

TABLE OF CASES

A

- Abbott Laboratories v. Gardner, 387 U.S. 136, 87 S.Ct. 1507, 18 L.Ed.2d 681 (1967)—§ **7.6**; § **7.6, n. 3**.
- Abdur-Raheem v. Mann, 623 N.Y.S.2d 758, 647 N.E.2d 1266 (N.Y.1995)—§ **3.7, n. 15**.
- Abedi, People v., 156 Misc.2d 904, 595 N.Y.S.2d 1011 (N.Y.Sup.1993)—§ **9.11, n. 5**.
- Abrams v. Public Service Com'n of State of N.Y., 472 N.Y.S.2d 621, 460 N.E.2d 1106 (N.Y.1984)—§ **1.1, n. 6**.
- Abrams v. Thruway Food Market & Shopping Center, Inc., 147 A.D.2d 143, 541 N.Y.S.2d 856 (N.Y.A.D. 2 Dept.1989)—§ **6.3, n. 6**.
- Abreu v. Coughlin, 161 A.D.2d 844, 555 N.Y.S.2d 889 (N.Y.A.D. 3 Dept.1990)—§ **4.18, n. 14**.
- Achatz v. New York State and Local Police and Fire Retirement System, 239 A.D.2d 857, 657 N.Y.S.2d 521 (N.Y.A.D. 3 Dept.1997)—§ **3.7, n. 6**.
- Acosta v. Wollett, 447 N.Y.S.2d 241, 431 N.E.2d 966 (N.Y.1981)—§ **8.5, n. 43**.
- Adesso v. Sharpe, 408 N.Y.S.2d 8, 379 N.E.2d 1138 (N.Y.1978)—§ **5.13, n. 48**.
- Adelphi University v. Board of Regents of State of N.Y., 170 Misc.2d 135, 647 N.Y.S.2d 678 (N.Y.Sup.1996)—§ **3.2, n. 16**.
- Adelphi University v. Board of Regents of the State of N.Y., 229 A.D.2d 36, 652 N.Y.S.2d 837 (N.Y.A.D. 3 Dept.1997)—§ **5.5, n. 17**.
- Adler v. New York State Teachers' Retirement System, 188 A.D.2d 732, 590 N.Y.S.2d 930 (N.Y.A.D. 3 Dept.1992)—§ **8.13, n. 20**.
- Advanced Refractory Technologies, Inc. v. Power Authority of State of N.Y., 603 N.Y.S.2d 285, 623 N.E.2d 6 (N.Y.1993)—§ **5.8, n. 4**.
- Aeschliman v. United States Nuclear Regulatory Commission, 547 F.2d 622, 178 U.S.App. D.C. 325 (D.C.Cir.1976)—§ **4.1, n. 5**.
- Aguayo v. New York State Div. of Housing and Community Renewal, 150 A.D.2d 565, 541 N.Y.S.2d 133 (N.Y.A.D. 2 Dept.1989)—§ **12.7, n. 31**.
- A.J. & Taylor Restaurant, Inc. v. New York State Liquor Authority, 214 A.D.2d 727, 625 N.Y.S.2d 623 (N.Y.A.D. 2 Dept.1995)—§ **3.7, n. 15**.
- Akpan v. Koch, 555 N.Y.S.2d 16, 554 N.E.2d 53 (N.Y.1990)—§ **9.18, n. 7**.
- A.L.A. Schechter Poultry Corporation v. United States, 295 U.S. 495, 55 S.Ct. 837, 79 L.Ed. 1570 (1935)—§ **5.3, n. 4**; § **5.5, n. 3**.
- Albany-Binghamton Exp., Inc. v. Borden, Inc., 192 A.D.2d 887, 596 N.Y.S.2d 577 (N.Y.A.D. 3 Dept.1993)—§ **7.8, n. 14**.
- Albany, City of v. Albany Professional Permanent Firefighters Ass'n, 66 Misc.2d 822, 322 N.Y.S.2d 513 (N.Y.Sup.1971)—§ **6.3, n. 1**.
- Alcoma Corp. v. New York State Div. of Housing and Community Renewal, 580 N.Y.S.2d 181, 588 N.E.2d 79 (N.Y.1992)—§ **12.5, n. 4**; § **12.27, n. 2**.
- Alfredo Nurseries, Inc., Matter of, 1996 WL 566288 (N.Y.Dept.Env.Conserv.1996)—§ **15.31, n. 9**; § **15.33, n. 6, 7, 8**.
- Ali Enterprises v. Rabain, N.Y.L.J., 6/18/90, p. 28, col. 3 (Civ.Ct., Bronx County)—§ **12.11, n. 5**.
- Allen v. Blum, 85 A.D.2d 228, 448 N.Y.S.2d 163 (N.Y.A.D. 1 Dept.1982)—§ **2.2, n. 4**.
- Allen v. Howe, 621 N.Y.S.2d 287, 645 N.E.2d 720 (N.Y.1994)—§ **8.3, n. 42**.
- Allen v. Wright, 468 U.S. 737, 104 S.Ct. 3315, 82 L.Ed.2d 556 (1984)—§ **7.3, n. 6, 45**.
- Allied Chemical, an Operating Unit of Allied Corp. v. Niagara Mohawk Power Corp., 532 N.Y.S.2d 230, 528 N.E.2d 153 (N.Y.1988)—§ **3.23, n. 2**; § **4.21, n. 11**.
- Allied-Signal, Inc. v. Director, Div. of Taxation, 504 U.S. 768, 112 S.Ct. 2251, 119 L.Ed.2d 533 (1992)—§ **16.8, n. 3**.
- Allstate Ins. Co. v. Stewart, 329 N.Y.S.2d 102, 279 N.E.2d 858 (N.Y.1972)—§ **8.12**; § **8.12, n. 7**.

TABLE OF CASES

- Allstate Ins. Co. v. Tax Com'n, 502 N.Y.S.2d 1004, 494 N.E.2d 109 (N.Y.1986)—§ **16.64**, n. **4**.
- Almedia v. State, 70 A.D.2d 712, 416 N.Y.S.2d 443 (N.Y.A.D. 3 Dept.1979)—§ **8.9**, n. **28**.
- Al Tech Specialty Steel Corp. v. New York State Dept. of Taxation and Finance, 130 A.D.2d 84, 518 N.Y.S.2d 62 (N.Y.A.D. 3 Dept.1987)—§ **4.3**, n. **3**; § **4.6**, n. **7**; § **15.35**, n. **7**.
- Aluminum Co. of America, United States v., 824 F.Supp. 640 (E.D.Tex.1993)—§ **11.8**, n. **5**.
- Alvarado v. State of New York, 110 A.D.2d 583, 488 N.Y.S.2d 177 (N.Y.A.D. 1 Dept.1985)—§ **3.4**; § **3.4**, n. **16**; § **3.8**; § **3.8**, n. **5**.
- Alvarez v. Abate, 198 A.D.2d 142, 603 N.Y.S.2d 851 (N.Y.A.D. 1 Dept.1993)—§ **8.7**, n. **13**.
- Amato v. Ward, 52 A.D.2d 945, 383 N.Y.S.2d 891 (N.Y.A.D. 2 Dept.1976)—§ **2.5**, n. **10**, **17**.
- Amber Rock Pharmacy, Inc. v. Axelrod, 111 A.D.2d 848, 490 N.Y.S.2d 783 (N.Y.A.D. 2 Dept.1985)—§ **3.12**, n. **9**.
- American Airlines, Inc. v. C. A. B., 359 F.2d 624, 123 U.S.App.D.C. 310 (D.C.Cir.1966)—§ **4.1**, n. **48**.
- American Auto. Plan, Inc. v. Corcoran, 166 A.D.2d 215, 560 N.Y.S.2d 435 (N.Y.A.D. 1 Dept.1990)—§ **3.7**, n. **4**.
- American Broadcasting Companies, Inc. v. Siebert, 110 Misc.2d 744, 442 N.Y.S.2d 855 (N.Y.Sup.1981)—§ **5.11**; § **5.11**, n. **40**.
- American Cyanamid Co. v. F. T. C., 363 F.2d 757 (6th Cir.1966)—§ **3.20**, n. **1**.
- American Federation of Government Emp., AFL-CIO v. Block, 655 F.2d 1153, 210 U.S.App.D.C. 336 (D.C.Cir.1981)—§ **4.5**, n. **12**.
- American Soc. for Prevention of Cruelty to Animals v. Board of Trustees of State University of New York, 184 A.D.2d 508, 584 N.Y.S.2d 198 (N.Y.A.D. 2 Dept.1992)—§ **5.10**, n. **9**.
- American Soc. for Prevention of Cruelty to Animals v. Board of Trustees of State University of New York, 582 N.Y.S.2d 983, 591 N.E.2d 1169 (N.Y.1992)—§ **5.13**; § **5.13**, n. **8**.
- American Tel. & Tel. Co. v. New York State Dept. of Taxation and Finance, 614 N.Y.S.2d 366, 637 N.E.2d 257 (N.Y.1994)—§ **16.64**, n. **3**.
- Amsterdam, City of v. Helsby, 371 N.Y.S.2d 404, 332 N.E.2d 290 (N.Y.1975)—§ **5.5**, n. **14**.
- Amsterdam Nursing Home Corp. v. Commissioner of New York State Dept. of Health, 192 A.D.2d 945, 596 N.Y.S.2d 877 (N.Y.A.D. 3 Dept.1993)—§ **7.9**, n. **29**.
- Anaconda Co. v. Ruckelshaus, 482 F.2d 1301 (10th Cir.1973)—§ **4.1**, n. **45**.
- Anderson v. Bane, 199 A.D.2d 708, 606 N.Y.S.2d 339 (N.Y.A.D. 3 Dept.1993)—§ **6.3**, n. **24**.
- Anderson v. Suffolk County, 97 A.D.2d 448, 467 N.Y.S.2d 659 (N.Y.A.D. 2 Dept.1983)—§ **8.12**, n. **21**.
- Angelo v. Ross, 78 A.D.2d 572, 432 N.Y.S.2d 262 (N.Y.A.D. 3 Dept.1980)—§ **3.8**, n. **2**.
- Anthony L. Jordan Health Corp. v. Axelrod, 502 N.Y.S.2d 717, 493 N.E.2d 941 (N.Y.1986)—§ **3.1**, n. **13**; § **4.1**, n. **39**.
- Apfelbaum, United States v., 445 U.S. 115, 100 S.Ct. 948, 63 L.Ed.2d 250 (1980)—§ **6.3**, n. **28**.
- Appeal of (see name of party)**
- Applegate v. Coombe, 237 A.D.2d 836, 656 N.Y.S.2d 949 (N.Y.A.D. 3 Dept.1997)—§ **3.7**, n. **1**.
- Application of (see name of party)**
- Arancibia v. Berry, 603 F.Supp. 931 (S.D.N.Y.1985)—§ **8.10**, n. **16**.
- Ardito v. New York State Div. of Housing and Community Renewal, 214 A.D.2d 613, 625 N.Y.S.2d 85 (N.Y.A.D. 2 Dept.1995)—§ **12.5**, n. **4**.
- Ardor Management Corp. v. Division of Housing and Community Renewal of State of N.Y., 104 A.D.2d 984, 480 N.Y.S.2d 903 (N.Y.A.D. 2 Dept.1984)—§ **12.1**, n. **20**.
- Argo Corp. v. New York State Div. of Housing and Community Renewal, 191 A.D.2d 341, 595 N.Y.S.2d 760 (N.Y.A.D. 1 Dept.1993)—§ **12.5**, n. **7**.
- Arimento v. McCall, 211 A.D.2d 958, 621 N.Y.S.2d 409 (N.Y.A.D. 3 Dept.1995)—§ **3.12**, n. **2**.
- Arkwright Mut. Ins. Co. v. National Union Fire Ins. Co. of Pennsylvania, 148 F.R.D. 552 (S.D.W.Va.1993)—§ **11.2**, n. **20**.
- Armstrong v. Centerville Fire Co., 195 A.D.2d 723, 599 N.Y.S.2d 939 (N.Y.A.D. 3 Dept.1993)—§ **8.13**, n. **26**.
- Arnold Tours, Inc. v. Camp, 400 U.S. 45, 91 S.Ct. 158, 27 L.Ed.2d 179 (1970)—§ **7.3**, n. **11**.
- Arnot-Ogden Memorial Hosp. v. Axelrod, 95 A.D.2d 947, 463 N.Y.S.2d 927 (N.Y.A.D. 3 Dept.1983)—§ **14.53**, n. **8**.

TABLE OF CASES

- Arteaga v. State, 532 N.Y.S.2d 57, 527 N.E.2d 1194 (N.Y.1988)—§ 8.9; § 8.9, n. 22, 25; § 8.10; § 8.10, n. 47.
- Asen Bros. & Brook v. Leventhal, 444 N.Y.S.2d 58, 428 N.E.2d 390 (N.Y.1981)—§ 8.6, n. 16.
- Association of Data Processing Service Organizations, Inc. v. Board of Governors of Federal Reserve System, 745 F.2d 677, 240 U.S.App.D.C. 301 (D.C.Cir.1984)—§ 8.2, n. 26.
- Association of Data Processing Service Organizations, Inc. v. Camp, 397 U.S. 150, 90 S.Ct. 827, 25 L.Ed.2d 184 (1970)—§ 7.3, n. 6.
- Association of Nat. Advertisers, Inc. v. F. T. C., 627 F.2d 1151, 201 U.S.App.D.C. 165 (D.C.Cir.1979)—§ 4.19, n. 17.
- Association of Pacific Fisheries v. E.P.A., 615 F.2d 794 (9th Cir.1980)—§ 10.8, n. 6.
- Association of Surrogate and Supreme Court Reporters Within City of New York v. Bartlett, 388 N.Y.S.2d 882, 357 N.E.2d 353 (N.Y.1976)—§ 8.2, n. 16.
- Association of Surrogates and Supreme Court Reporters Within City of New York v. State, 573 N.Y.S.2d 19, 577 N.E.2d 10 (N.Y.1991)—§ 13.11, n. 14.
- Atkins v. Guest, 201 A.D.2d 411, 607 N.Y.S.2d 655 (N.Y.A.D. 1 Dept.1994)—§ 6.3, n. 10.
- Atkins v. Parker, 472 U.S. 115, 105 S.Ct. 2520, 86 L.Ed.2d 81 (1985)—§ 2.3, n. 1.
- Atlantic Beach v. Gavalas, 599 N.Y.S.2d 218, 615 N.E.2d 608 (N.Y.1993)—§ 9.6, n. 2.
- Atlantic States Legal Foundation, Inc. v. Eastman Kodak Co., 12 F.3d 353 (2nd Cir.1993)—§ 9.11, n. 6; § 15.8, n. 4.
- Atco Metals Industries, Inc., People v., 122 Misc.2d 689, 471 N.Y.S.2d 498 (N.Y.Co.Ct. 1984)—§ 4.20, n. 16.
- Aurelia Osborn Fox Memorial Hosp. v. Axelrod, 103 A.D.2d 509, 481 N.Y.S.2d 800 (N.Y.A.D. 3 Dept.1984)—§ 4.20, n. 31, 41.
- Austin v. Board of Higher Ed. of City of New York, 186 N.Y.S.2d 1, 158 N.E.2d 681 (N.Y.1959)—§ 8.14, n. 3.
- Austin v. Purcell, 103 A.D.2d 827, 478 N.Y.S.2d 64 (N.Y.A.D. 2 Dept.1984)—§ 5.11, n. 46.
- Avon Furniture Leasing, Inc. v. Popolizio, 116 A.D.2d 280, 500 N.Y.S.2d 1019 (N.Y.A.D. 1 Dept.1986)—§ 12.5, n. 6.

B

- Baker v. Carr, 369 U.S. 186, 82 S.Ct. 691, 7 L.Ed.2d 663 (1962)—§ 2.5, n. 6.
- Ball v. Jones, 43 A.D.2d 281, 351 N.Y.S.2d 199 (N.Y.A.D. 4 Dept.1974)—§ 3.6, n. 11.
- Barbee v. Office of Vocational and Educational Services for Individuals with Disabilities of the New York State Educ. Dept., 234 A.D.2d 646, 650 N.Y.S.2d 488 (N.Y.A.D. 3 Dept.1996)—§ 8.5, n. 46.
- Barnhill v. Coombe, 239 A.D.2d 719, 657 N.Y.S.2d 492 (N.Y.A.D. 3 Dept.1997)—§ 8.19, n. 19.
- Barone, State v., 547 N.Y.S.2d 269, 546 N.E.2d 398 (N.Y.1989)—§ 15.30, n. 4.
- Barr v. Department of Consumer Affairs of City of New York, 523 N.Y.S.2d 435, 517 N.E.2d 1321 (N.Y.1987)—§ 8.7, n. 13.
- Barsky v. Board of Regents of University of New York, 305 N.Y. 89, 111 N.E.2d 222 (N.Y.1953)—§ 8.7, n. 3.
- Barton Trucking Corp. v. O'Connell, 197 N.Y.S.2d 138, 165 N.E.2d 163 (N.Y.1959)—§ 9.10, n. 2.
- Bauer v. New York State Div. of Housing and Community Renewal, 225 A.D.2d 410, 640 N.Y.S.2d 492 (N.Y.A.D. 1 Dept.1996)—§ 12.7, n. 14, 31.
- Bayview Hotel, Inc. v. Temporary State Housing Rent Commission, 240 N.Y.S.2d 585, 191 N.E.2d 76 (N.Y.1963)—§ 12.2, n. 3.
- Beef Nebraska, Inc. v. United States, 807 F.2d 712 (8th Cir.1986)—§ 3.5, n. 2.
- Beer Garden, Inc. v. New York State Liquor Authority, 582 N.Y.S.2d 65, 590 N.E.2d 1193 (N.Y.1992)—§ 5.3, n. 17; § 9.15, n. 9; § 9.17, n. 5, 15; § 11.15, n. 2.
- Belscher v. New York State Teachers' Retirement System, 45 A.D.2d 206, 357 N.Y.S.2d 241 (N.Y.A.D. 4 Dept.1974)—§ 8.9, n. 38.
- Belth v. Insurance Dept., 95 Misc.2d 18, 406 N.Y.S.2d 649 (N.Y.Sup.1977)—§ 5.11; § 5.11, n. 29.
- Bender v. New York City Health & Hospitals Corp., 382 N.Y.S.2d 18, 345 N.E.2d 561 (N.Y.1976)—§ 5.8; § 5.8, n. 11.
- Benson Realty Corp. v. Beame, 431 N.Y.S.2d 475, 409 N.E.2d 948 (N.Y.1980)—§ 12.1, n. 20.

TABLE OF CASES

- Berard, *People v.*, 112 A.D.2d 470, 490 N.Y.S.2d 884 (N.Y.A.D. 3 Dept.1985)—§ **3.16, n. 4**.
- Berenhaus v. Ward, 522 N.Y.S.2d 478, 517 N.E.2d 193 (N.Y.1987)—§ **3.12, n. 6; § 3.16, n. 6; § 8.2, n. 44; § 8.4, n. 1; § 8.5; § 8.5, n. 32, 34, 47; § 8.7; § 8.7, n. 13**.
- Berges v. Chassin, 216 A.D.2d 698, 627 N.Y.S.2d 855 (N.Y.A.D. 3 Dept.1995)—§ **14.52, n. 4**.
- Berkovitz by Berkovitz v. United States, 486 U.S. 531, 108 S.Ct. 1954, 100 L.Ed.2d 531 (1988)—§ **8.9, n. 1**.
- Berman Enterprises, Inc. v. Jorling, 793 F.Supp. 408 (E.D.N.Y.1992)—§ **9.15, n. 5; § 15.12, n. 3; § 15.33, n. 8**.
- Berman Enterprises, Inc., Matter of, 1991 WL 94057 (N.Y.Dept.Env.Conserv.1991)—§ **15.33, n. 8**.
- Bernardine v. City of New York, 294 N.Y. 361, 62 N.E.2d 604 (N.Y.1945)—§ **8.9, n. 9, 37**.
- Bernstein v. Toia, 402 N.Y.S.2d 342, 373 N.E.2d 238 (N.Y.1977)—§ **8.8; § 8.8, n. 41**.
- Bezar v. New York State Dept. of Social Services, 151 A.D.2d 44, 546 N.Y.S.2d 195 (N.Y.A.D. 3 Dept.1989)—§ **2.5, n. 23, 30**.
- Bezerra v. County of Nassau, 846 F.Supp. 214 (E.D.N.Y.1994)—§ **8.17, n. 14**.
- B. F. Goodrich Co. v. Department of Transp., 541 F.2d 1178 (6th Cir.1976)—§ **4.7, n. 3**.
- B & G Diversified, Inc., Matter of, 1993 WL 547181 (N.Y.Dept.Env.Conserv.1993)—§ **15.36, n. 6**.
- Big Apple Food Vendors' Ass'n v. Street Vendor Review Panel, 660 N.Y.S.2d 846, 683 N.E.2d 752 (N.Y.1997)—§ **5.3, n. 31**.
- Bi-Metallic Inv. Co. v. State Bd. of Equalization, 239 U.S. 441, 36 S.Ct. 141, 60 L.Ed. 372 (1915)—§ **2.3; § 2.3, n. 4**.
- Binghamton-Johnson City Joint Sewage Bd. v. New York State Dept. of Environmental Conservation, 159 A.D.2d 887, 553 N.Y.S.2d 523 (N.Y.A.D. 3 Dept.1990)—§ **4.3, n. 36; § 4.10; § 4.10, n. 35; § 4.11, n. 12**.
- Biondo v. New York State Bd. of Parole, 470 N.Y.S.2d 130, 458 N.E.2d 371 (N.Y.1983)—§ **8.13, n. 31**.
- Bio-Tech Mills, Inc. v. Williams, 105 A.D.2d 301, 484 N.Y.S.2d 292 (N.Y.A.D. 3 Dept. 1985)—§ **3.12, n. 9; § 9.15, n. 5**.
- Biswell, *United States v.*, 406 U.S. 311, 92 S.Ct. 1593, 32 L.Ed.2d 87 (1972)—§ **6.2, n. 1, 10**.
- Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388, 91 S.Ct. 1999, 29 L.Ed.2d 619 (1971)—§ **6.2, n. 50; § 8.10, n. 2**.
- Bivins v. Helsby, 55 A.D.2d 230, 389 N.Y.S.2d 917 (N.Y.A.D. 3 Dept.1976)—§ **13.20, n. 7**.
- Black v. Davis, N.Y.L.J., 4/26/95, p. 32, col. 2 (Sup.Ct., Kings County)—§ **12.9, n. 13, 15**.
- Blackman, *People v.*, 110 A.D.2d 596, 488 N.Y.S.2d 395 (N.Y.A.D. 1 Dept.1985)—§ **3.16, n. 4**.
- Bliet v. Town of Webster, 104 Misc.2d 852, 429 N.Y.S.2d 811 (N.Y.Sup.1980)—§ **5.13, n. 39**.
- Block v. Ambach, 540 N.Y.S.2d 6, 537 N.E.2d 181 (N.Y.1989)—§ **3.4; § 3.4, n. 12, 21**.
- Block v. Community Nutrition Institute, 467 U.S. 340, 104 S.Ct. 2450, 81 L.Ed.2d 270 (1984)—§ **7.3, n. 11**.
- Bloom v. Division of Housing and Community Renewal of State of N.Y., 138 Misc.2d 523, 524 N.Y.S.2d 1014 (N.Y.Sup.1988)—§ **12.19, n. 3, 13; § 12.23, n. 13; § 12.25; § 12.25, n. 2**.
- Blum v. Yaretsky, 457 U.S. 991, 102 S.Ct. 2777, 73 L.Ed.2d 534 (1982)—§ **2.2, n. 6**.
- BMP Contracting Corp. v. City of New York Environmental Control Bd., 202 A.D.2d 223, 608 N.Y.S.2d 447 (N.Y.A.D. 1 Dept.1994)—§ **7.9, n. 3**.
- Board of Assessors v. Cromarty, 157 A.D.2d 721, 549 N.Y.S.2d 816 (N.Y.A.D. 2 Dept. 1990)—§ **7.7, n. 17; § 8.2, n. 42**.
- Board of County Com'rs of Bryan County, Okl. v. Brown, — U.S. —, 117 S.Ct. 1382, 137 L.Ed.2d 626 (1997)—§ **8.10; § 8.10, n. 21**.
- Board of Educ. for the City School Dist. of the City of Buffalo v. Buffalo Teachers Federation, Inc., 653 N.Y.S.2d 250, 675 N.E.2d 1202 (N.Y.1996)—§ **13.11, n. 11**.
- Board of Educ. of City School Dist. of City of New York v. New York State Public Employment Relations Bd., 555 N.Y.S.2d 659, 554 N.E.2d 1247 (N.Y.1990)—§ **8.3, n. 34**.
- Board of Educ. of Union-Endicott Cent. School Dist. v. New York State Public Employment Relations Bd., 233 A.D.2d 602, 649 N.Y.S.2d 523 (N.Y.A.D. 3 Dept.1996)—§ **3.6, n. 4; § 13.20, n. 3; § 13.36, n. 2**.

