

CASE ISSUE STATEMENTS – APRIL-MAY 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, APRIL 28

Chavez v Occidental Chemical Corporation

CTQ-2019-3

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

Trustees of Columbia Univ. v D'Agostino Supermarkets

APL-2019-89

Damages--Liquidated Damages--Whether liquidated damages provision of a commercial lease surrender agreement was enforceable.

People v Batticks

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).

WEDNESDAY, APRIL 29

CNH Diversified Opportunities Master Account, L.P. v Cleveland Unlimited, Inc.

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 to pursue default remedy of strict foreclosure.

Matter of Luis S.

APL-2018-229

Crimes--Sex Offenders--Proceeding pursuant to Mental Hygiene Law article 10 seeking an order discharging petitioner or releasing him to the community under a regimen of strict and intensive supervision and treatment after service of his sentence for a sex offense—claim by petitioner that reliance on a diagnosis of “Unspecified Paraphilic Disorder” to support a judicial finding of mental abnormality violated his due process rights; whether the finding of mental abnormality was against the weight of the evidence

Lynch v City of New York

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.

TUESDAY, MAY 5

People v Robin Pena

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.

People v Robert Hinshaw

APL-2019-115

Crimes--Unlawful Search and Seizure--Whether the police had reasonable suspicion to stop defendant's vehicle; officer checked Department of Motor Vehicles (DMV) computer records for the vehicle's license plate number, which revealed that the car had been impounded and therefore should have been located on an impound lot; DMV report stated that it "should not be treated as a stolen vehicle hit" and "[n]o further action should be taken based solely upon this impounded response."

People v Limmia Page

APL-2019-74

Crimes--Unlawful Search and Seizure-- Whether marine interdiction agent with the U.S. Customs and Border Protection Air and Marine Operations effected a valid citizen's arrest of defendant (CPL 140.30); whether evidence seized as a result of an invalid citizen's arrest is subject to suppression.

WEDNESDAY, MAY 6

People v Edward Hardy

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.

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).