

April 2012

NEW FILINGS DIGEST - CUMULATIVE 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.

ADMIRAL INSURANCE COMPANY v JOY CONTRACTORS, INC., et al.:

INSURANCE - DUTY TO DEFEND AND INDEMNIFY - ADDITIONAL INSURED ENDORSEMENT - WHETHER LESSOR OF CRANE IS ENTITLED TO COVERAGE "WITH RESPECT TO LIABILITY ... CAUSED BY (CRANE OPERATOR LESSEE'S) ACTS OR OMISSIONS ... IN THE PERFORMANCE OF (ITS) ONGOING OPERATIONS FOR ADDITIONAL INSURED(S)"; WHETHER PRIMARY AND EXCESS INSURANCE POLICIES WERE "ISSUED FOR DELIVERY IN NEW YORK" WITHIN THE MEANING OF INSURANCE LAW § 3420(d); APPLICABILITY OF PROFESSIONAL SERVICES EXCLUSION; WHETHER THE APPELLATE DIVISION ERRED IN DETERMINING THAT A RESIDENTIAL CONSTRUCTION ACTIVITIES EXCLUSION DID NOT APPLY TO CRANE COLLAPSE BECAUSE BUILDING WAS INTENDED TO BE A MIXED-USE STRUCTURE; WHETHER LIABILITY COMPANIES SEEKING COVERAGE AS ADDITIONAL INSURED(S) ARE SUBJECT TO AN EXCLUSION FOR LIMITED LIABILITY COMPANIES IN A POLICY PROVISION ADDRESSING "WHO IS AN INSURED"; REPRESENTATIONS BY INSURED - WHETHER THE APPELLATE DIVISION ERRED IN HOLDING THAT ALLEGED MATERIAL MISREPRESENTATIONS BY THE NAMED INSURED DID NOT PRECLUDE ADDITIONAL INSURED(S) FROM RECOVERING UNDER THE POLICY;

ALEXANDER (HANS), PEOPLE v:

CRIMES - PLEA OF GUILTY - VOLUNTARINESS OF A GUILTY PLEA CONDITIONED ON THE WITHDRAWAL OF PENDING SPEEDY TRIAL CLAIM;

ALFARO (JOSE), PEOPLE v:

CRIMES - EVIDENCE - ADMISSION OF IMITATION PISTOL, HANDCUFFS AND HANDCUFF KEYS AS CIRCUMSTANTIAL EVIDENCE OF INTENT TO COMMIT ROBBERY AND ASSAULT CRIMES - POSSESSION OF ITEMS NOT INTRINSICALLY UNLAWFUL AND NOT USED, DISPLAYED OR THREATENED TO BE USED IN COMMISSION OF CRIMES - ABSENCE OF LIMITING INSTRUCTION - ALLEGED MOLINEUX VIOLATION; ALLEGED DENIAL OF A FAIR TRIAL DUE TO TRIAL COURT RULINGS AND PROSECUTORIAL MISCONDUCT; SUFFICIENCY OF THE EVIDENCE OF A COMPLETED ROBBERY;

ALVAREZ (LUIS), PEOPLE v:

CRIMES - RIGHT TO PUBLIC TRIAL - CLOSURE OF COURTROOM - TRIAL COURT EXCLUDED DEFENDANT'S FAMILY MEMBERS FROM THE COURTROOM

DURING THE JURY VOIR DIRE DUE TO LACK OF SEATING;

AMAZON.COM, LLC, 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);

AMERICAN BUILDING SUPPLY CORP. v PETROCELLI GROUP, INC., et al.:

INSURANCE - COVERAGE - CLAIM BY INSURED THAT INSURANCE BROKER NEGLIGENTLY FAILED TO PROCURE ADEQUATE INSURANCE COVERAGE FOR BODILY INJURY INCURRED BY INSURED'S EMPLOYEES IN THE COURSE OF THEIR EMPLOYMENT - WHETHER INSURED'S FAILURE TO REVIEW THE POLICY BARS A NEGLIGENCE CLAIM AGAINST THE BROKER; SUMMARY JUDGMENT;

APPLEWHITE, &c. et al. v ACCUHEALTH, INC. et al.:

MUNICIPAL CORPORATIONS - TORT LIABILITY - ASSUMPTION OF SPECIAL DUTY TO INFANT PLAINTIFF IN ANAPHYLACTIC SHOCK - EMERGENCY MEDICAL PERSONNEL DID NOT TRANSPORT THE INFANT PLAINTIFF TO THE HOSPITAL IMMEDIATELY IN THEIR BASIC LIFE SUPPORT AMBULANCE, BUT ASSURED THE INFANT'S MOTHER THAT IT WOULD BE BETTER TO WAIT FOR AN ADVANCED LIFE SUPPORT AMBULANCE TO ARRIVE WITH PARAMEDICS AND NECESSARY EQUIPMENT;

ASSET PROTECTION & SECURITY SERVICES, LP, MATTER OF v SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 200 UNITED:

ARBITRATION - PROCEEDING PURSUANT TO CPLR ARTICLE 75 - WHETHER ARBITRATOR EXCEEDED HIS AUTHORITY BY DIRECTING THAT THE EMPLOYEE BE REINSTATED AND AWARDING HER BACK PAY AND BENEFITS; JUST CAUSE FOR TERMINATION;

ASSOCIATION FOR COMMUNITY LIVING, INC. et al., MATTER OF v NEW YORK STATE OFFICE OF MENTAL HEALTH, et al.:

HEALTH - MEDICAID - CHALLENGE TO AGENCY'S MEDICAID EXEMPT INCOME RECOUPMENT POLICY - ALLEGED VIOLATION OF RULE-MAKING REQUIREMENTS CONTAINED IN ARTICLE IV, SECTION 8 OF THE STATE CONSTITUTION - NECESSITY FOR A RECOUPMENT HEARING - CONSTITUTIONAL CHALLENGE TO L 2010, CH 111, PART D;

AUQUI &c., et al. v SEVEN THIRTY ONE LIMITED PARTNERSHIP, et al.:

JUDGMENTS - COLLATERAL ESTOPPEL - PRECLUSIVE EFFECT TO BE GIVEN TO DETERMINATION BY WORKERS' COMPENSATION LAW JUDGE CONCERNING TERMINATION DATE OF PLAINTIFF'S DISABILITY - WHETHER APPOINTMENT OF GUARDIAN FOR PLAINTIFF RAISED TRIABLE ISSUE OF FACT AS TO THE ONGOING NATURE OF PLAINTIFF'S DISABILITY;

BABA-ALI v STATE OF NEW YORK: (Cal. Date - 5/29/12)

STATE - CLAIM AGAINST STATE - ACTION TO RECOVER DAMAGES FOR

UNLAWFUL IMPRISONMENT - NONPECUNIARY DAMAGES - PAST AND FUTURE LOST EARNINGS; WHETHER PROSECUTOR'S FAILURE TO TURN OVER A POTENTIALLY EXCULPATORY DOCUMENT TO DEFENSE COUNSEL UNTIL DAY BEFORE TRIAL CAN CONSTITUTE "FRAUD OR MISREPRESENTATION" FOR PURPOSES OF COURT OF CLAIMS ACT SECTION 8-b;

BAKER (TREVIS D.), PEOPLE v (APPEAL NOS. 1 and 2):
CRIMES - DISORDERLY CONDUCT (PENAL LAW § 240.20[3]) - PROBABLE CAUSE FOR ARREST - USE OF FOUL LANGUAGE IN PUBLIC IN CRITICIZING CONDUCT OF POLICE OFFICER - CONSTITUTIONALLY PROTECTED SPEECH; GUILTY PLEA;

BAYGOLD ASSOCIATES, INC. v CONGREGATION YETEV LEV OF MONSEY, INC. (AND ANOTHER ACTION):
LANDLORD AND TENANT - WHETHER A TENANT IS ENTITLED TO EQUITABLE RELIEF WHERE IT HAS FAILED TO COMPLY STRICTLY WITH THE RENEWAL PROVISIONS IN ITS LEASE;

BECK-NICHOLS, MATTER OF v BIANCO, et al.:
PROCEEDING AGAINST BODY OR OFFICER - CERTIORARI - CPLR ARTICLE 78 PROCEEDING TO ANNUL DETERMINATION OF RESPONDENT SCHOOL DISTRICT TERMINATING PETITIONER'S EMPLOYMENT BASED ON FAILURE TO COMPLY WITH THE DISTRICT'S RESIDENCY POLICY; STANDARD OF REVIEW;

BELL v NEW YORK STATE HIGHER EDUCATION SERVICES CORPORATION:
APPEAL - CHALLENGE TO APPELLATE DIVISION ORDER THAT, AMONG OTHER THINGS, DISMISSED ONE OF THE PLAINTIFF'S APPEALS AS UNTIMELY TAKEN AND ANOTHER OF HIS APPEALS AS BEING TAKEN FROM A NON-APPEALABLE ORDER DENYING REARGUMENT;

BELLIARD (RAFAEL), PEOPLE v:
CRIMES - PLEA OF GUILTY - WHETHER MANDATORY CONSECUTIVE SENTENCE (PENAL LAW § 70.25[2-a]) IS A DIRECT CONSEQUENCE OF THE GUILTY PLEA SO THAT THE TRIAL COURT'S FAILURE TO INFORM DEFENDANT THAT HIS SENTENCE WOULD RUN CONSECUTIVELY TO AN UNDISCHARGED, PREVIOUSLY-IMPOSED SENTENCE RENDERS DEFENDANT'S GUILTY PLEA NOT KNOWING, INTELLIGENT AND VOLUNTARY;

BEST (EMIL), PEOPLE v:
TRIAL - PHYSICALLY RESTRAINED DEFENDANT - HANDCUFFS AND LEG SHACKLES DURING NONJURY TRIAL - TRIAL COURT DID NOT CONDUCT INQUIRY REGARDING NEED FOR RESTRAINTS OR PUT ON RECORD ANY REASONS FOR VISIBLE RESTRAINTS - CLAIMED VIOLATION OF DUE PROCESS RIGHTS; CLAIMED INSUFFICIENCY OF ACCUSATORY INSTRUMENT;

BITCHATCHI, MATTER OF v BOARD OF TRUSTEES OF THE NEW YORK CITY POLICE DEPARTMENT PENSION FUND, ARTICLE II:
CIVIL SERVICE - RETIREMENT AND PENSION BENEFITS - ACCIDENTAL DISABILITY RETIREMENT (ADR) - WHETHER THE APPELLATE DIVISION

ERRED IN HOLDING THAT SUPREME COURT PROPERLY DETERMINED THAT THE AGENCY FAILED TO REBUT WITH CREDIBLE EVIDENCE THE STATUTORY PRESUMPTION THAT PETITIONER'S DISABILITY WAS RELATED TO HER SERVICE AS A POLICE OFFICER AT THE WORLD TRADE CENTER SITE FOLLOWING SEPTEMBER 11, 2001;

BOARD OF MANAGERS OF COPLEY COURT CONDOMINIUM, MATTER OF v TOWN OF OSSINING:

TAXATION - ASSESSMENT - JUDICIAL REVIEW - FAILURE TO SERVE SCHOOL SUPERINTENDENT - WHETHER PETITIONER'S "GEOGRAPHICAL MISTAKE" IN SERVING PETITIONS ON THE SUPERINTENDENT OF SCHOOLS OF A NEIGHBORING SCHOOL DISTRICT, RATHER THAN ON THE SUPERINTENDENT OF SCHOOLS OF THE SCHOOL DISTRICT IN WHICH IT OWNS CERTAIN REAL PROPERTY, CONSTITUTED "GOOD CAUSE" TO EXCUSE ITS FAILURE TO SERVE THE CORRECT SCHOOL DISTRICT AND TO ALLOW IT TO EFFECT SUCH SERVICE NUNC PRO TUNC - RPTL 708(3);

BREADY et al. v CSX TRANSPORTATION, INC., et al.:

NEGLIGENCE - WHAT CONSTITUTES - FOUR VEHICLE CHAIN REACTION COLLISION - LIABILITY OF FIRST CAR LAWFULLY STOPPED AT INTERSECTION FOR A RED LIGHT - FEDERAL EMPLOYERS' LIABILITY ACT (FELA) (45 USC § 51 ET SEQ.) - STANDARD OF PROOF FOR NEGLIGENCE AND PROXIMATE CAUSE UNDER FELA;

BRIDGET Y., MATTER OF et al.(AND OTHER PROCEEDINGS):

PARENT AND CHILD - CHILD CUSTODY - UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT - TEMPORARY EMERGENCY JURISDICTION; DENIAL OF MOTION TO VACATE ORDER OF FACT-FINDING AND DISPOSITION;

BRONX COMMITTEE FOR TOXIC FREE SCHOOLS, MATTER OF, et al. v NEW YORK CITY SCHOOL CONSTRUCTION AUTHORITY, et al.:

ENVIRONMENTAL CONSERVATION - ENVIRONMENTAL IMPACT STATEMENT (EIS) - SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT (SEIS) - WHETHER SCHOOL CONSTRUCTION AUTHORITY (SCA) FAILED TO TAKE THE REQUISITE "HARD LOOK" AT LONG-TERM MAINTENANCE AND MONITORING OF MEASURES FOR THE REMEDIATION OF CONTAMINATED SOIL AND GROUNDWATER AT THE MOTT HAVEN SCHOOL CAMPUS SITE BEFORE ISSUING ITS EIS AND IS REQUIRED TO PREPARE A SEIS - EFFECT, IF ANY, OF SITE MANAGEMENT PLAN SCA DEVELOPED UNDER THE BROWNFIELD CLEANUP PROGRAM;

BUKOWSKI v CLARKSON UNIVERSITY et al.: (Cal. Date - 5/2/12)

NEGLIGENCE - ASSUMPTION OF RISK - ACTION BY COLLEGE PITCHER TO RECOVER DAMAGES FOR INJURIES SUSTAINED WHILE PARTICIPATING IN BASEBALL PRACTICE IN AN INDOOR TRAINING FACILITY - WHETHER THERE WAS EVIDENCE FROM WHICH A JURY COULD CONCLUDE THAT THE RISK OF INJURY WAS UNREASONABLY ENHANCED BY THE CONDITIONS EXISTING IN THE TRAINING FACILITY - INHERENT COMPULSION TO PRACTICE WITHOUT