TABLE OF CASES

- Board of Educ. of Union–Endicott Cent. School Dist. v. New York State Public Employment Relations Bd., 168 Misc.2d 284, 640 N.Y.S.2d 997 (N.Y.Sup.1996)—§ **3.6, n. 2.**
- Board of Pardons v. Allen, 482 U.S. 369, 107 S.Ct. 2415, 96 L.Ed.2d 303 (1987)—§ **2.5, n. 17.**
- Board of Regents of State Colleges v. Roth, 408 U.S. 564, 92 S.Ct. 2701, 33 L.Ed.2d 548 (1972)—§ **2.6; § 2.6, n. 1, 11, 12; § 2.7; § 2.7, n. 1.**
- Board of Visitors—Marcy Psychiatric Center v. Coughlin, 466 N.Y.S.2d 668, 453 N.E.2d 1085 (N.Y.1983)—§ **8.6, n. 14.**
- Boling v. Rockefeller, 52 Misc.2d 745, 277 N.Y.S.2d 168 (N.Y.Sup.1967)—§ **4.17, n. 4; § 4.20, n. 44.**
- Bonner v. City of New York, 539 N.Y.S.2d 728, 536 N.E.2d 1147 (N.Y.1989)—§ **8.9.**
- Borders v. Nassau County Dept. of Social Services, 34 A.D.2d 805, 311 N.Y.S.2d 746 (N.Y.A.D. 2 Dept.1970)—§ **7.9, n. 40.**
- Boreali v. Axelrod, 523 N.Y.S.2d 464, 517 N.E.2d 1350 (N.Y.1987)—§ **1.1, n. 4; § 5.3; § 5.3, n. 2, 14; § 8.3; § 8.3, n. 1, 22, 36; § 10.19; § 10.19, n. 2.**
- Boryszewski v. Brydges, 372 N.Y.S.2d 623, 334 N.E.2d 579 (N.Y.1975)—§ **7.3, n. 22; § 7.5; § 7.5, n. 3.**
- Boston Stock Exchange v. State Tax Commission, 429 U.S. 318, 97 S.Ct. 599, 50 L.Ed.2d 514 (1977)—§ **7.3, n. 11.**
- Bowen v. Georgetown University Hosp., 488 U.S. 204, 109 S.Ct. 468, 102 L.Ed.2d 493 (1988)—§ **3.1, n. 13; § 4.1; § 4.1, n. 20.**
- Bowen v. Michigan Academy of Family Physicians, 476 U.S. 667, 106 S.Ct. 2133, 90 L.Ed.2d 623 (1986)—§ **7.10; § 7.10, n. 5, 9.**
- Boyd v. Constantine, 597 N.Y.S.2d 605, 613 N.E.2d 511 (N.Y.1993)—§ **6.2; § 6.2, n. 46; § 8.7, n. 13.**
- Bracken v. Axelrod, 93 A.D.2d 913, 461 N.Y.S.2d 922 (N.Y.A.D. 3 Dept.1983)—§ **3.9, n. 3.**
- Bradford Central School Dist. v. Ambach, 451 N.Y.S.2d 654, 436 N.E.2d 1256 (N.Y.1982)—§ **7.3, n. 22.**
- Braschi v. Stahl Associates Co., 544 N.Y.S.2d 784, 543 N.E.2d 49 (N.Y.1989)—§ **12.1, n. 19.**
- Braswell v. United States, 487 U.S. 99, 108 S.Ct. 2284, 101 L.Ed.2d 98 (1988)—§ **6.3, n. 30.**
- Bredice v. Doctors Hospital, Inc., 50 F.R.D. 249 (D.D.C.1970)—§ **11.2, n. 13.**
- Briscoe v. LaHue, 460 U.S. 325, 103 S.Ct. 1108, 75 L.Ed.2d 96 (1983)—§ **8.10; § 8.10, n. 49.**
- Britt v. Niagara County, 82 A.D.2d 65, 440 N.Y.S.2d 790 (N.Y.A.D. 4 Dept.1981)—§ **5.13, n. 49.**
- Britton Realty Co. v. State Div. of Housing and Community Renewal, Office of Rent Admin., 141 Misc.2d 683, 534 N.Y.S.2d 98 (N.Y.Sup.1988)—§ **12.22, n. 11.**
- Brodsky v. Zagata, 222 A.D.2d 48, 646 N.Y.S.2d 188 (N.Y.A.D. 3 Dept.1996)—§ **8.8, n. 41.**
- Broidrick v. Lindsay, 78 Misc.2d 933, 358 N.Y.S.2d 879 (N.Y.Sup.1974)—§ **8.12, n. 20.**
- Bronfman v. Flacke, 127 A.D.2d 833, 512 N.Y.S.2d 225 (N.Y.A.D. 2 Dept.1987)—§ **8.3, n. 44.**
- Brotherton v. State Div. of Housing and Community Renewal, 193 A.D.2d 500, 597 N.Y.S.2d 377 (N.Y.A.D. 1 Dept.1993)—§ **12.7, n. 28.**
- Brown v. Erbaio, 202 A.D.2d 662, 609 N.Y.S.2d 297 (N.Y.A.D. 2 Dept.1994)—§ **7.9, n. 3; § 8.3, n. 7.**
- Brown v. State, 652 N.Y.S.2d 223, 674 N.E.2d 1129 (N.Y.1996)—§ **8.9; § 8.9, n. 11; § 8.10; § 8.10, n. 60.**
- Brusco v. State, Div. of Housing and Community Renewal, 239 A.D.2d 210, 657 N.Y.S.2d 180 (N.Y.A.D. 1 Dept.1997)—§ **3.15, n. 8.**
- B. T. Productions, Inc. v. Barr, 405 N.Y.S.2d 9, 376 N.E.2d 171 (N.Y.1978)—§ **6.2, n. 5; § 7.7, n. 16.**
- Buckley v. Fitzsimmons, 509 U.S. 259, 113 S.Ct. 2606, 125 L.Ed.2d 209 (1993)—§ **8.10, n. 52.**
- Buckley v. Valeo, 424 U.S. 1, 96 S.Ct. 612, 46 L.Ed.2d 659 (1976)—§ **5.6, n. 1.**
- Buffalo Broadcasting Co. Inc. v. New York State Dept. of Correctional Services, 174 A.D.2d 212, 578 N.Y.S.2d 928 (N.Y.A.D. 3 Dept.1992)—§ **5.11, n. 39.**
- Buffalo News v. Buffalo Mun. Housing Authority, 163 A.D.2d 830, 558 N.Y.S.2d 364 (N.Y.A.D. 4 Dept.1990)—§ **5.11, n. 17.**
- Buffalo News, Inc. v. Buffalo Enterprise Development Corp., 619 N.Y.S.2d 695, 644 N.E.2d 277 (N.Y.1994)—§ **5.10, n. 8.**
- Builders' Council of Suburban New York, Inc. v. City of Yonkers, 106 Misc.2d 700, 434 N.Y.S.2d 566 (N.Y.Sup.1979)—§ **5.5, n. 21.**

TABLE OF CASES

- Building a Better New York Committee v. New York State Com'n. on Government Integrity, 138 Misc.2d 829, 525 N.Y.S.2d 488 (N.Y.Sup.1988)—§ 5.12, n. 27, 29.
Burger, People v., 502 N.Y.S.2d 702, 493 N.E.2d 926 (N.Y.1986)—§ 6.2; § 6.2, n. 17.
Burgher v. Purcell, 87 A.D.2d 888, 449 N.Y.S.2d 527 (N.Y.A.D. 2 Dept.1982)—§ 5.13, n. 49.
Burns v. New York State Office of Vocational and Educational Services for Individuals with Disabilities, 233 A.D.2d 781, 650 N.Y.S.2d 421 (N.Y.A.D. 3 Dept.1996)—§ 4.15, n. 11.
Burns v. Reed, 500 U.S. 478, 111 S.Ct. 1934, 114 L.Ed.2d 547 (1991)—§ 8.10, n. 38, 54.
Burr v. Voorhis, 229 N.Y. 382, 128 N.E. 220 (N.Y.1920)—§ 8.2, n. 16.
Butz v. Economou, 438 U.S. 478, 98 S.Ct. 2894, 57 L.Ed.2d 895 (1978)—§ 8.10; § 8.10, n. 42, 55.

C

- Cabais v. Egger, 690 F.2d 234, 223 U.S.App.D.C. 121 (D.C.Cir.1982)—§ 4.15, n. 3.
Cabrini Medical Center v. Axelrod, 107 A.D.2d 965, 484 N.Y.S.2d 695 (N.Y.A.D. 3 Dept. 1985)—§ 14.52, n. 2.
Cabrini Medical Center v. Axelrod, 105 A.D.2d 569, 481 N.Y.S.2d 803 (N.Y.A.D. 3 Dept. 1984)—§ 4.16, n. 13; § 4.20, n. 31.
Cafaro v. Pedersen, 123 A.D.2d 860, 507 N.Y.S.2d 645 (N.Y.A.D. 2 Dept.1986)—§ 3.20; § 3.20, n. 14.
California v. Byers, 402 U.S. 424, 91 S.Ct. 1535, 29 L.Ed.2d 9 (1971)—§ 6.3, n. 23.
Callanan Industries, Inc. v. White, 118 A.D.2d 167, 503 N.Y.S.2d 930 (N.Y.A.D. 3 Dept. 1986)—§ 4.20, n. 26, 40.
Calloway, People ex rel. v. Skinner, 41 A.D.2d 106, 341 N.Y.S.2d 775 (N.Y.A.D. 4 Dept.1973)—§ 3.6, n. 11.
Calzerano v. Board of Trustees of Police Pension Fund, 877 F.Supp. 161 (S.D.N.Y.1995)—§ 2.8, n. 47.
Camara v. Municipal Court of City and County of San Francisco, 387 U.S. 523, 87 S.Ct. 1727, 18 L.Ed.2d 930 (1967)—§ 6.2; § 6.2, n. 7.
Campo Corp. v. Feinberg, 279 A.D. 302, 110 N.Y.S.2d 250 (N.Y.A.D. 3 Dept.1952)—§ 3.13, n. 2.
Candrea v. Board of Educ. of Yonkers City School Dist., 236 A.D.2d 536, 653 N.Y.S.2d 680 (N.Y.A.D. 2 Dept.1997)—§ 3.15, n. 10.
Cangelosi, Matter of, 155 Misc.2d 621, 589 N.Y.S.2d 275 (N.Y.Sup.1992)—§ 8.3, n. 55.
Cannon v. Murphy, 196 A.D.2d 498, 600 N.Y.S.2d 965 (N.Y.A.D. 2 Dept.1993)—§ 9.7, n. 19.
Capital Newspapers Div. of Hearst Corp. v. Burns, 505 N.Y.S.2d 576, 496 N.E.2d 665 (N.Y.1986)—§ 5.11; § 5.11, n. 7, 17.
Capital Newspapers, Div. of Hearst Corp. v. Whalen, 513 N.Y.S.2d 367, 505 N.E.2d 932 (N.Y.1987)—§ 3.5, n. 6; § 5.10; § 5.10, n. 12.
Capital Telephone Co., Inc. v. Pattersonville Telephone Co., Inc., 451 N.Y.S.2d 11, 436 N.E.2d 461 (N.Y.1982)—§ 7.8; § 7.8, n. 6, 12.
Carey v. Brown, 447 U.S. 455, 100 S.Ct. 2286, 65 L.Ed.2d 263 (1980)—§ 2.5, n. 7.
Cargill, Inc., United States v., 508 F.Supp. 734 (D.Del.1981)—§ 15.6, n. 1.
Carini v. Mann, 237 A.D.2d 761, 654 N.Y.S.2d 484 (N.Y.A.D. 3 Dept.1997)—§ 3.4, n. 12.
Carter v. Carter Coal Co., 298 U.S. 238, 56 S.Ct. 855, 80 L.Ed. 1160 (1936)—§ 5.5; § 5.5, n. 1.
Caso v. Coffey, 391 N.Y.S.2d 88, 359 N.E.2d 683 (N.Y.1976)—§ 7.10, n. 44; § 13.40, n. 11.
Castillo-Villagra v. I.N.S., 972 F.2d 1017 (9th Cir.1992)—§ 3.9, n. 4.
Catholic Medical Center of Brooklyn and Queens, Inc. v. Department of Health, 425 N.Y.S.2d 278, 401 N.E.2d 388 (N.Y.1979)—§ 8.8; § 8.8, n. 39; § 10.17, n. 16.
Cavalier v. McCue, 58 A.D.2d 729, 396 N.Y.S.2d 299 (N.Y.A.D. 3 Dept.1977)—§ 5.10, n. 21.
Cayuga County v. McHugh, 176 N.Y.S.2d 643, 152 N.E.2d 73 (N.Y.1958)—§ 8.4, n. 10; § 8.5; § 8.5, n. 2, 11.
C & C Tavern, Inc. v. New York State Liquor Authority, 179 A.D.2d 547, 579 N.Y.S.2d 870 (N.Y.A.D. 1 Dept.1992)—§ 8.7, n. 13.
Center Moriches Monument Co. Inc. v. Commissioner of Taxation and Finance, 211 A.D.2d 947, 621 N.Y.S.2d 720 (N.Y.A.D. 3 Dept.1995)—§ 16.20, n. 6.
Central Arizona Water Conservation Dist. v. United States E.P.A., 990 F.2d 1531 (9th Cir.1993)—§ 8.8, n. 12.

TABLE OF CASES

- Central Park South Associates v. Haynes, 171 Misc.2d 463, 654 N.Y.S.2d 967 (N.Y.City Civ.Ct.1996)—§ **12.2**, **n. 11**.
- Century Tower Associates v. State Div. of Housing and Community Renewal, 611 N.Y.S.2d 491, 633 N.E.2d 1095 (N.Y.1994)—§ **12.2**, **n. 21**.
- Chamber of Commerce of United States v. Occupational Safety and Health Administration, 636 F.2d 464, 204 U.S.App.D.C. 192 (D.C.Cir.1980)—§ **4.15**; § **4.15**, **n. 4**.
- Chandler v. Coughlin, 131 Misc.2d 442, 500 N.Y.S.2d 628 (N.Y.Sup.1986)—§ **8.12**, **n. 19**.
- Charles A. Field Delivery Service, Inc., Matter of, 498 N.Y.S.2d 111, 488 N.E.2d 1223 (N.Y.1985)—§ **3.15**; § **3.15**, **n. 3**; § **4.1**, **n. 26**; § **8.5**, **n. 38**.
- Chartair, Inc. v. State Tax Commission, 65 A.D.2d 44, 411 N.Y.S.2d 41 (N.Y.A.D. 3 Dept.1978)—§ **16.20**, **n. 7**.
- Chassin v. Helaire Nursing Agency, Inc., 211 A.D.2d 581, 621 N.Y.S.2d 611 (N.Y.A.D. 1 Dept.1995)—§ **6.3**, **n. 10**.
- Chemical Bank v. Affiliated FM Ins. Co., 154 F.R.D. 91 (S.D.N.Y.1994)—§ **11.2**, **n. 13**, **20**.
- Chemical Specialties Mfrs. Ass'n v. Jorling, 626 N.Y.S.2d 1, 649 N.E.2d 1145 (N.Y.1995)—§ **4.1**; § **4.1**, **n. 35**; § **8.8**, **n. 41**.
- Chemical Waste Management, Inc. v. United States E.P.A., 873 F.2d 1477, 277 U.S.App. D.C. 220 (D.C.Cir.1989)—§ **3.2**, **n. 11**.
- Chester Civic Imp. Ass'n, Inc. v. New York Transit Authority, 122 A.D.2d 715, 505 N.Y.S.2d 638 (N.Y.A.D. 1 Dept.1986)—§ **7.5**; § **7.5**, **n. 7**; § **10.17**, **n. 6**.
- Chevron, United StatesA., Inc. v. Natural Resources Defense Council, Inc., 467 U.S. 837, 104 S.Ct. 2778, 81 L.Ed.2d 694 (1984)—§ **8.3**; § **8.3**, **n. 27**.
- Childs v. Bane, 194 A.D.2d 221, 605 N.Y.S.2d 488 (N.Y.A.D. 3 Dept.1993)—§ **7.5**; § **7.5**, **n. 8**; § **10.17**, **n. 6**.
- Chime v. Sicuranza, 221 A.D.2d 401, 633 N.Y.S.2d 536 (N.Y.A.D. 2 Dept.1995)—§ **14.49**, **n. 17**.
- Chinatown Apartments, Inc. v. Lee, 168 Misc.2d 990, 641 N.Y.S.2d 483 (N.Y.City Civ.Ct. 1995)—§ **12.9**, **n. 13**; § **12.27**, **n. 1**.
- Choi v. State, 550 N.Y.S.2d 267, 549 N.E.2d 469 (N.Y.1989)—§ **4.1**, **n. 43**.
- Chrysler Corp. v. Brown, 441 U.S. 281, 99 S.Ct. 1705, 60 L.Ed.2d 208 (1979)—§ **5.12**; § **5.12**, **n. 1**, **4**.
- Chupka v. Board of Educ. of the Binghamton City School Dist., 240 A.D.2d 795, 658 N.Y.S.2d 519 (N.Y.A.D. 3 Dept.1997)—§ **8.6**, **n. 15**.
- Church of St. Paul and St. Andrew v. Barwick, 505 N.Y.S.2d 24, 496 N.E.2d 183 (N.Y.1986)—§ **7.6**; § **7.6**, **n. 11**.
- C.I.D. Landfill, Inc. v. New York State Dept. of Environmental Conservation, 167 A.D.2d 827, 561 N.Y.S.2d 936 (N.Y.A.D. 4 Dept.1990)—§ **15.11**, **n. 16**.
- Cinderella Career & Finishing Schools, Inc. v. F. T. C., 425 F.2d 583, 138 U.S.App.D.C. 152 (D.C.Cir.1970)—§ **3.20**, **n. 1**.
- Cirale v. 80 Pine St. Corp., 359 N.Y.S.2d 1, 316 N.E.2d 301 (N.Y.1974)—§ **5.11**, **n. 50**.
- Citizens for Alternatives to Animal Labs, Inc. v. Board of Trustees of State University of New York, 169 Misc.2d 210, 643 N.Y.S.2d 323 (N.Y.Sup.1996)—§ **5.10**, **n. 14**.
- Citizens for an Orderly Energy Policy, Inc. v. Cuomo, 576 N.Y.S.2d 185, 582 N.E.2d 568 (N.Y.1991)—§ **5.3**; § **5.3**, **n. 13**, **24**.
- City of (see name of city)**
- City School Dist. of City of Corning v. Chemung County, 401 N.Y.S.2d 776, 372 N.E.2d 564 (N.Y.1977)—§ **8.3**; § **8.3**, **n. 50**.
- City School Dist. of City of Elmira v. New York State Public Employment Relations Bd., 144 A.D.2d 35, 536 N.Y.S.2d 214 (N.Y.A.D. 3 Dept.1988)—§ **8.19**, **n. 19**.
- Claim of Carlos, 234 A.D.2d 849, 652 N.Y.S.2d 113 (N.Y.A.D. 3 Dept.1996)—§ **3.15**, **n. 11**.
- Claim of Gruber, 652 N.Y.S.2d 589, 674 N.E.2d 1354 (N.Y.1996)—§ **8.3**, **n. 37**.
- Claim of Rivera, 512 N.Y.S.2d 14, 504 N.E.2d 381 (N.Y.1986)—§ **8.5**, **n. 43**.
- Clark v. Lyon, 147 A.D.2d 838, 537 N.Y.S.2d 934 (N.Y.A.D. 3 Dept.1989)—§ **5.13**, **n. 53**.
- Clark v. Smith, 250 A.D. 233, 294 N.Y.S. 106 (N.Y.A.D. 2 Dept.1937)—§ **8.3**, **n. 20**.
- Clarke v. Securities Industry Ass'n, 479 U.S. 388, 107 S.Ct. 750, 93 L.Ed.2d 757 (1987)—§ **7.3**, **n. 11**.
- Clayton v. City of New York, 596 F.Supp. 355 (S.D.N.Y.1984)—§ **8.10**, **n. 22**.
- Cleavinger v. Saxner, 474 U.S. 193, 106 S.Ct. 496, 88 L.Ed.2d 507 (1985)—§ **8.10**; § **8.10**, **n. 45**.
- Cleveland Bd. of Educ. v. Loudermill, 470 U.S. 532, 105 S.Ct. 1487, 84 L.Ed.2d 494 (1985)—§ **2.6**, **n. 8**, **18**.

TABLE OF CASES

- Coca-Cola Bottling Co. of New York, Inc. v. Board of Estimate of City of New York, 536 N.Y.S.2d 33, 532 N.E.2d 1261 (N.Y.1988)—§ **9.5**, **n. 3**.
- Cohen v. Ambach, 112 A.D.2d 497, 490 N.Y.S.2d 908 (N.Y.A.D. 3 Dept.1985)—§ **3.9**; § **3.9**, **n. 5**, **8**.
- Cohoes Memorial Hospital v. Department of Health, 424 N.Y.S.2d 110, 399 N.E.2d 1132 (N.Y.1979)—§ **14.49**, **n. 3**, **10**.
- Colella v. New York State Dept. of Environmental Conservation, 196 A.D.2d 162, 608 N.Y.S.2d 361 (N.Y.A.D. 3 Dept.1994)—§ **15.36**, **n. 6**.
- Colonnade Catering Corp. v. United States, 397 U.S. 72, 90 S.Ct. 774, 25 L.Ed.2d 60 (1970)—§ **6.2**, **n. 10**.
- Colton v. Berman, 287 N.Y.S.2d 647, 234 N.E.2d 679 (N.Y.1967)—§ **8.5**; § **8.5**, **n. 15**; § **12.27**, **n. 2**.
- Commissioner of New York State Dept. of Civil Service v. State Human Rights Appeal Bd., 64 A.D.2d 999, 408 N.Y.S.2d 975 (N.Y.A.D. 3 Dept.1978)—§ **3.11**, **n. 8**.
- Commissioner of Social Services v. Philip De G., 463 N.Y.S.2d 761, 450 N.E.2d 681 (N.Y.1983)—§ **6.3**, **n. 24**.
- Commodity Futures Trading Com'n v. Schor, 478 U.S. 833, 106 S.Ct. 3245, 92 L.Ed.2d 675 (1986)—§ **5.4**, **n. 1**.
- Community Bd. 7 of Borough of Manhattan v. Schaffer, 615 N.Y.S.2d 644, 639 N.E.2d 1 (N.Y.1994)—§ **5.10**, **n. 21**.
- Community Housing Imp. Program, Inc. v. New York State Div. of Housing and Community Renewal, 230 A.D.2d 66, 656 N.Y.S.2d 777 (N.Y.A.D. 3 Dept.1997)—§ **12.1**, **n. 2**; § **12.2**, **n. 22**; § **12.22**; § **12.22**, **n. 10**.
- Community Housing Imp. Program, Inc. v. New York State Div. of Housing and Community Renewal, 175 A.D.2d 905, 573 N.Y.S.2d 522 (N.Y.A.D. 2 Dept.1991)—§ **7.6**; § **7.6**, **n. 16**.
- Concerned Citizens Against Crossgates v. Flacke, 89 A.D.2d 759, 453 N.Y.S.2d 939 (N.Y.A.D. 3 Dept.1982)—§ **3.7**, **n. 3**; § **3.21**, **n. 1**; § **15.15**, **n. 12**.
- Concerned Citizens Against Crossgates v. Town of Guilderland Zoning Bd. of Appeals, 91 A.D.2d 763, 458 N.Y.S.2d 13 (N.Y.A.D. 3 Dept.1982)—§ **5.13**, **n. 39**.
- Concerned Citizens to Review Jefferson Valley Mall v. Town Bd. of Yorktown, 83 A.D.2d 612, 441 N.Y.S.2d 292 (N.Y.A.D. 2 Dept.1981)—§ **5.13**, **n. 49**.
- Concourse Ophthalmology Associates, P.C., Matter of, 469 N.Y.S.2d 78, 456 N.E.2d 1201 (N.Y.1983)—§ **8.4**; § **8.4**, **n. 3**.
- Connecticut Light and Power Co. v. Nuclear Regulatory Commission, 673 F.2d 525, 218 U.S.App.D.C. 134 (D.C.Cir.1982)—§ **4.7**, **n. 3**.
- Connell v. Regan, 114 A.D.2d 273, 498 N.Y.S.2d 929 (N.Y.A.D. 3 Dept.1986)—§ **4.17**; § **4.17**, **n. 7**; § **4.20**, **n. 26**.
- Connolly v. New York Guard, 175 A.D.2d 372, 572 N.Y.S.2d 443 (N.Y.A.D. 3 Dept.1991)—§ **5.11**, **n. 39**.
- Consolation Nursing Home, Inc. v. Commissioner of New York State Dept. of Health, 624 N.Y.S.2d 563, 648 N.E.2d 1326 (N.Y.1995)—§ **8.8**, **n. 41**.
- Consolidated Edison Co. of New York, Inc. v. Department of Environmental Conservation, 524 N.Y.S.2d 409, 519 N.E.2d 320 (N.Y.1988)—§ **5.3**; § **5.3**, **n. 29**.
- Consolidated Edison Co. of New York, Inc. v. Public Service Commission, 417 N.Y.S.2d 30, 390 N.E.2d 749 (N.Y.1979)—§ **4.2**, **n. 1**.
- Constantine v. White, 166 A.D.2d 59, 569 N.Y.S.2d 765 (N.Y.A.D. 3 Dept.1991)—§ **7.9**; § **7.9**, **n. 35**.
- Contracting Plumbers Co-Op. Restoration Corp. v. Ameruso, 105 Misc.2d 951, 430 N.Y.S.2d 196 (N.Y.Sup.1980)—§ **5.11**, **n. 20**.
- Convissar v. State Tax Commission, 69 A.D.2d 929, 415 N.Y.S.2d 305 (N.Y.A.D. 3 Dept.1979)—§ **16.20**, **n. 2**.
- Conway v. Regan, 211 A.D.2d 913, 621 N.Y.S.2d 191 (N.Y.A.D. 3 Dept.1995)—§ **3.12**, **n. 2**.
- Coolidge v. New Hampshire, 403 U.S. 443, 91 S.Ct. 2022, 29 L.Ed.2d 564 (1971)—§ **6.2**, **n. 5**.
- Cordero v. Corbisiero, 587 N.Y.S.2d 266, 599 N.E.2d 670 (N.Y.1992)—§ **4.1**; § **4.1**, **n. 30**; § **4.2**, **n. 2**.
- Corlear Gardens Housing Co., Inc. v. Ramos, 126 Misc.2d 416, 481 N.Y.S.2d 577 (N.Y.Sup. 1984)—§ **12.4**, **n. 2**.
- Corn Products Co. v. Department of Health, Ed. and Welfare, Food and Drug Administration, 427 F.2d 511 (3rd Cir.1970)—§ **4.2**, **n. 6**.

TABLE OF CASES

- Cortland, County of v. Commission for Siting Low-Level Radioactive Waste Disposal Facilities, 146 Misc.2d 1084, 552 N.Y.S.2d 511 (N.Y.Sup.1990)—§ **4.18**, **n. 14**.
- Cortlandt Nursing Care Center v. Whalen, 415 N.Y.S.2d 988, 389 N.E.2d 469 (N.Y.1979)—§ **8.3**, **n. 35**.
- Cortlandt Nursing Home v. Axelrod, 495 N.Y.S.2d 927, 486 N.E.2d 785 (N.Y.1985)—§ **3.14**; § **3.14**, **n. 2**; § **7.6**, **n. 1**; § **7.7**, **n. 30**.
- Council for Owner Occupied Housing, Inc. v. Abrams, 133 Misc.2d 574, 506 N.Y.S.2d 1014 (N.Y.Sup.1986)—§ **4.3**, **n. 39**.
- County Dollar Corp. v. Douglas, 160 A.D.2d 537, 161 A.D.2d 370, 556 N.Y.S.2d 533 (N.Y.A.D. 1 Dept.1990)—§ **7.8**, **n. 8**.
- County of (see name of county)**
- Cox v. Axelrod, 136 Misc.2d 918, 519 N.Y.S.2d 292 (N.Y.Sup.1987)—§ **14.53**, **n. 3**.
- Cull, People v., 218 N.Y.S.2d 38, 176 N.E.2d 495 (N.Y.1961)—§ **4.1**; § **4.1**, **n. 28**; § **4.18**; § **4.18**, **n. 11**; § **4.20**; § **4.20**, **n. 10**.
- Curiale v. Ardra Ins. Co., Ltd., 644 N.Y.S.2d 663, 667 N.E.2d 313 (N.Y.1996)—§ **2.8**, **n. 49**.

