

CASE ISSUE STATEMENTS – JUNE 2018

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, JUNE 5

Matter of the People v Juarez; Robles (No. 58)

APL-2017-00057

Appeal--Matters Appealable--Whether an order resolving a nonparty's motion to quash a subpoena in a pending criminal action is appealable; crimes--disclosure--Shield Law-- whether the People made a clear and specific showing that disclosure sought from reporter is critical and necessary to the People's proof of a material issue so as to overcome the qualified protection for the reporter's nonconfidential material; application of Civil Rights Law section 79-h(c).

People v Lawrence Parker (No. 35)

APL-2016-00050

Crimes--Appeal--Mode of Proceedings Error--Whether trial court's failure to provide notice of contents of two jury notes constituted a mode of proceedings error; Unlawful Search and Seizure-- Whether the record supports the conclusion that defendant actively fled from police, thus elevating the level of suspicion under People v DeBour (40 NY2d 210) to reasonable suspicion.

People v Mark Nonni (No. 36)

APL-2016-00076

Crimes--Appeal--Mode of Proceedings Error--Whether trial court's failure to provide notice of contents of two jury notes constituted a mode of proceedings error; Unlawful Search and Seizure--Whether police had a founded suspicion of criminality justifying a level two inquiry under People v DeBour (40 NY2d 210)--whether the level of suspicion was elevated to reasonable suspicion when defendant fled, justifying pursuit and an investigative detention; whether police were justified in conducting a protective search of defendant's bag and person.

People v William Morrison (No. 37)

APL-2017-00105

Crimes--Appeal--Mode of Proceedings Error--Whether a jury note constituted a substantive inquiry, thereby implicating the procedure required under People v O'Rama (78 NY2d 270 [1991]); application of CPL 310.30; whether a reconstruction hearing is appropriate where the record is ambiguous as to whether the court provided counsel with notice of a substantive jury note.

WEDNESDAY, JUNE 6

People v Steven Myers (No. 78)

APL-2017-00157

Crimes--Indictment--Waiver of indictment by grand jury--Whether the trial court failed to protect defendant's rights by not speaking with him prior to entering his guilty plea to ensure defendant understood the written waiver document he had signed.

Garcia v New York City Department of Health and Mental Hygiene (No. 64)

APL-2017-00023

Health--CPLR article 78 proceeding and declaratory judgment action seeking to permanently enjoin defendants-respondents from implementing and enforcing amendments to the New York City Health Code mandating that children attending certain child care, pre-kindergarten, and kindergarten programs receive an annual influenza vaccine--whether the New York City Board of Health's regulations exceeded the limit of its authority, thereby violating the separation of powers doctrine.

Ambac Assurance Corporation v Countrywide Home Loans (No. 79)

APL-2017-00156

Fraud--Fraud in Inducement--Alleged fraudulent inducement to issue financial guaranty insurance policies for residential mortgage-backed securitizations--elements to establish cause of action for fraudulent inducement--justifiable reliance--applicability of Insurance Law § 3105; recovery of claims payments made by insurer--contractual repurchase protocol; recovery of attorneys' fees; summary judgment.

Stega v New York Downtown Hospital (No. 80)

APL-2017-00065

Libel and Slander--Privilege--Whether statements made by defendants to a Food and Drug Administration investigator during the course of an investigation into the hospital's institutional review board are protected by an absolute privilege in an action for defamation.

THURSDAY, JUNE 7

West Midtown Management Group, Inc. v State of New York (No. 81)

APL-2016-00212

Proceeding Against Body or Officer--Certiorari--CPLR article 78 proceeding seeking a judgment declaring what sum the Office of Medicaid Inspector General is entitled to seek as repayment under a final audit report--Medicaid reimbursement overpayment liability.

Matter of Waite v Town of Champion (No. 82)

APL-2017-00117

Municipal Corporations--Fire Districts--Dissolution--Whether respondent Town's dissolution plan for a fire protection district complied with General Municipal Law article 17-A.

People v William Harris (No. 83)

APL-2017-00050

Crimes--Right to Counsel--Whether the trial court's refusal to allow summations at the conclusion of a bench trial in a local criminal court deprived defendant of his constitutional right to the assistance of counsel; constitutionality of CPL 350.10(3)(c).

Matter of Anonymous v Molik (No. 77)

APL-2017-00051

Proceeding Against Body or Officer--Certiorari--CPLR article 78 proceeding to review respondent's determination denying petitioner intermediate health care facility to amend and seal the New York State Justice Center for the Protection of People with Special Needs' substantiated allegation of neglect against petitioner made pursuant to Social Services Law § 493--whether Social Services Law § 493 authorizes the Justice Center to substantiate a finding of neglect against a facility where the Justice Center determines that systemic conditions at the facility gave rise to an incident of neglect but the employees identified as the subjects of the initial report alleging neglect bear no individual responsibility for the incident; whether the Appellate Division erred in granting petitioner anonymity and so amending the caption of the proceeding.

5/2/18