

CASE ISSUE STATEMENTS – MAY 2023

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 Appeals Public Access and Search System (Court-PASS), which is accessible from the homepage on the Court's website.

WEDNESDAY, MAY 17

Matter of Owner Operator Independent Drivers v NYS DOT (No. 45)

APL 2022-50

Carriers—Whether inspections authorized by federal rules, enforced by the state and incorporated into state regulations, that require commercial motor vehicles involved in interstate commerce and operated by drivers subject to certain hours of service and record of duty status requirements to install electronic logging devices and for drivers to make information recorded on those devices available to law enforcement during roadside safety inspections upon request constitute unreasonable searches within the meaning of NY Constitution, article I, § 12; whether the administrative search exception applies to these warrantless searches; whether the rules authorize a search of the driver that falls outside of the administrative search exception.

People ex rel. E.S. v Superintendent (No. 46)

APL 2021-44

Crimes—Sex Offenders—Whether the mandatory school grounds condition set forth in Executive Law § 259-c (14) applies to those adjudicated youthful offenders who are serving sentences for enumerated sex offenses against victims under the age of eighteen.

People ex rel. Rivera v Superintendent (No. 47)

APL 2022-54

Crimes—Sex Offenders—Whether application of the school-grounds residency restriction of the Sexual Assault Reform Act (see Executive Law § 259-c [14]), enacted after petitioner's conviction, violates the Ex Post Facto Clause of the US Constitution.

THURSDAY, MAY 18

IKB International v Wells Fargo (No. 51)

APL-2022-165

Contracts—Construction—Whether provision in agreement governing residential mortgage backed securities trusts, which stated that trustee agreed to exercise rights for benefit of present and future certificate holders, imposed an express duty on the trustees to enforce repurchase protocol for the benefit of investors; Contracts—Breach or Performance of Contract—Whether plaintiffs sufficiently alleged that trustees had actual knowledge or written notice of event of default; whether economic loss doctrine barred claims for breach of conflict of interest and post-event of default breach of fiduciary duty; Limitation of Actions—When Cause of Action

Accrues—Whether plaintiffs’ pre-event of default document defect repurchase claims are time-barred.

People v Worley (Michael) (No. 49)

APL-2022-94

Crimes—Sex Offenders—Whether Supreme Court violated defendant's right to notice under Correction Law 168-n(3) or defendant's right to due process by sua sponte granting an upward departure from the presumptive risk level two classification and designating defendant a level three sex offender.

People v Weber (Christopher J.) (No. 50)

APL 2021-180

Crimes—Sex Offenders—Whether the Appellate Division erroneously remitted the matter to County Court for an upward departure determination; whether an upward departure was properly granted.