFIRMING OR VACATING AWARD - COMPULSORY PUBLIC INTEREST ARBITRATION - WHETHER THE APPELLATE DIVISION PROPERLY MODIFIED AN ARBITRATION AWARD - SCOPE OF REVIEW - DEFERENCE TO ARBITRATION PANEL'S DETERMINATION OF THE SCOPE OF THE ISSUES BEFORE IT;

BUTLER &c. et al. v CITY OF GLOVERSVILLE, et al.:

(Cal. Date - 6/4/09)

NEGLIGENCE - MAINTENANCE OF PREMISES - DUTY TO MAINTAIN PLAYGROUND FACILITIES IN REASONABLY SAFE CONDITION; PROXIMATE CAUSE OF INJURY TO CHILD FALLING FROM PLAYGROUND SLIDE; SUMMARY JUDGMENT;

CALLAHAN, et al. v CAREY &c., et al. (AND ANOTHER ACTION):

(Cal. Date - 5/6/09)

MUNICIPAL CORPORATIONS - SHELTER TERMINATION SANCTION NOTICES ISSUED TO HOMELESS ADULTS - PROVISION OF SUCH NOTICES TO THE LEGAL AID SOCIETY AS COUNSEL FOR THE HOMELESS ADULTS - COMPLIANCE WITH CONSENT DECREE;

CANO (JESUS), PEOPLE v:

CRIMES AND CRIMINAL PROCEDURE - VERDICT - ATTEMPT - SUFFICIENCY OF THE EVIDENCE - WHETHER DEFENDANT CAME "DANGEROUSLY NEAR" COMMISSION OF THE CRIMES OF USE OF A CHILD IN A SEXUAL PERFORMANCE, PROMOTING A SEXUAL PERFORMANCE BY A CHILD, CRIMINAL SEXUAL ACT IN THE THIRD DEGREE AND ENDANGERING THE WELFARE OF A CHILD;

CENTRAL MUTUAL INSURANCE COMPANY, MATTER OF v BEMISS:

(Cal. Date - 6/3/09)

INSURANCE - AUTOMOBILE INSURANCE - SUPPLEMENTARY UNINSURED/UNDERINSURED MOTORIST ("SUM") ENDORSEMENT - WHETHER THE STANDARD SUM ENDORSEMENT REQUIRES THE INSURED IN A MULTIPLE TORTFEASORS SITUATION, AFTER SETTLING WITH ONE TORTFEASOR FOR THAT PARTY'S POLICY LIMIT AND SEEKING TO SETTLE WITH A SECOND TORTFEASOR FOR LESS THAN THAT PARTY'S POLICY LIMIT, TO OBTAIN THE INSURER'S WRITTEN CONSENT TO SETTLE OR TO PRESERVE THE INSURER'S SUBROGATION RIGHTS IN THE SETTLEMENT WITH THE SECOND TORTFEASOR;

CLARENDON, MATTER OF v NUNEZ, et al.: (Cal. Date - 4/30/09)

INSURANCE - AUTOMOBILE INSURANCE - UNDERINSURED MOTORIST ENDORSEMENT - WHETHER THE TORTFEASOR'S VEHICLE WAS UNINSURED OR UNDERINSURED FOR PURPOSES OF TRIGGERING COVERAGE UNDER SUPPLEMENTARY UNINSURED/UNDERINSURED MOTORIST ENDORSEMENT (SUM) -

11 NYCRR 60-2.3(f);

CUNHA v CITY OF NEW YORK v HAKS ENGINEERS: (Cal. Date - 4/30/09)  
INDEMNITY - WHETHER THE APPELLATE DIVISION CORRECTLY AWARDED THE MUNICIPAL THIRD-PARTY PLAINTIFF FULL INDEMNIFICATION FROM THIRD-PARTY DEFENDANT CONTRACTOR BASED UPON COMMON-LAW INDEMNIFICATION WHERE THIRD-PARTY PLAINTIFF CONCEDED LIABILITY PURSUANT TO LABOR LAW § 241(6) TO THE INJURED PLAINTIFF IN THE MAIN PERSONAL INJURY ACTION AND THE JURY IN THE THIRD-PARTY ACTION FOUND THE CONTRACTOR 40% AT FAULT IN THE HAPPENING OF THE ACCIDENT;

CUOMO &c., PEOPLE &c., v COVENTRY FIRST, LLC, et al:  
(Cal. Date - 6/3/09)

ATTORNEY GENERAL - STANDING UNDER PARENS PATRIAE DOCTRINE TO BRING CERTAIN CLAIMS - NECESSITY TO ARBITRATE VICTIM-SPECIFIC CLAIMS - EXISTENCE OF FIDUCIARY DUTIES BY LIFE SETTLEMENT BROKERS TO SELLERS OF INSURANCE POLICIES;

D'ALESSANDRO (GUISEPPE), PEOPLE v:

CRIMES AND CRIMINAL PROCEDURE - TREATMENT OF SUCCESSIVE APPLICATIONS FOR WRIT OF ERROR CORAM NOBIS - RIGHT TO COUNSEL - EFFECTIVE APPELLATE REPRESENTATION;