L-SCREEN SAFETY DEVICE; DISMISSAL AND NONSUIT;
BUSSEY (MONROE B.), PEOPLE v:

CRIMES - MURDER - DEPRAVED INDIFFERENCE MURDER - WHETHER THE TRIAL COURT ERRED IN SUBMITTING COUNTS OF BOTH INTENTIONAL MURDER AND DEPRAVED INDIFFERENCE MURDER TO THE JURY; MERGER DOCTRINE - WHETHER MERGER DOCTRINE APPLIES TO CHARGE OF KIDNAPPING IN THE FIRST DEGREE;

CAJIGAS (NORMAN), PEOPLE v:

CRIMES - BURGLARY - ATTEMPT - SUFFICIENCY OF THE EVIDENCE OF CRIMINAL INTENT - WHETHER AN INTENT TO COMMIT AN ACT THAT WOULD BE INNOCUOUS IF AN ORDER OF PROTECTION DID NOT PROHIBIT IT CAN SATISFY THE "INTENT TO COMMIT A CRIME THEREIN" ELEMENT OF BURGLARY;

CALDWELL v CABLEVISION SYSTEMS CORPORATION, et al.:

WITNESSES - FEES - FACT WITNESS - PAYMENTS IN EXCESS OF STATUTORY RATE OF \$15 PER DAY - PAYMENT OF \$10,000 FEE TO ORTHOPEDIC SURGEON WHO TESTIFIED AS A FACT WITNESS FOR DEFENDANT - WHETHER SUCH PAYMENT REQUIRED THE WITNESS'S TESTIMONY TO BE STRICKEN - WHETHER THE APPELLATE DIVISION ERRED IN CONCLUDING THAT THE TRIAL COURT'S ERROR IN FAILING TO GIVE JURY SPECIFIC INSTRUCTION REGARDING FACT-WITNESS COMPENSATION WAS HARMLESS;

CERVERA v BRESSLER:

PARENT AND CHILD - CUSTODY - MODIFICATION OF CUSTODY - CLAIMED DUE PROCESS VIOLATIONS;

CHAZON, LLC v MAUGENEST: (Cal. Date - 5/1/12)

LANDLORD AND TENANT - LOFT LAW - EJECTMENT - WHETHER LANDLORD CAN MAINTAIN AN EJECTMENT ACTION AGAINST TENANT PROTECTED BY MULTIPLE DWELLING LAW ARTICLE 7-C (THE LOFT LAW), EVEN THOUGH LANDLORD HAS NOT COMPLIED WITH MULTIPLE DWELLING LAW § 285(1) REGARDING MINIMUM HOUSING MAINTENANCE STANDARDS;

CHESTNUT (KEVIN), PEOPLE v: (Cal. Date - 5/3/12)

CRIMES - CONSOLIDATION AND SEVERANCE - CPL 200.40(1) - WHETHER SUPREME COURT'S ALLEGED ERROR IN DENYING DEFENDANT'S MOTION TO SEVER UNRELATED COUNTS APPLICABLE ONLY TO CODEFENDANT IS SUBJECT TO HARMLESS ERROR ANALYSIS AND, IF SO, WHETHER THE ERROR IS HARMLESS;

CHINESE STAFF AND WORKERS' ASSOCIATION, et al., MATTER OF v BURDEN &c, et al.: (Cal. Date - 5/30/12)

ENVIRONMENTAL CONSERVATION - ENVIRONMENTAL QUALITY REVIEW - WHETHER THE DEPARTMENT OF CITY PLANNING CONDUCTED AN ADEQUATE ENVIRONMENTAL REVIEW OF A PROPOSED REZONING - ISSUANCE OF A NEGATIVE DECLARATION - STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) - "HARD LOOK" REQUIREMENT;

COLEMAN v DAINES &c, et al.:

SOCIAL SERVICES - PROCEEDING AGAINST BODY OR OFFICER - PETITION SEEKING RELIEF AS A RESULT OF RESPONDENTS' HANDLING OF PETITIONER'S APPLICATION FOR MEDICAID HOME CARE SERVICES; SOCIAL SERVICES LAW § 133; MOOTNESS - EXCEPTION TO MOOTNESS DOCTRINE; ADMINISTRATIVE LAW - FAILURE TO EXHAUST ADMINISTRATIVE REMEDIES;

COLVILLE (DELROY), PEOPLE v:

CRIMES - JURORS - JURY INSTRUCTIONS - COUNSEL'S WITHDRAWAL, IN DEFERENCE TO CLIENT'S WISHES, OF REQUEST TO CHARGE MANSLAUGHTER IN THE FIRST AND SECOND DEGREES AS LESSER INCLUDED OFFENSES TO MURDER IN THE SECOND DEGREE - WHETHER THE DECISION TO SUBMIT LESSER INCLUDED OFFENSES TO THE JURY IS A STRATEGIC DECISION TO BE MADE BY COUNSEL OR A FUNDAMENTAL DECISION TO BE MADE BY THE CLIENT - EFFECTIVE ASSISTANCE OF COUNSEL; JUSTIFICATION DEFENSE - DUTY TO RETREAT;

COOPER (KEVIN O.), PEOPLE v: (Cal. Date - 5/30/12)

CRIMES - APPEAL - WHETHER AN ORAL RULING ON A PRE-TRIAL MOTION, WHICH WAS NOT REDUCED TO WRITING, IS APPEALABLE; WAIVER OF RIGHT TO APPEAL; SUPPRESSION HEARING;

CUNNINGHAM, MATTER OF v NEW YORK STATE DEPARTMENT OF LABOR:

CIVIL SERVICE - TERMINATION OF EMPLOYMENT - CONSTITUTIONALITY OF SEARCH CONDUCTED BY PUBLIC EMPLOYER BY PLACING GLOBAL POSITIONING SYSTEM DEVICES ON EMPLOYEE'S CAR WITHOUT A WARRANT;

CUSTODI et al. v MUFFOLETTO et al.:

NEGLIGENCE - ASSUMPTION OF RISK - ACTION SEEKING DAMAGES FOR INJURIES SUSTAINED BY PLAINTIFF WHILE ROLLERBLADING WHEN SHE ALLEGEDLY TRIPPED OVER A TWO-INCH HEIGHT DIFFERENTIAL BETWEEN APRON AT END OF INDIVIDUAL DEFENDANTS' DRIVEWAY AND CULVERT THAT SEPARATED DRIVEWAY FROM PUBLIC ROADWAY - WHETHER THE APPELLATE DIVISION ERRED IN CONCLUDING THAT, UNDER THE CIRCUMSTANCES OF THIS CASE, THE DOCTRINE OF PRIMARY ASSUMPTION OF RISK IS INAPPLICABLE;

D'ANGELO, MATTER OF v SCOPPETTA, &c., et al.:

CIVIL SERVICE - DISCIPLINARY PUNISHMENT - ARTICLE 78 PROCEEDING CHALLENGING A DETERMINATION OF RESPONDENT FIRE COMMISSIONER RESULTING IN PLACEMENT OF A LETTER AND ADVISORY MEMORANDUM IN PETITIONER FIREFIGHTER'S EQUAL EMPLOYMENT OPPORTUNITY OFFICE FILE - WHETHER INCORPORATION OF LETTER INTO EMPLOYEE'S FILE TRIGGERED THE STATUTORY PROTECTIONS OF CIVIL SERVICE LAW § 75;

DAIS (QUINTON), PEOPLE v: (Cal. Date - 5/3/12)

CRIMES - SENTENCE - WHETHER COURT RESENTENCING DEFENDANT UNDER

THE DRUG LAW REFORM ACT HAS AUTHORITY TO ADJUDICATE DEFENDANT A SECOND FELONY DRUG OFFENDER PREVIOUSLY CONVICTED OF A VIOLENT FELONY WHERE DEFENDANT WAS ONLY ADJUDICATED AS A SECOND FELONY OFFENDER AT HIS ORIGINAL SENTENCING PROCEEDING;

DAMIAN G. and MADISON G., MATTER OF:

PARENT AND CHILD - ABUSED OR NEGLECTED CHILD - WHETHER RECORD CONTAINS SUFFICIENT EVIDENCE OF NEGLECT TO SUPPORT THE ADJUDICATION;

DEAN, et al. v TOWER INSURANCE COMPANY OF NEW YORK:

INSURANCE - DISCLAIMER OF COVERAGE - AMBIGUITY IN POLICY - WHETHER THE APPELLATE DIVISION ERRED IN HOLDING THAT A "RESIDENCE PREMISES" INSURANCE POLICY WAS AMBIGUOUS BECAUSE IT FAILED TO DEFINE THE WORD "RESIDES" FOR COVERAGE PURPOSES AND THE PLAINTIFFS PURCHASED THE POLICY IN ADVANCE OF CLOSING BUT WERE UNABLE TO FULFILL THEIR INTENTION OF ESTABLISHING RESIDENCY AT THE SUBJECT PREMISES DUE TO THEIR DISCOVERY AND REMEDIATION OF TERMITE DAMAGE - WHETHER AN ISSUE OF FACT EXISTED REGARDING PLAINTIFFS' MISREPRESENTATION OF THEIR INTENTION TO RESIDE IN THE SUBJECT PREMISES;

DE LUNA (ALBERTO), PEOPLE v:

CRIMES - APPEAL - APPEAL WAIVER IN CONNECTION WITH GUILTY PLEA - APPELLATE DIVISION DID NOT SPECIFY WHETHER ITS AFFIRMANCE OF DEFENDANT'S CONVICTION WAS BASED ON THE VALIDITY OF THE APPEAL WAIVER OR ITS REVIEW AND REJECTION OF DEFENDANT'S EXCESSIVE SENTENCE CLAIM;

DE PONCEAU, MATTER OF v FISCHER, &c., et al.:

PROCEEDING AGAINST BODY OR OFFICER - CHALLENGE TO APPELLATE DIVISION ORDER AFFIRMING SUPREME COURT JUDGMENT DECLINING TO SIGN AN ORDER TO SHOW CAUSE AND DISMISSING A CPLR ARTICLE 78 PETITION WITHOUT PREJUDICE;

DE PROSPERO (STEPHEN), PEOPLE v:

CRIMES - SEARCH WARRANT - DELAYED FORENSIC EXAMINATION OF ELECTRONIC MEDIA - WHETHER PORNOGRAPHIC IMAGES AND VIDEOS OF CHILDREN UNCOVERED AS A RESULT OF A JANUARY 2010 SEARCH OF DEFENDANT'S COMPUTER AND DIGITAL CAMERA HAD TO BE SUPPRESSED, WHERE THEY WERE SEIZED PURSUANT TO A MAY 2009 SEARCH WARRANT AND PREVIOUSLY SUBJECTED TO A LIMITED PREVIEW RESULTING IN ANOTHER CHARGE, AND THE 2010 EXAMINATION OF DEFENDANT'S PROPERTY OCCURRED AFTER SENTENCING ON THE OTHER CHARGE AND FOLLOWING DEFENDANT'S REQUEST FOR THE RETURN OF HIS PROPERTY;

DIAZ (RANDOLFO), PEOPLE v:

CRIMES - WITNESSES - EXPERT WITNESS - IMPROPER BOLSTERING - WHETHER THE TRIAL COURT ERRED IN PERMITTING THE PEOPLE'S EXPERT

TO DESCRIBE HOW A SEX OFFENDER "GROOMS" A CHILD VICTIM; EVIDENCE - PRIOR FALSE ALLEGATIONS OF RAPE OR SEXUAL ABUSE - WHETHER THE TRIAL COURT PROPERLY PRECLUDED DEFENSE WITNESS FROM TESTIFYING THAT THE COMPLAINANT HAD MADE A FALSE ALLEGATION OF SEXUAL ABUSE AGAINST HIM APPROXIMATELY SIX YEARS EARLIER;

DOMBROWSKI v BULSON:

ATTORNEY AND CLIENT - MALPRACTICE - WRONGFUL CRIMINAL CONVICTION - AVAILABILITY OF NONPECUNIARY DAMAGES FOR PLAINTIFF'S LOSS OF LIBERTY;

DOUGLAS ELLIMAN LLC, &c. v TRETTER:

BROKERS - REAL ESTATE BROKERS - COMMISSION - BREACH OF FIDUCIARY DUTY - BREACH OF IMPLIED COVENANT OF GOOD FAITH AND FAIR DEALING - EXISTENCE OF UNDISCLOSED DUAL AGENCY - CHALLENGE TO APPELLATE DIVISION ORDER GRANTING SUMMARY JUDGMENT TO PLAINTIFF BROKER;

FORECLOSURE OF TAX LIENS BY CITY OF ROCHESTER, MATTER OF (DUVALL; CITY OF ROCHESTER):

TAXATION - TAX LIENS - FORECLOSURE OF TAX LIENS - ADEQUACY OF NOTICE TO FORMER PROPERTY OWNER OF FORECLOSURE ACTION;

DZIELSKI v ESSEX INSURANCE COMPANY:

INSURANCE - EXCLUSIONS - "STAGE HAND" EXCLUSION IN "RESTAURANT, BAR, TAVERN, NIGHT CLUBS, FRATERNAL AND SOCIAL CLUBS ENDORSEMENT" - APPLICABILITY OF EXCLUSION TO PERSON INJURED BY FALL FROM ALLEGEDLY DEFECTIVE LOADING DOCK WHILE REMOVING EQUIPMENT HE PROVIDED FOR BAND THAT PERFORMED AT INSURED'S NIGHTCLUB;

ECHEVARRIA (ALEX), PEOPLE v:

CRIMES - RIGHT TO PUBLIC TRIAL - CLOSURE OF COURTROOM - CONSIDERATION OF REASONABLE ALTERNATIVES TO CLOSURE - CLOSURE LIMITED TO DURATION OF TRIAL TESTIMONY BY UNDERCOVER POLICE OFFICERS WITH CONSIDERATION TO BE GIVEN TO ANY REQUESTS BY DEFENDANT'S FAMILY MEMBERS FOR ACCESS TO THE COURTROOM DURING THAT TIME; JURY CHARGE - CHALLENGE TO COURT'S CHARGE ON THE AGENCY DEFENSE;

EAST MIDTOWN PLAZA HOUSING COMPANY, INC. v CUOMO &c., et al.:

CONDOMINIUMS AND COOPERATIVES - COOPERATIVE APARTMENTS - PROCEEDING TO COMPEL APPROVAL AND ACCEPTANCE OF AMENDMENT TO COOPERATIVE OFFERING PLAN - WHETHER ARTICLE 23-A OF THE GENERAL BUSINESS LAW APPLIES TO PETITIONER'S PLAN TO WITHDRAW FROM THE MITCHELL-LAMA PROGRAM AND RECONSTITUTE AS A PRIVATE COOPERATIVE - UNTRUE OR MISLEADING STATEMENT IN AMENDMENT TO OFFERING PLAN AS BASIS FOR ATTORNEY GENERAL'S REJECTION OF AMENDMENT; RATIONALITY OF METHOD FOR COUNTING DISSOLUTION VOTES - ONE VOTE PER APARTMENT RATHER THAN ONE VOTE PER SHARE - AGENCY RULE REQUIRING "APPROVAL OF TWO-THIRDS OF OUTSTANDING SHARES" - BUSINESS CORPORATION LAW § 1001;

ECHOSTAR SATELLITE CORP., MATTER OF v TAX APPEALS TRIBUNAL:
 TAXATION - SALES AND USE TAXES - WHETHER SATELLITE TELEVISION PROGRAMMING PROVIDER'S PURCHASES OF EQUIPMENT IT THEN SUPPLIES TO CUSTOMERS TO ALLOW THEM ACCESS TO SATELLITE PROGRAMMING CONSTITUTE PURCHASES FOR RESALE WITHIN THE MEANING OF TAX LAW § 1101(b)(4)(i), WHICH EXEMPTS SUCH PURCHASES FOR RESALE FROM SALES AND USE TAXES;

ELMER (CAROL), PEOPLE v: (Cal. Date - 5/30/12)
 CRIMES - APPEAL - WHETHER AN ORAL RULING ON A PRE-TRIAL MOTION, WHICH WAS NOT REDUCED TO WRITING, IS APPEALABLE;

FERNANDEZ (SANDY), PEOPLE v:
 CRIMES - ACCUSATORY INSTRUMENT - WHETHER THE APPELLATE TERM ERRED IN HOLDING THAT AN ACCUSATORY INSTRUMENT CHARGING DEFENDANT WITH AGGRAVATED UNLICENSED OPERATION OF A MOTOR VEHICLE IN THE THIRD DEGREE (VEHICLE AND TRAFFIC LAW § 511[1][a]) WAS A SIMPLIFIED TRAFFIC INFORMATION EVEN THOUGH IT WAS TITLED "COMPLAINT/INFORMATION" AND INCLUDED FACTUAL ALLEGATIONS IN SUPPORT OF THE CHARGE;

FLORES (RAMON), PEOPLE v:
 CRIMES - DISCLOSURE - WHETHER DEFENDANT IS ENTITLED TO PRODUCTION OF CHILD VICTIM'S VIDEOTAPED GRAND JURY TESTIMONY - CPL 240.45 - ROSARIO MATERIAL; CLAIMED MULTIPLICITOUS COUNTS IN INDICTMENT AND INEFFECTIVE ASSISTANCE OF COUNSEL;

FRACCOLA v FRACCOLA:
 PLEADING - COMPLAINT - DISMISSAL OF COMPLAINT;

GAMMON (BRIAN), PEOPLE v: (Cal. Date - 5/2/12)
 CRIMES - SENTENCE - RESENTENCE OF ADDITIONAL TIME IN JAIL TO REMEDY ERROR BY JAIL PERSONNEL RESULTING IN DEFENDANT'S RELEASE; SEARCH OF THE RECORD BY APPELLATE TERM TO DETERMINE WHAT SENTENCE ORIGINALLY INTENDED BY DISTRICT COURT - CPL 430.10; INCREASE IN SENTENCE BY TRIAL COURT AFTER SENTENCE PRONOUNCED AND AFTER DEFENDANT REMANDED TO CORRECTIONAL FACILITY; DOUBLE JEOPARDY;

GARCIA (MIGUEL), PEOPLE v:
 CRIMES-UNLAWFUL SEARCH AND SEIZURE - WHETHER THE POLICE HAVE THE RIGHT TO ASK THE OCCUPANTS OF A CAR WHETHER THEY HAVE ANY WEAPONS ONCE THE POLICE LAWFULLY STOP THE CAR FOR ANY REASON; INEVITABLE DISCOVERY DOCTRINE;

GAUSE (DERRICK), PEOPLE v:
 CRIMES - DOUBLE JEOPARDY - WHETHER DOUBLE JEOPARDY CLAUSES OF STATE AND FEDERAL CONSTITUTIONS BAR APPELLANT'S FURTHER

PROSECUTION FOR INTENTIONAL MURDER (NOT CONSIDERED BY THE FIRST JURY) AFTER APPELLATE DIVISION DISMISSED THE DEPRAVED INDIFFERENCE MURDER COUNT UPON WHICH HE WAS CONVICTED; COLLATERAL ESTOPPEL - ACCOMPLICE LIABILITY; EFFECTIVE ASSISTANCE OF COUNSEL;

GAVAZZI (JOHN), PEOPLE v:

CRIMES - UNLAWFUL SEARCH AND SEIZURE - SEARCH WARRANT FAILED TO IDENTIFY ISSUING COURT AND MAGISTRATE - WHETHER WARRANT "SUBSTANTIALLY COMPLIES" WITH STATUTORY REQUIREMENTS (CRIMINAL PROCEDURE LAW § 690.45); SUPPRESSION HEARING;

GEORGE (WILLIAM), PEOPLE v:

CRIMES - RIGHT TO PUBLIC TRIAL - CLOSURE OF COURTROOM - TRIAL COURT EXCLUDED SPECTATORS, INCLUDING DEFENDANT'S MOTHER, FROM THE COURTROOM DURING THE JURY VOIR DIRE DUE TO LACK OF SPACE AND PROXIMITY TO PROSPECTIVE JURORS; PRESERVATION;

GEORGIA MALONE & COMPANY v ROSEWOOD REALTY GROUP, INC.:

(Cal. Date - 5/31/12)

EQUITY - UNJUST ENRICHMENT - SUFFICIENCY OF PLEADING - NECESSITY TO PLEAD DIRECT CONTACT OR RELATIONSHIP BETWEEN PLAINTIFF AND DEFENDANT CAUSING PLAINTIFF'S RELIANCE OR INDUCEMENT;

GILLIAM (TYRAY), PEOPLE v:

CRIMES - APPEAL - APPEAL WAIVER IN CONNECTION WITH GUILTY PLEA - APPELLATE DIVISION DID NOT SPECIFY WHETHER ITS AFFIRMANCE OF DEFENDANT'S CONVICTION WAS BASED ON THE VALIDITY OF THE APPEAL WAIVER OR ITS REVIEW AND REJECTION OF DEFENDANT'S EXCESSIVE SENTENCE CLAIM;

GRIFFIN (ANTHONY), PEOPLE v:

CRIMES - RIGHT TO COUNSEL - WHETHER THE APPELLATE DIVISION ERRED IN RULING THAT THE TRIAL COURT'S DISCHARGE OF DEFENDANT'S COUNSEL WITHOUT CONSULTING DEFENDANT WAS AN ABUSE OF DISCRETION AND INTERFERED WITH DEFENDANT'S RIGHT TO COUNSEL;

GURYEV v TOMCHINSKY, et al.:

LABOR - SAFE PLACE TO WORK - SUPERVISION OR CONTROL OF WORK - WHETHER THE APPELLATE DIVISION ERRED IN DETERMINING AS A MATTER OF LAW THAT CERTAIN DEFENDANTS WERE NOT OWNERS OR THE AGENTS OF OWNER ON THE PROJECT AND DID NOT CONTROL OR SUPERVISE THE WORK; INDUSTRIAL CODE VIOLATION - FURNISHING OF EYE PROTECTION EQUIPMENT - PLAINTIFF'S ENTITLEMENT TO SUMMARY JUDGMENT ON LIABILITY;

HAFFIZ (FEOID), PEOPLE v:

CRIMES - PLEA OF GUILTY - WITHDRAWAL OF PLEA - ALLEGED INEFFECTIVE ASSISTANCE OF COUNSEL BASED ON ATTORNEY'S STATEMENT CONCERNING THE DEPORTATION CONSEQUENCES OF DEFENDANT'S GUILTY

PLEA - VOLUNTARINESS OF GUILTY PLEA;
HAILEY ZZ, MATTER OF v TOMPKINS COUNTY DEPARTMENT OF SOCIAL SERVICES (RICKY ZZ): (Cal. Date - 5/1/12)
PARENT AND CHILD - TERMINATION OF PARENTAL RIGHTS - PERMANENT NEGLECT - WHETHER SUPREME COURT ERRED IN DETERMINING THAT PETITIONER MADE DILIGENT EFFORTS TO STRENGTHEN THE PARENT-CHILD RELATIONSHIP AND THAT FATHER FAILED TO PLAN FOR THE FUTURE OF THE CHILD - WHETHER SUPREME COURT PROPERLY DENIED FATHER'S REQUEST FOR A SUSPENDED JUDGMENT OR POST-TERMINATION VISITATION;

HALTER (ROBERT), PEOPLE v:
CRIMES - EVIDENCE - VICTIM'S PRIOR SEXUAL CONDUCT - APPLICATION OF RAPE SHIELD LAW (CPL 60.42) - ALLEGED DENIAL OF DEFENDANT'S RIGHTS TO CONFRONT ACCUSER AND PRESENT A DEFENSE;

HAMPTON (GRADY), PEOPLE v:
JUDGES - RECUSAL - CASE ASSIGNED TO ANOTHER JUDGE AFTER TRIAL JUDGE WHO HEARD DEFENDANT'S MOTIONS FOR A TRIAL ORDER OF DISMISSAL RECUSED HIMSELF - WHETHER JUDICIARY LAW § 21 PROHIBITED THE SECOND JUDGE FROM DECIDING THE MOTIONS AND REQUIRED A MISTRIAL; SUFFICIENCY OF EVIDENCE TO SUPPORT MURDER CONVICTION; CRIMES - MURDER;

HANDY (DAYSHAWN P.), PEOPLE v:
CRIMES - JURORS - JURY INSTRUCTIONS - WHETHER TRIAL COURT ERRED IN REFUSING TO GIVE AN ADVERSE INFERENCE INSTRUCTION TO THE JURY, BASED ON THE PROSECUTION'S FAILURE TO PRESERVE A VIDEOTAPE RECORDING THAT CAPTURED PART OF THE INCIDENT AT ISSUE; SUFFICIENCY OF THE EVIDENCE OF INTENT TO CAUSE INJURY;

HARBATKIN, MATTER OF v NEW YORK CITY DEPARTMENT OF RECORDS AND INFORMATION SERVICES, et al.:
DISCLOSURE - FREEDOM OF INFORMATION LAW (FOIL) - PROCEEDING PURSUANT TO CPLR ARTICLE 78 AND PUBLIC OFFICERS LAW §§ 84-90 FOR UNRESTRICTED ACCESS TO HISTORICAL RECORDS CONCERNING AN INVESTIGATION OF COMMUNIST ACTIVITY IN NEW YORK CITY SCHOOLS FROM 1930'S TO 1960'S; ALLEGED FIRST AMENDMENT VIOLATIONS IN REDACTING RECORDS FOR PERSONAL PRIVACY CONCERNS OF INTERVIEWED PUBLIC SCHOOL TEACHERS;

HARRIS (CALVIN L.), PEOPLE v:
CRIMES - MURDER IN THE SECOND DEGREE - SUFFICIENCY OF THE EVIDENCE - CONVICTION BASED ON CIRCUMSTANTIAL EVIDENCE; JURORS - SELECTION OF JURY - WHETHER TRIAL COURT ERRED IN DENYING DEFENDANT'S CHALLENGE FOR CAUSE OF PROSPECTIVE JUROR WHO ACKNOWLEDGED SHE HAD EXPRESSED A PREEXISTING OPINION REGARDING DEFENDANT'S GUILT OR INNOCENCE; EVIDENCE - PRECLUSION OF

EXCULPATORY STATEMENTS BY UNAVAILABLE WITNESS - ADMISSION OF VICTIM'S HEARSAY STATEMENTS WITHOUT INSTRUCTING THE JURY THAT STATEMENTS WERE NOT ADMITTED FOR THEIR TRUTH; ALLEGED PROSECUTORIAL MISCONDUCT; ALLEGED DENIAL OF FAIR TRIAL DUE TO PRETRIAL PUBLICITY;

HARRIS et al. v CSX TRANSPORTATION, INC., et al.:
 NEGLIGENCE - WHAT CONSTITUTES - FOUR VEHICLE CHAIN REACTION COLLISION - LIABILITY OF FIRST CAR LAWFULLY STOPPED AT INTERSECTION FOR A RED LIGHT - FEDERAL EMPLOYERS' LIABILITY ACT (FELA) (45 USC § 51 ET SEQ.) - STANDARD OF PROOF FOR NEGLIGENCE AND PROXIMATE CAUSE UNDER FELA;

HECKER v STATE OF NEW YORK:
 LABOR - SAFE PLACE TO WORK - SLIPPING HAZARD - SNOW AND ICE - APPLICABILITY OF 12 NYCRR 23.1.7(d) AS A PREDICATE FOR PLAINTIFF'S CLAIM UNDER LABOR LAW § 241(6) - CHALLENGE TO APPELLATE DIVISION'S DETERMINATION THAT 12 NYCRR 23-1.7(d) WAS INAPPLICABLE UNDER THE FACTS OF THIS CASE EVEN THOUGH DEFENDANT NEVER RAISED THAT ARGUMENT;

HEIDGEN (MARTIN), PEOPLE v:
 CRIMES - PLEA OF GUILTY - CHALLENGE TO ALFORD PLEA;

HEIDGEN (MARTIN), PEOPLE v:
 CRIMES - MURDER - DEPRAVED INDIFFERENCE MURDER - INTOXICATED DEFENDANT TRAVELING WRONG WAY ON PARKWAY - SUFFICIENCY OF THE EVIDENCE TO SUPPORT DEPRAVED INDIFFERENCE; UNLAWFUL SEARCH AND SEIZURE - CLAIM THAT DEFENDANT'S BLOOD SAMPLE WAS ILLEGALLY OBTAINED AND IMPROPERLY ADMITTED INTO EVIDENCE; PRECLUSION OF EXPERT TESTIMONY FOR THE DEFENSE BY A POLICE ACCIDENT RECONSTRUCTIONIST; ALLEGED JUROR MISCONDUCT;