D

- Dabalsa v. Crino, 143 Misc.2d 480, 541 N.Y.S.2d 144 (N.Y.City Civ.Ct.1989)—§ **12.11**, **n. 4**.
- Dadson Plumbing Corp. v. Goldin, 104 A.D.2d 346, 479 N.Y.S.2d 348 (N.Y.A.D. 1 Dept. 1984)—§ **3.7**, **n. 3, 9**.
- Daily Gazette Co., Inc. v. North Colonie Bd. of Ed., 67 A.D.2d 803, 412 N.Y.S.2d 494 (N.Y.A.D. 3 Dept.1979)—§ **5.13**, **n. 7**.
- Daily Gazette Co., Inc. v. Town Bd., Town of Cobleskill, 111 Misc.2d 303, 444 N.Y.S.2d 44 (N.Y.Sup.1981)—§ **5.13**, **n. 32**.
- Dairylea Cooperative, Inc. v. Walkley, 377 N.Y.S.2d 451, 339 N.E.2d 865 (N.Y.1975)—§ **3.13**, **n. 1**; § **7.3**; § **7.3**, **n. 7, 28**; § **9.18**, **n. 2**; § **10.17**, **n. 3**.
- Darby v. Cisneros, 509 U.S. 137, 113 S.Ct. 2539, 125 L.Ed.2d 113 (1993)—§ **7.9**, **n. 3**.
- Dattilo v. Urbach, 222 A.D.2d 28, 645 N.Y.S.2d 352 (N.Y.A.D. 3 Dept.1996)—§ **16.38**, **n. 4**.
- Davi v. Cosgrove, 211 A.D.2d 788, 621 N.Y.S.2d 386 (N.Y.A.D. 2 Dept.1995)—§ **9.17**, **n. 6**.
- Davidson v. Rochester Telephone Corp., 163 A.D.2d 800, 558 N.Y.S.2d 1009 (N.Y.A.D. 3 Dept.1990)—§ **7.9**; § **7.9**, **n. 18, 30**.
- Davis v. Alaska, 415 U.S. 308, 94 S.Ct. 1105, 39 L.Ed.2d 347 (1974)—§ **3.8**, **n. 4**.
- Davis v. Scherer, 468 U.S. 183, 104 S.Ct. 3012, 82 L.Ed.2d 139 (1984)—§ **8.10**, **n. 31**.
- Davis & Randall, Inc. v. United States, 219 F.Supp. 673 (W.D.N.Y.1963)—§ **3.9**, **n. 13**.
- Dawn Joy Fashions, Inc. v. Commissioner of Labor of State of N.Y., 659 N.Y.S.2d 196, 681 N.E.2d 363 (N.Y.1997)—§ **8.3**, **n. 37**.
- Dawson v. Higgins, 197 A.D.2d 127, 610 N.Y.S.2d 200 (N.Y.A.D. 1 Dept.1994)—§ **12.2**, **n. 6, 22**.
- Daxor Corp. v. State Dept. of Health, 659 N.Y.S.2d 189, 681 N.E.2d 356 (N.Y.1997)—§ **2.6**, **n. 17**; § **14.13**, **n. 1**.
- D. C. Federation of Civic Associations v. Volpe, 459 F.2d 1231, 148 U.S.App.D.C. 207 (D.C.Cir.1971)—§ **4.19**, **n. 7, 16**.
- De Caprio v. Zagata, 235 A.D.2d 970, 652 N.Y.S.2d 865 (N.Y.A.D. 3 Dept.1997)—§ **3.22**, **n. 9**.
- Deem v. Bane, 159 Misc.2d 461, 605 N.Y.S.2d 191 (N.Y.Sup.1993)—§ **3.15**, **n. 11**.
- Defore v. Premore, 863 F.Supp. 91 (N.D.N.Y.1994)—§ **8.9**, **n. 25**.
- de la Llana-Castellon v. I.N.S., 16 F.3d 1093 (10th Cir.1994)—§ **3.9**, **n. 4**.
- De Milio v. Borghard, 448 N.Y.S.2d 441, 433 N.E.2d 506 (N.Y.1982)—§ **8.2**, **n. 19**; § **8.13**; § **8.13**, **n. 6**; § **8.14**, **n. 1**.
- De Milt v. Tax Appeals Tribunal of State of N.Y., 232 A.D.2d 824, 649 N.Y.S.2d 66 (N.Y.A.D. 3 Dept.1996)—§ **16.58**, **n. 6**.
- Dental Soc. of New York v. Carey, 474 N.Y.S.2d 262, 462 N.E.2d 362 (N.Y.1984)—§ **7.3**; § **7.3**, **n. 14**; § **7.4**; § **7.4**, **n. 1**.
- Department of Environmental Protection of City of New York v. Department of Environmental Conservation of State, 120 A.D.2d 166, 508 N.Y.S.2d 643 (N.Y.A.D. 3 Dept.1986)—§ **8.6**, **n. 19**.
- Department of Personnel of City of New York v. New York City Civil Service Com'n, 580 N.Y.S.2d 173, 588 N.E.2d 71 (N.Y.1991)—§ **5.3**, **n. 17**.
- Desmond-Americana v. Jorling, 153 A.D.2d 4, 550 N.Y.S.2d 94 (N.Y.A.D. 3 Dept.1989)—§ **4.3**, **n. 38**; § **9.7**, **n. 20**.

TABLE OF CASES

- Desmone v. Blum, 99 A.D.2d 170, 473 N.Y.S.2d 196 (N.Y.A.D. 2 Dept.1984)—§ 8.2, n. 23; § 8.5, n. 20; § 8.15, n. 7.
- De Vito v. Kinsella, 234 A.D.2d 640, 650 N.Y.S.2d 484 (N.Y.A.D. 3 Dept.1996)—§ 8.5, n. 33.
- De Vito v. Nyquist, 401 N.Y.S.2d 25, 371 N.E.2d 788 (N.Y.1977)—§ 8.6, n. 13.
- De Zimm v. Connelie, 102 A.D.2d 668, 479 N.Y.S.2d 871 (N.Y.A.D. 3 Dept.1984)—§ 5.11, n. 52.
- Diamond Terminal Corp. v. New York State Dept. of Taxation and Finance, 158 A.D.2d 38, 557 N.Y.S.2d 962 (N.Y.A.D. 3 Dept.1990)—§ 16.33, n. 5.
- Dias v. Consolidated Edison Co. of New York, Inc., 116 A.D.2d 453, 496 N.Y.S.2d 686 (N.Y.A.D. 1 Dept.1986)—§ 6.3, n. 33.
- Diotte v. Fahey, 97 A.D.2d 653, 469 N.Y.S.2d 191 (N.Y.A.D. 3 Dept.1983)—§ 8.5, n. 33.
- District 2, Marine Engineers Beneficial Ass'n (AFL-CIO) v. New York Shipping Ass'n, 29 A.D.2d 139, 287 N.Y.S.2d 799 (N.Y.A.D. 2 Dept.1968)—§ 13.1, n. 13.
- Doe v. Axelrod, 527 N.Y.S.2d 368, 522 N.E.2d 444 (N.Y.1988)—§ 7.7; § 7.7, n. 8, 20; § 7.9, n. 9; § 8.2; § 8.2, n. 30; § 8.3, n. 15.
- Doe v. Axelrod, 123 A.D.2d 21, 510 N.Y.S.2d 92 (N.Y.A.D. 1 Dept.1986)—§ 3.5; § 3.5, n. 8.
- Doe v. Office of Professional Medical Conduct of New York State Dept. of Health, 161 A.D.2d 123, 554 N.Y.S.2d 549 (N.Y.A.D. 1 Dept.1990)—§ 6.3, n. 7.
- Doe, People v., 463 N.Y.S.2d 405, 450 N.E.2d 211 (N.Y.1983)—§ 6.4, n. 18.
- Doe v. St. Clare's Hosp. and Health Center, 194 A.D.2d 365, 598 N.Y.S.2d 253 (N.Y.A.D. 1 Dept.1993)—§ 7.9, n. 3.
- Dombroske, Application of, 118 Misc.2d 800, 462 N.Y.S.2d 146 (N.Y.Sup.1983)—§ 5.13, n. 53.
- Dondi v. Jones, 386 N.Y.S.2d 4, 351 N.E.2d 650 (N.Y.1976)—§ 7.7; § 7.7, n. 13; § 8.2; § 8.2, n. 38.
- Donovan v. Dewey, 452 U.S. 594, 101 S.Ct. 2534, 69 L.Ed.2d 262 (1981)—§ 6.2, n. 11.
- Doolan v. Board of Co-op Educational Services, Second Supervisory Dist. of Suffolk County, 422 N.Y.S.2d 927, 398 N.E.2d 533 (N.Y.1979)—§ 5.11, n. 20, 51.
- Dorchester Associates v. State Div. of Housing and Community Renewal, 149 A.D.2d 388, 540 N.Y.S.2d 428 (N.Y.A.D. 1 Dept.1989)—§ 12.19, n. 3.
- Douglas v. State of Ala., 380 U.S. 415, 85 S.Ct. 1074, 13 L.Ed.2d 934 (1965)—§ 3.8, n. 4.
- Drew v. Schenectady County, 644 N.Y.S.2d 471, 666 N.E.2d 1344 (N.Y.1996)—§ 8.3, n. 52.
- Drizin v. Commissioner of D.H.C.R., 140 A.D.2d 605, 528 N.Y.S.2d 864 (N.Y.A.D. 2 Dept.1988)—§ 12.27, n. 2.
- Drolet v. New York State Racing and Wagering Bd., 115 Misc.2d 7, 453 N.Y.S.2d 361 (N.Y.Sup.1982)—§ 3.22, n. 15.
- Drug Purchase, Inc. v. Board of Regents of University of New York, 65 A.D.2d 829, 409 N.Y.S.2d 836 (N.Y.A.D. 3 Dept.1978)—§ 3.21, n. 13.
- Dubb Enterprises Inc. v. New York State Liquor Authority, 187 A.D.2d 831, 589 N.Y.S.2d 962 (N.Y.A.D. 3 Dept.1992)—§ 8.19, n. 6.
- Dubendorf v. New York State Ed. Dept., 97 Misc.2d 382, 412 N.Y.S.2d 260 (N.Y.Sup. 1978)—§ 4.17, n. 11.
- Duffy v. Wetzler, 174 A.D.2d 253, 579 N.Y.S.2d 684 (N.Y.A.D. 2 Dept.1992)—§ 8.10, n. 4.
- Duflo Spray-Chemical, Inc. v. Jorling, 153 A.D.2d 244, 550 N.Y.S.2d 497 (N.Y.A.D. 3 Dept.1990)—§ 15.36, n. 5.
- Dunlea v. Goldmark, 54 A.D.2d 446, 389 N.Y.S.2d 423 (N.Y.A.D. 3 Dept.1976)—§ 5.11, n. 52.
- Dur-Bar Realty Co. v. City of Utica, 57 A.D.2d 51, 394 N.Y.S.2d 913 (N.Y.A.D. 4 Dept.1977)—§ 7.9, n. 19.

E

- East 56th Plaza, Inc. v. Abrams, 91 A.D.2d 1129, 458 N.Y.S.2d 953 (N.Y.A.D. 3 Dept. 1983)—§ 3.2, n. 16.
- Edelman v. Jordan, 415 U.S. 651, 94 S.Ct. 1347, 39 L.Ed.2d 662 (1974)—§ 8.10, n. 8.
- Eden Park Health Services, Inc. v. Whalen, 73 A.D.2d 993, 424 N.Y.S.2d 33 (N.Y.A.D. 3 Dept.1980)—§ 3.4, n. 9.
- Edgar v. Jorling, 225 A.D.2d 770, 639 N.Y.S.2d 954 (N.Y.A.D. 2 Dept.1996)—§ 15.32, n. 5; § 15.36; § 15.36, n. 4.
- Edgerton, United States v., 734 F.2d 913 (2nd Cir.1984)—§ 6.3, n. 26.

TABLE OF CASES

- Edmead v. McGuire, 499 N.Y.S.2d 934, 490 N.E.2d 853 (N.Y.1986)—§ **8.13**; § **8.13, n. 21**.
Edmead v. McGuire, 114 A.D.2d 758, 494 N.Y.S.2d 712 (N.Y.A.D. 1 Dept.1985)—§ **8.13, n. 22**.
E.F.S. Ventures Corp. v. Foster, 526 N.Y.S.2d 56, 520 N.E.2d 1345 (N.Y.1988)—§ **5.8, n. 8**.
Egan v. Niagara Mohawk Power Corp., 214 A.D.2d 850, 625 N.Y.S.2d 686 (N.Y.A.D. 3 Dept.1995)—§ **8.13, n. 33**.
8200 Realty Corp. v. Lindsay, 313 N.Y.S.2d 733, 261 N.E.2d 647 (N.Y.1970)—§ **5.5**; § **5.5, n. 13**; § **12.1, n. 20**.
EJG Corp. v. New York State Liquor Authority, 213 A.D.2d 924, 624 N.Y.S.2d 68 (N.Y.A.D. 3 Dept.1995)—§ **3.7, n. 3**.
Elefante v. Hanna, 54 A.D.2d 822, 389 N.Y.S.2d 501 (N.Y.A.D. 4 Dept.1976)—§ **8.15, n. 4**.
El Greco Inc. v. Cohn, 139 A.D.2d 615, 527 N.Y.S.2d 256 (N.Y.A.D. 2 Dept.1988)—§ **12.10, n. 4**.
El-Kam Realty Co. v. New York State Div. of Housing and Community Renewal, 180 A.D.2d 412, 579 N.Y.S.2d 368 (N.Y.A.D. 1 Dept.1992)—§ **12.6, n. 7**; § **12.7, n. 29**.
Empire City Trotting Club, People ex rel. v. State Racing Commission, 190 N.Y. 31, 82 N.E. 723 (N.Y.1907)—§ **8.7, n. 5**.
Empire State Restaurant & Tavern Ass'n, Inc. v. Rapoport, 240 A.D.2d 576, 658 N.Y.S.2d 687 (N.Y.A.D. 2 Dept.1997)—§ **7.3, n. 44**.
Encore College Bookstores, Inc. v. Auxiliary Service Corp. of State University of New York at Farmingdale, 639 N.Y.S.2d 990, 663 N.E.2d 302 (N.Y.1995)—§ **5.10**; § **5.10, n. 13**; § **5.11**; § **5.11, n. 31**.
Enrico v. Bane, 213 A.D.2d 784, 623 N.Y.S.2d 25 (N.Y.A.D. 3 Dept.1995)—§ **3.7, n. 7**; § **6.4, n. 5**; § **8.5, n. 39**.
Environmental Defense Fund, Inc. v. E.P.A., 716 F.2d 915, 230 U.S.App.D.C. 264 (D.C.Cir. 1983)—§ **4.5, n. 14**.
Erika, Inc., United States v., 456 U.S. 201, 102 S.Ct. 1650, 72 L.Ed.2d 12 (1982)—§ **7.10**; § **7.10, n. 7**.
Erin Wine & Liquor Store, Inc., Application of, 283 A.D. 443, 128 N.Y.S.2d 364 (N.Y.A.D. 1 Dept.1954)—§ **8.5, n. 30**.
Ernst v. Saratago County, 234 A.D.2d 764, 651 N.Y.S.2d 209 (N.Y.A.D. 3 Dept.1996)—§ **3.20**; § **3.20, n. 15**.
Espinal v. Coughlin, 153 A.D.2d 778, 544 N.Y.S.2d 897 (N.Y.A.D. 3 Dept.1989)—§ **8.5**; § **8.5, n. 51**.
Estate of (see name of party)
Evans v. Monaghan, 306 N.Y. 312, 118 N.E.2d 452 (N.Y.1954)—§ **14.52, n. 1**.

F

- Fairfield Nursing Home v. Whalen, 64 A.D.2d 802, 407 N.Y.S.2d 923 (N.Y.A.D. 3 Dept. 1978)—§ **4.20, n. 31**.
Far East Conference v. United States, 342 U.S. 570, 72 S.Ct. 492, 96 L.Ed. 576 (1952)—§ **7.8, n. 16**.
Farid v. Smith, 850 F.2d 917 (2nd Cir.1988)—§ **8.10, n. 26**.
Farran v. New York State Div. of Housing and Community Renewal, 179 A.D.2d 757, 579 N.Y.S.2d 132 (N.Y.A.D. 2 Dept.1992)—§ **12.7**; § **12.7, n. 35**.
Fazkap Associates v. Commissioner of New York State Dept. of Taxation and Finance, 232 A.D.2d 747, 648 N.Y.S.2d 186 (N.Y.A.D. 3 Dept.1996)—§ **16.61, n. 6**.
Federal Trade Commission v. American Tobacco Co., 264 U.S. 298, 44 S.Ct. 336, 68 L.Ed. 696 (1924)—§ **6.4, n. 3**.
Felton v. Halperin, 228 A.D.2d 595, 644 N.Y.S.2d 536 (N.Y.A.D. 2 Dept.1996)—§ **12.27, n. 2**.
Fenton, Town of v. New York State Dept. of Environmental Conservation, 117 A.D.2d 920, 498 N.Y.S.2d 923 (N.Y.A.D. 3 Dept.1986)—§ **8.15, n. 4**.
Feres v. United States, 340 U.S. 135, 71 S.Ct. 153, 95 L.Ed. 152 (1950)—§ **8.9, n. 16**.
Festa v. Leshen, 145 A.D.2d 49, 537 N.Y.S.2d 147 (N.Y.A.D. 1 Dept.1989)—§ **12.2, n. 2**.
Fichera v. City of New York, 145 A.D.2d 482, 535 N.Y.S.2d 434 (N.Y.A.D. 2 Dept.1988)—§ **7.9, n. 19**.
Fiedelman v. New York State Dept. of Health, 459 N.Y.S.2d 420, 445 N.E.2d 1099 (N.Y.1983)—§ **8.13**; § **8.13, n. 29**; § **8.14, n. 7**.

TABLE OF CASES

- Fifth Ave. Associates v. Marder, N.Y.L.J., 2/24/89, p. 22, col. 2 (App.Term, 1st Dep't)—**§ 12.11, n. 6.**
- Fifth Avenue Associates v. Rodriguez, N.Y.L.J., 5/20/92, p. 25, col. 4 (Civ.Ct., Kings County)—**§ 12.11, n. 3.**
- Filut v. New York State Educ. Dept., 91 A.D.2d 722, 457 N.Y.S.2d 643 (N.Y.A.D. 3 Dept.1982)—**§ 8.13, n. 27.**
- Finelli v. Chassin, 206 A.D.2d 717, 614 N.Y.S.2d 634 (N.Y.A.D. 3 Dept.1994)—**§ 3.5, n. 16.**
- Fink v. Cole, 150 N.Y.S.2d 175, 133 N.E.2d 691 (N.Y.1956)—**§ 8.2, n. 19; § 8.6, n. 15, 21.**
- Fink v. Cole, 302 N.Y. 216, 97 N.E.2d 873 (N.Y.1951)—**§ 5.5; § 5.5, n. 5.**
- Fink v. Lefkowitz, 419 N.Y.S.2d 467, 393 N.E.2d 463 (N.Y.1979)—**§ 5.11; § 5.11, n. 35.**
- Finn's Liquor Shop, Inc. v. State Liquor Authority, 301 N.Y.S.2d 584, 249 N.E.2d 440 (N.Y.1969)—**§ 6.2; § 6.2, n. 1, 37.**
- Fire Department of City of New York v. Gilmour, 149 N.Y. 453, 44 N.E. 177 (N.Y.1896)—**§ 4.1, n. 50.**
- Fisher v. United States, 425 U.S. 391, 96 S.Ct. 1569, 48 L.Ed.2d 39 (1976)—**§ 6.3, n. 19; § 6.4, n. 11.**
- Fisher v. Velasquez, 126 Misc.2d 24, 480 N.Y.S.2d 992 (N.Y.City Civ.Ct.1984)—**§ 12.16; § 12.16, n. 6.**
- Fitzgerald v. Libous, 405 N.Y.S.2d 32, 376 N.E.2d 192 (N.Y.1978)—**§ 3.4, n. 12.**
- 500 Eighth Ave. Associates v. State, 30 A.D.2d 1010, 294 N.Y.S.2d 120 (N.Y.A.D. 3 Dept.1968)—**§ 8.9, n. 28.**
- Flacke v. Onondaga Landfill Systems, Inc., 514 N.Y.S.2d 689, 507 N.E.2d 282 (N.Y.1987)—**§ 7.8, n. 2.**
- Flagg Bros., Inc. v. Brooks, 436 U.S. 149, 98 S.Ct. 1729, 56 L.Ed.2d 185 (1978)—**§ 2.2, n. 8.**
- Flast v. Cohen, 392 U.S. 83, 88 S.Ct. 1942, 20 L.Ed.2d 947 (1968)—**§ 7.5, n. 1.**
- Florida East Coast Ry. Co., United States v., 410 U.S. 224, 93 S.Ct. 810, 35 L.Ed.2d 223 (1973)—**§ 4.2, n. 7; § 8.8, n. 5.**
- Flynn v. Coombe, 239 A.D.2d 725, 657 N.Y.S.2d 494 (N.Y.A.D. 3 Dept.1997)—**§ 3.7, n. 1.**
- Footo's Dixie Dandy, Inc. v. McHenry, 270 Ark. 816, 607 S.W.2d 323 (Ark.1980)—**§ 5.8, n. 2.**
- Forrester v. White, 484 U.S. 219, 108 S.Ct. 538, 98 L.Ed.2d 555 (1988)—**§ 8.10; § 8.10, n. 38, 41.**
- Fort Pierce Utilities Authority of City of Ft. Pierce v. Department of Energy, 503 F.Supp. 1014 (D.D.C.1980)—**§ 3.13, n. 5.**
- Fournier v. Fish, 83 A.D.2d 979, 442 N.Y.S.2d 823 (N.Y.A.D. 3 Dept.1981)—**§ 5.11, n. 39.**
- Frank v. State of Md., 359 U.S. 360, 79 S.Ct. 804, 3 L.Ed.2d 877 (1959)—**§ 6.2, n. 6.**
- Francis Root Oil Co, Matter of, 1996 WL 172685 (N.Y.Dept.Env.Conserv.1996)—**§ 15.36, n. 5.**
- Franz v. Board of Medical Quality Assur., 181 Cal.Rptr. 732, 642 P.2d 792 (Cal.1982)—**§ 3.9, n. 6, 13.**
- Freddolino v. Village of Warwick Zoning Bd. of Appeals, 192 A.D.2d 839, 596 N.Y.S.2d 490 (N.Y.A.D. 3 Dept.1993)—**§ 3.23, n. 5.**
- Fried v. Straussman, 393 N.Y.S.2d 334, 361 N.E.2d 984 (N.Y.1977)—**§ 14.49, n. 7, 9.**
- Friedland v. Maloney, 148 A.D.2d 814, 538 N.Y.S.2d 650 (N.Y.A.D. 3 Dept.1989)—**§ 5.10, n. 36.**
- Friedman v. State, 502 N.Y.S.2d 669, 493 N.E.2d 893 (N.Y.1986)—**§ 8.9; § 8.9, n. 26.**
- Friesch-Groningsche Hypotheekbank Realty Credit Corp. v. Tax Appeals Tribunal of State of N.Y., 185 A.D.2d 466, 585 N.Y.S.2d 867 (N.Y.A.D. 3 Dept.1992)—**§ 4.16, n. 5.**
- Frontier Ins. Co. v. State, 638 N.Y.S.2d 933, 662 N.E.2d 251 (N.Y.1995)—**§ 8.13, n. 3.**
- F. T. C. v. Standard Oil Co. of California, 449 U.S. 232, 101 S.Ct. 488, 66 L.Ed.2d 416 (1980)—**§ 7.7; § 7.7, n. 2.**
- F. T. C. v. TRW, Inc., 628 F.2d 207, 202 U.S.App.D.C. 207 (D.C.Cir.1980)—**§ 11.2, n. 19.**
- FTC Line of Business Report Litigation, Appeal of, 595 F.2d 685, 193 U.S.App.D.C. 300 (D.C.Cir.1978)—**§ 6.4, n. 4.**

G

- Gabriele v. Metropolitan Suburban Bus Authority, 239 A.D.2d 575, 657 N.Y.S.2d 761 (N.Y.A.D. 2 Dept.1997)—**§ 8.6, n. 22.**
- Gannett Co., Inc. v. City Clerk's Office, City of Rochester, 157 Misc.2d 349, 596 N.Y.S.2d 968 (N.Y.Sup.1993)—**§ 5.10, n. 39.**

