

CASE ISSUE STATEMENTS – OCTOBER 2022

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, OCTOBER 18

Delgado v State of New York (No. 83)

APL-2021-80

Constitutional Law—Validity of Statute— Whether Part HHH of Chapter 59 of the Laws of 2018 violates the New York State Constitution.

Federal National Mortgage v Jeanty (No. 84)

APL 2021-151

Limitations of Actions—Whether defendants' payments under a Home Affordable Modification Trial Period Plan reset the statute of limitations in this mortgage foreclosure action pursuant to General Obligations Law § 17-101 or § 17-107.

WEDNESDAY, OCTOBER 19

Worthy Lending v New Style Contractors (No. 86)

APL-2022-04

Pleading—Sufficiency of Pleading—Whether plaintiff stated a cause of action against defendant pursuant to UCC 9-607; whether a secured creditor who does not acquire an assignment may invoke UCC 9-406 to trigger account debtor's obligation to pay the secured party rather than debtor.

Everhome Mortgage v Aber (No. 85)

APL-2021-130

Limitations of Actions—Whether the courts below properly determined that the foreclosure action was time-barred.

People v Luis Jimenez (No. 88)

APL 2021-29

Crimes—Justification—Whether the Appellate Division properly concluded that there was no reasonable view of the evidence warranting an instruction on the defense of justification under Penal Law 35.05 (2), such that the grand jury proceeding was not defective within the meaning of CPL 210.35 (5); defendant allegedly struck dog with stick during altercation.

THURSDAY, OCTOBER 20

Maldovan v County of Erie (No. 90)

APL 2021-165

Municipal Corporations—Tort Liability—Whether defendant County was properly granted summary judgment on the ground that no special duty existed; whether defendants County and Sheriff were properly granted summary judgment on grounds of governmental function immunity; whether defendants County and Sheriff could be held vicariously liable for the acts of deputy sheriffs.

Howell v City of New York (No. 91)

APL 2021-149

Municipal Corporations—Tort Liability—Special Relationship—Whether the Appellate Division properly granted summary judgment in favor of defendants on the ground that defendants established their prima facie entitlement to judgment as a matter of law by establishing the lack of a special relationship between them and plaintiff and plaintiff failed to raise a triable issue in opposition; whether the Appellate Division properly held that plaintiff's alternative contention that defendants violated a statutory duty owed to plaintiff was without merit.

People v Ronald K. Johnson (No. 74)

APL-2021-142

Crimes—Right to Speedy Trial—Whether defendant's due process rights were violated by nearly eight-year preindictment delay; defense to crime to which defendant pleaded guilty, a strict liability crime, was not prejudiced by preindictment delay; defendant also asserted preindictment delay deprived him of ability to negotiate a sentence that would have run concurrently with a prior unrelated burglary sentence.