DAMIEN P.C., MATTER OF v JENNIFER H.S.:

PARENT AND CHILD - CUSTODY - CHALLENGE TO HOLIDAY AND NON-HOLIDAY ACCESS SCHEDULES, RELOCATION RESTRICTION AND FINAL DECISION MAKING AUTHORITY REGARDING EXTRACURRICULAR ACTIVITIES - ALLEGED DUE PROCESS VIOLATION REGARDING MOTION TO VACATE FAMILY COURT ORDER;

DAVIS (GEORGE), PEOPLE v: (Cal. Date - 4/29/09)

CRIMES - CONTROLLED SUBSTANCES - WHETHER TRIAL COURT PROPERLY DECLINED TO CHARGE CRIMINAL POSSESSION IN THE SEVENTH DEGREE (SIMPLE POSSESSION OF A CONTROLLED SUBSTANCE) AS A LESSER INCLUDED COUNT WHERE DEFENDANT CHARGED WITH CRIMINAL SALE OF A CONTROLLED SUBSTANCE AND POSSESSION WITH INTENT TO SELL RELIED ON AN "AGENCY" DEFENSE;

DAVIS (WAYNE), PEOPLE v:

CRIMES AND CRIMINAL PROCEDURE - TRIAL - JUDICIAL HEARING OFFICER - WHETHER DEFENDANT VALIDLY WAIVED HIS RIGHT TO TRIAL BEFORE A CRIMINAL COURT JUDGE WHERE THE MINUTES DO NOT MENTION HIS CONSENT BUT THE COURT FILE CONTAINS A WAIVER FORM SIGNED WITH DEFENDANT'S NAME; VIOLATION OF ORDINANCE PROVIDING THAT "NO PERSON SHALL FAIL TO COMPLY WITH OR OBEY ANY INSTRUCTION ... APPEARING ON ANY PARK SIGN, EXCEPT SUCH SIGN MAY BE DISREGARDED UPON ORDER BY A POLICE OFFICER OR DESIGNATED DEPARTMENT EMPLOYEE" (RULES OF THE CITY OF NEW YORK § 1-03[c][2]) - WHETHER THE ABSENCE OF AN ORDER TO DISREGARD A PARK SIGN IS AN ELEMENT OF THE OFFENSE THAT MUST BE PLEADED AND PROVED;

DECKER (WAYNE), PEOPLE v: (Cal. Date 5/7/09)  
 CRIMES AND CRIMINAL PROCEDURE - INDICTMENT - 15-YEAR DELAY IN  
 ARREST AND INDICTMENT - WHETHER TRIAL COURT SHOULD HAVE HELD A  
 HEARING REGARDING THE DELAY; DUE PROCESS;

MATTER OF ADOPTION OF DOE [L.M.B. v E.R.J.]:  
 INTERNATIONAL LAW - ACT OF STATE DOCTRINE - APPLICATION TO  
 TRANSNATIONAL ADOPTIONS; CHOICE OF LAW - APPLICATION OF CAMBODIAN  
 LAW OR NEW YORK LAW TO DETERMINE VALIDITY OF RELINQUISHMENT OF  
 ADOPTIVE RIGHTS TO AN ORPHANED CAMBODIAN CITIZEN; TERMINATION OF  
 ADOPTIVE PARENT'S RIGHTS WITHOUT CONSIDERATION OF THE BEST  
 INTERESTS OF THE CHILD;

DINARDO v CITY OF NEW YORK et al.:  
 SCHOOLS - NEGLIGENCE - SPECIAL DUTY - LIABILITY OF BOARD OF  
 EDUCATION - TEACHER INJURED WHILE BREAKING UP A FIGHT BETWEEN  
 TWO STUDENTS IN HER CLASS;

ELVIN G., MATTER OF (ANONYMOUS):  
 INFANTS - JUVENILE DELINQUENTS - STUDENT SEARCH - DENIAL OF  
 SUPPRESSION MOTION WITHOUT A HEARING - JUSTIFICATION FOR SEARCH;

EURYCLEIA PARTNERS, L.P., et al. v SEWARD & KISSEL, LLP, et al.:  
 (Cal. Date - 4/29/09)  
 FRAUD - HEDGE FUND - ACTION FOR DAMAGES FOR FRAUD AGAINST HEDGE  
 FUND COUNSEL; ATTORNEY AND CLIENT; DISMISSAL AND NONSUIT;

EXECUTIVE RISK INDEMNITY, INC. v PEPPER HAMILTON LLP, et al.:  
 INSURANCE - EXCESS COVERAGE - PROFESSIONAL LIABILITY POLICIES -  
 WHETHER THREE EXCESS INSURANCE CARRIERS HAVE AN OBLIGATION TO  
 DEFEND AND INDEMNIFY A LAW FIRM AND ONE OF ITS MEMBERS - COVERAGE  
 EXCLUSIONS FOR "PRIOR KNOWLEDGE" OF MISCONDUCT ON THE PART OF THE  
 LAW FIRM'S CLIENT - RECISSION OF POLICIES - APPLICATION OF  
 CONTINUOUS COVERAGE PROVISION; SUMMARY JUDGMENT;