TABLE OF CASES

- Gardner v. Division of Housing and Community Renewal of State of N.Y., 166 Misc.2d 290, 632 N.Y.S.2d 744 (N.Y.Sup.1995)—§ **12.11**, **n. 7**; § **12.19**, **n. 7**; § **12.22**, **n. 12**.
- Gardner v. Toilet Goods Ass'n, 387 U.S. 167, 87 S.Ct. 1526, 18 L.Ed.2d 704 (1967)—§ **7.6**; § **7.6**, **n. 5**.
- Gasda Ltd. v. Adduci, 179 A.D.2d 173, 582 N.Y.S.2d 525 (N.Y.A.D. 3 Dept.1992)—§ **4.1**, **n. 50**; § **4.6**, **n. 4**; § **4.11**, **n. 11**.
- Gates v. Spinks, 771 F.2d 916 (5th Cir.1985)—§ **8.17**, **n. 6**.
- Gavrilovic, United States v., 551 F.2d 1099 (8th Cir.1977)—§ **4.8**, **n. 23**.
- Gehl, United States v., 852 F.Supp. 1150 (N.D.N.Y.1994)—§ **4.3**; § **4.3**, **n. 40**.
- Gelbard v. Genesee Hosp., 642 N.Y.S.2d 178, 664 N.E.2d 1240 (N.Y.1996)—§ **14.49**, **n. 13**.
- General Motors Corporation–Delco Products Div. v. Rosa, 604 N.Y.S.2d 14, 624 N.E.2d 142 (N.Y.1993)—§ **3.18**; § **3.18**, **n. 3**.
- Gernatt Asphalt Products, Inc. v. Town of Sardinia, 208 A.D.2d 139, 622 N.Y.S.2d 395 (N.Y.A.D. 4 Dept.1995)—§ **5.13**, **n. 37**.
- G & G Shops, Inc. v. New York City Loft Bd., 193 A.D.2d 405, 597 N.Y.S.2d 65 (N.Y.A.D. 1 Dept.1993)—§ **8.19**, **n. 15**, **18**.
- Ghelardi v. Donnelly, N.Y.L.J., 4/21/93, p. 22, col. 6 (Civ.Ct., N.Y. County)—§ **12.1**, **n. 12**.
- Gianelli v. New York State Div. of Housing and Community Renewal, 142 Misc.2d 285, 536 N.Y.S.2d 675 (N.Y.Sup.1989)—§ **12.19**, **n. 13**; § **12.22**, **n. 11**.
- Giannattasio v. Cialini, 165 Misc.2d 249, 629 N.Y.S.2d 666 (N.Y.City Civ.Ct.1995)—§ **12.4**, **n. 3**.
- Gibson v. Berryhill, 411 U.S. 564, 93 S.Ct. 1689, 36 L.Ed.2d 488 (1973)—§ **3.20**, **n. 2**.
- Gilbert v. Homar, — U.S. —, 117 S.Ct. 1807, 138 L.Ed.2d 120 (1997)—§ **2.8**, **n. 41**.
- Gillette v. New York State Liquor Authority, 149 A.D.2d 927, 540 N.Y.S.2d 61 (N.Y.A.D. 4 Dept.1989)—§ **3.14**, **n. 10**.
- Gimprich v. Board of Education of City of New York, 306 N.Y. 401, 118 N.E.2d 578 (N.Y.1954)—§ **8.2**, **n. 17**.
- Giordano v. State Tax Com'n, State of N.Y., 145 A.D.2d 726, 535 N.Y.S.2d 255 (N.Y.A.D. 3 Dept.1988)—§ **16.20**, **n. 4**.
- Glendora v. New York State Div. of Housing and Community Renewal, 216 A.D.2d 391, 628 N.Y.S.2d 343 (N.Y.A.D. 2 Dept.1995)—§ **12.22**, **n. 1**.
- Glenwood TV, Inc. v. Ratner, 103 A.D.2d 322, 480 N.Y.S.2d 98 (N.Y.A.D. 2 Dept.1984)—§ **6.4**; § **6.4**, **n. 6**, **17**.
- Gold v. Gartenstein, 100 Misc.2d 253, 418 N.Y.S.2d 852 (N.Y.Sup.1979)—§ **8.2**, **n. 36**.
- Goldberg v. Kelly, 397 U.S. 254, 90 S.Ct. 1011, 25 L.Ed.2d 287 (1970)—§ **2.3**, **n. 2**; § **2.6**, **n. 7**; § **2.7**, **n. 5**; § **2.8**; § **2.8**, **n. 1**; § **3.8**, **n. 14**.
- Golden v. Metropolitan Transp. Authority, 126 A.D.2d 128, 512 N.Y.S.2d 710 (N.Y.A.D. 2 Dept.1987)—§ **9.6**, **n. 4**.
- Golden Wings Aviation, Matter of, 1994 WL 115087 (N.Y.Dept.Env'tl.Conserv.1994)—§ **15.32**, **n. 1**.
- Goldman v. New York State Div. of Housing and Community Renewal, 228 A.D.2d 192, 643 N.Y.S.2d 99 (N.Y.A.D. 1 Dept.1996)—§ **12.7**; § **12.7**, **n. 32**.
- Goldstein v. Brown, 189 A.D.2d 649, 592 N.Y.S.2d 343 (N.Y.A.D. 1 Dept.1993)—§ **8.6**, **n. 26**.
- Goldstein v. Niagara Falls Memorial Medical Center, 143 A.D.2d 515, 533 N.Y.S.2d 40 (N.Y.A.D. 4 Dept.1988)—§ **8.13**, **n. 35**.
- Golisano v. Town Bd. of Macedon, 31 A.D.2d 85, 296 N.Y.S.2d 623 (N.Y.A.D. 4 Dept.1968)—§ **3.11**, **n. 9**.
- Good Samaritan Hosp. v. Axelrod, 150 A.D.2d 775, 542 N.Y.S.2d 28 (N.Y.A.D. 2 Dept. 1989)—§ **7.9**, **n. 39**.
- Goodson Todman Enterprises, Ltd. v. City of Kingston Common Council, 153 A.D.2d 103, 550 N.Y.S.2d 157 (N.Y.A.D. 3 Dept.1990)—§ **5.13**, **n. 49**.
- Goodson Todman Enterprises, Ltd. v. Town Bd. of Milan, 151 A.D.2d 642, 542 N.Y.S.2d 373 (N.Y.A.D. 2 Dept.1989)—§ **5.13**, **n. 7**.
- Gordon v. Village of Monticello, Inc., 637 N.Y.S.2d 961, 661 N.E.2d 691 (N.Y.1995)—§ **5.13**; § **5.13**, **n. 55**.
- Gordon v. Village of Monticello Inc., 207 A.D.2d 55, 620 N.Y.S.2d 573 (N.Y.A.D. 3 Dept.1994)—§ **5.13**, **n. 33**, **50**.
- Goss v. Lopez, 419 U.S. 565, 95 S.Ct. 729, 42 L.Ed.2d 725 (1975)—§ **2.8**, **n. 2**.
- Gouiran Holdings, Inc. v. Miller, 140 Misc.2d 142, 531 N.Y.S.2d 441 (N.Y.Sup.1988)—§ **8.2**, **n. 40**.

TABLE OF CASES

- Gould v. Community Health Plan of Suffolk, Inc., 99 A.D.2d 479, 470 N.Y.S.2d 415 (N.Y.A.D. 2 Dept.1984)—§ **2.2, n. 6.**
- Gould v. New York City Police Dept., 653 N.Y.S.2d 54, 675 N.E.2d 808 (N.Y.1996)—§ **5.10, n. 15; § 5.11, n. 42.**
- Grace v. New York State Tax Commission, 371 N.Y.S.2d 715, 332 N.E.2d 886 (N.Y.1975)—§ **16.61, n. 4.**
- Gracecor Realty Co., Inc. v. Hargrove, 660 N.Y.S.2d 704, 683 N.E.2d 326 (N.Y.1997)—§ **12.1, n. 4.**
- Grand Jury Proceedings, In re, 861 F.Supp. 386 (D.Md.1994)—§ **11.2, n. 17.**
- Grand Jury Subpoena Duces Tecum Dated Dec. 14, 1984, In re, 513 N.Y.S.2d 359, 505 N.E.2d 925 (N.Y.1987)—§ **6.3, n. 29; § 6.4, n. 8, 18.**
- Granger v. National R.R. Passenger Corp., 116 F.R.D. 507 (E.D.Pa.1987)—§ **11.2, n. 14.**
- Grant v. Sullivan, 720 F.Supp. 462 (M.D.Pa.1989)—§ **7.9, n. 10.**
- Gray v. Canisius College of Buffalo, 76 A.D.2d 30, 430 N.Y.S.2d 163 (N.Y.A.D. 4 Dept. 1980)—§ **8.2, n. 7.**
- Great Lakes Dredge & Dock Co. v. Department of Taxation and Finance, 382 N.Y.S.2d 958, 346 N.E.2d 796 (N.Y.1976)—§ **16.61, n. 4.**
- Greenholtz v. Inmates of Nebraska Penal and Correctional Complex, 442 U.S. 1, 99 S.Ct. 2100, 60 L.Ed.2d 668 (1979)—§ **2.5, n. 17.**
- Griess v. State of Colo., 841 F.2d 1042 (10th Cir.1988)—§ **8.10, n. 26.**
- Gristmacher v. Felicetta, 57 A.D.2d 444, 394 N.Y.S.2d 956 (N.Y.A.D. 4 Dept.1977)—§ **8.5, n. 49.**
- Gross v. De Buono, 223 A.D.2d 789, 636 N.Y.S.2d 147 (N.Y.A.D. 3 Dept.1996)—§ **3.7; § 3.7, n. 11; § 3.8, n. 2.**
- Gross v. New York City Alcoholic Beverage Control Bd., 200 N.Y.S.2d 12, 166 N.E.2d 818 (N.Y.1960)—§ **4.2, n. 1.**
- Gross v. Perales, 532 N.Y.S.2d 68, 527 N.E.2d 1205 (N.Y.1988)—§ **8.6, n. 3.**
- Gross v. State Public Service Com'n, 195 A.D.2d 866, 600 N.Y.S.2d 795 (N.Y.A.D. 3 Dept.1993)—§ **8.13, n. 19.**
- Grosso v. United States, 390 U.S. 62, 88 S.Ct. 709, 19 L.Ed.2d 906 (1968)—§ **6.4, n. 14.**
- Gruen v. Chase, 215 A.D.2d 481, 626 N.Y.S.2d 261 (N.Y.A.D. 2 Dept.1995)—§ **3.6, n. 9.**
- GTE Spacenet Corp. v. New York State Dept. of Taxation and Finance, 201 A.D.2d 429, 607 N.Y.S.2d 677 (N.Y.A.D. 1 Dept.1994)—§ **16.64, n. 5.**
- Guardian Life Ins. Co. v. Bohlinger, 308 N.Y. 174, 124 N.E.2d 110 (N.Y.1954)—§ **7.10; § 7.10, n. 26, 43, 62.**
- Guerrier v. Hernandez-Cuebas, 165 A.D.2d 218, 566 N.Y.S.2d 406 (N.Y.A.D. 3 Dept. 1991)—§ **5.10, n. 16.**
- Guglielmo v. Long Island Lighting Co., 83 A.D.2d 481, 445 N.Y.S.2d 177 (N.Y.A.D. 2 Dept.1981)—§ **7.8, n. 21.**
- Gundrum v. Ambach, 448 N.Y.S.2d 466, 433 N.E.2d 531 (N.Y.1982)—§ **8.6, n. 13.**
- Guss v. Utah Labor Relations Board, 353 U.S. 1, 77 S.Ct. 598, 1 L.Ed.2d 601 (1957)—§ **13.1, n. 6.**

H

- Hall v. New York State Tax Com'n, 108 A.D.2d 488, 489 N.Y.S.2d 787 (N.Y.A.D. 3 Dept.1985)—§ **16.64, n. 3.**
- Hamptons Hospital & Medical Center, Inc. v. Moore, 436 N.Y.S.2d 239, 417 N.E.2d 533 (N.Y.1981)—§ **7.9, n. 8; § 8.2, n. 17; § 8.3, n. 7.**
- Hanig v. State Dept. of Motor Vehicles, 580 N.Y.S.2d 715, 588 N.E.2d 750 (N.Y.1992)—§ **5.11; § 5.11, n. 14.**
- Harding v. Melton, 67 A.D.2d 242, 415 N.Y.S.2d 286 (N.Y.A.D. 3 Dept.1979)—§ **4.18, n. 14.**
- Har Enterprises v. Town of Brookhaven, 549 N.Y.S.2d 638, 548 N.E.2d 1289 (N.Y.1989)—§ **7.3, n. 2; § 9.5, n. 7.**
- Harlem Valley United Coalition, Inc. v. Hall, 446 N.Y.S.2d 33, 430 N.E.2d 909 (N.Y.1981)—§ **9.5, n. 7.**
- Harlow v. Fitzgerald, 457 U.S. 800, 102 S.Ct. 2727, 73 L.Ed.2d 396 (1982)—§ **8.10, n. 27.**
- Harper v. Levine, 41 A.D.2d 975, 343 N.Y.S.2d 201 (N.Y.A.D. 3 Dept.1973)—§ **3.8, n. 2.**
- Harris v. Codd, 408 N.Y.S.2d 501, 380 N.E.2d 327 (N.Y.1978)—§ **9.15, n. 9.**
- Harris, People ex rel. v. Commissioner of Land Office, 149 N.Y. 26, 43 N.E. 418 (N.Y. 1896)—§ **8.3, n. 32.**

TABLE OF CASES

- Harris Corp., People v., 104 A.D.2d 130, 483 N.Y.S.2d 442 (N.Y.A.D. 3 Dept.1984)—§ **4.3, n. 38**; § **4.20, n. 17**.
- Haverstraw, Town of v. Jorling, 213 A.D.2d 654, 624 N.Y.S.2d 941 (N.Y.A.D. 2 Dept. 1995)—§ **3.22, n. 9**.
- Hawkes v. Bennett, 155 A.D.2d 766, 547 N.Y.S.2d 704 (N.Y.A.D. 3 Dept.1989)—§ **4.16, n. 5**.
- Hawley v. Cuomo, 416 N.Y.S.2d 232, 389 N.E.2d 827 (N.Y.1979)—§ **8.8, n. 42**.
- Haynes v. United States, 390 U.S. 85, 88 S.Ct. 722, 19 L.Ed.2d 923 (1968)—§ **6.4, n. 14**.
- H.C. Black Realty Co. v. State Div. of Housing and Community Renewal, 201 A.D.2d 432, 607 N.Y.S.2d 944 (N.Y.A.D. 1 Dept.1994)—§ **12.12, n. 12**.
- Hecht v. Monaghan, 307 N.Y. 461, 121 N.E.2d 421 (N.Y.1954)—§ **3.4, n. 12**; § **3.8**; § **3.8, n. 9**; § **8.5**; § **8.5, n. 6**.
- Hecht v. New York State Teachers' Retirement System, 138 Misc.2d 198, 523 N.Y.S.2d 742 (N.Y.Sup.1987)—§ **8.18, n. 4**.
- Heckler v. Chaney, 470 U.S. 821, 105 S.Ct. 1649, 84 L.Ed.2d 714 (1985)—§ **7.10, n. 14**.
- Heim v. Regan, 90 A.D.2d 656, 456 N.Y.S.2d 257 (N.Y.A.D. 3 Dept.1982)—§ **3.5, n. 4**.
- Heintz v. Brown, 592 N.Y.S.2d 652, 607 N.E.2d 799 (N.Y.1992)—§ **8.6**; § **8.6, n. 17**.
- Heller v. Chu, 111 A.D.2d 1007, 490 N.Y.S.2d 326 (N.Y.A.D. 3 Dept.1985)—§ **3.14, n. 3, 17**.
- Henn v. Perales, 186 A.D.2d 740, 588 N.Y.S.2d 653 (N.Y.A.D. 2 Dept.1992)—§ **4.15**; § **4.15, n. 14**; § **4.16, n. 8**; § **4.20**; § **4.20, n. 26**.
- Henry v. Wilson, 85 A.D.2d 885, 446 N.Y.S.2d 730 (N.Y.A.D. 4 Dept.1981)—§ **3.16, n. 5**; § **8.5, n. 50**.
- Henry Modell & Co., Inc. v. City of New York, 159 A.D.2d 354, 552 N.Y.S.2d 632 (N.Y.A.D. 1 Dept.1990)—§ **2.6, n. 27**.
- Herberg by Herberg v. Perales, 180 A.D.2d 166, 585 N.Y.S.2d 1 (N.Y.A.D. 1 Dept.1992)—§ **7.9**; § **7.9, n. 29, 34**.
- Herman v. Lancaster, N.Y.L.J., 3/27/91, p. 22, col. 6 (Civ.Ct., N.Y. County)—§ **12.11, n. 4**.
- Hernandez v. Coughlin, 18 F.3d 133 (2nd Cir.1994)—§ **2.7**; § **2.7, n. 19**.
- Hewitt v. Helms, 459 U.S. 460, 103 S.Ct. 864, 74 L.Ed.2d 675 (1983)—§ **2.5**; § **2.5, n. 12**; § **2.6, n. 4**; § **2.7**; § **2.7, n. 6**.
- Hewlett Associates v. City of New York, 456 N.Y.S.2d 704, 442 N.E.2d 1215 (N.Y.1982)—§ **12.4, n. 4**.
- Heydari v. Jackson, 237 A.D.2d 763, 655 N.Y.S.2d 168 (N.Y.A.D. 3 Dept.1997)—§ **3.8, n. 15**.
- Hirsch v. Corbisiero, 155 A.D.2d 325, 548 N.Y.S.2d 1 (N.Y.A.D. 1 Dept.1989)—§ **3.18, n. 2, 16**; § **3.20, n. 12**.
- Hirshfield v. Craig, 239 N.Y. 98, 145 N.E. 816 (N.Y.1924)—§ **6.3, n. 2**.
- Hodes v. Axelrod, 520 N.Y.S.2d 933, 515 N.E.2d 612 (N.Y.1987)—§ **9.15, n. 9**.
- Holly S. Clarendon Trust v. State Tax Commission, 403 N.Y.S.2d 891, 374 N.E.2d 1242 (N.Y.1978)—§ **16.64, n. 4**.
- Holtzman v. Goldman, 528 N.Y.S.2d 21, 523 N.E.2d 297 (N.Y.1988)—§ **8.2, n. 35, 42**; § **8.19, n. 3**.
- Home Box Office, Inc. v. F. C. C., 567 F.2d 9, 185 U.S.App.D.C. 142 (D.C.Cir.1977)—§ **4.19**; § **4.19, n. 4**.
- Home Care Ass'n of New York State Inc. v. Dowling, 218 A.D.2d 126, 638 N.Y.S.2d 193 (N.Y.A.D. 3 Dept.1996)—§ **4.20, n. 37**.
- H. O. M. E. S. v. New York State Urban Development Corp., 69 A.D.2d 222, 418 N.Y.S.2d 827 (N.Y.A.D. 4 Dept.1979)—§ **9.18, n. 6**.
- Honey Dippers Septic Tank Services, Inc. v. Landi, 198 A.D.2d 402, 604 N.Y.S.2d 128 (N.Y.A.D. 2 Dept.1993)—§ **7.9, n. 16**.
- Hopkins v. City of Buffalo, 107 A.D.2d 1028, 486 N.Y.S.2d 514 (N.Y.A.D. 4 Dept.1985)—§ **5.10, n. 36**.
- Hopkins v. Mayor & Council of City of Wilmington, 600 F.Supp. 542 (D.Del.1984)—§ **3.3, n. 2**.
- Hospital Ass'n of New York State v. Axelrod, 164 A.D.2d 518, 565 N.Y.S.2d 243 (N.Y.A.D. 3 Dept.1990)—§ **7.6**; § **7.6, n. 15**; § **8.12, n. 9**.
- Houser v. Finneran, 99 A.D.2d 926, 473 N.Y.S.2d 50 (N.Y.A.D. 3 Dept.1984)—§ **9.5, n. 7**.
- Howard v. Wyman, 322 N.Y.S.2d 683, 271 N.E.2d 528 (N.Y.1971)—§ **8.3, n. 48**; § **16.61, n. 4**.
- Howard Johnson Co. v. State Tax Com'n, 492 N.Y.S.2d 11, 481 N.E.2d 551 (N.Y.1985)—§ **8.3, n. 56**; § **8.6, n. 28**.

TABLE OF CASES

- Hudson River Fisherman's Ass'n v. Williams, 139 A.D.2d 234, 531 N.Y.S.2d 379 (N.Y.A.D. 3 Dept.1988)—§ **8.2, n. 22.**
- Hull-Hazard, Inc. v. Roberts, 129 A.D.2d 348, 517 N.Y.S.2d 824 (N.Y.A.D. 3 Dept.1987)—§ **8.19, n. 13.**
- Humphrey v. Posluszny, 148 Misc.2d 848, 562 N.Y.S.2d 598 (N.Y.Sup.1990)—§ **5.13, n. 44.**
- Humphrey's Ex'r v. United States, 295 U.S. 602, 55 S.Ct. 869, 79 L.Ed. 1611 (1935)—§ **5.6, n. 2.**
- Hunt v. Washington State Apple Advertising Com'n, 432 U.S. 333, 97 S.Ct. 2434, 53 L.Ed.2d 383 (1977)—§ **7.4, n. 1.**
- Huntington, Town of v. New York State Div. of Human Rights, 604 N.Y.S.2d 541, 624 N.E.2d 678 (N.Y.1993)—§ **7.7; § 7.7, n. 15; § 8.2, n. 9.**
- Hurwitz v. New York City Com'n on Human Rights, 142 Misc.2d 214, 535 N.Y.S.2d 1007 (N.Y.Sup.1988)—§ **7.7, n. 8, 29.**

I

- Illinois v. Krull, 480 U.S. 340, 107 S.Ct. 1160, 94 L.Ed.2d 364 (1987)—§ **6.1, n. 2.**
- Imbler v. Pachtman, 424 U.S. 409, 96 S.Ct. 984, 47 L.Ed.2d 128 (1976)—§ **8.10, n. 39, 51.**
- Incorporated Village of Great Neck Plaza v. Nassau County Rent Guidelines Bd., 69 A.D.2d 528, 418 N.Y.S.2d 796 (N.Y.A.D. 2 Dept.1979)—§ **1.3, n. 7.**
- Industrial Liaison Committee of Niagara Falls Area Chamber of Commerce v. Williams, 531 N.Y.S.2d 791, 527 N.E.2d 274 (N.Y.1988)—§ **1.1, n. 5; § 4.7, n. 1; § 4.10; § 4.10, n. 6, 31; § 8.3; § 8.3, n. 37; § 10.17, n. 12.**
- Industrial Union Dept., AFL-CIO v. American Petroleum Institute, 448 U.S. 607, 100 S.Ct. 2844, 65 L.Ed.2d 1010 (1980)—§ **5.3, n. 6.**
- Ingalls Iron Works Co. v. Fehlhaber Corp., 29 A.D.2d 29, 285 N.Y.S.2d 369 (N.Y.A.D. 3 Dept.1967)—§ **4.17, n. 12.**
- Ingber v. New Hampshire Ins. Co., 198 A.D.2d 266, 603 N.Y.S.2d 547 (N.Y.A.D. 2 Dept.1993)—§ **7.8, n. 1.**
- Ingram v. Axelrod, 90 A.D.2d 568, 456 N.Y.S.2d 146 (N.Y.A.D. 3 Dept.1982)—§ **5.11, n. 43.**
- In re (see name of party)**
- Insurance Premium Finance Ass'n of New York State v. New York State Dept. of Ins., 645 N.Y.S.2d 428, 668 N.E.2d 399 (N.Y.1996)—§ **1.3; § 1.3, n. 9.**
- Interfaith Medical Center v. Sabiston, 136 A.D.2d 238, 143 A.D.2d 173, 527 N.Y.S.2d 48 (N.Y.A.D. 2 Dept.1988)—§ **7.8, n. 21.**
- International Shoe Co. v. Washington, 326 U.S. 310, 66 S.Ct. 154, 90 L.Ed. 95 (1945)—§ **2.1, n. 1.**
- International Summit Equities Corp. v. Van Schoor, 166 A.D.2d 531, 560 N.Y.S.2d 811 (N.Y.A.D. 2 Dept.1990)—§ **8.18, n. 3, 12.**
- International Union, United Auto., Aerospace and Agricultural Implement Workers of America v. N.L.R.B., 802 F.2d 969 (7th Cir.1986)—§ **3.15, n. 1.**
- Interstate Commerce Commission v. Louisville & N.R. Co., 227 U.S. 88, 33 S.Ct. 185, 57 L.Ed. 431 (1913)—§ **2.3, n. 12; § 4.1, n. 52.**
- Iorio v. Town of Mount Pleasant, 131 Misc.2d 395, 500 N.Y.S.2d 935 (N.Y.Sup.1986)—§ **9.18, n. 8.**
- Islip, Town of v. Zalak, 165 A.D.2d 83, 566 N.Y.S.2d 306 (N.Y.A.D. 2 Dept.1991)—§ **7.9, n. 19.**
- Ista Management v. State Div. of Housing and Community Renewal, 161 A.D.2d 424, 555 N.Y.S.2d 724 (N.Y.A.D. 1 Dept.1990)—§ **12.27, n. 2.**
- Ista Management Co. v. State Div. of Housing and Community Renewal, 139 Misc.2d 1, 526 N.Y.S.2d 375 (N.Y.Sup.1988)—§ **12.22, n. 11.**
- Ivey v. Coughlin, 111 A.D.2d 648, 490 N.Y.S.2d 210 (N.Y.A.D. 1 Dept.1985)—§ **8.2, n. 5.**
- Izzo, State v., 216 A.D.2d 456, 628 N.Y.S.2d 391 (N.Y.A.D. 2 Dept.1995)—§ **15.36, n. 5.**

J

- Jackson v. Georgia Dept. of Transp., 16 F.3d 1573 (11th Cir.1994)—§ **8.10, n. 26.**
- Jackson v. New York State Urban Development Corp., 503 N.Y.S.2d 298, 494 N.E.2d 429 (N.Y.1986)—§ **9.5, n. 7; § 9.18, n. 10.**

