

CASE ISSUE STATEMENTS- OCTOBER 2024

The calendar is subject to change. Please contact the Clerk's Office for any updated information.

If available, briefs, records and appendices can be viewed and downloaded from the Court of Appeal Public Access and Search System (Court-PASS), which is accessible from the home page on the Court's website.

TUESDAY, OCTOBER 15

Matter of Amedure v State of New York (No. 126)

APL-2024-121

Elections—Ballots—Whether Election Law § 9-209 (2) (g) is unconstitutional.

Wu v Uber Technologies (No. 90)

APL-2023-00203

Arbitration—Agreement to Arbitrate—Whether the courts below properly determined that an agreement to arbitrate existed between plaintiff and Uber; whether the ethical rule prohibiting an attorney from contacting a represented party prevents a corporation from including an agreement to arbitrate a pending lawsuit in its terms of service in its software application; whether it was reasonable for plaintiff to expect that assenting to an update to the application's terms of use would affect her pending lawsuit in which she was represented by counsel; whether the Federal Arbitration Act preempts New York's law on arbitration clauses; whether the purported agreement was unconscionable; whether Uber may rely on its prior 2016 terms of service.

Knight v Dewitt Rehabilitation and Nursing Center (No. 92)

APL-2023-00192

Trial—Place of Trial—Whether the Appellate Division properly held that defendant Dewitt failed to meet its burden on a motion to change venue of demonstrating that the forum selection clause was applicable and enforceable; whether on a motion to change venue under CPLR 501 the Appellate Division improperly held that defendant Dewitt had the burden of demonstrating that the Admission Agreements bearing the decedent's electronic signature and initials were not forgeries.

People v Tyrone Peters (No. 94)

APL-2023-00042

Crimes—Right to Counsel—Whether defendant was denied the effective assistance of appellate counsel.

Ruisech v Structure Tone (No. 104)

APL-2023-00202

Labor—Safe Place to Work—Whether the Appellate Division erred in modifying the trial court order and granting summary judgment in favor of defendants on plaintiffs' claims pursuant to Labor Law §§ 200 and 241 (6) and plaintiffs' common law negligence claims; whether the Appellate Division erred in determining that concrete debris was integral to the construction work within the meaning of Labor Law § 241 (6).

WEDNESDAY, OCTOBER 16

Farage v AIM Corp (No. 95)

APL-2023-00141

Limitations of Actions—Contractual Limitations Period—Whether the courts below erroneously applied the doctrines governing contractual reductions of statute of limitations in insurance policies that require completion of repairs before a suit can commence when the repairs take longer to complete than the contractually altered statute of limitations; whether the lower courts decisions are in contravention of this Court’s holding in *Executive Plaza, LLC v Peerless Insurance Co.*, 22 NY3d 511 (2014).

People v Brandon Williams (No. 96)

APL-2023-00034

Crimes—Right of Confrontation—Whether admission of co-defendant’s testimonial statement without limiting instruction violated Confrontation Clause; whether harmless error analysis applied to confrontation clause violation.

People v Eddie Robles (No. 97)

APL-2023-00104

Crimes—Unlawful Search and Seizure—Whether police had reasonable suspicion to detain and frisk defendant; Crimes—Harmless and Prejudicial Error—Where Appellate Division determined that Supreme Court erred in refusing to suppress defendant’s statement to police, whether Appellate Division properly applied harmless error doctrine to defendant’s guilty plea.

Kasowitz Benson v JPMorgan Chase (No. 99)

APL-2023-00088

Liens—Priority—Whether assignees are required to intervene in post-assignment suits involving their assignors on penalty of being bound by the judgment in that suit in future litigation.

THURSDAY, OCTOBER 17

Matter of McCabe v 511 West 232nd Street (No. 91)

APL-2023-00156

Condominiums and Cooperatives—Board of Directors—Whether determination of respondent, which denied petitioner’s request to transfer the shares and proprietary lease of the subject cooperative unit to petitioner, resulted from marital status discrimination.

Matter of Ibhawa v NYSDHR (No. 100)

APL-2023-00119

Civil Rights—State Division of Human Rights—Whether respondent New York State Division of Human Rights properly dismissed petitioner’s administrative discrimination complaint against respondent Diocese of Buffalo for lack of jurisdiction based on the ministerial exception to employment discrimination claims.

People v Timothy Shader (No. 101)

APL-2024-00005

Crimes—Sex Offenders—Whether the courts below abused their discretion or otherwise erred when they declined to grant a further modification to a level one classification.

People v Jairo Castillo (No. 102)

APL-2023-00047

Crimes—Justification—Whether defendant’s request for a justification charge was properly denied; whether the trial court abused its discretion by curtailing the cross-examination of an alleged eyewitness and not declaring a detective a hostile witness; whether defendant’s motion to dismiss the indictment on grounds of grand jury perjury was properly denied.

People v David Vaughn (No. 103)

APL-2023-00164

Crimes—Identification of Defendant—Whether Supreme Court abused its discretion by limiting the defense expert’s testimony regarding certain factors affecting the reliability of eyewitness identifications; whether the People presented sufficient corroborating evidence connecting the defendant to the crime to obviate the need for an additional inquiry.