FRASER v 301-52 TOWNHOUSE CORP.:  
 EVIDENCE - SCIENTIFIC EVIDENCE - FRYE HEARING - PRECLUSION OF  
 EXPERT EVIDENCE ON WHETHER ALLEGED DAMPNES AND MOLD CONDITION IN  
 DEFENDANT'S BUILDING CAUSED PLAINTIFFS' HEALTH PROBLEMS;

GALLAGHER et al. v THE NEW YORK POST et al.:  
 LABOR - SAFE PLACE TO WORK - EXISTENCE OF ISSUES OF FACT ON THE  
 ISSUE OF LIABILITY ON A LABOR LAW § 240(1) CAUSE OF ACTION;

GILLEN, MATTER OF v CONKLING:  
 TAXATION - REAL PROPERTY TAX - APPLICATION OF NASSAU COUNTY  
 ADMINISTRATIVE CODE §§ 5-15.0(a)(3), 5-49.0(a) AND 5-45.0 TO  
 TENDER OF A TAX PAYMENT BY TAX SALE CERTIFICATE HOLDER;

GLACIAL AGGREGATES LLC v TOWN OF YORKSHIRE:

MUNICIPAL CORPORATIONS - ZONING - NONCONFORMING USE - WHETHER PLAINTIFF'S MINING OF SAND AND GRAVEL AGGREGATE ON THE PROPERTY IN QUESTION WAS A LAWFUL NONCONFORMING USE AND WHETHER PLAINTIFF HAD ACQUIRED A VESTED RIGHT TO MINE THE PROPERTY - PLAINTIFF'S ENTITLEMENT TO DAMAGES PURSUANT TO 42 USC § 1983 FOR DEPRIVATION OF A CONSTITUTIONALLY VESTED RIGHT TO MINE THE PROPERTY; DIRECTED VERDICT;

GLETZER &c. v HARRIS (AND ANOTHER ACTION):

LIENS - PRIORITY - ACTION FOR A RENEWAL JUDGMENT PURSUANT TO CPLR 5014 - WHEN THE RESULTING RENEWAL JUDGMENT AND LIEN TAKE EFFECT;

GILLYARD (COLLIER), PEOPLE v:

CRIMES AND CRIMINAL PROCEDURE - EVIDENCE - ADMISSION INTO EVIDENCE OF A "UNIVERSAL" HANDCUFF KEY RECOVERED FROM DEFENDANT DURING HIS PRETRIAL INCARCERATION APPROXIMATELY ONE MONTH AFTER THE LAST CHARGED CRIME - ALLEGED VIOLATION OF PEOPLE v MOLINEAUX (168 NY 264); CHALLENGE TO PROSECUTOR'S SUMMATION - TRIAL COURT'S DENIAL OF DEFENDANT'S SEVERANCE MOTION;

GOLDSTEIN (JOSEPH), PEOPLE v:

CRIMES AND CRIMINAL PROCEDURE - PLEA OF GUILTY - WITHDRAWAL OF PLEA - WHETHER GUILTY PLEA WAS KNOWINGLY AND VOLUNTARILY ENTERED IN LIGHT OF JUDGE'S STATEMENT THAT DEFENDANT COULD RECEIVE CONSECUTIVE SENTENCES IF CONVICTED AFTER A TRIAL - WHETHER PLEA ALLOCUTION FAILED TO ESTABLISH THE ELEMENT OF DEPRAVED INDIFFERENCE REGARDING THE RECKLESS ENDANGERMENT COUNTS; CLAIMED INEFFECTIVENESS OF COUNSEL;

GOMEZ, MATTER OF v STOUT, et al.:

ADMINISTRATION LAW - ADMINISTRATIVE REVIEW - WHETHER THE COMMISSIONER OF THE WESTCHESTER COUNTY DEPARTMENT OF PARKS, RECREATION AND CONSERVATION COULD PROPERLY APPOINT COUNTY PUBLIC WORKS COMMISSIONER TO REVIEW A HEARING OFFICER'S RECOMMENDATION REGARDING THE EMPLOYMENT OF AN EMPLOYEE OF THE COUNTY DEPARTMENT OF PARKS, RECREATION AND CONSERVATION; EMPLOYEE'S ENTITLEMENT TO REINSTATEMENT, BACK PAY AND BENEFITS;

GOMEZ (VICTOR), PEOPLE v: (Cal. Date - 6/4/09)

CRIMES AND CRIMINAL PROCEDURE - UNLAWFUL SEARCH AND SEIZURE - INVENTORY SEARCH - PRESERVATION;

GORDON, et al. v TOWN OF ESOPUS et al.:

TAXATION - ASSESSMENT - RPTL 480-a - VALUATION;

GRA V, LLC et al. v SRINIVASAN et al.: (Cal. Date - 4/29/09)

MUNICIPAL CORPORATIONS - ZONING - COMMON-LAW VESTED RIGHTS DOCTRINE TO CONTINUE DEVELOPMENT UNDER ZONING REGULATIONS APPLICABLE PRIOR TO ENACTMENT OF MORE RESTRICTIVE ZONING -