TABLE OF CASES

- Jagdish Rai Dhiman v. Roldan, N.Y.L.J., 1/16/97, p. 29, col. 4 (Sup.Ct., Queens County)—**§ 12.27, n. 6.**
- Jago v. Van Curen, 454 U.S. 14, 102 S.Ct. 31, 70 L.Ed.2d 13 (1981)—**§ 2.6, n. 6; § 2.7; § 2.7, n. 2.**
- Jamie TT, Matter of, 191 A.D.2d 132, 599 N.Y.S.2d 892 (N.Y.A.D. 3 Dept.1993)—**§ 2.5, n. 4.**
- Janus Petroleum Inc. v. New York State Tax Appeals Tribunal, 180 A.D.2d 53, 583 N.Y.S.2d 983 (N.Y.A.D. 3 Dept.1992)—**§ 16.33, n. 20.**
- Jennings v. New York State Office of Mental Health, 660 N.Y.S.2d 352, 682 N.E.2d 953 (N.Y.1997)—**§ 8.3, n. 45; § 8.4, n. 12.**
- Jennings v. Wilson, 179 Misc. 358, 40 N.Y.S.2d 400 (N.Y.Sup.1942)—**§ 3.8, n. 13.**
- Jewish Home and Infirmary of Rochester, New York, Inc. v. Commissioner of New York State Dept. of Health, 616 N.Y.S.2d 458, 640 N.E.2d 125 (N.Y.1994)—**§ 3.1, n. 13; § 4.1; § 4.1, n. 38.**
- Jewish Memorial Hospital v. Whalen, 418 N.Y.S.2d 318, 391 N.E.2d 1296 (N.Y.1979)—**§ 4.1; § 4.1, n. 36; § 8.8, n. 42; § 8.12, n. 8.**
- John P. v. Axelrod, 105 A.D.2d 1061, 482 N.Y.S.2d 637 (N.Y.A.D. 4 Dept.1984)—**§ 7.7, n. 28.**
- John P. v. Whalen, 444 N.Y.S.2d 598, 429 N.E.2d 117 (N.Y.1981)—**§ 5.11; § 5.11, n. 5.**
- John Paterno, Inc. By and Through Paterno v. Curiale, 645 N.Y.S.2d 424, 668 N.E.2d 395 (N.Y.1996)—**§ 8.3, n. 53; § 8.7, n. 13.**
- Johnson v. Christian, 114 A.D.2d 321, 494 N.Y.S.2d 314 (N.Y.A.D. 1 Dept.1985)—**§ 8.13, n. 18.**
- Johnson v. Nyack Hosp., 964 F.2d 116 (2nd Cir.1992)—**§ 14.49, n. 17.**
- Johnson v. Railway Exp. Agency, Inc., 421 U.S. 454, 95 S.Ct. 1716, 44 L.Ed.2d 295 (1975)—**§ 8.17, n. 12.**
- Johnson v. United States, 333 U.S. 10, 68 S.Ct. 367, 92 L.Ed. 436 (1948)—**§ 6.2, n. 5.**
- Jonathan Woodner, Co. v. Higgins, 179 A.D.2d 444, 578 N.Y.S.2d 561 (N.Y.A.D. 1 Dept.1992)—**§ 12.12; § 12.12, n. 14.**
- Jones v. Division of Housing and Community Renewal, 211 A.D.2d 541, 621 N.Y.S.2d 71 (N.Y.A.D. 1 Dept.1995)—**§ 12.7, n. 13.**
- Jones v. Koch, 117 A.D.2d 647, 498 N.Y.S.2d 166 (N.Y.A.D. 2 Dept.1986)—**§ 5.13, n. 53.**
- Jones v. Smith, 489 N.Y.S.2d 50, 478 N.E.2d 191 (N.Y.1985)—**§ 4.17; § 4.17, n. 5; § 4.20, n. 39.**
- Jordan's Partners v. Goehringer, 204 A.D.2d 453, 611 N.Y.S.2d 626 (N.Y.A.D. 2 Dept. 1994)—**§ 7.8, n. 16.**
- J.R.D. Management Corp. v. Eimicke, 148 A.D.2d 718, 539 N.Y.S.2d 669 (N.Y.A.D. 2 Dept.1989)—**§ 12.12, n. 6.**
- J.R.D. Management Corp. v. Eimicke, 148 A.D.2d 610, 539 N.Y.S.2d 667 (N.Y.A.D. 2 Dept.1989)—**§ 12.18, n. 1.**

K

- Kabnick v. Chassin, 652 N.Y.S.2d 722, 675 N.E.2d 457 (N.Y.1996)—**§ 14.47, n. 7.**
- Kalimian v. Olson, 130 Misc.2d 861, 498 N.Y.S.2d 690 (N.Y.Sup.1986)—**§ 7.9, n. 5.**
- Kanaley v. Brennan, 119 Misc.2d 1003, 465 N.Y.S.2d 130 (N.Y.Sup.1983)—**§ 9.18, n. 7.**
- Kantrowitz, People v., 10 Misc.2d 677, 173 N.Y.S.2d 213 (N.Y.Co.Ct.1958)—**§ 5.3, n. 1.**
- Kase, People v., 76 A.D.2d 532, 431 N.Y.S.2d 531 (N.Y.A.D. 1 Dept.1980)—**§ 9.11, n. 5.**
- Katz v. Commissioner of New York State Dept. of Social Services, 220 A.D.2d 929, 632 N.Y.S.2d 867 (N.Y.A.D. 3 Dept.1995)—**§ 8.5, n. 53.**
- Keating, People v., 286 A.D. 150, 141 N.Y.S.2d 562 (N.Y.A.D. 1 Dept.1955)—**§ 5.11, n. 53.**
- Kelly v. Murphy, 282 N.Y.S.2d 254, 229 N.E.2d 40 (N.Y.1967)—**§ 8.5, n. 49.**
- Kelsky v. Town Bd. of Town of Lewisboro, 215 A.D.2d 482, 627 N.Y.S.2d 400 (N.Y.A.D. 2 Dept.1995)—**§ 7.3, n. 44.**
- Kentucky Dept. of Corrections v. Thompson, 490 U.S. 454, 109 S.Ct. 1904, 104 L.Ed.2d 506 (1989)—**§ 2.7; § 2.7, n. 13.**
- Kessel v. D'Amato, 97 Misc.2d 675, 412 N.Y.S.2d 303 (N.Y.Sup.1979)—**§ 5.13, n. 49, 56.**
- Keta, People v., 583 N.Y.S.2d 920, 593 N.E.2d 1328 (N.Y.1992)—**§ 6.2; § 6.2, n. 27.**
- Kheel v. Ravitch, 475 N.Y.S.2d 814, 464 N.E.2d 118 (N.Y.1984)—**§ 5.11; § 5.11, n. 45.**
- Kibel v. State Div. of Housing and Community Renewal, 187 A.D.2d 338, 590 N.Y.S.2d 88 (N.Y.A.D. 1 Dept.1992)—**§ 12.19, n. 4.**

TABLE OF CASES

- Kilgus v. Board of Estimate of City of New York, 308 N.Y. 620, 127 N.E.2d 705 (N.Y.1955)—§ **12.8, n. 2.**
- Kilroy v. Brown, 190 A.D.2d 530, 593 N.Y.S.2d 32 (N.Y.A.D. 1 Dept.1993)—§ **8.7, n. 13.**
- Kindlon v. County of Rensselaer, 158 A.D.2d 178, 558 N.Y.S.2d 286 (N.Y.A.D. 3 Dept. 1990)—§ **7.9, n. 23.**
- King Crab Restaurant, Inc. v. Chu, 134 A.D.2d 51, 522 N.Y.S.2d 978 (N.Y.A.D. 3 Dept. 1987)—§ **16.20, n. 5.**
- Kircher v. City of Jamestown, 544 N.Y.S.2d 995, 543 N.E.2d 443 (N.Y.1989)—§ **8.9, n. 21.**
- Kirsch v. Board of Regents of University of State of N. Y., 79 A.D.2d 823, 435 N.Y.S.2d 151 (N.Y.A.D. 3 Dept.1980)—§ **3.11, n. 12.**
- Kloepfer v. Commissioner of Ed., 82 A.D.2d 974, 440 N.Y.S.2d 785 (N.Y.A.D. 3 Dept. 1981)—§ **5.13, n. 49.**
- Klostermann v. Cuomo, 475 N.Y.S.2d 247, 463 N.E.2d 588 (N.Y.1984)—§ **8.3; § 8.3, n. 7.**
- Koelbl v. Whalen, 63 A.D.2d 408, 406 N.Y.S.2d 621 (N.Y.A.D. 3 Dept.1978)—§ **3.11; § 3.11, n. 10.**
- Korba v. New York State Tax Commission, 84 A.D.2d 655, 444 N.Y.S.2d 312 (N.Y.A.D. 3 Dept.1981)—§ **16.20, n. 2.**
- Kostika v. Cuomo, 394 N.Y.S.2d 862, 363 N.E.2d 568 (N.Y.1977)—§ **8.7; § 8.7, n. 13, 16.**
- Kraemer v. County Court of Suffolk County, 189 N.Y.S.2d 878, 160 N.E.2d 633 (N.Y. 1959)—§ **8.2, n. 27.**
- Krauskopf v. Perales, 544 N.Y.S.2d 814, 543 N.E.2d 79 (N.Y.1989)—§ **8.8; § 8.8, n. 37.**
- Krauskopf v. Perales, 139 A.D.2d 147, 530 N.Y.S.2d 667 (N.Y.A.D. 3 Dept.1988)—§ **4.17, n. 7, 8.**
- Kupferman v. New York State Bd. of Social Welfare, 60 A.D.2d 674, 399 N.Y.S.2d 949 (N.Y.A.D. 3 Dept.1977)—§ **4.1, n. 50.**
- Kurcsics v. Merchants Mut. Ins. Co., 426 N.Y.S.2d 454, 403 N.E.2d 159 (N.Y.1980)—§ **8.3, n. 42; § 16.61, n. 5.**
- Kurland v. McLaughlin, 122 A.D.2d 947, 505 N.Y.S.2d 967 (N.Y.A.D. 2 Dept.1986)—§ **5.10, n. 33.**

L

- La Bounty v. Coughlin, 153 A.D.2d 981, 545 N.Y.S.2d 425 (N.Y.A.D. 3 Dept.1989)—§ **3.12, n. 3.**
- La Guardia v. Cavanaugh, 440 N.Y.S.2d 586, 423 N.E.2d 9 (N.Y.1981)—§ **12.2, n. 9.**
- Lakeland Water Dist. v. Onondaga County Water Authority, 301 N.Y.S.2d 1, 248 N.E.2d 855 (N.Y.1969)—§ **8.2, n. 52; § 8.3, n. 21; § 8.12, n. 1, 18.**
- Lamitie v. Emerson Elec. Co. - White Rodgers Div., 142 A.D.2d 293, 535 N.Y.S.2d 650 (N.Y.A.D. 3 Dept.1988)—§ **11.2, n. 16.**
- Landesman v. Board of Regents of State of N.Y., 94 A.D.2d 827, 463 N.Y.S.2d 118 (N.Y.A.D. 3 Dept.1983)—§ **3.2, n. 8, 16.**
- Land Office Com'rs, People ex rel. Harris v., 149 N.Y. 26, 43 N.E. 418 (N.Y.1896)—§ **8.3, n. 32.**
- Lanza v. Wagner, 229 N.Y.S.2d 380, 183 N.E.2d 670 (N.Y.1962)—§ **5.5; § 5.5, n. 11.**
- La Rocca v. Lane, 376 N.Y.S.2d 93, 338 N.E.2d 606 (N.Y.1975)—§ **7.7, n. 11; § 8.2, n. 28.**
- Laub v. New York State Div. of Housing and Community Renewal, 176 A.D.2d 560, 574 N.Y.S.2d 736 (N.Y.A.D. 1 Dept.1991)—§ **12.20; § 12.20, n. 4.**
- Law Enforcement Officers Union Dist. Council 82, AFSCME, AFL-CIO by Engelhardt v. State, 168 Misc.2d 781, 643 N.Y.S.2d 301 (N.Y.Sup.1995)—§ **4.5; § 4.5, n. 10, 16.**
- Lee v. New York City Dept. of Housing Preservation and Development, 212 A.D.2d 453, 622 N.Y.S.2d 944 (N.Y.A.D. 1 Dept.1995)—§ **7.3, n. 44.**
- Lee TT v. Dowling, 642 N.Y.S.2d 181, 664 N.E.2d 1243 (N.Y.1996)—§ **2.5; § 2.5, n. 28.**
- Legal Aid Soc. of Sullivan County, Inc. v. Scheinman, 439 N.Y.S.2d 882, 422 N.E.2d 542 (N.Y.1981)—§ **8.2, n. 17.**
- Lehigh Portland Cement Co. v. New York State Dept. of Environmental Conservation, 638 N.Y.S.2d 388, 661 N.E.2d 961 (N.Y.1995)—§ **7.9; § 7.9, n. 32.**
- Leichter v. Barber, 120 A.D.2d 776, 501 N.Y.S.2d 925 (N.Y.A.D. 3 Dept.1986)—§ **4.15; § 4.15, n. 13; § 4.20; § 4.20, n. 32.**
- Lentsch v. Marshall, 741 F.2d 301 (10th Cir.1984)—§ **8.10, n. 50.**
- Lettko v. New York State Dept. of Health, 195 A.D.2d 781, 600 N.Y.S.2d 364 (N.Y.A.D. 3 Dept.1993)—§ **7.3, n. 33.**

TABLE OF CASES

- Levin v. Axelrod, 168 A.D.2d 178, 571 N.Y.S.2d 345 (N.Y.A.D. 3 Dept.1991)—§ **8.2**, **n. 12**.
Levin v. Gallman, 396 N.Y.S.2d 623, 364 N.E.2d 1316 (N.Y.1977)—§ **16.61**, **n. 4**.
Levin v. Murawski, 462 N.Y.S.2d 836, 449 N.E.2d 730 (N.Y.1983)—§ **6.3**; § **6.3**, **n. 3**; § **6.4**, **n. 7**.
Levine v. Board of Educ. of City of New York, 173 A.D.2d 619, 570 N.Y.S.2d 200 (N.Y.A.D. 2 Dept.1991)—§ **7.9**, **n. 19**.
Levine v. Whalen, 384 N.Y.S.2d 721, 349 N.E.2d 820 (N.Y.1976)—§ **4.22**; § **4.22**, **n. 20**; § **5.3**; § **5.3**, **n. 9**.
Lieberman v. Gallman, 396 N.Y.S.2d 159, 364 N.E.2d 823 (N.Y.1977)—§ **16.61**, **n. 4**.
Liehs, Estate of, 132 A.D.2d 1002, 518 N.Y.S.2d 288 (N.Y.A.D. 4 Dept.1987)—§ **16.30**, **n. 3**.
Liggett v. Pichler, 142 A.D.2d 206, 534 N.Y.S.2d 973 (N.Y.A.D. 1 Dept.1988)—§ **8.2**, **n. 17**.
Lincoln v. Vigil, 508 U.S. 182, 113 S.Ct. 2024, 124 L.Ed.2d 101 (1993)—§ **4.20**, **n. 27**.
Linick v. Kev Realty Co., Inc., 147 A.D.2d 388, 537 N.Y.S.2d 810 (N.Y.A.D. 1 Dept.1989)—§ **12.23**, **n. 4**.
Livingston Associates v. State Div. of Housing and Community Renewal, 220 A.D.2d 504, 632 N.Y.S.2d 219 (N.Y.A.D. 2 Dept.1995)—§ **12.22**; § **12.22**, **n. 3**.
Local 342 v. Town Bd. of Town of Huntington, 31 F.3d 1191 (2nd Cir.1994)—§ **2.6**, **n. 25**.
Lombardo v. Santevecchi, N.Y.L.J., 11/20/96, p. 33, col. 4 (Civ.Ct., Kings County)—§ **12.5**, **n. 11**.
Londoner v. City and County of Denver, 210 U.S. 373, 28 S.Ct. 708, 52 L.Ed. 1103 (1908)—§ **2.3**; § **2.3**, **n. 3**.
Long Beach, City of v. Mansell, 91 Cal.Rptr. 23, 476 P.2d 423 (Cal.1970)—§ **5.8**, **n. 2**.
Long Island College Hospital v. Catherwood, 294 N.Y.S.2d 697, 241 N.E.2d 892 (N.Y. 1968)—§ **13.5**, **n. 6**.
Long Island College Hospital v. New York State Labor Relations Bd., 345 N.Y.S.2d 449, 298 N.E.2d 614 (N.Y.1973)—§ **13.20**, **n. 7**.
Long Island College Hospital v. Whalen, 68 A.D.2d 274, 416 N.Y.S.2d 841 (N.Y.A.D. 3 Dept.1979)—§ **4.16**, **n. 13**.
Louis Harris and Associates, Inc. v. deLeon, 622 N.Y.S.2d 217, 646 N.E.2d 438 (N.Y. 1994)—§ **3.14**, **n. 10**.
Lowrance v. Achtyl, 20 F.3d 529 (2nd Cir.1994)—§ **2.7**; § **2.7**, **n. 17**.
Loyal Tire and Auto Center Inc. v. New York State Thruway Authority, 227 A.D.2d 82, 652 N.Y.S.2d 804 (N.Y.A.D. 3 Dept.1997)—§ **3.22**, **n. 8**.
Lubin v. Board of Educ. of City of New York, 471 N.Y.S.2d 256, 459 N.E.2d 481 (N.Y.1983)—§ **8.13**, **n. 18**; § **14.52**, **n. 5**.
Lutheran Church in America v. City of New York, 27 A.D.2d 237, 278 N.Y.S.2d 1 (N.Y.A.D. 1 Dept.1967)—§ **8.12**, **n. 20**.

M

- Mada-Luna v. Fitzpatrick, 813 F.2d 1006 (9th Cir.1987)—§ **4.16**, **n. 4**.
Maher v. New York State Div. of Housing and Community Renewal, 158 Misc.2d 826, 601 N.Y.S.2d 667 (N.Y.Sup.1993)—§ **4.15**, **n. 10**; § **12.22**, **n. 8**.
Maher v. New York State Div. of Housing and Community Renewal, N.Y.L.J., 9/8/93, p. 24, col. 5 (Sup. Court, Westchester County)—§ **12.5**, **n. 10**.
Maher, People ex rel. Wooster v., 141 N.Y. 330, 36 N.E. 396 (N.Y.1894)—§ **8.3**, **n. 32**.
Malinowski v. Kihl, 1993 WL 335783 (W.D.N.Y.1993)—§ **8.10**, **n. 44**.
Manoherian v. Lenox Hill Hosp., 618 N.Y.S.2d 857, 643 N.E.2d 479 (N.Y.1994)—§ **12.1**, **n. 9**.
Mansfield v. Sielaff, 184 A.D.2d 477, 585 N.Y.S.2d 425 (N.Y.A.D. 1 Dept.1992)—§ **8.7**, **n. 13**.
Marburg v. Cole, 286 N.Y. 202, 36 N.E.2d 113 (N.Y.1941)—§ **8.2**, **n. 22**; § **8.3**; § **8.3**, **n. 30**; § **8.8**, **n. 19**; § **10.17**, **n. 11**.
Marbury v. Madison, 5 U.S. 137, 2 L.Ed. 60 (1803)—§ **8.8**, **n. 1**.
Marchetti v. United States, 390 U.S. 39, 88 S.Ct. 697, 19 L.Ed.2d 889 (1968)—§ **6.4**; § **6.4**, **n. 14**, **16**.
Marcus v. Ambach, 136 A.D.2d 778, 523 N.Y.S.2d 241 (N.Y.A.D. 3 Dept.1988)—§ **3.11**, **n. 12**.
Margolin v. Newman, 130 A.D.2d 312, 520 N.Y.S.2d 226 (N.Y.A.D. 3 Dept.1987)—§ **13.20**; § **13.20**, **n. 11**.

TABLE OF CASES

- Marilyn S. v. City of New York, 539 N.Y.S.2d 293, 536 N.E.2d 622 (N.Y.1989)—§ 8.9; § 8.9, n. 18, 20, 40.
- Marino v. Weprin, 192 A.D.2d 174, 600 N.Y.S.2d 289 (N.Y.A.D. 3 Dept.1993)—§ 5.6; § 5.6, n. 17.
- Marshall v. Barlow's, Inc., 436 U.S. 307, 98 S.Ct. 1816, 56 L.Ed.2d 305 (1978)—§ 6.2, n. 13.
- Martin A. v. Gross, 153 A.D.2d 812, 546 N.Y.S.2d 75 (N.Y.A.D. 1 Dept.1989)—§ 7.9; § 7.9, n. 28, 36.
- Martinez v. Blum, 624 F.2d 1 (2nd Cir.1980)—§ 3.12, n. 2.
- Mary M. v. Clark, 100 A.D.2d 41, 473 N.Y.S.2d 843 (N.Y.A.D. 3 Dept.1984)—§ 3.2, n. 8, 16; § 3.6; § 3.6, n. 5; § 3.10; § 3.10, n. 15; § 3.22, n. 7.
- Mary M. v. Clark, 118 Misc.2d 98, 460 N.Y.S.2d 424 (N.Y.Sup.1983)—§ 3.6, n. 6; § 4.17, n. 3; § 4.20, n. 44.
- Mathews v. Eldridge, 424 U.S. 319, 96 S.Ct. 893, 47 L.Ed.2d 18 (1976)—§ 2.8; § 2.8, n. 22, 42; § 3.8, n. 14.
- Matlovich v. Secretary of the Air Force, 591 F.2d 852, 192 U.S.App.D.C. 243 (D.C.Cir. 1978)—§ 4.6, n. 17.
- Matter of (see name of party)**
- Matthes v. Town of East Fishkill, 785 F.2d 43 (2nd Cir.1986)—§ 5.13, n. 34.
- Mayer v. City Rent Agency, 412 N.Y.S.2d 867, 385 N.E.2d 605 (N.Y.1978)—§ 12.4, n. 1.
- Mazel Real Estate v. Mirabal, 138 A.D.2d 600, 526 N.Y.S.2d 183 (N.Y.A.D. 2 Dept.1988)—§ 12.27, n. 2.
- McBarnette v. Sobol, 610 N.Y.S.2d 460, 632 N.E.2d 866 (N.Y.1994)—§ 3.5, n. 12.
- McClure v. Board of Trustees of Village of Saltaire, 121 A.D.2d 699, 504 N.Y.S.2d 173 (N.Y.A.D. 2 Dept.1986)—§ 7.9, n. 17.
- McGannon v. Board of Trustees for the Village of Pomona, 239 A.D.2d 392, 657 N.Y.S.2d 745 (N.Y.A.D. 2 Dept.1997)—§ 5.8, n. 18.
- McGovern v. Tatten, 213 A.D.2d 778, 623 N.Y.S.2d 370 (N.Y.A.D. 3 Dept.1995)—§ 5.13, n. 49.
- McGrath, People v., 412 N.Y.S.2d 801, 385 N.E.2d 541 (N.Y.1978)—§ 6.2; § 6.2, n. 38.
- MCI Telecommunications Corp. v. Public Service Com'n of the State of N.Y., 231 A.D.2d 284, 659 N.Y.S.2d 563 (N.Y.A.D. 3 Dept.1997)—§ 8.13, n. 18.
- McKinley v. Stinson, 237 A.D.2d 815, 655 N.Y.S.2d 669 (N.Y.A.D. 3 Dept.1997)—§ 3.7, n. 1.
- McLemore, United States v., 45 U.S. 286, 4 How. 286, 11 L.Ed. 977 (1846)—§ 8.9, n. 2.
- McLeod v. I.N.S., 802 F.2d 89 (3rd Cir.1986)—§ 3.9, n. 4.
- McMillian v. Monroe County, Ala., ___ U.S. ___, 117 S.Ct. 1734, 138 L.Ed.2d 1 (1997)—§ 8.10, n. 8.
- Meade v. Grubbs, 841 F.2d 1512 (10th Cir.1988)—§ 8.17, n. 6.
- Medical Malpractice Ins. Ass'n v. Superintendent of Ins. of State of N.Y., 537 N.Y.S.2d 1, 533 N.E.2d 1030 (N.Y.1988)—§ 8.3, n. 44.
- Medicon Diagnostic Laboratories, Inc. v. Perales, 182 A.D.2d 1033, 583 N.Y.S.2d 536 (N.Y.A.D. 3 Dept.1992)—§ 3.4, n. 12, 18.
- Medicon Diagnostic Laboratories, Inc. v. Perales, 549 N.Y.S.2d 933, 549 N.E.2d 124 (N.Y.1989)—§ 2.8; § 2.8, n. 49.
- Medicon Diagnostic Laboratories, Inc. v. Perales, 145 A.D.2d 167, 537 N.Y.S.2d 999 (N.Y.A.D. 3 Dept.1989)—§ 4.10; § 4.10, n. 26.
- Megdal v. Oregon State Bd. of Dental Examiners, 288 Or. 293, 605 P.2d 273 (Or.1980)—§ 4.22; § 4.22, n. 6.
- Megson v. New York State Tax Com'n, 105 A.D.2d 481, 480 N.Y.S.2d 615 (N.Y.A.D. 3 Dept.1984)—§ 3.7, n. 9.
- Meola v. Assessor of Town of Colonie, 207 A.D.2d 593, 615 N.Y.S.2d 506 (N.Y.A.D. 3 Dept.1994)—§ 11.15, n. 2.
- Mera v. Tax Appeals Tribunal of State of N.Y., 204 A.D.2d 818, 611 N.Y.S.2d 716 (N.Y.A.D. 3 Dept.1994)—§ 16.20, n. 3.
- Mercy Hosp. of Watertown v. New York State Dept. of Social Services, 581 N.Y.S.2d 628, 590 N.E.2d 213 (N.Y.1992)—§ 5.3, n. 25.
- Meyer v. Nebraska, 262 U.S. 390, 43 S.Ct. 625, 67 L.Ed. 1042 (1923)—§ 2.5, n. 1.
- Meyer v. State Tax Commission, 61 A.D.2d 223, 402 N.Y.S.2d 74 (N.Y.A.D. 3 Dept.1978)—§ 16.20, n. 2.
- Meyers v. Tax Appeals Tribunal of State of N.Y., 201 A.D.2d 185, 615 N.Y.S.2d 90 (N.Y.A.D. 3 Dept.1994)—§ 16.38, n. 3, 5.