HERRING (CARLOS), PEOPLE v:
 CRIMES - JURORS - DISCHARGE OF JUROR - DENIAL OF DEFENDANT'S MOTION FOR MISTRIAL DUE TO JUROR WHO ALLEGEDLY SLEPT DURING TRIAL AND DELIBERATIONS; DISCLOSURE - FAILURE TO PRODUCE ROSARIO MATERIAL - WHETHER A SANCTION HAD TO BE IMPOSED FOR THE LOSS OF NOTES OF A FLORIDA LAW ENFORCEMENT OFFICER AS TO, AMONG OTHER THINGS, THAT OFFICER'S EFFORTS TO LOCATE DEFENDANT; SENTENCE - CONCURRENT AND CONSECUTIVE TERMS - WHETHER SENTENCE ON CONVICTION OF CRIMINAL POSSESSION OF A WEAPON IN THE THIRD DEGREE WAS PROPERLY IMPOSED TO RUN CONSECUTIVELY TO SENTENCE ON CONVICTION OF MURDER IN THE SECOND DEGREE;

HOLSTEIN v COMMUNITY GENERAL HOSPITAL OF GREATER SYRACUSE:
 JURY - POLLING OF JURY - WHETHER A NEW TRIAL IS WARRANTED BASED ON THE TRIAL COURT'S FAILURE TO POLL THE JURY AFTER REQUEST BY DEFENDANT - WHETHER TRIAL COURT'S RESPONSE TO JURY POLL REQUEST WAS EQUIVOCAL - WAIVER; PHYSICIANS AND SURGEONS - MEDICAL

MALPRACTICE ACTION;

HOWARD, MATTER OF v STATURE ELECTRIC, INC. et al.:

WORKERS' COMPENSATION - DISQUALIFICATION FOR FALSE REPRESENTATION - COLLATERAL ESTOPPEL - WHETHER CLAIMANT'S ALFORD PLEA TO A CHARGE OF INSURANCE FRAUD, WHICH AROSE FROM EVIDENCE ALLEGEDLY REVEALING THAT HE WAS EMPLOYED WHILE COLLECTING WORKERS' COMPENSATION BENEFITS, IS ENTITLED TO COLLATERAL ESTOPPEL EFFECT WITH RESPECT TO THE WORKERS' COMPENSATION BOARD'S DETERMINATION WHETHER CLAIMANT VIOLATED WORKERS' COMPENSATION LAW § 114-a;

HUDSON VALLEY FEDERAL CREDIT UNION v NEW YORK STATE DEPARTMENT OF TAXATION and FINANCE, et al.:

TAXATION - MORTGAGE RECORDING TAX - TAX LAW § 253 - WHETHER FEDERAL CREDIT UNIONS ARE EXEMPT FROM MORTGAGE RECORDING TAX UNDER EITHER THE FEDERAL CREDIT UNION ACT OF 1934 (12 USC Ch. 14) OR THE SUPREMACY CLAUSE OF THE UNITED STATES CONSTITUTION; ACTION FOR DECLARATORY JUDGMENT;

HUSSEIN, &c., et al., MATTER OF v STATE OF NEW YORK:

COURTS - RIPENESS DOCTRINE - APPEAL - ACADEMIC AND MOOT QUESTIONS - ACTION FOR DECLARATORY AND INJUNCTIVE RELIEF BASED UPON CLAIMS THAT PLAINTIFFS' CHILDREN ARE BEING DEPRIVED OF THE RIGHT TO A SOUND BASIC EDUCATION IN VIOLATION OF NY CONSTITUTION, ARTICLE XI, § 1, BECAUSE THE SCHOOL DISTRICTS WHERE THEY ATTEND SCHOOL, ALL OF WHICH ARE LOCATED OUTSIDE NEW YORK CITY, ARE SUBSTANTIALLY UNDERFUNDED - WHETHER PLAINTIFFS' CLAIMS ARE NOT RIPE FOR REVIEW BECAUSE THEY ARE BASED UPON DATA OBTAINED BEFORE THE ENACTMENT OF EDUCATION AID REFORM LEGISLATION IN 2007 (L 2007, ch 57, as amended) OR ARE MOOT BECAUSE OF THE ENACTMENT OF SUCH LEGISLATION;

IDX CAPITAL, LLC, et al. v PHOENIX PARTNERS GROUP LLC, et al.:

TORTS - COMPLAINT ALLEGING, AMONG OTHER THINGS, CAUSES OF ACTION FOR TORTIOUS INTERFERENCE WITH PROSPECTIVE BUSINESS RELATIONSHIP, LIBEL, INJURIOUS FALSEHOOD, AND AIDING AND ABETTING BREACH OF FIDUCIARY DUTIES - WHETHER THE APPELLATE DIVISION CORRECTLY GRANTED SUMMARY JUDGMENT DISMISSING THE COMPLAINT AS TO CERTAIN DEFENDANTS AND DISMISSING CLAIM FOR EARN-OUT DAMAGES AS SPECULATIVE;

ILLINOIS UNION INSURANCE COMPANY v ASSURANCE COMPANY OF AMERICA:

INSURANCE - CONSTRUCTION OF POLICY - DUTY TO DEFEND - WHETHER THE APPELLATE DIVISION ERRED IN HOLDING THAT THE RECORD ESTABLISHED AS A MATTER OF LAW THAT THE PLAINTIFF IN AN UNDERLYING ACTION WAS NOT AN "EMPLOYEE" WITHIN THE MEANING OF THE INSURANCE POLICY;

IPPOLITO (GERARD), PEOPLE v, a/k/a IPPOLITO (GERALD):

CRIMES - SUFFICIENCY OF EVIDENCE - CRIMINAL POSSESSION OF A

FORGED INSTRUMENT IN THE SECOND DEGREE - CHECKS ON WHICH DEFENDANT SIGNED THE VICTIM'S NAME WHILE HE WAS HER ATTORNEY-IN-FACT PURSUANT TO A POWER OF ATTORNEY - WHETHER VICTIM AUTHORIZED DEFENDANT TO SIGN THE CHECKS; RESTITUTION;

IRB-BRASIL RESSEGUROS v INEPAR INVESTMENTS, S.A., et al.:
CONFLICT OF LAWS - LAW GOVERNING CONTRACT ACTIONS - WHETHER A COURT MUST UNDERTAKE A TRADITIONAL CONFLICT OF LAW ANALYSIS WHEN THERE IS AN EXPRESS CHOICE-OF-LAW PROVISION IN AN AGREEMENT - GENERAL OBLIGATIONS LAW § 5-1401;

ITHACA CITY SCHOOL DISTRICT, MATTER OF v NEW YORK STATE DIVISION OF HUMAN RIGHTS: (Cal. Date - 5/2/12)
CIVIL RIGHTS - STATE DIVISION OF HUMAN RIGHTS - JURISDICTION OVER PUBLIC SCHOOL DISTRICT - WHETHER PUBLIC SCHOOL DISTRICT IS AN "EDUCATION CORPORATION OR ASSOCIATION" WITHIN THE MEANING OF EXECUTIVE LAW § 296(4); THE STANDARD GOVERNING THE IMPOSITION OF LIABILITY UNDER SECTION 296(4); WHETHER A LEGAL BASIS EXISTS FOR A SEPARATE DAMAGES AWARD TO THE PARENT OF A STUDENT WHO HAS BEEN RACIALLY HARASSED BY FELLOW STUDENTS;

J. D'ADDARIO & COMPANY, INC. v EMBASSY INDUSTRIES, INC.:
INTEREST - PREJUDGMENT INTEREST - CPLR 5001(a) - WHETHER THE PREJUDGMENT INTEREST AMOUNT WAS GOVERNED BY THE STATUTORY RATE PURSUANT TO CPLR 5001(a) OR BY THE DEFAULT PROVISION OF THE PARTIES' CONTRACT FOR THE SALE OF REAL PROPERTY;

J-P GROUP, LLC, MATTER OF v NEW YORK STATE DEPARTMENT OF ECONOMIC DEVELOPMENT:
CONSTITUTIONAL LAW - DUE PROCESS OF LAW - RETROACTIVE APPLICATION OF EMPIRE ZONE ACT AMENDMENTS - REVOCATION OF TAX CREDITS;

JOE (QUINTRELL), PEOPLE v:
CRIMES - APPEAL - APPEAL WAIVER IN CONNECTION WITH GUILTY PLEA - APPELLATE DIVISION DID NOT SPECIFY WHETHER ITS AFFIRMANCE OF DEFENDANT'S CONVICTION WAS BASED ON THE VALIDITY OF THE APPEAL WAIVER OR ITS REVIEW AND REJECTION OF DEFENDANT'S EXCESSIVE SENTENCE CLAIM;

JORDAN (OSWALD), MATTER OF:
EXECUTORS AND ADMINISTRATORS - LETTERS OF ADMINISTRATION - CHALLENGE TO APPELLATE DIVISION ORDER AFFIRMING DECREE THAT, AMONG OTHER THINGS, GRANTED CROSS PETITION FOR ISSUANCE OF PERMANENT LETTERS OF ADMINISTRATION TO A PERSON, AS THE DECEDENT'S SURVIVING SPOUSE;

K2 INVESTMENT GROUP, LLC, et al. v AMERICAN GUARANTEE & LIABILITY INSURANCE COMPANY:
INSURANCE - MALPRACTICE INSURANCE - ACTION AGAINST MALPRACTICE INSURER TO RECOVER AMOUNT OF DEFAULT JUDGMENT AGAINST ATTORNEY

AFTER INSURER DISCLAIMED COVERAGE - PLAINTIFF LENDERS MADE LOANS TO COMPANY IN WHICH INSURED ATTORNEY WAS A PRINCIPAL, AND THE ATTORNEY FAILED TO RECORD MORTGAGES INTENDED TO SECURE THE LOANS - WHETHER INSURER PROPERLY EXCLUDED CLAIMS UNDER THE MALPRACTICE INSURANCE POLICY;

KAGAN v HMC-NEW YORK, INC., et al.:

CONTRACTS - CONSTRUCTION AND INTERPRETATION - SALES CONTRACT - ALLEGED AMBIGUITY IN CONTRACT TERM; SUMMARY JUDGMENT; CLAIMED VIOLATION OF DUE PROCESS;

KAUR, &c., et al. v AMERICAN TRANSIT INSURANCE COMPANY, et al.:

ATTORNEY AND CLIENT - MALPRACTICE; SUCCESSOR LIABILITY - WHETHER DEFENDANT LAW FIRM MAY BE LIABLE FOR ALLEGED MALPRACTICE AS SUCCESSOR TO NORMAN VOLK & ASSOCIATES, P.C.; SUMMARY JUDGMENT;

KELLEY (RICHARD), PEOPLE v: (Cal. Date - 5/1/12)

CRIMES - EVIDENCE - DNA IDENTIFICATION TESTS - WHETHER TRIAL COURT ERRED IN (1) ALLOWING DNA EVIDENCE, NOT OBTAINED UNTIL AFTER THE PEOPLE HAD COMPLETED THEIR DIRECT CASE, TO BE INTRODUCED AGAINST DEFENDANT, AND (2) DENYING DEFENDANT'S REQUEST FOR A MISTRIAL - CPL 240.20; EFFECTIVENESS OF DEFENSE COUNSEL;

KENT (JAMES D.), PEOPLE v:

CRIMES - PROMOTING (INCLUDING PROCURING) A SEXUAL PERFORMANCE BY A CHILD (PENAL LAW § 263.15) - POSSESSING A SEXUAL PERFORMANCE BY A CHILD (PENAL LAW § 263.16) - LEGAL SUFFICIENCY OF EVIDENCE BASED UPON DIGITAL COMPUTER IMAGES OBTAINED FROM DEFENDANT'S WORK COMPUTER; INDICTMENT - AMENDMENT - WHETHER AMENDMENT AT CLOSE OF PEOPLE'S CASE TO CHANGE DATE OF CRIME RELATING TO CHILD PORNOGRAPHY VIDEO MATERIALLY CHANGED THE PROSECUTION'S THEORY THAT DEFENDANT USED HIS OFFICE COMPUTER TO PROCURE THE VIDEO; RIGHT TO COUNSEL - EFFECTIVE REPRESENTATION - WHETHER TRIAL COUNSEL WAS INEFFECTIVE IN FAILING TO MOVE TO SUPPRESS EVIDENCE COLLECTED FROM THE HARD DRIVE OF DEFENDANT'S COMPUTER;

LANDON &c. v KROLL LABORATORY SPECIALISTS, INC.:

NEGLIGENCE - DUTY - WHETHER ALLEGATIONS THAT A DRUG TESTING LABORATORY NEGLIGENTLY TESTED THE PLAINTIFF'S BIOLOGICAL SPECIMEN, WHICH RESULTED IN THE EXTENSION OF PLAINTIFF'S PROBATION, AMONG OTHER THINGS, STATE A CAUSE OF ACTION IN TORT WHERE NO FORMAL CONTRACTUAL RELATIONSHIP EXISTED BETWEEN THE PLAINTIFF AND THE LABORATORY;

LASSALLE (JARVIS), PEOPLE v:

CRIMES - SENTENCE - POST-RELEASE SUPERVISION (PRS) - WHETHER COUNTY COURT ERRED IN IMPOSING A PERIOD OF PRS AFTER JUDGE'S

STATEMENT DURING PLEA COLLOQUY THAT THE SENTENCE WOULD BE "NO GREATER THAN 15 YEARS" - PEOPLE v CATU (4 NY3d 242); ALLEGED INEFFECTIVE ASSISTANCE OF COUNSEL - FAILURE OF DEFENDANT'S APPELLATE COUNSEL TO BRIEF THE CATU ISSUE;

LATTA (DOUGLAS), PEOPLE v:

CRIMES - EVIDENCE - SUFFICIENCY OF EVIDENCE - WHETHER THE PEOPLE PRESENTED SUFFICIENT EVIDENCE TO THE GRAND JURY THAT THE DEFENDANTS' COMBINED ACTIVITIES CONSTITUTED AN "ASCERTAINABLE STRUCTURE" AS REQUIRED BY THE ENTERPRISE CORRUPTION PROVISION (PENAL LAW §§ 460.10[3] AND 460.20) OF NEW YORK'S ORGANIZED CRIME CONTROL ACT - ALLEGED INTERNATIONAL CYBERCRIME GROUP FACILITATING THE INTERNET SALE OF STOLEN CREDIT CARD DATA;