VALIDITY OF FOUNDATION PERMIT;

GREEN v WILLIAM PENN LIFE INSURANCE COMPANY OF NEW YORK:

- INSURANCE - LIFE INSURANCE - ACTION TO RECOVER UNDER LIFE INSURANCE POLICY - EVIDENTIARY PRESUMPTION AGAINST DEATH BY SUICIDE - DEGREE OF BURDEN TO PROVE DEATH BY SUICIDE - WHETHER TRIAL COURT PROPERLY CONCLUDED THAT SUICIDE WAS THE ONLY CONCLUSION THAT COULD REASONABLY BE DRAWN FROM THE EVIDENCE;

HARDY, JR. (J.W.), PEOPLE v:

CRIMES AND CRIMINAL PROCEDURE - ESCAPE IN THE SECOND DEGREE (PENAL LAW § 205.10[2]) - SUFFICIENCY OF THE EVIDENCE THAT DEFENDANT WAS IN "CUSTODY" WHEN HE FLED FROM THE COURTHOUSE;

HARGETT v TOWN OF TICONDEROGA, et al.:

EMINENT DOMAIN - LITIGATION EXPENSES - ACTION PURSUANT TO EDPL 702(B) SEEKING REIMBURSEMENT FOR LEGAL COSTS AND EXPENSES INCURRED IN PRIOR CONDEMNATION PROCEEDING PURSUANT TO EDPL 207(A) - ATTORNEY'S FEES;

HAUSMAN, MATTER OF (DECEASED):

DEEDS - VALIDITY - DEED TRANSFERRING DECEDENT'S REAL PROPERTY TO EXECUTOR'S LIMITED LIABILITY COMPANY (LLC) PRIOR TO ITS FORMATION - WHETHER THE LLC WAS A DE FACTO ENTITY CAPABLE OF TAKING TITLE ON THE DATE DEED WAS EXECUTED - CORPORATE ESTOPPEL DOCTRINE;

HENDERSON (BRIAN), PEOPLE v:

CRIMES - WITNESSES - CLAIM THAT WITNESS TESTIMONY PROCURED BY INTIMIDATION; DISCLOSURE - FAILURE TO PRODUCE ROSARIO MATERIAL - PROSECUTION'S BELATED DISCLOSURE OF CORRECTION OFFICER'S REPORT; SUFFICIENCY OF EVIDENCE; CLAIMED DENIAL OF RIGHT TO FAIR TRIAL;

HESLIN &c. v COUNTY OF GREENE et al.:

MUNICIPAL CORPORATIONS - NOTICE OF CLAIM - LATE NOTICE - APPLICABILITY OF INFANCY TOLL PROVISION OF CPLR 208 TO SUSPEND RUNNING OF STATUTE OF LIMITATIONS FOR PERSONAL INJURY CLAIM AGAINST MUNICIPALITY WHERE INTESTATE DECEDENT AND DECEDENT'S SOLE DISTRIBUTEES ARE INFANTS;

HOTALING, et al. v CITY OF NEW YORK et al.:

NEGLIGENCE - MAINTENANCE OF PREMISES - NEGLIGENT DESIGN - STANDARD FOR ADMISSION OF EXPERT OPINION EVIDENCE ON GENERALLY ACCEPTED STANDARDS AND PRACTICES;

IDT CORP., et al. v TYCO GROUP, S.A.R.L., et al.:

CONTRACTS - BREACH OR PERFORMANCE OF CONTRACT - ALLEGED BREACH OF SETTLEMENT AGREEMENT - HYBRID CATEGORY OF PRELIMINARY AGREEMENT OR "CONTINGENT TYPE I AGREEMENT" - SUMMARY JUDGMENT GRANTED TO DEFENDANTS;

INFANTE &c., MATTER OF v DIGNAN &c., et al:

PROCEEDING AGAINST BODY OR OFFICER - MANDAMUS - ARTICLE 78

PROCEEDING BY ESTATE ADMINISTRATOR SEEKING TO ANNUL THE MEDICAL EXAMINER'S DETERMINATION THAT DECEDENT'S DEATH WAS DUE TO SUICIDE AND TO COMPEL RESPONDENTS TO DETERMINE THAT THE DEATH WAS ACCIDENTAL OR DUE TO UNDETERMINED CIRCUMSTANCES - PRESUMPTION AGAINST SUICIDE; COUNTY LAW § 674(3); STANDARD OF REVIEW;

JANONYMOUS, et al. v CITY OF ROCHESTER, et al.:

(Cal. Date 4/28/09)

CONSTITUTIONAL LAW - VALIDITY OF STATUTE - JUVENILE CURFEW - CHALLENGE TO APPELLATE DIVISION RULING THAT CHAPTER 45 OF THE CODE OF THE CITY OF ROCHESTER IS UNCONSTITUTIONAL UNDER THE UNITED STATES AND NEW YORK CONSTITUTIONS AND IS INCONSISTENT WITH FAMILY COURT ACT § 305.2 AND PENAL LAW § 30.00;