TABLE OF CASES

- M. Farbman & Sons, Inc. v. New York City Health and Hospitals Corp., 476 N.Y.S.2d 69, 464 N.E.2d 437 (N.Y.1984)—§ **5.10**, **n. 23**.
- MFY Legal Services, Inc. v. Toia, 93 Misc.2d 147, 402 N.Y.S.2d 510 (N.Y.Sup.1977)—§ **5.13**, **n. 49**.
- Miller v. Board of Educ. of the North Colonie Cent. School Dist., 239 A.D.2d 768, 657 N.Y.S.2d 252 (N.Y.A.D. 3 Dept.1997)—§ **8.5**, **n. 37**.
- Miller v. DeBuono, 666 N.Y.S.2d 548, 689 N.E.2d 518 (N.Y.1997)—§ **2.5**; § **2.5**, **n. 29**; § **3.12**; § **3.12**, **n. 12**.
- Miller v. Department of Motor Vehicles, 234 A.D.2d 627, 650 N.Y.S.2d 494 (N.Y.A.D. 3 Dept.1996)—§ **3.14**, **n. 7**.
- Miller, People v., 199 A.D.2d 692, 605 N.Y.S.2d 160 (N.Y.A.D. 3 Dept.1993)—§ **11.8**, **n. 6**.
- Mindel v. Village of Thomaston, 150 A.D.2d 653, 541 N.Y.S.2d 526 (N.Y.A.D. 2 Dept. 1989)—§ **7.9**; § **7.9**, **n. 24**.
- Minicucci v. Adduci, 178 A.D.2d 913, 577 N.Y.S.2d 952 (N.Y.A.D. 3 Dept.1991)—§ **11.8**, **n. 6**.
- Miracle Mile Associates v. Yudelson, 68 A.D.2d 176, 417 N.Y.S.2d 142 (N.Y.A.D. 4 Dept.1979)—§ **5.10**, **n. 6**, **39**.
- Miranda v. Arizona, 384 U.S. 436, 86 S.Ct. 1602, 16 L.Ed.2d 694 (1966)—§ **11.3**, **n. 27**.
- Missionary Sisters of the Sacred Heart v. Meer, 131 A.D.2d 393, 517 N.Y.S.2d 504 (N.Y.A.D. 1 Dept.1987)—§ **7.8**, **n. 17**.
- Mister Discount Stockbrokers, Inc. v. S.E.C., 768 F.2d 875 (7th Cir.1985)—§ **3.5**, **n. 2**.
- Mistretta v. United States, 488 U.S. 361, 109 S.Ct. 647, 102 L.Ed.2d 714 (1989)—§ **5.3**, **n. 7**.
- Mitchell v. Dowdell, 172 A.D.2d 1032, 569 N.Y.S.2d 291 (N.Y.A.D. 4 Dept.1991)—§ **8.3**, **n. 20**.
- Mobil Oil Corp. v. Department of Energy, 520 F.Supp. 420 (N.D.N.Y.1981)—§ **7.9**, **n. 7**.
- Mobil Oil Corp. v. Syracuse Indus. Development Agency, 559 N.Y.S.2d 947, 559 N.E.2d 641 (N.Y.1990)—§ **7.2**, **n. 2**; § **7.3**; § **7.3**, **n. 30**; § **9.18**; § **9.18**, **n. 3**.
- Mobil Oil Exploration & Producing Southeast Inc. v. United Distribution Companies, 498 U.S. 211, 111 S.Ct. 615, 112 L.Ed.2d 636 (1991)—§ **8.8**, **n. 13**.
- Mohawk Valley Ambulance Corps., Inc. v. New York State Dept. of Health, 164 A.D.2d 968, 559 N.Y.S.2d 414 (N.Y.A.D. 4 Dept.1990)—§ **4.20**, **n. 26**.
- Molea v. Marasco, 485 N.Y.S.2d 738, 475 N.E.2d 109 (N.Y.1984)—§ **7.7**, **n. 28**.
- Molina v. Games Management Services, 462 N.Y.S.2d 615, 449 N.E.2d 395 (N.Y.1983)—§ **8.8**; § **8.8**, **n. 38**.
- Monell v. Department of Social Services of City of New York, 436 U.S. 658, 98 S.Ct. 2018, 56 L.Ed.2d 611 (1978)—§ **8.10**, **n. 12**.
- Monroe v. Pape, 365 U.S. 167, 81 S.Ct. 473, 5 L.Ed.2d 492 (1961)—§ **8.10**; § **8.10**, **n. 11**, **23**.
- Monroe-Livingston Sanitary Landfill, Inc. v. Bickford, 107 A.D.2d 1062, 486 N.Y.S.2d 566 (N.Y.A.D. 4 Dept.1985)—§ **5.13**, **n. 49**.
- Montauk Imp., Inc. v. Proccacino, 394 N.Y.S.2d 619, 363 N.E.2d 344 (N.Y.1977)—§ **3.11**, **n. 9**.
- Moon v. New York State Dept. of Social Services, 207 A.D.2d 103, 621 N.Y.S.2d 164 (N.Y.A.D. 3 Dept.1995)—§ **6.3**; § **6.3**, **n. 16**.
- Moore v. City of East Cleveland, Ohio, 431 U.S. 494, 97 S.Ct. 1932, 52 L.Ed.2d 531 (1977)—§ **2.5**, **n. 4**.
- Moore v. Santucci, 151 A.D.2d 677, 543 N.Y.S.2d 103 (N.Y.A.D. 2 Dept.1989)—§ **5.11**, **n. 26**.
- Mora v. Dibartolo, N.Y.L.J., 2/8/95, p. 27, col. 2 (Civ.Ct., N.Y. County)—§ **12.11**, **n. 8**.
- Moran v. Baxter, 193 A.D.2d 460, 597 N.Y.S.2d 688 (N.Y.A.D. 1 Dept.1993)—§ **8.7**, **n. 13**.
- Morgenthau v. Erlbaum, 464 N.Y.S.2d 392, 451 N.E.2d 150 (N.Y.1983)—§ **8.2**, **n. 42**.
- Moriah, Town of v. Cole-Layer-Trumble Co., 200 A.D.2d 879, 606 N.Y.S.2d 822 (N.Y.A.D. 3 Dept.1994)—§ **5.13**, **n. 49**.
- Morillo v. City of New York, 178 A.D.2d 7, 582 N.Y.S.2d 387 (N.Y.A.D. 1 Dept.1992)—§ **2.6**; § **2.6**, **n. 20**.
- Morley v. Arricale, 495 N.Y.S.2d 966, 486 N.E.2d 824 (N.Y.1985)—§ **8.6**, **n. 13**.
- Morrison v. Olson, 487 U.S. 654, 108 S.Ct. 2597, 101 L.Ed.2d 569 (1988)—§ **5.6**, **n. 2**.
- Morrissey v. Sobol, 176 A.D.2d 1147, 575 N.Y.S.2d 960 (N.Y.A.D. 3 Dept.1991)—§ **8.7**, **n. 1**.
- Morton Salt Co., United States v., 338 U.S. 632, 70 S.Ct. 357, 94 L.Ed. 401 (1950)—§ **6.4**, **n. 4**.

TABLE OF CASES

- Motor Vehicle Mfrs. Ass'n of United States, Inc. v. Jorling, 152 Misc.2d 405, 577 N.Y.S.2d 346 (N.Y.Sup.1991)—§ **4.1, n. 27**; § **4.3**; § **4.3, n. 61**; § **10.18, n. 12**.
- Motor Vehicle Mfrs. Ass'n of United States, Inc. v. State, 551 N.Y.S.2d 470, 550 N.E.2d 919 (N.Y.1990)—§ **5.4**; § **5.4, n. 10**; § **5.5**; § **5.5, n. 18**; § **7.10, n. 45**.
- Motor Vehicle Mfrs. Ass'n of United States, Inc. v. State Farm Mut. Auto. Ins. Co., 463 U.S. 29, 103 S.Ct. 2856, 77 L.Ed.2d 443 (1983)—§ **8.8**; § **8.8, n. 8**.
- Mott v. Division of Housing and Community Renewal of State of N.Y., 147 A.D.2d 571, 537 N.Y.S.2d 864 (N.Y.A.D. 2 Dept.1989)—§ **12.19, n. 1**.
- Mott v. Division of Housing and Community Renewal of State of N.Y., 140 A.D.2d 7, 531 N.Y.S.2d 617 (N.Y.A.D. 2 Dept.1988)—§ **12.19, n. 4**.
- Mountbatten Equities v. New York State Div. of Housing and Community Renewal, 226 A.D.2d 128, 640 N.Y.S.2d 82 (N.Y.A.D. 1 Dept.1996)—§ **12.18, n. 2**.
- Mountbatten Equities, Inc. v. New York State Div. of Housing and Community Renewal, 140 Misc.2d 87, 530 N.Y.S.2d 973 (N.Y.Sup.1988)—§ **12.22**; § **12.22, n. 7**.
- Mounting & Finishing Co. v. McGoldrick, 294 N.Y. 104, 60 N.E.2d 825 (N.Y.1945)—§ **8.3**; § **8.3, n. 33, 53**.
- Mount St. Mary's Hospital of Niagara Falls v. Catherwood, 311 N.Y.S.2d 863, 260 N.E.2d 508 (N.Y.1970)—§ **5.4**; § **5.4, n. 3**; § **5.5**; § **5.5, n. 15**; § **7.10**; § **7.10, n. 25, 33, 63**.
- Mount Vernon Housing Authority v. Goldman, 67 A.D.2d 392, 415 N.Y.S.2d 249 (N.Y.A.D. 2 Dept.1979)—§ **4.1, n. 50**.
- Mount Vernon Housing Authority v. Jordan, 120 Misc.2d 670, 466 N.Y.S.2d 546 (N.Y.City Ct.1982)—§ **1.3, n. 8**.
- M. Parpis Food Distributors Inc. v. Wetzler, 202 A.D.2d 873, 609 N.Y.S.2d 444 (N.Y.A.D. 3 Dept.1994)—§ **7.9, n. 3**.
- Mulligan v. Hazard, 777 F.2d 340 (6th Cir.1985)—§ **8.17, n. 6**.
- Murray v. Troy Urban Renewal Agency, Inc., 453 N.Y.S.2d 400, 438 N.E.2d 1115 (N.Y. 1982)—§ **5.11**; § **5.11, n. 19**.
- Murtha v. Leonard, 210 A.D.2d 411, 620 N.Y.S.2d 101 (N.Y.A.D. 2 Dept.1994)—§ **5.10, n. 28**.
- Myers v. United States, 272 U.S. 52, 47 S.Ct. 21, 71 L.Ed. 160 (1926)—§ **5.6, n. 2**.

N

- Nalo v. Sullivan, 125 A.D.2d 311, 509 N.Y.S.2d 53 (N.Y.A.D. 2 Dept.1986)—§ **5.11, n. 39**.
- Nassau County v. State Bd. of Equalization and Assessment of State of N.Y., 80 A.D.2d 9, 437 N.Y.S.2d 793 (N.Y.A.D. 3 Dept.1981)—§ **5.6, n. 12**.
- National Ass'n of Independent Insurers v. State, 207 A.D.2d 191, 620 N.Y.S.2d 448 (N.Y.A.D. 2 Dept.1994)—§ **4.18, n. 14**.
- National Basketball Ass'n v. New York State Div. of Human Rights on Complaint of Sokolofsky, 505 N.Y.S.2d 63, 496 N.E.2d 222 (N.Y.1986)—§ **3.8, n. 8**.
- National Elevator Industry, Inc. v. New York State Tax Commission, 427 N.Y.S.2d 586, 404 N.E.2d 709 (N.Y.1980)—§ **16.13, n. 8**.
- Natural Resources Defense Council, Inc. v. United States E.P.A., 683 F.2d 752 (3rd Cir.1982)—§ **4.5, n. 14**.
- Natural Resources Defense Council, Inc. v. United States Nuclear Regulatory Commission, 547 F.2d 633, 178 U.S.App.D.C. 336 (D.C.Cir.1976)—§ **4.1, n. 5**.
- Neshaminy, Inc. v. Hastings, 64 A.D.2d 830, 407 N.Y.S.2d 603 (N.Y.A.D. 4 Dept.1978)—§ **3.11, n. 9**.
- Netupsky v. New York State Bd. of Regents, 95 Misc.2d 763, 408 N.Y.S.2d 259 (N.Y.Sup. 1978)—§ **3.22, n. 17**.
- Newbrand v. City of Yonkers, 285 N.Y. 164, 33 N.E.2d 75 (N.Y.1941)—§ **7.7, n. 7**; § **8.2, n. 8**; § **8.5**; § **8.5, n. 3**.
- Newburgh, City of v. Public Employment Relations Bd., 481 N.Y.S.2d 327, 471 N.E.2d 140 (N.Y.1984)—§ **7.7, n. 28**.
- Newport Associates, Inc. v. Leventhal, 50 A.D.2d 741, 376 N.Y.S.2d 521 (N.Y.A.D. 1 Dept.1975)—§ **12.2, n. 9**.
- New Windsor, Town of v. Tesa Tuck, Inc., 919 F.Supp. 662 (S.D.N.Y.1996)—§ **15.1, n. 5**.
- New York v. Burger, 482 U.S. 691, 107 S.Ct. 2636, 96 L.Ed.2d 601 (1987)—§ **6.2, n. 19**.
- New York City Dept. of Environmental Protection v. New York City Civil Service Com'n, 574 N.Y.S.2d 664, 579 N.E.2d 1385 (N.Y.1991)—§ **7.10**; § **7.10, n. 47, 66**.

TABLE OF CASES

- New York City Dept. of Investigation v. Passannante, 148 A.D.2d 101, 544 N.Y.S.2d 1 (N.Y.A.D. 1 Dept.1989)—§ **6.3**, **n. 7**.
- New York City Health and Hospitals Corp. v. Bane, 639 N.Y.S.2d 985, 663 N.E.2d 297 (N.Y.1995)—§ **8.12**; § **8.12**, **n. 24**.
- New York City Health and Hospitals Corp. v. McBarnette, 616 N.Y.S.2d 1, 639 N.E.2d 740 (N.Y.1994)—§ **8.2**; § **8.2**, **n. 18, 53**; § **8.3**; § **8.3**, **n. 23**; § **8.12**; § **8.12**, **n. 3, 18**; § **9.17**, **n. 2**; § **10.17**; § **10.17**, **n. 9**; § **11.21**, **n. 6**.
- New York City Health and Hospitals Corp. v. Perales, 954 F.2d 854 (2nd Cir.1992)—§ **8.12**, **n. 25**.
- New York, City of v. New York State Dept. of Health, 164 Misc.2d 247, 623 N.Y.S.2d 491 (N.Y.Sup.1995)—§ **4.21**, **n. 10, 14**.
- New York City Transit Authority v. New York State Dept. of Labor, 644 N.Y.S.2d 463, 666 N.E.2d 1336 (N.Y.1996)—§ **4.20**; § **4.20**, **n. 36**.
- New York City Transit Authority v. New York State Dept. of Labor, 211 A.D.2d 432, 621 N.Y.S.2d 312 (N.Y.A.D. 1 Dept.1995)—§ **4.15**, **n. 15**; § **4.20**, **n. 26**; § **8.5**, **n. 37**.
- New York Horse and Carriage Ass'n v. Council of City of New York, 169 A.D.2d 547, 564 N.Y.S.2d 399 (N.Y.A.D. 1 Dept.1991)—§ **5.13**, **n. 49**.
- New York Post Corp. v. Leibowitz, 163 N.Y.S.2d 409, 143 N.E.2d 256 (N.Y.1957)—§ **8.2**, **n. 11**.
- New York Public Interest Research Group, Inc. by Wathen v. Town of Islip, 525 N.Y.S.2d 798, 520 N.E.2d 517 (N.Y.1988)—§ **9.13**, **n. 6**.
- New York Public Interest Research Group, Inc., by Wathen v. Williams, 127 A.D.2d 512, 511 N.Y.S.2d 864 (N.Y.A.D. 1 Dept.1987)—§ **3.20**; § **3.20**, **n. 13**.
- New York State Ass'n of Counties v. Axelrod, 573 N.Y.S.2d 25, 577 N.E.2d 16 (N.Y.1991)—§ **8.8**; § **8.8**, **n. 3, 15**; § **8.12**; § **8.12**, **n. 8, 22**; § **10.17**; § **10.17**, **n. 11, 13**; § **10.19**; § **10.19**, **n. 3**.
- New York State Ass'n of Life Underwriters, Inc. v. New York State Banking Dept., 610 N.Y.S.2d 470, 632 N.E.2d 876 (N.Y.1994)—§ **8.3**, **n. 42**.
- New York State Bd. of Parole, People ex rel. Piccarillo v., 421 N.Y.S.2d 842, 397 N.E.2d 354 (N.Y.1979)—§ **6.2**; § **6.2**, **n. 42**.
- New York State Builders Ass'n, Inc. v. State, 98 Misc.2d 1045, 414 N.Y.S.2d 956 (N.Y.Sup. 1979)—§ **7.5**; § **7.5**, **n. 5**.
- New York State Coalition of Public Employers v. New York State Dept. of Labor, 89 A.D.2d 283, 456 N.Y.S.2d 465 (N.Y.A.D. 3 Dept.1982)—§ **4.20**, **n. 16**.
- New York State Com'n on Government Integrity v. Congel, 142 Misc.2d 9, 535 N.Y.S.2d 880 (N.Y.Sup.1988)—§ **6.3**, **n. 1, 14**.
- New York State Com'n on Judicial Conduct v. Doe, 471 N.Y.S.2d 557, 459 N.E.2d 850 (N.Y.1984)—§ **6.3**; § **6.3**, **n. 11**.
- New York State Health Facilities Ass'n, Inc. v. Axelrod, 568 N.Y.S.2d 1, 569 N.E.2d 860 (N.Y.1991)—§ **5.3**; § **5.3**, **n. 27**.
- New York State Inspection, Sec. and Law Enforcement Employees, Dist. Council 82, AFSCME, AFL-CIO v. New York State Public Employment Relations Bd., 629 F.Supp. 33 (N.D.N.Y.1984)—§ **13.20**, **n. 3**.
- New York State Labor Relations Bd., In re v. Metropolitan Life Ins. Co., 183 Misc. 1064, 52 N.Y.S.2d 590 (N.Y.Sup.1944)—§ **13.2**, **n. 2**.
- New York State Labor Relations Board v. Holland Laundry, 294 N.Y. 480, 63 N.E.2d 68 (N.Y.1945)—§ **13.19**, **n. 1**.
- New York State Medical Transporters Ass'n, Inc. v. Perales, 564 N.Y.S.2d 1007, 566 N.E.2d 134 (N.Y.1990)—§ **5.8**; § **5.8**, **n. 4, 5**.
- New York State Nurses Ass'n v. Axelrod, 152 A.D.2d 888, 544 N.Y.S.2d 236 (N.Y.A.D. 3 Dept.1989)—§ **7.3**, **n. 20**.
- New York University v. Whalen, 413 N.Y.S.2d 637, 386 N.E.2d 245 (N.Y.1978)—§ **5.13**, **n. 48, 57**.
- Niagara Environmental Action by Raymond v. City of Niagara Falls, 479 N.Y.S.2d 512, 468 N.E.2d 694 (N.Y.1984)—§ **5.10**, **n. 36**.
- Niagara Mohawk Power Corp. v. Public Service Com'n of State of N.Y., 138 A.D.2d 63, 530 N.Y.S.2d 626 (N.Y.A.D. 3 Dept.1988)—§ **9.5**, **n. 7**.
- Nicholas v. Kahn, 416 N.Y.S.2d 565, 389 N.E.2d 1086 (N.Y.1979)—§ **4.22**; § **4.22**, **n. 17**; § **5.3**; § **5.3**, **n. 12**.
- Nicholson v. State Commission on Judicial Conduct, 431 N.Y.S.2d 340, 409 N.E.2d 818 (N.Y.1980)—§ **7.7**; § **7.7**, **n. 8, 23**; § **8.2**, **n. 37**.

TABLE OF CASES

- 985 Fifth Ave. Inc. v. State Div. of Housing & Community Renewal, 171 A.D.2d 572, 567 N.Y.S.2d 657 (N.Y.A.D. 1 Dept.1991)—§ **8.3**, **n. 44**; § **12.5**, **n. 3, 9**; § **12.7**, **n. 28**; § **12.8**, **n. 4**.
- 902 Associates v. New York City Loft Bd., 229 A.D.2d 351, 646 N.Y.S.2d 4 (N.Y.A.D. 1 Dept.1996)—§ **12.27**, **n. 5**.
- Nistal v. Hausauer, 282 A.D. 7, 121 N.Y.S.2d 712 (N.Y.A.D. 1 Dept.1953)—§ **8.2**, **n. 11**.
- N.L.R.B. v. Bell Aerospace Co. Div. of Textron, Inc., 416 U.S. 267, 94 S.Ct. 1757, 40 L.Ed.2d 134 (1974)—§ **4.22**, **n. 2**.
- N. L. R. B. v. Sears, Roebuck & Co., 421 U.S. 132, 95 S.Ct. 1504, 44 L.Ed.2d 29 (1975)—§ **5.11**, **n. 43**.
- N. L. R. B. v. Wyman-Gordon Co., 394 U.S. 759, 89 S.Ct. 1426, 22 L.Ed.2d 709 (1969)—§ **4.22**, **n. 3**.
- Noall, United States v., 587 F.2d 123 (2nd Cir.1978)—§ **11.2**, **n. 18**.
- Nolan v. Lungen, 473 N.Y.S.2d 388, 461 N.E.2d 874 (N.Y.1984)—§ **8.19**, **n. 2**.
- North and South Rivers Watershed Ass'n, Inc. v. Town of Scituate, 949 F.2d 552 (1st Cir.1991)—§ **15.8**, **n. 4**.
- Northern Pipeline Const. Co. v. Marathon Pipe Line Co., 458 U.S. 50, 102 S.Ct. 2858, 73 L.Ed.2d 598 (1982)—§ **5.4**, **n. 1**.
- North Shore University Hosp. v. Rosa, 633 N.Y.S.2d 462, 657 N.E.2d 483 (N.Y.1995)—§ **8.5**, **n. 44**.

O

- Oak Beach v. Lehman, 100 A.D.2d 906, 474 N.Y.S.2d 793 (N.Y.A.D. 2 Dept.1984)—§ **9.5**, **n. 7**.
- Obiajulu v. City of Rochester, 213 A.D.2d 1087, 625 N.Y.S.2d 969 (N.Y.A.D. 4 Dept.1995)—§ **5.11**, **n. 17**.
- Occidental Chemical Corp. v. Flacke, 115 Misc.2d 185, 453 N.Y.S.2d 570 (N.Y.Sup.1982)—§ **15.11**, **n. 3**.
- Office of Communication of United Church of Christ v. F. C. C., 359 F.2d 994, 123 U.S.App.D.C. 328 (D.C.Cir.1966)—§ **3.13**, **n. 5**.
- Office of Personnel Management v. Richmond, 496 U.S. 414, 110 S.Ct. 2465, 110 L.Ed.2d 387 (1990)—§ **5.8**, **n. 3**.
- Ohio Valley Water Co. v. Borough of Ben Avon, 253 U.S. 287, 40 S.Ct. 527, 64 L.Ed. 908 (1920)—§ **7.10**; § **7.10**, **n. 15**.
- Olim v. Wakinekona, 461 U.S. 238, 103 S.Ct. 1741, 75 L.Ed.2d 813 (1983)—§ **2.7**, **n. 14**.
- Oliveira v. Mayer, 23 F.3d 642 (2nd Cir.1994)—§ **8.10**, **n. 37**.
- 140 West 57th Street Corp. v. State Div. of Housing and Community Renewal, Office of Rent Admin., 130 A.D.2d 237, 517 N.Y.S.2d 720 (N.Y.A.D. 1 Dept.1987)—§ **12.19**, **n. 8**; § **12.22**, **n. 3**.
- 100 Mosholu Parkway Associates v. Hughes, 3/13/96, p. 26, col. 6 (Civ.Ct., Bronx County)—§ **12.11**, **n. 11**.
- 176 West 87th Street Equities v. Amador, N.Y.L.J., 8/2/91, p. 22, col. 6 (Civ.Ct., N.Y. County)—§ **12.11**, **n. 6**.
- 125 Bar Corp. v. State Liquor Authority, 299 N.Y.S.2d 194, 247 N.E.2d 157 (N.Y.1969)—§ **8.2**, **n. 19**.
- 1460 Grand Concourse Associates Martinez, N.Y.L.J., 5/6/94, p. 29, col. 1 (App.Term, 1st Dep't)—§ **12.11**, **n. 11**.
- 1616 Second Ave. Restaurant, Inc. v. New York State Liquor Authority, 551 N.Y.S.2d 461, 550 N.E.2d 910 (N.Y.1990)—§ **3.20**; § **3.20**, **n. 4**; § **4.19**, **n. 19**; § **5.6**, **n. 13**; § **5.7**; § **5.7**, **n. 2**; § **6.1**, **n. 1**; § **8.3**; § **8.3**, **n. 2, 36**.
- Onondaga Landfill Systems, Inc. v. Williams, 624 F.Supp. 25 (N.D.N.Y.1985)—§ **15.11**, **n. 3**.
- Orange County Publications v. Orange County, 120 A.D.2d 596, 502 N.Y.S.2d 71 (N.Y.A.D. 2 Dept.1986)—§ **5.13**, **n. 50**.
- Orange County Publications, Division of Ottaway Newspapers, Inc. v. Council of City of Newburgh, 60 A.D.2d 409, 401 N.Y.S.2d 84 (N.Y.A.D. 2 Dept.1978)—§ **5.13**; § **5.13**, **n. 16, 39**.
- Orange Environment, Inc. v. County of Orange, 860 F.Supp. 1003 (S.D.N.Y.1994)—§ **15.8**, **n. 4**.

