

CASE ISSUE STATEMENTS – SEPTEMBER 2020

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.

TUESDAY, SEPTEMBER 8

People v Edward Hardy (No. 48)

APL-2019-80

Crimes--Complaint--Whether local criminal court information can be amended by adding to or altering the factual allegations contained therein; application of CPL 100.45 and People v Easton (307 NY 336, 338 [1954]); date on which crime allegedly took place had not yet occurred when information was filed.

Matter of Marian T. (Lauren R.) (No. 49)

APL-2019-52

Adoption—Adoption of Adult—Whether Surrogates' Court had discretion to dispense with adult adoptee's consent in adoption proceeding; petitioners commenced proceeding to adopt 64-year old woman with severe intellectual disabilities, who resided in petitioners' family care home; construction of Domestic Relations Law § 111(1)(a).

WENESDAY, SEPTEMBER 9

Chavez v Occidental Chemical Corporation (No. 39)

CTQ-2019-3

Actions—Class Actions—Whether New York law recognizes cross-jurisdictional class action tolling.

People v Batticks (No. 41)

APL-2019-24

Crimes—Jurors—Challenge to trial court's handling of situation involving juror who made an outburst during cross-examination of a witness by co-defendant's counsel—whether trial court erred in failing to conduct an inquiry of the juror pursuant to People v Buford (69 NY2d 290).

People v Robin Pena (No. 45)

APL-2019-101

Crimes--Unlawful Search and Seizure--Whether police officer made objectively reasonable mistake of law in stopping defendant's vehicle, which had working brake lights on right and left sides as required by Vehicle and Traffic Law § 375(40)(b), but defective center brake light, which is not a traffic violation.

Matter of Hon. Richard H. Miller, II (No. 61)

JCR-2020-03

Judges—Disciplinary Proceeding—Review of Determination of State Commission on Judicial Conduct recommending removal of Judge of Family Court, Broome County.

THURSDAY, SEPTEMBER 10

CNH Diversified Opportunities Master Account, L.P. v Cleveland Unlimited, Inc. (No. 42)

APL-2019-31

Secured Transactions--Security Agreements--Whether Supreme Court properly dismissed plaintiffs' breach of contract claim based on parties' indenture, which tracked the language of section 316(b) of the Trust Indenture Act of 1939 (15 USC § 77ppp[b]) and provided that bondholder's right to receive payment or to bring enforcement suit shall not be impaired without holder's consent; whether collateral trustee was authorized pursue default remedy of strict foreclosure.

Hewitt v Palmer Veterinary Clinic (No. 28)

APL-2019-00050

Animals--Knowledge of Vicious Propensity--Whether strict liability rule applies where plaintiff seeks to recover from a defendant who maintained the premises where the injury occurred but did not own the animal that caused the injury; plaintiff attacked by another patron's dog at defendant veterinarian's office.

Lynch v City of New York (No. 44)

APL-2019-32

Civil Service—Retirement and Pension Benefits—Whether police officers employed by the New York City Police Department who are tier 3 and tier 3 revised plan members of the New York City Police Pension Fund are eligible for the child care leave credit set forth in Administrative Code § 13-218(h); summary judgment; declaratory judgment.

People v Reginald Goldman (No. 62)

APL-2019-137

Crimes—Search Warrant—DNA Evidence—Whether DNA evidence obtained as a result of an ex parte search warrant application made when the defendant was incarcerated on a separate matter was properly admitted into evidence at trial; Crimes—Evidence—Whether a YouTube video was properly authenticated.