JAGLOM et al. v INSURANCE COMPANY OF GREATER NEW YORK:

INSURANCE - DUTY TO DEFEND AND INDEMNIFY - LATE NOTICE OF OCCURRENCE AND CLAIM - WHETHER ISSUES OF FACT EXIST REGARDING THE EXISTENCE AND REASONABLENESS OF INSURED'S PROFESSED GOOD-FAITH BELIEF THAT THE PARTY THAT HAS SINCE COMMENCED A DEFAMATION ACTION AGAINST THEM WOULD NOT SEEK TO HOLD THEM LIABLE;

JOHNSON v CHAPIN:

HUSBAND AND WIFE - DIVORCE - EQUITABLE DISTRIBUTION - VALUATION OF HUSBAND'S SEPARATE PROPERTY - REDUCTION IN VALUE OF SEPARATE PROPERTY BY AMOUNTS HUSBAND REQUIRED TO PAY TO A PRIOR WIFE PURSUANT TO THE TERMS OF A PRIOR DIVORCE JUDGMENT; CREDIT TO HUSBAND FOR CERTAIN PAYMENTS - WIFE'S ENTITLEMENT TO CREDIT FOR FIFTY PERCENT OF THE DIFFERENCE BETWEEN THE TOTAL MARITAL FUNDS EXPENDED ON RENOVATIONS TO HUSBAND'S SEPARATE PROPERTY AND THE PROPERTY'S APPRECIATED VALUE - REDUCTION OF WIFE'S SHARE OF ENHANCED VALUE OF HUSBAND'S SEPARATE PROPERTY;

KADARKO (JAMES), PEOPLE v:

CRIMES AND CRIMINAL PROCEDURE - JURY DELIBERATIONS - NOTICE TO COUNSEL OF SUBSTANTIVE INQUIRY FROM JURY - WHETHER TRIAL COURT'S FAILURE TO READ SECOND JURY NOTE TO COUNSEL VERBATIM BEFORE DELIVERING A SECOND ALLEN CHARGE CONSTITUTED REVERSIBLE ERROR;

KASSIS et al. v THE OHIO CASUALTY INSURANCE COMPANY:

(Cal. Date - 6/4/09)

INSURANCE - DUTY TO DEFEND AND INDEMNIFY - WHETHER DEFENDANT HAD A DUTY TO DEFEND AND INDEMNIFY PLAINTIFF KASSIS UNDER A COMMERCIAL GENERAL LIABILITY POLICY IT ISSUED TO PLAINTIFF SUPERIOR SIGN ON THE GROUNDS THAT KASSIS WAS AN ADDITIONAL INSURED UNDER THE POLICY'S BLANKET ADDITIONAL INSURED ENDORSEMENT AND THAT HE WAS AN INTENDED THIRD-PARTY BENEFICIARY UNDER THE POLICY;

KHRAPUNSKIY et al. v DOAR &c.:

SOCIAL SERVICES - PUBLIC ASSISTANCE - SAFETY NET ASSISTANCE (SOCIAL SERVICES LAW § 131-a[2]) - NEW YORK CONSTITUTION, ARTICLE XVII - APPLICABILITY OF STANDARD OF NEED SET FORTH IN SOCIAL SERVICES LAW § 209 TO LEGAL ALIENS ELIGIBLE FOR PUBLIC ASSISTANCE BUT INELIGIBLE FOR FEDERAL SUPPLEMENTAL SECURITY INCOME;

KIPPER v NYP HOLDINGS CO.:

LIBEL AND SLANDER - WHETHER FALSE STATEMENT BY DEFENDANT PUBLICATION THAT PLAINTIFF'S MEDICAL LICENSE HAD BEEN REVOKED BY THE STATE OF CALIFORNIA IS ACTIONABLE - EDITING ACCURATE STATEMENT INTO A FALSEHOOD - NECESSITY OF PROOF OF SPECIFIC INTENT TO HARM - PLAINTIFF'S STATUS AS A PUBLIC FIGURE - LIBEL PER SE;

KONSTANTINIDES (GEORGE), PEOPLE v:

CRIMES AND CRIMINAL PROCEDURE - RIGHT TO COUNSEL - EFFECTIVE REPRESENTATION - WHETHER DEFENDANT WAS DENIED THE EFFECTIVE ASSISTANCE OF COUNSEL BASED UPON A CONFLICT OF INTEREST; DEFENDANT'S ENTITLEMENT TO A HEARING PURSUANT TO CPL 400.21(5);

LACKAWANNA COMMUNITY DEVELOPMENT CORP., MATTER OF v KRAKOWSKI:

(Cal. Date - 4/28/09)

TAXATION - EXEMPTIONS - TAXABLE OR TAX EXEMPT STATUS OF PROPERTY OWNED BY A TAX EXEMPT CHARITABLE LOCAL DEVELOPMENT CORPORATION AND LEASED TO A FOR-PROFIT MANUFACTURER AT A RENT THAT EXCEEDS THE OWNER'S CARRYING COSTS AND MAINTENANCE EXPENSES - RPTL 420-a;