TABLE OF CASES

- Orchards Associates v. Planning Bd. of Town of North Salem, 114 A.D.2d 850, 494 N.Y.S.2d 760 (N.Y.A.D. 2 Dept.1985)—§ **9.5, n. 7.**
- Orenga v. Higgins, 167 A.D.2d 343, 561 N.Y.S.2d 307 (N.Y.A.D. 2 Dept.1990)—§ **12.20, n. 3.**
- Ortiz v. Halperin, 225 A.D.2d 1099, 639 N.Y.S.2d 200 (N.Y.A.D. 4 Dept.1996)—§ **12.18, n. 2.**
- Orvis Co., Inc. v. Tax Appeals Tribunal of State of N.Y., 630 N.Y.S.2d 680, 654 N.E.2d 954 (N.Y.1995)—§ **16.8, n. 3.**
- Orvis Co. Inc. v. Tax Appeals Tribunal of State of N.Y., 204 A.D.2d 916, 612 N.Y.S.2d 503 (N.Y.A.D. 3 Dept.1994)—§ **16.53, n. 2.**
- Ostrer v. Schenck, 396 N.Y.S.2d 335, 364 N.E.2d 1107 (N.Y.1977)—§ **8.3, n. 45.**
- Ottaviano v. New York City Housing Authority, 176 A.D.2d 134, 574 N.Y.S.2d 20 (N.Y.A.D. 1 Dept.1991)—§ **12.27, n. 5.**
- Owens v. Okure, 488 U.S. 235, 109 S.Ct. 573, 102 L.Ed.2d 594 (1989)—§ **8.17; § 8.17, n. 3, 7.**

P

- Pacific Salmon Unlimited v. New York State Dept. of Environmental Conservation, 208 A.D.2d 241, 622 N.Y.S.2d 820 (N.Y.A.D. 3 Dept.1995)—§ **4.10, n. 30; § 4.11; § 4.11, n. 3.**
- Pamela Equities Corp. v. McSween, N.Y.L.J., 4/16/97, p. 27, col. 2 (Civ.Ct., N.Y. County)—§ **12.10; § 12.10, n. 1, 5; § 12.11, n. 9**
- Panama Refining Co. v. Ryan, 293 U.S. 388, 55 S.Ct. 241, 79 L.Ed. 446 (1935)—§ **5.3, n. 4; § 5.5, n. 3.**
- Paolucci v. Adult Retardates Center, Inc., 182 A.D.2d 681, 582 N.Y.S.2d 452 (N.Y.A.D. 2 Dept.1992)—§ **2.2, n. 5.**
- Parcel 242 Realty v. New York State Div. of Housing and Community Renewal, 215 A.D.2d 132, 626 N.Y.S.2d 758 (N.Y.A.D. 1 Dept.1995)—§ **12.5, n. 9; § 12.24; § 12.24, n. 2; § 12.27, n. 4.**
- Parkview Associates v. City of New York, 525 N.Y.S.2d 176, 519 N.E.2d 1372 (N.Y.1988)—§ **5.8, n. 4, 9.**
- Parkway Hosp. v. Axelrod, 178 A.D.2d 644, 578 N.Y.S.2d 219 (N.Y.A.D. 2 Dept.1991)—§ **7.9, n. 38.**
- Parratt v. Taylor, 451 U.S. 527, 101 S.Ct. 1908, 68 L.Ed.2d 420 (1981)—§ **2.5, n. 31; § 2.6, n. 29.**
- Patchogue Nursing Center v. New York State Dept. of Health, 189 A.D.2d 1054, 592 N.Y.S.2d 900 (N.Y.A.D. 3 Dept.1993)—§ **7.7, n. 1, 31; § 7.9, n. 3.**
- Paul v. Davis, 424 U.S. 693, 96 S.Ct. 1155, 47 L.Ed.2d 405 (1976)—§ **2.5; § 2.5, n. 19, 31.**
- Pelaez v. Waterfront Com'n of New York Harbor, 88 A.D.2d 443, 454 N.Y.S.2d 132 (N.Y.A.D. 2 Dept.1982)—§ **4.19, n. 19.**
- Pell v. Board of Ed. of Union Free School Dist. No. 1 of Towns of Scarsdale and Mamaroneck, Westchester County, 356 N.Y.S.2d 833, 313 N.E.2d 321 (N.Y.1974)—§ **8.2, n. 25, 47; § 8.4, n. 12; § 8.6; § 8.6, n. 10; § 8.7; § 8.7, n. 6; § 8.19, n. 21; § 9.17, n. 12; § 11.21; § 11.21, n. 11, 28; § 12.27, n. 3.**
- Pennell v. City of San Jose, 485 U.S. 1, 108 S.Ct. 849, 99 L.Ed.2d 1 (1988)—§ **12.1, n. 20.**
- People v. — (see opposing party)**
- People ex rel. v. — (see opposing party and relator)**
- Pepsi-Cola Metropolitan Bottling Co. v. Miller, 50 Misc.2d 40, 269 N.Y.S.2d 471 (N.Y.City Civ.Ct.1966)—§ **12.10, n. 1.**
- Perrotta v. City of New York, 498 N.Y.S.2d 368, 489 N.E.2d 255 (N.Y.1985)—§ **9.15, n. 9.**
- Perry v. Sindermann, 408 U.S. 593, 92 S.Ct. 2694, 33 L.Ed.2d 570 (1972)—§ **2.6; § 2.6, n. 5, 23.**
- Petrolane Northeast Gas Service, Inc. v. State Tax Commission, 79 A.D.2d 1043, 435 N.Y.S.2d 187 (N.Y.A.D. 3 Dept.1981)—§ **8.3, n. 34, 47.**
- Petruso v. New York State Div. of Housing and Community Renewal, 216 A.D.2d 301, 627 N.Y.S.2d 450 (N.Y.A.D. 2 Dept.1995)—§ **12.27, n. 4.**
- Petry v. Block, 737 F.2d 1193, 238 U.S.App.D.C. 46 (D.C.Cir.1984)—§ **4.5, n. 12.**
- Photo Medic Equipment, Inc. v. Suffolk County Dept. of Health Services, 122 A.D.2d 882, 505 N.Y.S.2d 927 (N.Y.A.D. 2 Dept.1986)—§ **3.4, n. 12.**

TABLE OF CASES

- Piccarillo, *People ex rel. v. New York State Bd. of Parole*, 421 N.Y.S.2d 842, 397 N.E.2d 354 (N.Y.1979)—§ **6.2**; § **6.2, n. 42**.
- Pierce, *Matter of*, 1995 WL 141220 (N.Y.Dept.Env'tl.Conserv.1995)—§ **15.30, n. 3**.
- Pierson v. Ray, 386 U.S. 547, 87 S.Ct. 1213, 18 L.Ed.2d 288 (1967)—§ **8.10, n. 40**.
- Pietra v. State, 530 N.Y.S.2d 510, 526 N.E.2d 1 (N.Y.1988)—§ **8.9**; § **8.9, n. 24**.
- Plaza Realty Investors v. New York State Div. of Housing and Community Renewal, 173 A.D.2d 290, 569 N.Y.S.2d 683 (N.Y.A.D. 1 Dept.1991)—§ **12.22, n. 3**.
- Pless v. Town of Royalton, 601 N.Y.S.2d 455, 619 N.E.2d 392 (N.Y.1993)—§ **5.8, n. 4**.
- Plummer v. Rothwax, 481 N.Y.S.2d 657, 471 N.E.2d 429 (N.Y.1984)—§ **8.2, n. 35**.
- Pontiatowski v. Baskin-Robbins, 91 A.D.2d 1035, 458 N.Y.S.2d 629 (N.Y.A.D. 2 Dept. 1983)—§ **8.5, n. 31**.
- Popik v. New York State Div. of Housing and Community Renewal, 162 Misc.2d 814, 618 N.Y.S.2d 494 (N.Y.Sup.1994)—§ **12.20**; § **12.20, n. 2**.
- Port Distributing Corp., *People v.*, 114 A.D.2d 259, 499 N.Y.S.2d 37 (N.Y.A.D. 1 Dept. 1986)—§ **7.8, n. 17**.
- Portland Cement Ass'n v. Ruckelshaus, 486 F.2d 375, 158 U.S.App.D.C. 308 (D.C.Cir. 1973)—§ **4.7, n. 3**.
- Powell, *United States v.*, 379 U.S. 48, 85 S.Ct. 248, 13 L.Ed.2d 112 (1964)—§ **6.3, n. 4**.
- Power Authority of State of N.Y. v. Williams, 101 A.D.2d 659, 475 N.Y.S.2d 901 (N.Y.A.D. 3 Dept.1984)—§ **3.12, n. 9**.
- Presidents' Council of Trade Waste Associations, Inc. v. Koch, 143 Misc.2d 607, 539 N.Y.S.2d 266 (N.Y.Sup.1989)—§ **1.1, n. 17**; § **4.5, n. 9**.
- Press v. Monroe County, 431 N.Y.S.2d 394, 409 N.E.2d 870 (N.Y.1980)—§ **8.3, n. 24**; § **8.12**; § **8.12, n. 14**.
- Preston v. Coughlin, 164 A.D.2d 101, 562 N.Y.S.2d 867 (N.Y.A.D. 3 Dept.1990)—§ **14.52, n. 1**.
- Previdi v. Hirsch, 138 Misc.2d 436, 524 N.Y.S.2d 643 (N.Y.Sup.1988)—§ **5.13, n. 36**.
- Pringle v. Wolfe, 646 N.Y.S.2d 82, 668 N.E.2d 1376 (N.Y.1996)—§ **2.8, n. 49**.
- Professional Standards Review Council of America Inc. v. New York State Dept. of Health, 193 A.D.2d 937, 597 N.Y.S.2d 829 (N.Y.A.D. 3 Dept.1993)—§ **5.11, n. 20**.
- Public Interest Research Group of New Jersey, Inc. v. Rice, 774 F.Supp. 317 (D.N.J.1991)—§ **11.8, n. 4**.
- Puerto Rico Aqueduct and Sewer Authority v. United States E.P.A., 35 F.3d 600 (1st Cir.1994)—§ **8.6, n. 4**.
- Pyramid Co. of Auburn v. Chu, 177 A.D.2d 970, 577 N.Y.S.2d 1015 (N.Y.A.D. 4 Dept. 1991)—§ **7.9, n. 23**.

Q

- Quackenbush, *People v.*, 647 N.Y.S.2d 150, 670 N.E.2d 434 (N.Y.1996)—§ **6.2**; § **6.2, n. 36**.
- Queens Farms, Inc. v. Gerace, 96 A.D.2d 1120, 467 N.Y.S.2d 712 (N.Y.A.D. 3 Dept.1983)—§ **3.13, n. 6**.
- Quill Corp. v. North Dakota By and Through Heitkamp, 504 U.S. 298, 112 S.Ct. 1904, 119 L.Ed.2d 91 (1992)—§ **16.8, n. 3**.

R

- R.A.F. General Partnership v. Division of Tax Appeals, 206 A.D.2d 572, 614 N.Y.S.2d 79 (N.Y.A.D. 3 Dept.1994)—§ **16.64, n. 2**.
- Ragone, *Matter of*, 194 A.D.2d 731, 600 N.Y.S.2d 89 (N.Y.A.D. 2 Dept.1993)—§ **2.6, n. 16**.
- Rainka v. Whalen, 73 A.D.2d 731, 423 N.Y.S.2d 292 (N.Y.A.D. 3 Dept.1979)—§ **7.7, n. 10, 28**.
- Raja, *People v.*, 77 A.D.2d 322, 433 N.Y.S.2d 200 (N.Y.A.D. 2 Dept.1980)—§ **3.16, n. 3**.
- Rashed v. State, 232 A.D.2d 394, 648 N.Y.S.2d 131 (N.Y.A.D. 2 Dept.1996)—§ **8.9, n. 20**.
- Raynes Associates Ltd. Partnership v. State Div. of Housing and Community Renewal, 137 Misc.2d 484, 521 N.Y.S.2d 632 (N.Y.Sup.1987)—§ **12.9, n. 11**.
- Redwood Village Partnership v. Graham, 26 F.3d 839 (8th Cir.1994)—§ **8.10, n. 59**.
- Regan v. Heimbach, 91 A.D.2d 71, 458 N.Y.S.2d 286 (N.Y.A.D. 3 Dept.1983)—§ **8.3, n. 34**.
- Reich v. Hercules, Inc., 857 F.Supp. 367 (D.N.J.1994)—§ **11.2, n. 12**.
- Reichhold Chemicals, Inc. v. Textron, Inc., 157 F.R.D. 522 (N.D.Fla.1994)—§ **11.2, n. 14**.

TABLE OF CASES

- Reid v. Axelrod, 164 A.D.2d 973, 559 N.Y.S.2d 417 (N.Y.A.D. 4 Dept.1990)—§ **3.14**, **n. 10**.
- Reidy v. Connelie, 82 A.D.2d 986, 440 N.Y.S.2d 401 (N.Y.A.D. 3 Dept.1981)—§ **2.6**; § **2.6**, **n. 19**.
- Rembert v. Perales, 187 A.D.2d 784, 589 N.Y.S.2d 649 (N.Y.A.D. 3 Dept.1992)—§ **9.15**, **n. 9**.
- Rent Stabilization Ass'n of New York City, Inc. v. Higgins, 608 N.Y.S.2d 930, 630 N.E.2d 626 (N.Y.1993)—§ **5.3**; § **5.3**, **n. 30**; § **12.1**, **n. 3**.
- Requa v. White, 170 Misc. 29, 9 N.Y.S.2d 863 (N.Y.Sup.1939)—§ **8.2**, **n. 37**.
- Reubens v. Murray, 194 A.D.2d 492, 599 N.Y.S.2d 580 (N.Y.A.D. 1 Dept.1993)—§ **5.10**, **n. 16**.
- Reynolds v. Division of Housing and Community Renewal of New York State Office of Rent Admin., 199 A.D.2d 15, 604 N.Y.S.2d 567 (N.Y.A.D. 1 Dept.1993)—§ **12.10**; § **12.10**, **n. 3**.
- R.G. Scott Corporation, Matter of, 1989 WL 84738 (N.Y.Dept.Env'tl.Conserv.1989)—§ **15.33**, **n. 12**.
- Richardson v. Commissioner of New York City Dept. of Social Services, 643 N.Y.S.2d 19, 665 N.E.2d 1059 (N.Y.1996)—§ **8.3**, **n. 56**.
- Richfield Oil Corporation of New York v. City of Syracuse, 287 N.Y. 234, 39 N.E.2d 219 (N.Y.1942)—§ **16.64**, **n. 4**.
- Richie v. Coughlin, 148 A.D.2d 178, 544 N.Y.S.2d 230 (N.Y.A.D. 3 Dept.1989)—§ **3.2**, **n. 16**.
- Richter v. State Commission on Judicial Conduct, 106 Misc.2d 22, 430 N.Y.S.2d 796 (N.Y.Sup.1980)—§ **8.2**, **n. 37**.
- Rissinger v. State University of New York at New Paltz, 199 A.D.2d 745, 605 N.Y.S.2d 437 (N.Y.A.D. 3 Dept.1993)—§ **7.9**, **n. 3**.
- Ritzel v. Blum, 81 A.D.2d 1029, 440 N.Y.S.2d 428 (N.Y.A.D. 4 Dept.1981)—§ **3.4**; § **3.4**, **n. 13**, **17**, **19**.
- Rivera v. Blum, 98 Misc.2d 1002, 420 N.Y.S.2d 304 (N.Y.Sup.1978)—§ **3.6**, **n. 12**.
- Rizzo, People v., 386 N.Y.S.2d 878, 353 N.E.2d 841 (N.Y.1976)—§ **6.2**, **n. 1**.
- Robbins v. Malone Cent. School Dist., 182 A.D.2d 890, 581 N.Y.S.2d 493 (N.Y.A.D. 3 Dept.1992)—§ **2.6**, **n. 16**.
- Roberts v. Town Bd. of Carmel, 207 A.D.2d 404, 615 N.Y.S.2d 725 (N.Y.A.D. 2 Dept. 1994)—§ **5.13**, **n. 49**.
- Rochester Gas & Elec. Corp. v. Greece Park Realty Corp., 195 A.D.2d 956, 600 N.Y.S.2d 985 (N.Y.A.D. 4 Dept.1993)—§ **7.8**, **n. 17**.
- Rock Hill Sewerage Disposal Corp. v. Town of Thompson, 27 A.D.2d 626, 276 N.Y.S.2d 188 (N.Y.A.D. 3 Dept.1966)—§ **8.12**, **n. 20**.
- Rock Island A. & L.R. Co. v. United States, 254 U.S. 141, 41 S.Ct. 55, 65 L.Ed. 188 (1920)—§ **5.8**, **n. 1**.
- Rodriquez v. Coombe, 238 A.D.2d 691, 656 N.Y.S.2d 405 (N.Y.A.D. 3 Dept.1997)—§ **8.5**; § **8.5**, **n. 52**.
- Roe v. Wade, 410 U.S. 113, 93 S.Ct. 705, 35 L.Ed.2d 147 (1973)—§ **2.5**, **n. 3**.
- Rohan v. North Main Street Development Corp., 146 A.D.2d 687, 537 N.Y.S.2d 51 (N.Y.A.D. 2 Dept.1989)—§ **7.8**, **n. 20**.
- Roides, People ex rel. v. Smith, 501 N.Y.S.2d 805, 492 N.E.2d 1221 (N.Y.1986)—§ **4.17**, **n. 10**.
- Roitman v. New York City Transit Authority, 1991 WL 81924 (E.D.N.Y.1991)—§ **8.10**, **n. 10**.
- Roman Catholic Diocese of Albany v. New York State Dept. of Health, 498 N.Y.S.2d 780, 489 N.E.2d 749 (N.Y.1985)—§ **4.14**, **n. 7**; § **4.16**; § **4.16**, **n. 9**; § **4.20**, **n. 23**, **30**; § **10.3**, **n. 10**.
- Roman Catholic Diocese of Albany v. New York State Dept. of Health, 109 A.D.2d 140, 490 N.Y.S.2d 636 (N.Y.A.D. 3 Dept.1985)—§ **4.16**, **n. 10**; § **4.20**; § **4.20**, **n. 19**; § **4.22**; § **4.22**, **n. 14**.
- Romanow, Estate of v. Heller, 121 Misc.2d 886, 469 N.Y.S.2d 876 (N.Y.City Civ.Ct.1983)—§ **12.2**, **n. 10**.
- Rome, City of v. New York State Health Dept., 65 A.D.2d 220, 411 N.Y.S.2d 61 (N.Y.A.D. 4 Dept.1978)—§ **8.5**, **n. 21**.
- Ronwin v. Shapiro, 657 F.2d 1071 (9th Cir.1981)—§ **8.10**, **n. 26**.
- Rooney v. New York State Dept. of Civil Service, 124 Misc.2d 866, 477 N.Y.S.2d 939 (N.Y.Sup.1984)—§ **3.16**, **n. 8**.
- Rose v. Taddonio, 934 F.Supp. 593 (S.D.N.Y.1996)—§ **14.49**, **n. 15**.

TABLE OF CASES

- Rosen v. Public Employment Relations Bd., 530 N.Y.S.2d 534, 526 N.E.2d 25 (N.Y.1988)—
§ **13.11, n. 8.**
- Rosenblatt, Application of, 38 Misc.2d 253, 235 N.Y.S.2d 280 (N.Y.Sup.1962)—§ **12.23, n. 4.**
- Rosenthal v. Hartnett, 367 N.Y.S.2d 247, 326 N.E.2d 811 (N.Y.1975)—§ **5.4; § 5.4, n. 6.**
- Rose Towers Realty v. Aviv, 121 Misc.2d 1016, 471 N.Y.S.2d 445 (N.Y.City Civ.Ct.1983)—
§ **12.4, n. 2.**
- Ross v. New York State Dept. of Health, 226 A.D.2d 863, 640 N.Y.S.2d 359 (N.Y.A.D. 3
Dept.1996)—§ **14.47, n. 8.**
- Rothkoff v. Ratner, 104 Misc.2d 204, 428 N.Y.S.2d 138 (N.Y.Sup.1980)—§ **12.8, n. 2.**
- Rowell v. Andrus, 631 F.2d 699 (10th Cir.1980)—§ **4.8, n. 23.**
- Rozmae Realty v. State Div. of Housing and Community Renewal, 160 A.D.2d 343, 553
N.Y.S.2d 738 (N.Y.A.D. 1 Dept.1990)—§ **12.24; § 12.24, n. 1, 4.**
- Rubin v. Eimicke, 150 A.D.2d 697, 541 N.Y.S.2d 570 (N.Y.A.D. 2 Dept.1989)—§ **12.7;
§ 12.7, n. 29, 33.**
- Rubin v. New York State Educ. Dept., 210 A.D.2d 550, 620 N.Y.S.2d 143 (N.Y.A.D. 3
Dept.1994)—§ **4.15, n. 10; § 4.20, n. 26.**
- Rudin Management Co., Inc. v. New York State Div. of Housing and Community Renewal,
215 A.D.2d 243, 626 N.Y.S.2d 487 (N.Y.A.D. 1 Dept.1995)—§ **12.27, n. 4.**
- Rudow v. City of New York, 822 F.2d 324 (2nd Cir.1987)—§ **8.10, n. 56.**
- Ruggerite, Inc. v. State Tax Com'n, Dept. of Taxation and Finance, 485 N.Y.S.2d 517, 474
N.E.2d 1185 (N.Y.1984)—§ **16.40, n. 9.**
- Rush v. Mordue, 509 N.Y.S.2d 493, 502 N.E.2d 170 (N.Y.1986)—§ **7.7, n. 9, 28; § 8.2, n.
35.**
- Russo v. Nassau County Community College, 603 N.Y.S.2d 294, 623 N.E.2d 15 (N.Y.
1993)—§ **5.10, n. 10.**
- Ryan v. Mastic Volunteer Ambulance Co., 212 A.D.2d 716, 622 N.Y.S.2d 795 (N.Y.A.D. 2
Dept.1995)—§ **5.10, n. 8.**
- Ryan v. New York Telephone Co., 478 N.Y.S.2d 823, 467 N.E.2d 487 (N.Y.1984)—§ **3.23, n.
4; § 4.1, n. 43.**

S

- Sadore Lane Management Corp. v. State Div. of Housing and Community Renewal, 151
A.D.2d 681, 542 N.Y.S.2d 740 (N.Y.A.D. 2 Dept.1989)—§ **12.18, n. 1.**
- Saleeby v. State Bar of California, 216 Cal.Rptr. 367, 702 P.2d 525 (Cal.1985)—§ **2.1, n. 3.**
- Salvati v. Eimicke, 537 N.Y.S.2d 16, 533 N.E.2d 1045 (N.Y.1988)—§ **12.27, n. 4.**
- Salve Regina College v. Russell, 499 U.S. 225, 111 S.Ct. 1217, 113 L.Ed.2d 190 (1991)—
§ **8.3, n. 28.**
- Sanders v. Holland, N.Y.L.J., 10/4/96, p. 22, col. 2 (Sup.Ct., N.Y. County)—§ **12.23, n. 3.**
- Sandin v. Conner, 515 U.S. 472, 115 S.Ct. 2293, 132 L.Ed.2d 418 (1995)—§ **2.5; § 2.5, n.
18.**
- Sanna v. Lindenhurst Bd. of Educ., 458 N.Y.S.2d 511, 444 N.E.2d 975 (N.Y.1982)—§ **5.13,
n. 48.**
- Sannon v. United States, 460 F.Supp. 458 (S.D.Fla.1978)—§ **4.8, n. 23.**
- Santosky v. Kramer, 455 U.S. 745, 102 S.Ct. 1388, 71 L.Ed.2d 599 (1982)—§ **2.5; § 2.5, n.
8.**
- Saraf v. Vacanti, 223 A.D.2d 836, 636 N.Y.S.2d 189 (N.Y.A.D. 3 Dept.1996)—§ **14.52, n. 5.**
- Sarantopoulos v. Tax Appeals Tribunal, 186 A.D.2d 878, 589 N.Y.S.2d 102 (N.Y.A.D. 3
Dept.1992)—§ **16.20, n. 3.**
- Saumell v. New York Racing Ass'n, Inc., 460 N.Y.S.2d 763, 447 N.E.2d 706 (N.Y.1983)—
§ **3.22; § 3.22, n. 18.**
- Savage v. Eimicke, 169 A.D.2d 495, 564 N.Y.S.2d 170 (N.Y.A.D. 1 Dept.1991)—§ **12.27, n.
7.**
- Savastano v. Nurnberg, 567 N.Y.S.2d 618, 569 N.E.2d 421 (N.Y.1990)—§ **2.5, n. 11; § 2.8;
§ 2.8, n. 46.**
- Save the Bay, Inc. v. Environmental Protection Agency, 556 F.2d 1282 (5th Cir.1977)—
§ **15.5, n. 2.**
- Scaccia v. New York State Div. of State Police, 138 A.D.2d 50, 530 N.Y.S.2d 309 (N.Y.A.D. 3
Dept.1988)—§ **5.11, n. 48.**
- Schatzel v. Connelie, 474 N.Y.S.2d 971, 463 N.E.2d 372 (N.Y.1984)—§ **8.6, n. 28.**

TABLE OF CASES

- Scherbyn v. Wayne-Finger Lakes Bd. of Co-op. Educational Services, 570 N.Y.S.2d 474, 573 N.E.2d 562 (N.Y.1991)—§ **8.2**, **n. 21**; § **8.5**, **n. 17**; § **8.6**; § **8.6**, **n. 5, 9, 24**; § **12.27**, **n. 1**.
- Scheuer v. Rhodes, 416 U.S. 232, 94 S.Ct. 1683, 40 L.Ed.2d 90 (1974)—§ **8.10**; § **8.10**, **n. 28**.
- Schiavone Const. Co., Inc. v. Larocca, 117 A.D.2d 440, 503 N.Y.S.2d 196 (N.Y.A.D. 3 Dept.1986)—§ **2.5**, **n. 30**.
- Schlesinger v. Reservists Committee to Stop the War, 418 U.S. 208, 94 S.Ct. 2925, 41 L.Ed.2d 706 (1974)—§ **7.3**, **n. 6**.
- School Bd. of Educ. of Chapel of Redeemer Lutheran Church v. New York City Com'n on Human Rights, 188 A.D.2d 653, 591 N.Y.S.2d 531 (N.Y.A.D. 2 Dept.1992)—§ **8.5**, **n. 38**.
- Schulz v. Lake George Park Com'n, 180 A.D.2d 852, 579 N.Y.S.2d 761 (N.Y.A.D. 3 Dept.1992)—§ **4.5**, **n. 10**.
- Schulz v. State, 599 N.Y.S.2d 469, 615 N.E.2d 953 (N.Y.1993)—§ **7.5**; § **7.5**, **n. 10**.
- Schuyler v. State University of New York at Albany, 31 A.D.2d 273, 297 N.Y.S.2d 368 (N.Y.A.D. 3 Dept.1969)—§ **4.17**, **n. 3**; § **4.20**, **n. 44**.
- Schwartfigure v. Hartnett, 610 N.Y.S.2d 125, 632 N.E.2d 434 (N.Y.1994)—§ **4.1**; § **4.1**, **n. 33**; § **4.15**, **n. 16**; § **4.16**; § **4.16**, **n. 14**; § **4.17**; § **4.17**, **n. 13**.
- Schwartz v. Society of New York Hosp., 199 A.D.2d 129, 605 N.Y.S.2d 72 (N.Y.A.D. 1 Dept.1993)—§ **7.9**, **n. 3**.
- Schweiss v. Ambach, 482 N.Y.S.2d 269, 472 N.E.2d 45 (N.Y.1984)—§ **9.5**, **n. 7**.
- Sciolino v. Ryan, 81 A.D.2d 475, 440 N.Y.S.2d 795 (N.Y.A.D. 4 Dept.1981)—§ **5.13**; § **5.13**, **n. 6, 41**.
- Scott, Sardano & Pomeranz v. Records Access Officer of City of Syracuse, 491 N.Y.S.2d 289, 480 N.E.2d 1071 (N.Y.1985)—§ **5.10**, **n. 21**.
- S & D Maintenance Co., Inc. v. Goldin, 844 F.2d 962 (2nd Cir.1988)—§ **2.6**, **n. 22**.
- Seacoast Anti-Pollution League v. Costle, 572 F.2d 872 (1st Cir.1978)—§ **3.2**, **n. 10**.
- Seawall Associates v. City of New York, 134 Misc.2d 187, 510 N.Y.S.2d 435 (N.Y.Sup. 1986)—§ **12.4**, **n. 1**.
- Securities and Exchange Commission v. Chenery Corp., 332 U.S. 194, 67 S.Ct. 1575, 91 L.Ed. 1995 (1947)—§ **4.22**, **n. 2**.
- See v. City of Seattle, 387 U.S. 541, 87 S.Ct. 1737, 18 L.Ed.2d 943 (1967)—§ **6.2**; § **6.2**, **n. 8**.
- Seeger v. Moduform, Inc., 146 A.D.2d 922, 536 N.Y.S.2d 892 (N.Y.A.D. 3 Dept.1989)—§ **3.8**, **n. 2, 14**.
- Sendowski v. New York State Div. of Housing & Community Renewal, 227 A.D.2d 55, 651 N.Y.S.2d 448 (N.Y.A.D. 1 Dept.1996)—§ **8.7**, **n. 20**.
- Seril v. Division of Housing and Community Renewal—Office of Rent Admin. of State, 163 A.D.2d 131, 557 N.Y.S.2d 356 (N.Y.A.D. 1 Dept.1990)—§ **12.7**; § **12.7**, **n. 34**.
- Service Station Dealers of Greater New York, Inc. v. New York State Dept. of Environmental Conservation, 145 A.D.2d 777, 535 N.Y.S.2d 503 (N.Y.A.D. 3 Dept.1988)—§ **4.11**, **n. 23**.
- Sevillia v. State, 91 A.D.2d 792, 458 N.Y.S.2d 69 (N.Y.A.D. 3 Dept.1982)—§ **8.9**, **n. 28**.
- Shapiro v. New York City Police Dept. (License Div.), 157 Misc.2d 28, 595 N.Y.S.2d 864 (N.Y.Sup.1993)—§ **8.19**, **n. 16**.
- Shapiro v. United States, 335 U.S. 1, 68 S.Ct. 1375, 92 L.Ed. 1787 (1948)—§ **6.4**; § **6.4**, **n. 13**.
- Sharma v. Sobol, 188 A.D.2d 833, 591 N.Y.S.2d 572 (N.Y.A.D. 3 Dept.1992)—§ **3.14**; § **3.14**, **n. 11**.
- Sharrock v. Dell Buick-Cadillac, Inc., 408 N.Y.S.2d 39, 379 N.E.2d 1169 (N.Y.1978)—§ **2.1**, **n. 4**; § **2.2**; § **2.2**, **n. 7**.
- Sheehan v. City of Binghamton, 59 A.D.2d 808, 398 N.Y.S.2d 905 (N.Y.A.D. 3 Dept.1977)—§ **5.10**, **n. 39**.
- Sheehan v. Passidomo, 122 A.D.2d 869, 505 N.Y.S.2d 915 (N.Y.A.D. 2 Dept.1986)—§ **3.7**, **n. 8**.
- Sheldon v. Town of Highlands, 539 N.Y.S.2d 722, 536 N.E.2d 1141 (N.Y.1989)—§ **2.3**; § **2.3**, **n. 6**.
- Shermack v. Board of Regents of University of New York, 64 A.D.2d 798, 407 N.Y.S.2d 926 (N.Y.A.D. 3 Dept.1978)—§ **3.11**; § **3.11**, **n. 7**.
- Sherwood Medical Co. v. New York State Dept. of Environmental Conservation, 206 A.D.2d 819, 615 N.Y.S.2d 140 (N.Y.A.D. 3 Dept.1994)—§ **15.30**, **n. 10**.