LAZZARI, MATTER OF v TOWN OF EASTCHESTER, et al.:

CIVIL SERVICE - JUDICIAL REVIEW - WHETHER CIVIL SERVICE LAW § 71 ENTITLES THE TOWN TO RECEIVE MEDICAL CERTIFICATION OF AN EMPLOYEE'S FITNESS BEFORE IT MUST REINSTATE AN EMPLOYEE PREVIOUSLY DISCHARGED DUE TO WORK-RELATED INJURIES - WHETHER BACK PAY UNDER CIVIL SERVICE LAW § 77 IS APPROPRIATE FOR A MUNICIPAL EMPLOYEE UNLAWFULLY DENIED REINSTATEMENT, BUT WHOSE ORIGINAL TERMINATION WAS NOT UNLAWFUL;

LEONARD (LEO), PEOPLE v:

CRIMES - KIDNAPPING - SUFFICIENCY OF EVIDENCE - AFFIRMATIVE DEFENSE IF DEFENDANT WAS A RELATIVE OF THE PERSON ABDUCTED AND HIS "SOLE PURPOSE WAS TO ASSUME CONTROL OF SUCH PERSON" (PENAL LAW § 135.30) - FATHER REFUSING TO HAND OVER HIS DAUGHTER IN STAND-OFF WITH POLICE;

LIDEN (SCOTT), PEOPLE v:

CRIMES - SEX OFFENDERS - SEX OFFENDER REGISTRATION ACT - DETERMINATION BY BOARD OF EXAMINERS OF SEX OFFENDERS (BOARD) THAT PERSON MUST REGISTER AS A SEX OFFENDER ON THE BASIS OF AN OUT-OF-STATE CONVICTION - WHETHER THE APPELLATE DIVISION ERRED IN CONCLUDING THAT THE BOARD'S DETERMINATION IS REVIEWABLE ONLY IN A CPLR ARTICLE 78 PROCEEDING AND THAT SUPREME COURT LACKED JURISDICTION TO MAKE A DIFFERENT DETERMINATION WITH RESPECT TO THE REGISTRATION REQUIREMENT - ALLEGED DUE PROCESS AND EQUAL PROTECTION VIOLATIONS; CHALLENGE TO RELIABILITY OF HEARSAY EVIDENCE SUPPORTING A LEVEL THREE DESIGNATION;

LINEBERGER, MATTER OF v BEZIO:

PRISONS AND PRISONERS - DISCIPLINE OF INMATES - WHETHER SUBSTANTIAL EVIDENCE SUPPORTS THE DETERMINATION OF GUILT WITH RESPECT TO CHARGES ARISING FROM PETITIONER'S PHYSICAL ALTERCATION WITH ANOTHER INMATE;

LONG (CORNELL), PEOPLE v:

CRIMES - SEX OFFENDERS - SEX OFFENDER REGISTRATION ACT (SORA) - ALLEGED DUE PROCESS VIOLATION WHERE SUPREME COURT FAILED, INITIALLY AND ON REMAND FROM THE APPELLATE DIVISION, TO SET FORTH SUFFICIENT FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND THE APPELLATE DIVISION THEN MADE ITS OWN FINDINGS OF FACT AND CONCLUSIONS OF LAW;

M.G.M. INSULATION, INC., et al., MATTER OF v GARDNER, &c.:

LABOR - PREVAILING RATE OF WAGES - WHETHER CONSTRUCTION OF FIRE STATION FOR VOLUNTEER FIRE DEPARTMENT CONSTITUTES A PUBLIC WORKS PROJECT - DETERMINATION THAT VOLUNTEER FIRE DEPARTMENT WAS FUNCTIONAL EQUIVALENT OF MUNICIPAL CORPORATION - AGENCY'S AUTHORITY TO APPLY FUNCTIONAL EQUIVALENCY TEST - APPLICABLE STANDARD OF REVIEW IN CPLR ARTICLE 78 PROCEEDING CHALLENGING AGENCY'S FUNCTIONAL EQUIVALENCY DETERMINATION - SUBSTANTIAL EVIDENCE;

MAC NAUGHTON et al. v WARREN COUNTY et al.:

TAXATION - TAX LIENS, TAX SALES AND TAX TITLES - NOTICE TO OWNER OF DELINQUENT PROPERTY - DUE PROCESS - WHETHER COUNTY SATISFIED DUE PROCESS REQUIREMENTS IN ITS EFFORT TO NOTIFY PROPERTY OWNERS THAT AN IN REM TAX FORECLOSURE PROCEEDING HAD BEEN INITIATED AGAINST THEIR PROPERTY AFTER DOCUMENTS SENT TO HOMEOWNERS' ADDRESS LISTED ON TAX ROLL WERE RETURNED BY THE POSTAL SERVICE AS UNDELIVERABLE;

MALDONADO, MATTER OF v KELLY:

CIVIL SERVICE - RETIREMENT AND PENSION BENEFITS - ACCIDENTAL DISABILITY RETIREMENT (ADR) - WHETHER THE APPELLATE DIVISION ERRED IN HOLDING THAT CREDIBLE EVIDENCE EXISTED TO SUPPORT THE MEDICAL BOARD'S DETERMINATION AND REBUT THE STATUTORY PRESUMPTION THAT PETITIONER'S DISABILITY WAS RELATED TO HIS SERVICE AS A POLICE OFFICER AT THE WORLD TRADE CENTER SITE FOLLOWING SEPTEMBER 11, 2001;

MANHATTAN TELECOMMUNICATIONS CORPORATION v H & A LOCKSMITH, INC., &c, et al.:

JUDGMENTS - DEFAULT JUDGMENT - VACATUR; CONTRACT TO PERFORM TELEPHONE SERVICES - ACTION ALLEGING FAILURE TO PAY;

MARACLE (AMBER), PEOPLE v (APPEAL NO. 1): (Cal. Date - 5/29/12)
CRIMES - APPEAL - WAIVER OF RIGHT TO APPEAL - WHETHER DEFENDANT'S WAIVER OF THE RIGHT TO APPEAL WAS KNOWING, INTELLIGENT AND VOLUNTARY WHERE SHE PLEADED GUILTY TO EVERY COUNT IN AN INDICTMENT AND WAIVED HER RIGHT TO APPEAL IN RETURN FOR A PROMISED SENTENCE OF PROBATION BUT RECEIVED THE MAXIMUM SENTENCE ON EACH COUNT AFTER SHE FAILED TO SATISFY CONDITIONS PLACED UPON THE PROMISED SENTENCE OF PROBATION; ALLEGED INEFFECTIVE

ASSISTANCE OF COUNSEL;

MARACLE (AMBER), PEOPLE v (APPEAL NO. 2): (Cal. Date - 5/29/12)
 CRIMES - APPEAL - WAIVER OF RIGHT TO APPEAL - WHETHER DEFENDANT'S
 WAIVER OF THE RIGHT TO APPEAL WAS KNOWING, INTELLIGENT AND
 VOLUNTARY WHERE SHE PLEADED GUILTY TO EVERY COUNT IN AN
 INDICTMENT AND WAIVED HER RIGHT TO APPEAL IN RETURN FOR A
 PROMISED SENTENCE OF PROBATION BUT RECEIVED THE MAXIMUM SENTENCE
 ON EACH COUNT AFTER SHE FAILED TO SATISFY CONDITIONS PLACED UPON
 THE PROMISED SENTENCE OF PROBATION; ALLEGED INEFFECTIVE
 ASSISTANCE OF COUNSEL;

MARCHAND, MATTER OF v NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL
 CONSERVATION, et al.: (Cal. Date - 5/31/12)
 HIGHWAYS - HIGHWAY BY USE - WHETHER PRIVATE DIRT PATH USED BY
 PUBLIC HAD BECOME A VILLAGE STREET BY PRESCRIPTION UNDER VILLAGE
 LAW § 6-626 - NECESSITY FOR VILLAGE TO MAINTAIN AND REPAIR
 STREET; ABANDONMENT - WHETHER PATH THEREAFTER CEASED TO BE A
 VILLAGE STREET BY PRESCRIPTION BECAUSE IT WAS ABANDONED BY
 NONUSE;

MARINACCIO v TOWN OF CLARENCE, et al.:
 DAMAGES - PUNITIVE DAMAGES - ACTION FOR TRESPASS AND PRIVATE
 NUISANCE SEEKING DAMAGES FOR FLOODING ON PLAINTIFF'S PROPERTY
 CAUSED BY ALLEGEDLY INTENTIONAL FLOW OF WATER FROM A SUBDIVISION
 DEVELOPED BY DEFENDANT BUILDER - WHETHER PUNITIVE DAMAGES AWARD
 IS SUPPORTED BY SUFFICIENT EVIDENCE; EASEMENT; PRECLUSION OF
 DEFENDANT'S DAMAGES EXPERT; JURY INSTRUCTIONS;

MARTIN (DANNY), PEOPLE v:
 CRIMES - EVIDENCE - SUPPRESSION HEARING - WHETHER THE EVIDENCE
 CONCERNING THE POLICE OFFICERS' INTERACTION WITH DEFENDANT ON THE
 STREET SUPPORTED A REASONABLE SUSPICION OF CRIMINALITY AND THE
 SUBSEQUENT DRUG SEIZURE AND ARREST;

MARTINEZ (HECTOR), PEOPLE v:
 CRIMES - MURDER - DEPRAVED INDIFFERENCE MURDER - SUFFICIENCY OF
 EVIDENCE - SHOOTING INTO GROUP CONSISTING OF INTENDED TARGET AND
 TWO BYSTANDERS; TIMELINESS OF PROSECUTION; DISCLOSURE - NOTICE OF
 INTENTION TO OFFER EVIDENCE - WHETHER THE TRIAL COURT ERRED IN
 GRANTING THE PEOPLE'S REQUEST FOR A BRIEF DELAY IN DISCLOSING THE
 EXISTENCE OF A NEWLY DISCOVERED WITNESS WHO MADE A PHOTOGRAPHIC
 IDENTIFICATION OF DEFENDANT SHORTLY BEFORE OPENING STATEMENTS;
 DENIAL OF DEFENDANT'S MOTION TO SUPPRESS STATEMENTS HE MADE TO
 POLICE; ALLEGED PROSECUTORIAL MISCONDUCT; CLAIMED INEFFECTIVE
 ASSISTANCE OF COUNSEL;

MATOS (ZAHIRA), PEOPLE v:
 CRIMES - MURDER - DEPRAVED INDIFFERENCE MURDER - SUFFICIENCY OF
 EVIDENCE - DEFENDANT'S FAILURE TO SEEK EMERGENCY MEDICAL

TREATMENT FOR HER TWO-YEAR-OLD SON AFTER THE CHILD WAS BEATEN BY DEFENDANT'S DOMESTIC PARTNER; WITNESSES - EXPERT WITNESS - TESTIMONY ON ABUSIVE DOMESTIC RELATIONSHIP NOT ADMITTED AS IRRELEVANT AND POTENTIALLY MISLEADING - HARMLESS ERROR; CLAIM THAT INDICTMENT, WHICH ENCOMPASSED A TWO-MONTH TIME PERIOD, DID NOT PROVIDE DEFENDANT WITH PROPER NOTICE OF THE PROSECUTION'S THEORY OF THE CASE; GRAND JURY - WHETHER THE INDICTMENT WAS DEFECTIVE BECAUSE THE GRAND JURY WAS INSTRUCTED UNDER THE REGISTER STANDARD PREVIOUSLY APPLICABLE TO DEPRAVED INDIFFERENCE MURDER CHARGES; WHETHER DEFENDANT'S STATEMENTS TO POLICE AND PHYSICAL EVIDENCE SEIZED FROM HER APARTMENT SHOULD HAVE BEEN SUPPRESSED;

MAYS (CALVIN), PEOPLE v:

CRIMES - APPEAL - PRESERVATION OF ISSUE FOR REVIEW - INTERACTION BETWEEN PROSECUTOR AND JURORS DURING DELIBERATIONS WHILE VIDEO RECORDING REPLAYED - ALLEGED MODE OF PROCEEDINGS ERROR;

McFADDEN (BRANDON), PEOPLE v:

CRIMES - DOUBLE JEOPARDY - AT FIRST TRIAL, DEFENDANT CONVICTED OF THE MISDEMEANOR OF CRIMINAL POSSESSION OF A CONTROLLED SUBSTANCE IN THE SEVENTH DEGREE, AND JURY DEADLOCKED ON TWO FELONY CHARGES - AFTER MISTRIAL GRANTED AS TO THE TWO FELONIES, DEFENDANT WAS RETRIED AND CONVICTED OF FELONY CRIMINAL POSSESSION OF A CONTROLLED SUBSTANCE IN THE THIRD DEGREE - WHETHER RETRIAL AND SUBSEQUENT FELONY CONVICTION VIOLATED DOUBLE JEOPARDY PRINCIPLES; CLAIMED WAIVER OF DOUBLE JEOPARDY PROTECTIONS;

McKENZIE (DONYELL J.), PEOPLE v: (Cal. Date 5/31/12)

CRIMES - MURDER - EXTREME EMOTIONAL DISTURBANCE - WHETHER THE TRIAL COURT PROPERLY REFUSED DEFENDANT'S REQUEST TO CHARGE THE AFFIRMATIVE DEFENSE OF EXTREME EMOTIONAL DISTURBANCE;

MECKWOOD (LONNIE), PEOPLE v:

CRIMES - SENTENCE - SECOND VIOLENT FELONY OFFENDER - PREVIOUS CONVICTION IN ANOTHER STATE - USE OF OUT-OF-STATE CONVICTION AS A PREDICATE FELONY WHERE DEFENDANT WOULD HAVE BEEN ELIGIBLE FOR YOUTHFUL OFFENDER STATUS HAD HE COMMITTED THE CRIME IN NEW YORK; CLAIM THAT PENAL LAW § 70.04 IS UNCONSTITUTIONAL BECAUSE IT IS VAGUE, AMBIGUOUS AND FAILS TO CONSIDER MITIGATING FACTORS;

METZ, &c., et al. v STATE OF NEW YORK:

STATE - SOVEREIGN IMMUNITY - WHETHER THE STATE IS IMMUNE FROM LIABILITY FOR ALLEGEDLY NEGLIGENT SAFETY INSPECTION OF PUBLIC VESSEL - CHALLENGE TO APPELLATE DIVISION RULING THAT STATE FAILED TO ESTABLISH THAT SAFETY INSPECTORS ACTUALLY EXERCISED DISCRETION IN SETTING NUMBER OF PASSENGERS WHO COULD SAFELY TRAVEL ON PUBLIC VESSEL;

MIRANDA (CARLOS), PEOPLE v:

CRIMES - UNLAWFUL SEARCH AND SEIZURE - WHETHER POLICE LACKED REASONABLE SUSPICION TO BELIEVE THAT KNIFE CLIPPED TO DEFENDANT'S POCKET WAS A GRAVITY KNIFE; SUPPRESSION HEARING;

MONTAS v JJC CONSTRUCTION CORPORATION, et al.:

NEGLIGENCE - PROXIMATE CAUSE - WHETHER TRIAL COURT ERRED IN GRANTING DEFENDANTS' MOTIONS FOR A DIRECTED VERDICT - SUFFICIENCY OF EVIDENCE FROM WHICH JURY COULD HAVE FOUND DEFENDANTS NEGLIGENT IN PERMITTING CONSTRUCTION DEBRIS TO ACCUMULATE ON A PEDESTRIAN WALKWAY; MUNICIPAL CORPORATIONS - TORT LIABILITY;

MORALES (EDGAR), PEOPLE v:

CRIMES - TERRORISM - INTIMIDATION OF "CIVILIAN POPULATION" - PENAL LAW § 490.25 - WHETHER THE APPELLATE DIVISION ERRED IN HOLDING THAT THE EVIDENCE WAS LEGALLY INSUFFICIENT TO SUPPORT A FINDING THAT DEFENDANT COMMITTED HIS CRIMES WITH THE INTENT TO INTIMIDATE OR COERCE A "CIVILIAN POPULATION" GENERALLY RATHER THAN THE MORE LIMITED CATEGORY OF MEMBERS OF RIVAL GANGS; SUFFICIENCY OF THE EVIDENCE SUPPORTING THE CONVICTIONS AS MODIFIED; ALLEGED "SPILLOVER PREJUDICE" FROM TERRORISM CHARGES, INEFFECTIVE ASSISTANCE OF TRIAL COUNSEL, CONFRONTATION CLAUSE VIOLATION, PREJUDICIAL REMARKS BY TRIAL COURT TO PROSPECTIVE JURORS REGARDING THE SEPTEMBER 11 TERRORIST ATTACKS, AND PAYTON AND MIRANDA VIOLATIONS;

MOSS (ANDREW), PEOPLE v:

CRIMES - RIGHT TO PUBLIC TRIAL - CLOSURE OF COURTROOM - WHETHER UNDERCOVER OFFICER'S TESTIMONY AT HINTON HEARING ESTABLISHED AN OVERRIDING INTEREST THAT WARRANTED CLOSURE OF THE COURTROOM - CONSIDERATION OF REASONABLE ALTERNATIVES TO CLOSURE - COURT REJECTED ALTERNATIVE TO CLOSURE PROPOSED BY DEFENDANT BUT PERMITTED DEFENDANT'S FAMILY MEMBERS TO ATTEND PROCEEDINGS;

MOX (MICHAEL), PEOPLE v:

CRIMES - PLEA OF GUILTY - WITHDRAWAL OF PLEA - WHETHER TRIAL COURT MADE A SUFFICIENT INQUIRY TO ENSURE THAT GUILTY PLEA WAS KNOWINGLY AND VOLUNTARILY ENTERED AND THAT DEFENDANT'S STATEMENTS DURING THE PLEA COLLOQUY ESTABLISHED ALL OF THE ELEMENTS OF THE CRIME - DEFENDANT'S STATEMENTS THAT HE WAS IN PSYCHOTIC STATE AT TIME OF KILLING - PRESERVATION;

NESBITT (AKIEME), PEOPLE v:

CRIMES - RIGHT TO COUNSEL - EFFECTIVE REPRESENTATION - FAILURE TO PRESENT DEFENSE TO ASSAULT CHARGES OR REQUEST SUBMISSION OF LESSER INCLUDED OFFENSES - SERIOUS INJURY;

NEW YORK CITY HEALTH & HOSPITALS CORPORATION, MATTER OF v NEW YORK STATE COMMISSION ON CORRECTION:

PRISONS AND PRISONERS - COMMISSION OF CORRECTION - SUBPOENA SEEKING MEDICAL RECORDS OF DECEASED INMATE - WHETHER THE PHYSICIAN-PATIENT PRIVILEGE IN CPLR 4504 PROTECTS THE MEDICAL RECORDS OF A DECEASED INMATE FROM DISCLOSURE TO A STATE AGENCY THAT SUBPOENAED SUCH RECORDS PURSUANT TO ITS STATUTORILY-MANDATED INVESTIGATIVE FUNCTIONS INTO THE CAUSE OF AND CIRCUMSTANCES SURROUNDING AN INMATE'S DEATH - CORRECTION LAW § 47;

NEW YORK CITY TRANSIT AUTHORITY, MATTER OF v NEW YORK STATE PUBLIC EMPLOYMENT RELATIONS BOARD et al.:

CIVIL SERVICE - IMPROPER LABOR PRACTICES - CIVIL SERVICE LAW § 209-a(1)(d) - TRANSIT AUTHORITY'S ADOPTION OF STRICTER STANDARDS GOVERNING OFF-DUTY SECONDARY EMPLOYMENT OF TRAIN OPERATORS, CONDUCTORS, AND TOWER OPERATORS WITHOUT COLLECTIVELY BARGAINING WITH EMPLOYEES' UNION - WHETHER TRANSIT AUTHORITY ESTABLISHED RIGHT TO UNILATERALLY ADOPT NEW STANDARDS TO PROMOTE PUBLIC SAFETY;

THE NEW YORK COUNTY LAWYERS' ASSOCIATION, et al., MATTER OF v BLOOMBERG, et al.:

PROCEEDING AGAINST BODY OR OFFICER - CPLR ARTICLE 78 CHALLENGE TO THE CITY OF NEW YORK'S INDIGENT DEFENSE PLAN - PLAN FOR ASSIGNMENT OF COUNSEL IN WHICH THE INITIAL PROVIDER AT ARRAIGNMENT IS UNABLE TO REPRESENT THE INDIGENT CRIMINAL DEFENDANT DUE TO A CONFLICT OF INTEREST; "COMBINATION" PLAN UNDER COUNTY LAW § 722(4) - PARTICIPATION OF COUNTY BAR ASSOCIATIONS;

N.J.R. ASSOCIATES, &c. v TAUSEND, &c.: (Cal. Date 5/29/12)
ARBITRATION - STAY - WHETHER A PETITIONER WHO INITIATES AN ARBITRATION AND SUCCESSFULLY MOVES TO DISMISS A RESPONDENT'S PETITION TO STAY THE ARBITRATION WAIVES ITS RIGHT TO APPLY TO STAY THE ARBITRATION OF RESPONDENT'S COUNTERCLAIMS ON STATUTE OF LIMITATIONS GROUNDS - CPLR 7503(b);

NORRIS (ELBERT), PEOPLE v:

CRIMES - SENTENCE - CONCURRENT AND CONSECUTIVE TERMS - WHETHER, UPON VACATING DEFENDANT'S ORIGINAL SENTENCE, SUPREME COURT HAD THE AUTHORITY TO RUN HIS NEW DETERMINATE PRISON TERMS CONCURRENTLY, DESPITE THEIR PREVIOUS CONSECUTIVE DESIGNATION - MULTIPLE DRUG OFFENSES BEFORE THE RESENTENCING COURT FOR POSSIBLE MODIFICATION PURSUANT TO THE 2004 DRUG LAW REFORM ACT;

NORRIS (TYRELL), PEOPLE v:

CRIMES - SENTENCE - CONCURRENT AND CONSECUTIVE TERMS - WHETHER, UPON VACATING DEFENDANT'S ORIGINAL SENTENCE, SUPREME COURT HAD THE AUTHORITY TO RUN HIS NEW DETERMINATE PRISON TERMS CONCURRENTLY, DESPITE THEIR PREVIOUS CONSECUTIVE DESIGNATION - MULTIPLE DRUG OFFENSES BEFORE THE RESENTENCING COURT FOR POSSIBLE MODIFICATION PURSUANT TO THE 2004 DRUG LAW REFORM ACT;

NORTH SYRACUSE CENTRAL SCHOOL DISTRICT, MATTER OF v NEW YORK STATE DIVISION OF HUMAN RIGHTS: (Cal. Date - 5/2/12)

CIVIL RIGHTS - DISCRIMINATION BASED ON RACE AND DISABILITY - CPLR ARTICLE 78 PROCEEDING TO PROHIBIT THE NEW YORK STATE DIVISION OF HUMAN RIGHTS (NYSDDR) FROM HOLDING A HEARING ON A DISCRIMINATION COMPLAINT FILED ON BEHALF OF A STUDENT AGAINST THE SCHOOL DISTRICT - WHETHER THE SCHOOL DISTRICT MUST EXHAUST ALL ADMINISTRATIVE REMEDIES PRIOR TO SEEKING JUDICIAL RELIEF - EXECUTIVE LAW § 296(4);

NORTON (DARNELL), PEOPLE v:

CRIMES - APPEAL - APPEAL WAIVER IN CONNECTION WITH GUILTY PLEA - APPELLATE DIVISION DID NOT SPECIFY WHETHER ITS AFFIRMANCE OF DEFENDANT'S CONVICTION WAS BASED ON THE VALIDITY OF THE APPEAL WAIVER OR ITS REVIEW AND REJECTION OF DEFENDANT'S EXCESSIVE SENTENCE CLAIM;

OVADIA, et al., MATTER OF v OFFICE OF THE INDUSTRIAL BOARD OF APPEALS, et al.:

EMPLOYMENT RELATIONSHIPS - WAGES - CPLR ARTICLE 78 PROCEEDING TO REVIEW DETERMINATION OF THE INDUSTRIAL BOARD OF APPEALS AFFIRMING AN ORDER OF THE COMMISSIONER OF LABOR DIRECTING PETITIONERS TO PAY THE CLAIMANTS' UNPAID WAGES - WHETHER THE GENERAL CONTRACTOR ON A PRIVATE CONSTRUCTION SITE WAS THE "EMPLOYER" OF A SUBCONTRACTOR'S WORKERS AND THEREFORE LIABLE TO THOSE WORKERS FOR UNPAID WAGES WHEN THE SUBCONTRACTOR DISAPPEARED;

OVERSTOCK.COM, INC. v NEW YORK STATE DEPARTMENT OF TAXATION AND FINANCE, et al.:

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

TOWN OF OYSTER BAY v KIRKLAND:

CIVIL RIGHTS - STATE DIVISION OF HUMAN RIGHTS - ADMINISTRATIVE COMPLAINT ALLEGING THAT TOWN'S ZONING RESOLUTIONS THAT CREATED CERTAIN HOUSING PROGRAMS UNLAWFULLY DISCRIMINATED AGAINST POTENTIAL RESIDENTS ON THE BASIS OF RACE, COLOR AND NATIONAL ORIGIN - WHETHER COMPLAINT CONSTITUTED REVERSE DISCRIMINATION AND VIOLATED THE DUE PROCESS AND EQUAL PROTECTION CLAUSES OF THE FEDERAL AND STATE CONSTITUTIONS; ADMINISTRATIVE LAW - EXHAUSTION OF ADMINISTRATIVE REMEDIES;

PAGAN (JORGE), PEOPLE v:

CRIMES - UNLAWFUL SEARCH AND SEIZURE - ORDER ENLARGING CONDITIONS OF PROBATION TO INCLUDE WARRANTLESS SEARCHES OF DEFENDANT'S HOME - CPL 410.20 and 410.50(3) - ISSUANCE OF HOME SEARCH ORDER IN ABSENCE OF REASONABLE CAUSE TO BELIEVE THAT DEFENDANT VIOLATED

CONDITIONS OF PROBATION;
PALMER (MICHAEL), PEOPLE v:

CRIMES - SEX OFFENDER REGISTRATION ACT (SORA) (CORRECTION LAW ART. 6-C) - WHETHER DEFENDANT'S USE OF ALCOHOL AT THE TIME OF THE OFFENSE, WITHOUT MORE, CAN CONSTITUTE CLEAR AND CONVINCING EVIDENCE OF DRUG OR ALCOHOL ABUSE UNDER SORA RISK FACTOR 11;

PAPPAS v TZOLIS:

LIMITED LIABILITY COMPANIES (LLC) - MEMBERS AND MANAGERS - CLAIMS BY TWO MEMBERS FOR BREACH OF FIDUCIARY DUTY, CONVERSION, FRAUD AND UNJUST ENRICHMENT AGAINST THIRD MEMBER WHO BOUGHT OUT THEIR INTERESTS IN COMPANY FOR \$1.5 MILLION WITHOUT DISCLOSING HIS ONGOING NEGOTIATIONS WITH PARTY WHO LATER PURCHASED COMPANY'S SOLE ASSET FOR \$17.5 MILLION - EFFECT OF CERTIFICATE STATING THAT IN ASSIGNING THEIR INTERESTS IN THE COMPANY TO THE THIRD MEMBER, THE TWO MEMBERS PERFORMED THEIR OWN DUE DILIGENCE, WERE NOT RELYING ON ANY REPRESENTATIONS BY THIRD MEMBER NOT CONTAINED IN CERTAIN DESIGNATED DOCUMENTS, AND THAT THIRD MEMBER OWED THEM NO FIDUCIARY DUTIES - EFFECT OF PROVISION IN OPERATING AGREEMENT PERMITTING MEMBERS TO ENGAGE IN BUSINESS VENTURES OF ANY NATURE WITHOUT OBLIGATION OF ANY KIND TO THE COMPANY OR OTHER MEMBERS;

PEALER (ROBERT), PEOPLE v:

CRIMES - RIGHT OF CONFRONTATION - WHETHER THE TRIAL COURT ERRED IN ADMITTING, UNDER THE BUSINESS RECORDS EXCEPTION TO THE HEARSAY RULE, BREATH TEST CALIBRATION AND SIMULATOR SOLUTION CERTIFICATES USED TO SHOW THAT BREATH TEST MACHINE WAS ACCURATE - TESTIMONIAL NATURE OF STATEMENTS; UNLAWFUL SEARCH AND SEIZURE - VEHICLE STOP - WHETHER EVIDENCE OBTAINED FOLLOWING STOP OF VEHICLE FOR HAVING AN UNAUTHORIZED STICKER ON REAR WINDOW IS SUBJECT TO SUPPRESSION AS RESULTING FROM A PRETEXTUAL STOP; PREPARATION, SERVICE AND FILING OF BRIEF BY ATTORNEY IN SENECA COUNTY DISTRICT ATTORNEY'S OFFICE ON BEHALF OF YATES COUNTY DISTRICT ATTORNEY; ALLEGED PROSECUTORIAL MISCONDUCT; ALLEGEDLY IMPROPER REBUTTAL TESTIMONY;

ROMAN CATHOLIC DIOCESE OF BROOKLYN v NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA &c.:

INSURANCE - LIABILITY INSURANCE - EXHAUSTION OF SELF-INSURED RETENTION (SIR) - ACTS OF ALLEGED SEXUAL ABUSE CONSTITUTING MULTIPLE OCCURRENCES OR A SINGLE OCCURRENCE - FAILURE TO RAISE ISSUE IN INITIAL DISCLAIMER LETTER AS WAIVER OF RIGHT TO DEMAND PAYMENT OF MULTIPLE SIRS - EFFECT OF ALLEGED INEQUITY IN APPLYING PRO-RATA APPLICATION OF SIR - SUMMARY JUDGMENT;

RAMOS (GILBERTO), PEOPLE v:

CRIMES - SENTENCE - SECOND FELONY OFFENDER - WHETHER A FEDERAL CONSPIRACY CONVICTION MAY SERVE AS A PREDICATE FELONY WITHIN THE MEANING OF PENAL LAW § 70.06;

RAMOS (LUIS), PEOPLE v: (Cal. Date - 5/3/12)
 CRIMES - MANSLAUGHTER - SUFFICIENCY OF THE EVIDENCE TO ESTABLISH
 DEFENDANT'S GUILT OF MANSLAUGHTER IN THE FIRST DEGREE (PENAL LAW
 § 125.20[1]);

REID (LAMARR), PEOPLE v: (Cal. Date - 5/1/12)
 CRIMES - RIGHT OF CONFRONTATION - ALLEGED BRUTON VIOLATION -
 WHETHER DEFENDANT OPENED THE DOOR TO ADMISSION OF TESTIMONY THAT
 OTHERWISE WOULD HAVE BEEN BARRED BY THE CONFRONTATION CLAUSE;

RILEY (LOUIS), PEOPLE v: (Cal. Date - 5/31/12)
 CRIMES - LARCENY - PROOF OF VALUE - WHETHER THE LABOR COST MAY BE
 COUNTED TOWARD THE REPLACEMENT COST OF STOLEN COPPER PIPES AND AN
 INSTALLED PLUMBING SYSTEM; DISPOSAL OF STOLEN PROPERTY (PENAL LAW
 § 450.10) - WHETHER THE TRIAL COURT PROPERLY DECLINED TO IMPOSE
 ANY SANCTION ON THE PEOPLE FOR FAILURE TO PROVIDE NOTICE OF THE
 RETURN OF STOLEN PROPERTY TO THE OWNER;

ROBERTS &c, et al. v PATERSON &c, et al.: (Cal. Date - 5/29/12)
 INJUNCTIONS - PRELIMINARY INJUNCTION - LIKELIHOOD OF SUCCESS ON
 THE MERITS - WHETHER SUPREME COURT PROPERLY DENIED PLAINTIFFS'
 MOTION FOR A PRELIMINARY INJUNCTION REQUIRING DEFENDANTS TO FUND
 HEALTH INSURANCE BENEFITS FOR RETIREES OF THE NEW YORK CITY OFF-
 TRACK BETTING CORPORATION (NYC OTB); EMPLOYMENT RELATIONSHIPS -
 RETIREMENT AND PENSION BENEFITS;

RODRIGUEZ (VINCENT), PEOPLE v:
 CRIMES - SENTENCE - RESENTENCE - POSTRELEASE SUPERVISION - EFFECT
 OF COURT'S FAILURE TO RESENTENCE DEFENDANT TO INCLUDE POSTRELEASE
 SUPERVISION WITHIN 40-DAY TIME LIMIT CONTAINED IN CORRECTION LAW
 § 601-d(4)(c) AND (d);

ROULAN v COUNTY OF ONONDAGA et al.:
 ATTORNEY AND CLIENT - ASSIGNMENT OF COUNSEL - ACTION SEEKING
 DECLARATION THAT VARIOUS SECTIONS OF THE ASSIGNED COUNSEL PLAN IN
 ONONDAGA COUNTY ARE INVALID - PLAN ESTABLISHED PURSUANT TO COUNTY
 LAW ARTICLE 18-B THROUGH A CONTRACT WITH THE ONONDAGA COUNTY BAR
 ASSOCIATION; DECLARATORY JUDGMENT; CRIMINAL DEFENDANT'S RIGHT TO
 COUNSEL;

SCHEFFEY-HOHLE, MATTER OF v DURFEE:
 PARENT AND CHILD - CUSTODY - RELOCATION OF ONE PARENT - CHALLENGE
 TO APPELLATE DIVISION ORDER THAT REVERSED A FAMILY COURT ORDER
 GRANTING PETITIONER-MOTHER'S APPLICATION TO MODIFY A PRIOR
 CUSTODY ORDER AND PERMITTING HER TO RELOCATE WITH THE CHILD;

SCHMIDT, MATTER OF v FALLS DODGE, INC. et al. [WORKERS'
 COMPENSATION BOARD]:
 WORKERS' COMPENSATION - AWARD - WHETHER SCHEDULE LOSS OF USE

AWARD IS SUBJECT TO NON-SCHEDULE AWARDS IN OTHER WORKERS' COMPENSATION CASES WHERE AWARDS WERE MADE AT THE MAXIMUM STATUTORY RATE AND COVER THE SAME PERIODS - WORKERS' COMPENSATION LAW § 15(6);

SHENENDEHOWA CENTRAL SCHOOL DISTRICT BOARD OF EDUCATION v CIVIL SERVICE EMPLOYEES ASSOCIATION, INC. &c. et al.:
ARBITRATION - JUDICIAL REVIEW - ARBITRATION AWARD REINSTATING A BUS DRIVER WHO TESTED POSITIVE FOR MARIJUANA AFTER DRIVING CHILDREN TO SCHOOL - STANDARD OF REVIEW FOR VACATUR OF ARBITRATION AWARD;

SIEGMUND STRAUSS, INC. v EAST 149TH REALTY CORP., et al.:
APPEAL - WHETHER APPELLATE DIVISION ERRED IN HOLDING THAT DEFENDANTS' APPEAL FROM THE FINAL SUPREME COURT JUDGMENT DID NOT BRING UP FOR REVIEW PRIOR NONFINAL SUPREME COURT ORDERS; DISMISSAL OF COUNTERCLAIMS AND THIRD-PARTY CLAIMS; DENIAL OF MOTION FOR LEAVE TO AMEND THE ANSWER; POSSESSION OF REAL PROPERTY PURSUANT TO CONTRACT;

SINHA (LINA), PEOPLE v: (Cal. Date - 5/30/12)
CRIMES - SODOMY - DUPLICITOUS COUNTS - JURY INSTRUCTIONS; EVIDENCE - DISCLOSURE - WHETHER CPL 240.20 REQUIRES THE PEOPLE TO DISCLOSE TO THE DEFENSE BEFORE TRIAL DOCUMENTS THEIR FORENSIC COMPUTER EXPERTS DOWNLOADED FROM DEFENDANT'S COMPUTER HARD-DRIVE; WHETHER, CONSISTENT WITH PEOPLE v COLON (13 NY3d 343), THE SODOMY AND MISDEMEANOR COUNTS OF THE CONVICTION MUST BE REVERSED BECAUSE OF THE PEOPLE'S BRADY VIOLATIONS AND ALLEGED RELIANCE ON FALSE OR MISLEADING TESTIMONY AND ARGUMENT; BRIBING A WITNESS - CORROBORATION OF ACCOMPLICE TESTIMONY - PEOPLE v MULLENS (292 NY 408); HARMLESS AND PREJUDICIAL ERROR - WHETHER TRIAL COURT CORRECTLY DENIED DEFENDANT'S MOTION FOR MISTRIAL BASED UPON DELIBERATING JURY'S ACCIDENTAL RECEIPT OF UNREDACTED TAPE RECORDING CONTAINING EXCLUDED EVIDENCE; CHALLENGE TO PEOPLE'S USE ON REBUTTAL AND SUMMATION OF VOLUNTARY STATEMENT DEFENDANT GAVE TO THE PROSECUTION WHERE THE PEOPLE DID NOT PREVIOUSLY DISCLOSE THE STATEMENT TO DEFENDANT; WHETHER MATTER SHOULD BE REMANDED TO A DIFFERENT JUDGE FOR RESENTENCING;

SPENCER (ANDREW), PEOPLE v:
CRIMES - RIGHT OF CONFRONTATION - PROOF OF COMPLAINANT'S MOTIVE TO FABRICATE; FAIR TRIAL - TRIAL JUDGE'S ALLEGED DISPLAY OF ANTAGONISM AGAINST DEFENSE COUNSEL;

677 NEW LOUDON CORPORATION, MATTER OF, d/b/a NITE MOVES v STATE OF NEW YORK TAX APPEALS TRIBUNAL et al.
TAXATION - SALES AND USE TAXES - WHETHER EXOTIC DANCE PERFORMANCES AT PETITIONER'S ESTABLISHMENT CONSTITUTE "DRAMATIC OR MUSICAL ARTS PERFORMANCES," THEREBY EXEMPTING MONIES PAID FOR SUCH PERFORMANCES FROM TAXATION UNDER TAX LAW § 1105(f)(1) -

ADMISSIONS CHARGES AND PRIVATE DANCE SALES;

SMITH, MATTER OF v TORMEY:

PROCEEDING AGAINST BODY OR OFFICER - PROHIBITION - WHETHER CHALLENGED DETERMINATION REGARDING COUNTY COURT'S AWARD OF COUNSEL FEES WAS MADE IN EXCESS OF ADMINISTRATIVE JUDGE'S AUTHORITY PURSUANT TO 22 NYCRR 127.2(b);

SOARES, &c., MATTER OF v HERRICK, &c.:

PROCEEDING AGAINST BODY OR OFFICER - PROHIBITION - WHEN REMEDY AVAILABLE - WHETHER THE APPELLATE DIVISION ERRED IN DETERMINING THAT A CPLR ARTICLE 78 PROCEEDING IN THE NATURE OF PROHIBITION LIES TO REVIEW THE TRIAL COURT ORDERS DISQUALIFYING THE DISTRICT ATTORNEY AND APPOINTING A SPECIAL DISTRICT ATTORNEY PURSUANT TO COUNTY LAW § 701;

STANLEY (DONALD), PEOPLE v: (Cal. Date - 5/3/12)

CRIMES - SENTENCE - RESENTENCE AFTER ENACTMENT OF 2009 DRUG LAW REFORM ACT - WHETHER DEFENDANT MAY RAISE ISSUES REGARDING HIS PREDICATE FELON STATUS AT THE RESENTENCING PROCEEDING WHEN HE DID NOT CHALLENGE HIS SENTENCING AS A SECOND FELONY OFFENDER AT THE ORIGINAL SENTENCING PROCEEDING - CLAIM THAT FLORIDA FELONY CONVICTIONS ARE NOT THE EQUIVALENT OF ANY NEW YORK FELONY AND ARE TOO DISTANT IN TIME TO BE CONSIDERED;

STATE OF NEW YORK, MATTER OF v BOBBY P.:

CRIMES - SEX OFFENDERS - CIVIL COMMITMENT OR SUPERVISION - ALLEGED DUE PROCESS VIOLATION WHERE STATE'S PSYCHOLOGIST PROVIDED ERRONEOUS TESTIMONY REGARDING RESPONDENT'S SCORE ON A RISK ASSESSMENT INSTRUMENT;

STATE OF NEW YORK, MATTER OF v DANIEL F.:

CRIMES - SEX OFFENDERS - CIVIL COMMITMENT OR SUPERVISION - REVOCATION OF STRICT AND INTENSIVE SUPERVISION AND TREATMENT (SIST) WHERE SEX OFFENDER VIOLATES CONDITIONS OF SIST WHERE VIOLATIONS DO NOT CONSTITUTE SEXUAL MISCONDUCT - CHALLENGE TO APPELLATE DIVISION ORDER THAT, AMONG OTHER THINGS, DETERMINED THAT STATE ESTABLISHED BY CLEAR AND CONVINCING EVIDENCE THAT SEX OFFENDER WAS A DANGEROUS SEX OFFENDER REQUIRING CONFINEMENT - ALLEGED DEPRIVATION OF DUE PROCESS;

STATE OF NEW YORK, MATTER OF v JOHN P. (ANONYMOUS):

CRIMES - SEX OFFENDERS - CIVIL COMMITMENT OR SUPERVISION - MENTAL ABNORMALITY - WHETHER PSYCHIATRIC EVALUATION OF SEX OFFENDER WAS CONDUCTED IN VIOLATION OF SEX OFFENDER'S RIGHT TO COUNSEL - DENIAL OF REQUEST TO PRECLUDE TESTIMONY AND EVIDENCE FROM PSYCHOLOGIST WHO CONDUCTED EVALUATION;

STATE OF NEW YORK v MYRON P.:

MENTAL HEALTH - PROCEEDINGS BY STATE OF NEW YORK SEEKING AN ORDER

AUTHORIZING RESPONDENT'S CIVIL MANAGEMENT PURSUANT TO MENTAL HYGIENE LAW ARTICLE 10 - CONFINEMENT OF SEX OFFENDER IN SECURE FACILITY AFTER SERVICE OF PRISON TIME - INVOLUNTARY HOSPITALIZATION - RIGHT TO JURY TRIAL;

STEPHENSON, &c., et al. v THE CITY OF NEW YORK:

SCHOOLS - STUDENTS - INJURY TO STUDENT - WHETHER SCHOOL DEFENDANTS ARE LIABLE FOR NEGLIGENTLY FAILING TO PREVENT ONE STUDENT FROM ASSAULTING ANOTHER STUDENT OFF SCHOOL GROUNDS TWO DAYS AFTER THE TWO STUDENTS WERE IN A FIGHT AT THE SCHOOL DURING SCHOOL HOURS - LIABILITY FOR FAILING TO NOTIFY INJURED STUDENT'S MOTHER OF FIGHT AT SCHOOL;

STRAY FROM THE HEART, INC., MATTER OF v DEPARTMENT OF HEALTH and MENTAL HYGIENE OF THE CITY OF NEW YORK, et al.:

PROCEEDING AGAINST BODY OR OFFICER - MANDAMUS - STANDING - WHETHER PETITIONER ANIMAL WELFARE ORGANIZATION HAS STANDING TO CHALLENGE THE ALLEGED FAILURE OF CITY RESPONDENTS TO PROVIDE FULL-SERVICE ANIMAL SHELTERS IN ALL FIVE BOROUGHES AS REQUIRED BY THE CITY ANIMAL SHELTERS AND STERILIZATION ACT (ADMINISTRATIVE CODE OF CITY OF NY § 17-801, et seq.);

SUBER (FRANK), PEOPLE v:

CRIMES - INFORMATION - WHETHER THE CORROBORATION REQUIREMENT SET FORTH IN CPL 60.50 APPLIES TO INFORMATIONS;

SULLIVAN v HARNISCH, et al.:

EMPLOYMENT RELATIONSHIPS - AT-WILL EMPLOYMENT - CLAIMED WRONGFUL DISCHARGE OF EMPLOYEE WHO MADE INTERNAL INQUIRIES INTO HIS SUPERIOR'S SECURITIES TRADING ACTIVITY - RETALIATION;

SUNRISE CHECK CASHING AND PAYROLL SERVICES, INC., et al. v TOWN OF HEMPSTEAD:

MUNICIPAL CORPORATIONS - ZONING - REGULATION PROHIBITING CHECK-CASHING ESTABLISHMENTS WITHIN TOWN UNLESS THEY ARE LOCATED IN INDUSTRIAL AND LIGHT MANUFACTURING DISTRICTS - WHETHER THE APPELLATE DIVISION ERRED IN HOLDING THAT, UNDER THE DOCTRINE OF CONFLICT PREEMPTION, THE REGULATION IS PREEMPTED BY BANKING LAW § 369 - SEPARATION OF POWERS - HOME RULE REQUIREMENTS;

SWEZEY v MERRILL LYNCH, et al.:

PARTIES - NECESSARY PARTIES - FOREIGN GOVERNMENT - SOVEREIGN IMMUNITY - WHETHER THE APPELLATE DIVISION ERRED IN DISMISSING A PROCEEDING TO EXECUTE A JUDGMENT AGAINST A FUND LOCATED IN NEW YORK UPON THE GROUND THAT A NONPARTY FOREIGN GOVERNMENT CLAIMED TO BE THE TRUE OWNER OF THE FUND'S ASSETS BUT COULD NOT BE JOINED AS A PARTY BECAUSE IT DECLINED TO WAIVE ITS SOVEREIGN IMMUNITY;

TERMINELLO et al. v THE VILLAGE OF PIERMONT, &c., et al.:

TAXATION - REAL PROPERTY TAX - CLASSIFICATION OF CONDOMINIUMS AS HOMESTEADS OR NON-HOMESTEADS AND IMPOSITION OF DIFFERENT TAX RATES ON EACH - EQUAL PROTECTION CHALLENGE TO RPTL 1903, AS APPLIED BY LOCAL LAW NO. 7 (2005) OF THE VILLAGE OF PIERMONT;

TOWNSLEY (TAYDEN), PEOPLE v:

CRIMES - RIGHT TO COUNSEL - EFFECTIVE REPRESENTATION - AT TRIAL PROSECUTOR ACCUSED DEFENDANT AND HIS TWO ASSIGNED TRIAL ATTORNEYS OF CONSPIRING WITH A THIRD PARTY TO CONCOCT A DEFENSE THAT WOULD FALSELY SHIFT RESPONSIBILITY FOR THE CRIME TO THE THIRD PARTY; POTENTIAL CONFLICT BETWEEN DEFENDANT AND HIS COUNSEL NOT RAISED AT TRIAL OR BY APPELLATE COUNSEL;

TRUMP ON THE OCEAN, LLC, MATTER OF v CORTES-VASQUEZ et al.:

MUNICIPAL CORPORATIONS - ZONING - VARIANCE - DENIAL OF VARIANCE FOR PUBLIC DINING AND CATERING FACILITY AT JONES BEACH STATE PARK - VARIANCE SOUGHT FOR OCCUPIED BASEMENT TO BE CONSTRUCTED UNDER "DESIGN FLOOD ELEVATION";

UNITED STATES FIDELITY & GUARANTY COMPANY, et al. v AMERICAN RE-INSURANCE COMPANY, et al.:

INSURANCE - REINSURANCE - "FOLLOW THE FORTUNES" CLAUSE - REINSURED'S DECISION TO ALLOCATE ALL SETTLEMENT CLAIMS AND, THUS, ALL REINSURANCE CLAIMS TO A 1959 INSURANCE CONTRACT, WHICH HAD A \$200,000 PER PERSON LIMIT AND, IF NOT SUBJECT TO AN UPWARD AMENDMENT OF THE RETENTION AMOUNT, WAS SUBJECT ONLY TO A \$100,000 RETENTION FOR EACH COVERED LOSS - APPLICATION OF FOLLOW THE FORTUNES CLAUSE WHERE REINSURERS CHALLENGE REINSURED'S ALLEGED BAD FAITH OR ABSENCE OF "UTMOST GOOD FAITH" IN ALLOCATING ITS SETTLEMENT WITH ITS INSURED AND IN TREATING ALL CLAIMS AS ARISING UNDER A SINGLE POLICY YEAR - WHETHER TRIABLE ISSUES OF FACT EXIST AS TO WHETHER THE PARTIES AGREED TO RETROACTIVELY INCREASE THE RETENTION AMOUNT FROM \$100,000 TO \$3 MILLION;

VANDOVER (JEANNE M.), PEOPLE v:

MOTOR VEHICLES - OPERATING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS - SUPPRESSION OF RESULTS OF BLOOD ALCOHOL TEST AND DEFENDANT'S STATEMENTS TO POLICE - LEGAL SUFFICIENCY OF PEOPLE'S EVIDENCE ESTABLISHING PROBABLE CAUSE FOR DEFENDANT'S ARREST;

VELEZ (JESSIE), PEOPLE v: (Cal. Date - 5/29/12)

CRIMES - SENTENCE - RESENTENCE - ADDITION OF POST-RELEASE SUPERVISION TO SENTENCE AFTER DEFENDANT'S RELEASE FROM PRISON - RESENTENCE PROCESS COMMENCED BEFORE DEFENDANT'S RELEASE FROM PRISON - DEFENDANT DID NOT OBJECT TO COURT ADJOURNMENTS; DOUBLE JEOPARDY - WAIVER;

WALKER (SAMUEL), PEOPLE v:

CRIMES - SUPPRESSION HEARING - VEHICLE STOPPED FOR TRAFFIC INFRACTION THEN IMPOUNDED DUE TO SUSPENSION OF DRIVER'S LICENSE, DESPITE ANOTHER LICENSED DRIVER IN CAR - INVENTORY SEARCH AFTER IMPOUNDMENT OF VEHICLE REVEALED LOADED HANDGUN - WHETHER IMPOUNDMENT POLICY PROHIBITING ANY LICENSED DRIVER OTHER THAN REGISTERED OWNER FROM TAKING POSSESSION OF STOPPED VEHICLE VIOLATES DRIVER'S RIGHTS;

TOWN OF WALLKILL, MATTER OF v CIVIL SERVICE EMPLOYEES ASSOCIATION, et al.:

CIVIL SERVICE - DISCIPLINARY PROCEEDINGS - WHETHER DISCIPLINE OF TOWN POLICE OFFICERS IS A PERMISSIBLE SUBJECT OF COLLECTIVE BARGAINING UNDER THE TAYLOR LAW OR IS A PROHIBITED SUBJECT OF COLLECTIVE BARGAINING UNDER TOWN LAW § 155 - VALIDITY OF TOWN OF WALLKILL LOCAL LAW NO. 2 OF 2007;

WARD, MATTER OF v CITY OF LONG BEACH:

CIVIL SERVICE - FIREFIGHTERS - BENEFITS FOR INJURY INCURRED IN LINE OF DUTY - SUPPLEMENTAL WAGE BENEFITS - WHETHER THE APPELLATE DIVISION ERRED IN RULING THAT SUPREME COURT CORRECTLY HELD THAT THE MUNICIPALITY'S DETERMINATION DID NOT HAVE A RATIONAL BASIS IN THE RECORD;

WATSON (CARL), PEOPLE v:

CRIMES - JUSTIFICATION - ADMISSIBILITY OF EVIDENCE OF HOMICIDE VICTIM'S PRIOR SPECIFIC CRIMINAL ACTS OF VIOLENCE AS RELEVANT TO THE ISSUE OF WHO WAS THE INITIAL AGGRESSOR WHERE DEFENDANT DID NOT KNOW ABOUT SUCH ACTS IN COMMITTING THE HOMICIDE;

WEINER v CITY OF NEW YORK, et al:

MUNICIPAL CORPORATIONS - TORT LIABILITY - WHETHER NEW YORK CITY EMERGENCY MEDICAL TECHNICIAN INJURED IN THE LINE OF DUTY ON MUNICIPAL PROPERTY MAY MAINTAIN AN ACTION AGAINST HIS MUNICIPAL EMPLOYER UNDER GENERAL MUNICIPAL LAW § 205-a DESPITE HIS ELIGIBILITY FOR WORKERS' COMPENSATION BENEFITS - WORKERS' COMPENSATION LAW § 11;

WHITE &c. v FARRELL et al.:

DAMAGES - MEASURE OF DAMAGES - BREACH OF REAL ESTATE CONTRACT - WHETHER SUPREME COURT CORRECTLY DETERMINED THAT SELLERS DID NOT SUSTAIN ACTUAL DAMAGES BECAUSE THERE WAS NO DIFFERENCE BETWEEN THE CONTRACT SALES PRICE AND THE ACTUAL MARKET VALUE OF THE PROPERTY AT THE TIME OF BREACH, EVEN THOUGH THE PROPERTY ULTIMATELY WAS SOLD FOR APPROXIMATELY \$373,000 LESS THAN THE CONTRACT PRICE; SELLERS' ENTITLEMENT TO CONSEQUENTIAL DAMAGES;

WHITEBOX CONCENTRATED CONVERTIBLE ARBITRAGE PARTNERS, L.P., et al. v SUPERIOR WELL SERVICES, INC.:
CORPORATIONS - TRANSFER OF STOCK - "FUNDAMENTAL CHANGE" UNDER CERTIFICATE OF DESIGNATIONS - WHETHER THE APPELLATE DIVISION ERRED IN DISMISSING THE COMPLAINT BASED ON DOCUMENTARY EVIDENCE;

WILD et al. &c. v CATHOLIC HEALTH SYSTEM, et al.:
PHYSICIANS AND SURGEONS - MEDICAL MALPRACTICE - WHETHER THE TRIAL COURT FAILED TO PROPERLY INSTRUCT THE JURY WITH RESPECT TO THE ELEMENT OF PROXIMATE CAUSE - "SUBSTANTIAL CHANCE DOCTRINE";

WILLIAM (TONY), PEOPLE v: (Cal. Date - 5/2/12)
CRIMES - SUPPRESSION HEARING - WHETHER POLICE HAD REASONABLE SUSPICION TO STOP THE CAB IN WHICH DEFENDANT WAS A PASSENGER WHEN THEY OBSERVED THAT THE PASSENGERS MATCHED GENERAL ASPECTS OF THE RADIOED DESCRIPTION OF TWO MEN WHO HAD COMMITTED A ROBBERY NEARBY; WHETHER SUBSEQUENT SHOW-UP IDENTIFICATION WAS UNDULY SUGGESTIVE;

WRIGHT (LEDARRIUS), PEOPLE v: (Cal. Date - 5/1/12)
CRIMES - SENTENCE - CONCURRENT AND CONSECUTIVE TERMS - WHETHER CONSECUTIVE SENTENCES WERE ILLEGAL UNDER PENAL LAW § 70.25(2) - CONVICTIONS FOR FIRST-DEGREE MURDER AND SECOND-DEGREE CRIMINAL POSSESSION OF A WEAPON - DEFENDANT CLAIMS TRIAL COURT ERRED IN IMPOSING CONSECUTIVE SENTENCES BECAUSE HE ACTED WITH SINGULAR INTENT DURING ONE CRIMINAL TRANSACTION;

YUSON (MORRIS B.), PEOPLE v:
CRIMES - SENTENCE - POST-RELEASE SUPERVISION (PRS) - WHETHER PENAL LAW § 70.45(2)(e), PROVIDING FOR A MINIMUM POST-RELEASE SUPERVISION PERIOD OF ONE AND ONE-HALF YEARS, APPLIES TO A DEFENDANT WHO PLEADED GUILTY TO A CLASS D VIOLENT FELONY;

YUSUF (MALIK), a/k/a ASHFORD (YUSUF M.), PEOPLE v:
(Cal. Date - 5/3/12)
CRIMES - SENTENCE - SECOND FELONY OFFENDER - WHETHER PENAL LAW § 70.70(1)(c)(4), WHICH PROVIDES FOR ENHANCED PUNISHMENT FOR "SECOND FELONY DRUG OFFENDERS PREVIOUSLY CONVICTED OF A VIOLENT FELONY" PERMITS SUCH ENHANCEMENT WHEN DEFENDANT'S PRIOR VIOLENT FELONY CONVICTION OCCURRED IN ANOTHER STATE - CPL 400.21;

ZAMORA, MATTER OF v NEW YORK NEUROLOGIC ASSOCIATES, et al.:
WORKERS' COMPENSATION - COVERAGE - PERMANENT PARTIAL DISABILITY - WHETHER NONRETIRED CLAIMANT HAS OBLIGATION TO DEMONSTRATE ATTACHMENT TO LABOR MARKET WITH EVIDENCE OF SEARCH FOR EMPLOYMENT WITHIN MEDICAL RESTRICTIONS; BURDEN OF PROOF;