LANG v NEWMAN, et al.: (Cal. Date - 5/7/09)

PHYSICIANS AND SURGEONS - MEDICAL MALPRACTICE; EVIDENCE - SUFFICIENCY OF EVIDENCE TO SUPPORT VERDICT IN PLAINTIFF'S FAVOR - MOTION TO SET ASIDE VERDICT;

LEE v ASTORIA, et al.:

LABOR - SAFE PLACE TO WORK - FALL ON PERMANENTLY ANCHORED BARGE - PREEMPTION OF LABOR LAW CLAIMS (LABOR LAW §§ 240[1] AND 241[6]) BY FEDERAL MARITIME LAW (LONGSHORE AND HARBOR WORKERS' COMPENSATION ACT, 33 USC § 901) - CAMMON v CITY OF NEW YORK (95 NY2d 583 [2000]) - SUMMARY JUDGMENT ON LIABILITY;

LEESON (DALE), PEOPLE v:

CRIMES AND CRIMINAL PROCEDURE - PROOF OF OTHER CRIMES - ADMISSION OF EVIDENCE OF UNCHARGED CRIMES TO ESTABLISH A COMMON SCHEME OR PLAN - HARMLESS ERROR;

MAHONEY-BUNTZMAN v BUNTZMAN:

HUSBAND AND WIFE - DIVORCE - VALUATION DATE FOR CORPORATE STOCK - CREDIT TO WIFE FOR ONE-HALF OF MAINTENANCE PAYMENTS MADE DURING MARRIAGE TO HUSBAND'S FORMER SPOUSE - CREDIT TO WIFE FOR ONE-HALF OF COST OF HUSBAND'S ADVANCED DEGREE - WHETHER CERTAIN MONIES WERE PROPERTY RATHER THAN INCOME;

MARON, et. al., MATTER OF v SILVER, et al.:

CONSTITUTIONAL LAW - LEGISLATIVE INACTION IN FUNDING JUDICIAL SALARY INCREASES - COMPENSATION CLAUSE (NY CONSTITUTION ARTICLE VI § 25[a]) - EQUAL PROTECTION OF THE LAWS - SEPARATION OF POWERS DOCTRINE - AVAILABILITY OF MANDAMUS TO COMPEL - ALLEGED PROCEDURAL ERRORS;

MARTE (NOEL), PEOPLE v: (Cal. Date - 5/6/09)

CRIMES AND CRIMINAL PROCEDURE - IDENTIFICATION OF DEFENDANT - WHETHER IDENTIFICATION THAT IS NOT THE PRODUCT OF STATE ACTION IS SUBJECT TO SUPPRESSION; SENTENCE - CONCURRENT AND CONSECUTIVE TERMS - LEGALITY OF IMPOSITION OF CONSECUTIVE SENTENCES ON ASSAULT AND ROBBERY COUNTS - APPRENDI v NEW JERSEY (530 US 466);

MATTOCKS (JONATHAN), PEOPLE v:

CRIMES AND CRIMINAL PROCEDURE - FORGERY - WHETHER A NEW YORK CITY TRANSIT METROCARD, "BENT" SO THAT IT COULD BE USED TO ENTER THE SUBWAY SYSTEM WHEN IT CONTAINED A ZERO BALANCE, CONSTITUTES A FORGED INSTRUMENT WITHIN THE MEANING OF PENAL LAW § 170.00; SUPPRESSION MOTION DENIED;

MCDANIEL (JERMAR), PEOPLE v:

CRIMES AND CRIMINAL PROCEDURE - ROBBERY - FIRST DEGREE ROBBERY - WHAT CONSTITUTES "DISPLAY" OF FIREARM - EFFECTIVE ASSISTANCE OF COUNSEL;

MCGRANTHAM (JAMES), PEOPLE v:

CRIMES AND CRIMINAL PROCEDURE - EVIDENCE - WHETHER, VIEWING THE EVIDENCE IN THE LIGHT MOST FAVORABLE TO THE PROSECUTION, THE EVIDENCE WAS LEGALLY SUFFICIENT TO SUPPORT THE INDICTMENT FOR THE CRIMES OF CRIMINALLY NEGLIGENT HOMICIDE AND RECKLESS DRIVING - DRIVING A VEHICLE IN THE WRONG DIRECTION ONTO AN EXIT RAMP LEADING FROM A HIGHWAY;

MCLEAN v CITY OF KINGSTON et al.:

CONSTITUTIONAL LAW - VALIDITY OF ORDINANCE - CHALLENGE TO APPELLATE DIVISION ORDER AFFIRMING JUDGMENT DECLARING KINGSTON CITY CODE CHAPTER 332 CONSTITUTIONAL AND DISMISSING THE COMPLAINT;

MCNAIR (RASHAD), PEOPLE v:

CRIMES AND CRIMINAL PROCEDURE - PRESERVATION OF ISSUE FOR APPELLATE REVIEW - SUFFICIENCY OF PLEA ALLOCUTION - EXCEPTION TO PRESERVATION REQUIREMENT - PEOPLE v LOPEZ (71 NY2d 662 [1988]);

MHR CAPITAL PARTNERS, LP, et al. v PRESSTEK, INC., et al.:

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CONTRACTS - BREACH OR PERFORMANCE OF CONTRACT - TERMINATION OF STOCK PURCHASE, ESCROW AND RELATED AGREEMENTS - SUMMARY JUDGMENT;

MILL RIVER CLUB, INC., MATTER OF v NEW YORK STATE DIVISION OF HUMAN RIGHTS:

CIVIL RIGHTS - DISCRIMINATION IN PUBLIC ACCOMMODATION - DISCRIMINATION BASED ON RELIGION - COUNTRY CLUB'S MEMBERSHIP ADMISSIONS POLICY - CLUB'S STATUS AS A PUBLIC ACCOMMODATION OR "DISTINCTLY PRIVATE" ORGANIZATION WITHIN THE MEANING OF EXECUTIVE LAW § 292(9) - ALLEGED VIOLATION OF CLUB'S FEDERAL AND STATE CONSTITUTIONAL RIGHTS TO ENGAGE IN EXPRESSIVE ASSOCIATION AND TO INTIMATE ASSOCIATION; ADMINISTRATIVE LAW - CONSIDERATION OF EVIDENCE SUBMITTED AFTER HEARING - 12 NYCRR 465.17; STANDING;

MINGO (TYRONE), PEOPLE v: (Cal. Date - 5/1/09)

CRIMES AND CRIMINAL PROCEDURE - SEX OFFENDER REGISTRATION ACT (SORA) - WHETHER DOCUMENTS GENERATED BY THE DISTRICT ATTORNEY'S OFFICE CONSTITUTE "RELIABLE HEARSAY" WITHIN THE MEANING OF CORRECTION LAW § 168-n(3) AND "CLEAR AND CONVINCING" EVIDENCE SUPPORTING THE RISK LEVEL DETERMINATION;

MISICKI v 430-50 SHORE ROAD CORPORATION:

LABOR - SAFE PLACE TO WORK - LABOR LAW § 241(6) - WHETHER 12 NYCRR 23-9.2(a) IS SUFFICIENTLY SPECIFIC TO IMPOSE A NONDELEGABLE DUTY UPON OWNERS AND CONTRACTORS TO REMEDY AN UNSAFE CONDITION IN POWER-OPERATED EQUIPMENT UPON THE EMPLOYER'S NOTICE OF SUCH CONDITION;

MUNSIFF, MATTER OF:

ATTORNEYS AND CLIENTS - DISCIPLINARY PROCEEDINGS - APPELLATE DIVISION ORDER DISBARRING ATTORNEY - ALLEGED DUE PROCESS VIOLATIONS;

NEW YORK CHARTER SCHOOLS ASSOCIATION, INC., et al., MATTER OF v DINAPOLI et al.: (Cal. Date - 6/2/09)

CONSTITUTIONAL LAW - SCHOOLS - CONSTITUTIONALITY OF GENERAL MUNICIPAL LAW § 33(2) AND EDUCATION LAW § 2854(1)(c), WHICH GRANT AUTHORITY TO STATE COMPTROLLER TO AUDIT CHARTER SCHOOLS;

NEW YORK CITY TRANSIT AUTHORITY v TRANSPORT WORKERS UNION OF GREATER NEW YORK, et al.:

ARBITRATION - DETERMINATION THAT AWARD REDUCING DISCIPLINARY PENALTY WAS IN EXCESS OF ARBITRATOR'S POWERS - SCOPE OF JUDICIAL REVIEW;

OVERSTOCK.COM v NEW YORK STATE DEPARTMENT OF TAXATION AND FINANCE:

CONSTITUTIONAL LAW - VALIDITY OF STATUTE - CHALLENGE TO TAX LAW § 1101 (b)(8)(vi);

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DISCLOSURE - PROCEEDING TO QUASH NONJUDICIAL SUBPOENA REGARDING TESTIMONY GIVEN AT A PUBLIC HEARING - CLAIMED VIOLATION OF RIGHT TO FREE SPEECH - WHETHER NEW YORK CITY CHARTER § 803(b) IS

UNCONSTITUTIONAL AS APPLIED TO PETITIONER;  
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WAS ENTITLED TO SUMMARY JUDGMENT DISMISSING PLAINTIFF'S DESIGN  
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PATTEN &c., et al. v HAMBURG OB/GYN GROUP P.C. et al.:  
LIMITATION OF ACTIONS - MEDICAL MALPRACTICE - CONTINUOUS  
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CONDOMINIUM BUILDING, CAUSED BY EXCAVATION AND CONSTRUCTION AT A  
NEIGHBORING PROPERTY, FALLS UNDER AN EXCLUSION IN PLAINTIFF'S  
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MATTER OF v ANGLIN, et al.: (Cal. Date - 6/2/09)  
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BOARD OF APPEALS:  
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CRIMES AND CRIMINAL PROCEDURE - WHETHER TRIAL COURT ERRED IN  
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CRIMES AND CRIMINAL PROCEDURE - GANG ASSAULT - WHETHER "TWO OR  
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THE TWO-YEAR PERIOD BEFORE THE COMMENCEMENT OF THE ACTION -  
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3016(b);

SAVE THE PINE BUSH, INC., MATTER OF v COMMON COUNCIL OF THE CITY OF ALBANY:

MUNICIPAL CORPORATIONS - ZONING - STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) - PETITIONER'S STANDING TO BRING CPLR ARTICLE 78 PROCEEDING TO CHALLENGE SEQRA DETERMINATION - WHETHER RESPONDENT TOOK THE REQUISITE "HARD LOOK" AT RELEVANT AREAS OF ENVIRONMENTAL CONCERN;

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SIMMS (EVERTON D.), PEOPLE v:

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JOSEPH SINGER, DECEASED, MATTER OF (SINGER v SINGER):

WILL - PROBATE - WHETHER RESPONDENT'S DEPOSITION OF TESTATOR'S FORMER ATTORNEY, WHICH IS NOT EXPRESSLY PROTECTED BY SAFE HARBOR PROVISIONS OF EPTL 3 - 3.5(b)(3)(D) AND SCPA 1404(4), VIOLATED IN TERROREM CLAUSES OF WILL EVEN THOUGH RESPONDENT NEVER OBJECTED TO PROBATE THEREOF;

STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY v LANGAN &c.:

INSURANCE - AUTOMOBILE INSURANCE - INSURED INTENTIONALLY STRUCK BY CAR - COVERAGE UNDER POLICY'S MANDATORY PERSONAL INJURY PROTECTION ENDORSEMENT AND DEATH, DISMEMBERMENT AND LOSS OF SIGHT PROVISIONS - INTERPRETATION OF TERM "ACCIDENT"; LAW OF THE CASE;

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CONSUMER - TELEPHONE CONSUMER PROTECTION ACT (TCPA) (47 USC § 227) - SUMMARY JUDGMENT - WHETHER "ATTORNEY MALPRACTICE REPORTS" DEFENDANT FAXED TO PLAINTIFF CONSTITUTED PROHIBITED ADVERTISEMENTS WITHIN THE MEANING OF THE TCPA - DEFENDANT'S WILLFUL AND KNOWING VIOLATION OF THE TCPA - STATUTE OF LIMITATIONS APPLICABLE TO THE TCPA - WHETHER "ATTORNEY MALPRACTICE REPORTS" CONSTITUTED PROTECTED SPEECH UNDER THE FEDERAL AND STATE CONSTITUTIONS;

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FACIE CASE ON CLAIMS FOR TRESPASS TO CHATTEL AND NEGLIGENCE - ACTION TO RECOVER DAMAGES FOR PERSONAL INJURIES SUSTAINED AFTER PLAINTIFF'S VAN WAS TOWED FROM A SHOPPING CENTER PARKING LOT AND PLAINTIFF, A PERSON WITH QUADRIPLÉGIA, TRAVELED BY WHEELCHAIR TO RETRIEVE THE VAN FROM THE TOWING COMPANY LOT; DIRECTED VERDICT;

TAYLOR (DAIVERY) et al. v PEOPLE:

CRIMES AND CRIMINAL PROCEDURE - OFFERING FALSE INSTRUMENT FOR FILING - SUFFICIENCY OF EVIDENCE - PENAL LAW § 175.35 - FILING OF RETAINER STATEMENTS WITH OFFICE OF COURT ADMINISTRATION - INTENT TO DEFRAUD THE STATE OR ANY OF ITS SUBDIVISIONS - NECESSITY OF PROOF THAT STATE AGENCY "CHECK[ED], VERIF[IED], OR REL[IED] UPON" INFORMATION CONTAINED IN RETAINER STATEMENTS;

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CONTRACTS - FORMATION OF CONTRACT - WHETHER SUFFICIENT EVIDENCE EXISTED FROM WHICH A JURY COULD DETERMINE THAT A JOINT VENTURE HAD BEEN FORMED AT A PARTICULAR TIME; JURY INSTRUCTIONS;

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MUNICIPAL CORPORATIONS - ZONING - VARIANCE - WHETHER ZONING BOARD'S DETERMINATION WAS ILLEGAL, ARBITRARY AND CAPRICIOUS, OR AN ABUSE OF DISCRETION;

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VAN WHILE IT WAS PARKED ON A PUBLIC STREET; ACCOMPLICES - JURY CHARGE - WHETHER TRIAL COURT COMMITTED REVERSIBLE ERROR IN FAILING TO DETERMINE AS A MATTER OF LAW THAT A CO-DEFENDANT'S GIRLFRIEND WAS AN ACCOMPLICE TO A PARTICULAR BURGLARY, OR TO SUBMIT THAT ISSUE TO THE JURY; WHETHER TRIAL COURT COMMITTED REVERSIBLE ERROR IN PERMITTING THE PROSECUTION TO PRESENT ON ITS DIRECT CASE CERTAIN "CONSCIOUSNESS OF GUILT" EVIDENCE; SUFFICIENCY OF THE EVIDENCE;

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WROTTEN (JUWANNA), PEOPLE:  
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