TABLE OF CASES

- Short v. Board of Managers of Nassau County Medical Center, 456 N.Y.S.2d 724, 442 N.E.2d 1235 (N.Y.1982)—§ 5.11; § 5.11, n. 2; § 5.12; § 5.12, n. 5.
- Short v. Nassau County Civil Service Commission, 59 A.D.2d 157, 398 N.Y.S.2d 540 (N.Y.A.D. 2 Dept.1977)—§ 8.7; § 8.7, n. 18.
- Siegal v. New York State Div. of Housing and Community Renewal, 143 A.D.2d 430, 532 N.Y.S.2d 580 (N.Y.A.D. 2 Dept.1988)—§ 4.3, n. 5, 60; § 8.3, n. 22.
- Siegert v. Gilley, 500 U.S. 226, 111 S.Ct. 1789, 114 L.Ed.2d 277 (1991)—§ 2.5; § 2.5, n. 22.
- Sierra Club v. Costle, 657 F.2d 298, 211 U.S.App.D.C. 336 (D.C.Cir.1981)—§ 4.19; § 4.19, n. 6; § 8.8, n. 14.
- Sierra Club v. Simkins Industries, Inc., 847 F.2d 1109 (4th Cir.1988)—§ 11.8, n. 4.
- Signet Const. Corp. v. Goldin, 99 A.D.2d 431, 470 N.Y.S.2d 396 (N.Y.A.D. 1 Dept.1984)—§ 3.21, n. 12.
- Silberfarb v. Board of Co-op. Educational Services, Third Supervisory Dist., Suffolk County, 471 N.Y.S.2d 257, 459 N.E.2d 482 (N.Y.1983)—§ 8.5, n. 33.
- Silva v. Sielaff, 194 A.D.2d 426, 599 N.Y.S.2d 958 (N.Y.A.D. 1 Dept.1993)—§ 8.7, n. 13.
- Silverman v. Commodity Futures Trading Commission, 549 F.2d 28 (7th Cir.1977)—§ 3.5, n. 2.
- Silverman v. Lobel, 163 A.D.2d 62, 558 N.Y.S.2d 23 (N.Y.A.D. 1 Dept.1990)—§ 8.3, n. 7.
- Silverman v. New York University School of Law, 193 A.D.2d 411, 597 N.Y.S.2d 314 (N.Y.A.D. 1 Dept.1993)—§ 7.9, n. 3.
- Simmons v. Popolizio, 573 N.Y.S.2d 464, 577 N.E.2d 1056 (N.Y.1991)—§ 12.23, n. 2.
- Simpson v. Wolansky, 380 N.Y.S.2d 630, 343 N.E.2d 274 (N.Y.1975)—§ 3.8, n. 14; § 3.16, n. 5; § 8.5; § 8.5, n. 40, 48; § 8.6, n. 8.
- Singleton v. City of New York, 632 F.2d 185 (2nd Cir.1980)—§ 8.17, n. 11.
- Sinha v. Ambach, 91 A.D.2d 703, 457 N.Y.S.2d 603 (N.Y.A.D. 3 Dept.1982)—§ 3.5, n. 7.
- S. Jackson & Son, Inc. v. Coffee, Sugar & Cocoa Exchange, Inc., 1993 WL 322836 (S.D.N.Y.1993)—§ 7.9, n. 5.
- S. & J. Pharmacies, Inc. v. Axelrod, 91 A.D.2d 1131, 458 N.Y.S.2d 728 (N.Y.A.D. 3 Dept.1983)—§ 3.4, n. 14.
- Skinner, People ex rel. Calloway v., 41 A.D.2d 106, 341 N.Y.S.2d 775 (N.Y.A.D. 4 Dept.1973)—§ 3.6, n. 11.
- Slominski v. Codd, 83 Misc.2d 260, 372 N.Y.S.2d 294 (N.Y.Sup.1975)—§ 8.7; § 8.7, n. 14.
- Small Refiner Lead Phase-Down Task Force v. United States E.P.A., 705 F.2d 506, 227 U.S.App.D.C. 201 (D.C.Cir.1983)—§ 4.3, n. 56.
- Smallwood v. Warren, 50 A.D.2d 598, 375 N.Y.S.2d 154 (N.Y.A.D. 2 Dept.1975)—§ 2.2, n. 6.
- Smith, People v., 86 A.D.2d 251, 450 N.Y.S.2d 57 (N.Y.A.D. 3 Dept.1982)—§ 2.1, n. 5.
- Smith, People ex rel. Roides v., 501 N.Y.S.2d 805, 492 N.E.2d 1221 (N.Y.1986)—§ 4.17, n. 10.
- Smith, People ex rel. Vega v., 495 N.Y.S.2d 332, 485 N.E.2d 997 (N.Y.1985)—§ 2.8; § 2.8, n. 48; § 8.4, n. 2.
- Smithfield Concerned Citizens for Fair Zoning v. Town of Smithfield By and Through Rainville, 719 F.Supp. 75 (D.R.I.1989)—§ 3.3, n. 2.
- Smithson v. Ilion Housing Authority, 534 N.Y.S.2d 930, 531 N.E.2d 651 (N.Y.1988)—§ 5.13, n. 48.
- Society of Plastics Industry, Inc. v. County of Suffolk, 570 N.Y.S.2d 778, 573 N.E.2d 1034 (N.Y.1991)—§ 7.2, n. 2; § 7.3; § 7.3, n. 35; § 7.4; § 7.4, n. 3; § 9.5, n. 7; § 9.18, n. 3, 10.
- Sohn v. Calderon, 579 N.Y.S.2d 940, 587 N.E.2d 807 (N.Y.1991)—§ 7.8; § 7.8, n. 7; § 7.9, n. 6.
- Solite Corp. v. United States E.P.A., 952 F.2d 473, 293 U.S.App.D.C. 117 (D.C.Cir.1991)—§ 4.7, n. 3.
- Solnick v. Whalen, 425 N.Y.S.2d 68, 401 N.E.2d 190 (N.Y.1980)—§ 8.12; § 8.12, n. 2, 12.
- Somlo v. State Div. of Housing and Community Renewal, Office of Rent Admin., 142 A.D.2d 535, 531 N.Y.S.2d 3 (N.Y.A.D. 1 Dept.1988)—§ 12.26, n. 3.
- Spectrum Systems Intern. Corp. v. Chemical Bank, 575 N.Y.S.2d 809, 581 N.E.2d 1055 (N.Y.1991)—§ 11.2, n. 11.
- Spencer v. New York State Police, 187 A.D.2d 919, 591 N.Y.S.2d 207 (N.Y.A.D. 3 Dept.1992)—§ 5.11, n. 34.
- Spodek v. New York State Com'r of Taxation and Finance, 628 N.Y.S.2d 256, 651 N.E.2d 1275 (N.Y.1995)—§ 16.62, n. 5.

TABLE OF CASES

- S & R Lake Lounge, Inc. v. New York State Liquor Authority, 638 N.Y.S.2d 575, 661 N.E.2d 1355 (N.Y.1995)—§ **8.5**; § **8.5**, n. **36**.
- Staatsburg Water Co. v. Staatsburg Fire Dist., 531 N.Y.S.2d 876, 527 N.E.2d 754 (N.Y. 1988)—§ **3.23**, n. **7**; § **7.8**, n. **2**, **7**, **14**, **23**.
- Standard Marine Services, Inc. v. Jorling, 214 A.D.2d 424, 625 N.Y.S.2d 186 (N.Y.A.D. 1 Dept.1995)—§ **15.22**, n. **5**.
- State v. ——— (see opposing party)**
- State Bd. of Equalization and Assessment v. Kerwick, 72 A.D.2d 292, 425 N.Y.S.2d 640 (N.Y.A.D. 3 Dept.1980)—§ **8.3**, n. **49**.
- Staten Island Edison Corporation v. Maltbie, 296 N.Y. 374, 73 N.E.2d 705 (N.Y.1947)—§ **7.10**; § **7.10**, n. **22**.
- State Racing Commission, People ex rel. Empire City Trotting Club v., 190 N.Y. 31, 82 N.E. 723 (N.Y.1907)—§ **8.7**, n. **5**.
- Stavisky v. New York State Div. of Housing and Community Renewal, 204 A.D.2d 462, 611 N.Y.S.2d 634 (N.Y.A.D. 2 Dept.1994)—§ **12.7**, n. **14**, **29**.
- St. Clair v. Yonkers Raceway, Inc., 242 N.Y.S.2d 43, 192 N.E.2d 15 (N.Y.1963)—§ **7.5**, n. **2**.
- Steele v. New York State Dept. of Health, 119 Misc.2d 963, 464 N.Y.S.2d 925 (N.Y.Sup. 1983)—§ **5.10**, n. **37**; § **5.11**, n. **43**.
- Steingut v. Gold, 397 N.Y.S.2d 765, 366 N.E.2d 854 (N.Y.1977)—§ **7.7**, n. **10**.
- Stephentown Concerned Citizens v. Herrick, 223 A.D.2d 862, 636 N.Y.S.2d 470 (N.Y.A.D. 3 Dept.1996)—§ **3.22**; § **3.22**, n. **12**; § **9.3**, n. **5**; § **15.8**, n. **1**; § **15.21**; § **15.21**, n. **7**.
- Stern v. Morgenthau, 476 N.Y.S.2d 810, 465 N.E.2d 349 (N.Y.1984)—§ **6.3**, n. **17**.
- St. Louis, City of v. Praprotnik, 485 U.S. 112, 108 S.Ct. 915, 99 L.Ed.2d 107 (1988)—§ **8.10**; § **8.10**, n. **17**.
- Stockdale v. Hughes, 173 A.D.2d 1075, 570 N.Y.S.2d 412 (N.Y.A.D. 3 Dept.1991)—§ **5.10**, n. **36**.
- Stoker v. Tarentino, 101 A.D.2d 651, 475 N.Y.S.2d 562 (N.Y.A.D. 3 Dept.1984)—§ **3.12**, n. **7**.
- Stone v. Goldberg, 215 A.D.2d 180, 625 N.Y.S.2d 568 (N.Y.A.D. 1 Dept.1995)—§ **12.12**; § **12.12**, n. **13**; § **12.22**, n. **1**.
- Stork Restaurant v. Boland, 282 N.Y. 256, 26 N.E.2d 247 (N.Y.1940)—§ **8.2**, n. **23**; § **8.5**; § **8.5**, n. **23**; § **12.27**, n. **8**.
- Stuart v. Palmer, 74 N.Y. 183 (N.Y.1878)—§ **2.3**; § **2.3**, n. **5**.
- Students Challenging Regulatory Agency Procedures (SCRAP), United States v., 412 U.S. 669, 93 S.Ct. 2405, 37 L.Ed.2d 254 (1973)—§ **7.3**, n. **23**.
- Sturman v. Ingraham, 52 A.D.2d 882, 383 N.Y.S.2d 60 (N.Y.A.D. 2 Dept.1976)—§ **4.16**, n. **13**; § **4.20**, n. **31**.
- Stuyvesant Polyclinic v. Axelrod, 117 A.D.2d 99, 501 N.Y.S.2d 957 (N.Y.A.D. 3 Dept. 1986)—§ **4.16**, n. **13**.
- St. Vincent's Hosp. and Medical Center of New York v. New York State Div. of Housing and Community Renewal, 109 A.D.2d 711, 487 N.Y.S.2d 36 (N.Y.A.D. 1 Dept.1985)—§ **12.18**, n. **1**.
- Subway Check Cashing Service, Inc. v. Considine, 158 A.D.2d 406, 551 N.Y.S.2d 521 (N.Y.A.D. 1 Dept.1990)—§ **7.3**, n. **26**.
- Sulzer v. Environmental Control Bd. of City of New York, 165 A.D.2d 270, 566 N.Y.S.2d 595 (N.Y.A.D. 1 Dept.1991)—§ **2.8**, n. **50**.
- Sun-Brite Car Wash, Inc. v. Board of Zoning and Appeals of Town of North Hempstead, 515 N.Y.S.2d 418, 508 N.E.2d 130 (N.Y.1987)—§ **7.2**, n. **3**; § **7.3**; § **7.3**, n. **24**.
- Sunset Taxi Co., Inc. v. Blum, 73 A.D.2d 691, 423 N.Y.S.2d 231 (N.Y.A.D. 2 Dept.1979)—§ **3.7**, n. **7**.
- Susan M. v. New York Law School, 557 N.Y.S.2d 297, 556 N.E.2d 1104 (N.Y.1990)—§ **8.2**, n. **6**.
- Sutton v. City of Milwaukee, 672 F.2d 644 (7th Cir.1982)—§ **2.8**, n. **43**.
- Swick v. New York State and Local Employees' Retirement System, 213 A.D.2d 934, 623 N.Y.S.2d 960 (N.Y.A.D. 3 Dept.1995)—§ **3.7**, n. **3**.
- Syracuse Die-Casting and Manufacturing Co., Inc., Matter of, 1988 WL 158303 (N.Y.Dept.Env't'l.Conserv.1988)—§ **15.36**, n. **3**.
- Syracuse Hancock Professional Firefighters Ass'n, Local 1888, IAFF, AFL-CIO v. Newman, 110 A.D.2d 256, 494 N.Y.S.2d 191 (N.Y.A.D. 3 Dept.1985)—§ **8.3**, n. **54**.
- Syracuse United Neighbors v. City of Syracuse, 80 A.D.2d 984, 437 N.Y.S.2d 466 (N.Y.A.D. 4 Dept.1981)—§ **5.10**, n. **8**; § **5.11**, n. **44**.

TABLE OF CASES

T

- Tafnet Realty Corp. v. New York City Dept. of Bldgs., 116 Misc.2d 609, 455 N.Y.S.2d 341 (N.Y.Sup.1982)—§ **3.10**; § **3.10**, n. **11**, **12**; § **3.11**, n. **13**.
- Teachers Ins. and Annuity Ass'n of America v. City of New York, 603 N.Y.S.2d 399, 623 N.E.2d 526 (N.Y.1993)—§ **8.3**; § **8.3**, n. **39**.
- 10 Apartment Associates, Inc. v. New York State Div. of Housing and Community Renewal, 240 A.D.2d 585, 658 N.Y.S.2d 674 (N.Y.A.D. 2 Dept.1997)—§ **4.20**, n. **4**.
- Tenenbaum v. Axelrod, 132 A.D.2d 37, 522 N.Y.S.2d 290 (N.Y.A.D. 3 Dept.1987)—§ **4.22**, n. **13**.
- Ten Mile River Holding, Ltd. v. Jorling, 150 A.D.2d 927, 541 N.Y.S.2d 270 (N.Y.A.D. 3 Dept.1989)—§ **3.22**, n. **11**.
- Tennessee Elec. Power Co. v. Tennessee Val. Authority, 306 U.S. 118, 59 S.Ct. 366, 83 L.Ed. 543 (1939)—§ **7.3**, n. **8**.
- Tennessee Gas Pipeline Co. v. F.E.R.C., 969 F.2d 1141, 297 U.S.App.D.C. 141 (D.C.Cir. 1992)—§ **4.5**, n. **13**.
- Tenney v. Brandhove, 341 U.S. 367, 71 S.Ct. 783, 95 L.Ed. 1019 (1951)—§ **8.10**, n. **58**.
- Teresian House Nursing Home Co. Inc. v. Chassin, 218 A.D.2d 250, 636 N.Y.S.2d 484 (N.Y.A.D. 3 Dept.1996)—§ **4.20**, n. **37**.
- Thomas v. Records Access Officer, 205 A.D.2d 786, 613 N.Y.S.2d 929 (N.Y.A.D. 2 Dept. 1994)—§ **5.10**, n. **27**.
- 314 West 48 Street Inc. v. McAleer, N.Y.L.J., 4/9/97, p. 25, col. 5 (App.Term, 1st Dep't)—§ **12.9**; § **12.9**, n. **14**, **17**.
- 300 Gramatan Ave. Associates v. State Division of Human Rights, 408 N.Y.S.2d 54, 379 N.E.2d 1183 (N.Y.1978)—§ **3.7**; § **3.7**, n. **14**; § **3.12**, n. **6**; § **8.5**, n. **30**; § **12.27**, n. **9**.
- 319 East 50th Street Associates v. New York State Div. of Housing and Community Renewal, 198 A.D.2d 28, 604 N.Y.S.2d 719 (N.Y.A.D. 1 Dept.1993)—§ **12.24**; § **12.24**, n. **3**.
- 301-52 Townhouse Corp. v. Click, 113 Misc.2d 1050, 450 N.Y.S.2d 716 (N.Y.Sup.1982)—§ **8.13**, n. **34**.
- 310 West End Ave. Owners Corp. v. Rosenberg, N.Y.L.J., 8/28/91, p. 21, col. 4 (App.Term, 1st Dep't)—§ **12.11**, n. **4**, **5**.
- 3410 Kingsbridge Associates v. Martinez, 161 Misc.2d 163, 612 N.Y.S.2d 549 (N.Y.City Civ.Ct.1994)—§ **12.16**; § **12.16**, n. **4**.
- Tiebout Holding Co., L.P. v. Cordero, 154 Misc.2d 43, 592 N.Y.S.2d 904 (N.Y.Sup.App.Term 1992)—§ **12.5**, n. **8**.
- Tipon v. Appeals Bd. of Administrative Adjudication Bureau, 52 A.D.2d 1065, 384 N.Y.S.2d 324 (N.Y.A.D. 4 Dept.1976)—§ **8.19**, n. **8**.
- Toilet Goods Ass'n, Inc. v. Gardner, 387 U.S. 158, 87 S.Ct. 1520, 18 L.Ed.2d 697 (1967)—§ **7.6**; § **7.6**, n. **4**.
- Tommy and Tina Inc. v. Department of Consumer Affairs of City of New York, 95 A.D.2d 724, 464 N.Y.S.2d 132 (N.Y.A.D. 1 Dept.1983)—§ **8.3**, n. **35**.
- Torres v. Coombe, 234 A.D.2d 710, 651 N.Y.S.2d 642 (N.Y.A.D. 3 Dept.1996)—§ **3.4**, n. **12**.
- Town of (see name of town)**
- Traendly v. State, Div. of Housing and Community Renewal, Office of Rent Admin., 160 A.D.2d 883, 554 N.Y.S.2d 316 (N.Y.A.D. 2 Dept.1990)—§ **12.22**, n. **1**.
- Trieu v. Tax Appeals Tribunal of State of N.Y., 222 A.D.2d 743, 634 N.Y.S.2d 878 (N.Y.A.D. 3 Dept.1995)—§ **16.53**, n. **6**.
- Tri-Village Publishers, Inc. v. St. Johnsville Bd. of Educ., 110 A.D.2d 932, 487 N.Y.S.2d 181 (N.Y.A.D. 3 Dept.1985)—§ **5.13**, n. **15**.
- Trujillo v. Employment Sec. Commission of New Mexico, 94 N.M. 343, 610 P.2d 747 (N.M.1980)—§ **3.7**, n. **12**.
- Trump-Equitable Fifth Ave. Co. v. Gliedman, 478 N.Y.S.2d 846, 467 N.E.2d 510 (N.Y. 1984)—§ **12.4**, n. **4**.
- Trustees of Masonic Hall and Asylum Fund v. Axelrod, 174 A.D.2d 199, 578 N.Y.S.2d 690 (N.Y.A.D. 3 Dept.1992)—§ **4.20**, n. **26**.
- Tug Buster Bouchard Corp. v. Wetzler, 217 A.D.2d 192, 635 N.Y.S.2d 803 (N.Y.A.D. 3 Dept.1996)—§ **16.64**, n. **3**.
- Tully v. Griffin, Inc., 429 U.S. 68, 97 S.Ct. 219, 50 L.Ed.2d 227 (1976)—§ **16.65**, n. **2**.
- Tumey v. State of Ohio, 273 U.S. 510, 47 S.Ct. 437, 71 L.Ed. 749 (1927)—§ **3.20**, n. **2**.
- Tumminia v. Kuhlmann, 139 Misc.2d 394, 527 N.Y.S.2d 673 (N.Y.Sup.1988)—§ **3.20**, n. **11**.

TABLE OF CASES

- Twin City Physicians Group, P.C. v. New York State Dept. of Social Services, 236 A.D.2d 818, 653 N.Y.S.2d 763 (N.Y.A.D. 4 Dept.1997)—§ **5.8**, **n. 18**.
- 210 Associates v. Johnson, N.Y.L.J., 1/4/90, p. 21, col. 2 (App.Term, 1st Dep't)—§ **12.11**, **n. 10**.
- 230 East 52nd Street Associates v. State Div. of Housing and Community Renewal, 131 A.D.2d 349, 517 N.Y.S.2d 2 (N.Y.A.D. 1 Dept.1987)—§ **12.2**, **n. 22**.
- 203 East 13th St. Corp. v. Lechycky, 67 Misc.2d 451, 324 N.Y.S.2d 560 (N.Y.Sup.App.Term 1971)—§ **12.10**, **n. 2**.
- Two Lincoln Square Associates v. New York State Div. of Housing and Community Renewal, 191 A.D.2d 281, 594 N.Y.S.2d 755 (N.Y.A.D. 1 Dept.1993)—§ **12.5**, **n. 7**; § **12.24**, **n. 1**.

U

- Unigard Mut. Ins. Co. v. Hartford Ins. Group, 108 A.D.2d 917, 485 N.Y.S.2d 805 (N.Y.A.D. 2 Dept.1985)—§ **7.10**, **n. 46**.
- Unimax Corp. v. Tax Appeals Tribunal of State of N.Y., 581 N.Y.S.2d 135, 589 N.E.2d 358 (N.Y.1992)—§ **8.8**; § **8.8**, **n. 36**.
- Unimax Corp. v. Tax Appeals Tribunal of State of N.Y., 165 A.D.2d 476, 568 N.Y.S.2d 164 (N.Y.A.D. 3 Dept.1991)—§ **4.20**, **n. 26**.
- United Air Lines, Inc. v. C.A.B., 766 F.2d 1107 (7th Cir.1985)—§ **4.6**, **n. 3**.
- United Environmental Techniques, Inc. v. State Dept. of Health, 215 A.D.2d 236, 626 N.Y.S.2d 196 (N.Y.A.D. 1 Dept.1995)—§ **2.8**, **n. 50**.
- United States v. — (see opposing party)**
- Universal Camera Corp. v. N.L.R.B., 340 U.S. 474, 71 S.Ct. 456, 95 L.Ed. 456 (1951)—§ **3.12**, **n. 5**; § **3.16**, **n. 5**; § **8.5**; § **8.5**, **n. 30**, **41**.
- Urban League of Rochester, N. Y. Inc. v. Monroe County, 427 N.Y.S.2d 593, 404 N.E.2d 715 (N.Y.1980)—§ **7.4**, **n. 10**.
- Uruburu, People v., 169 A.D.2d 20, 571 N.Y.S.2d 965 (N.Y.A.D. 4 Dept.1991)—§ **11.8**, **n. 8**.
- Utica Cheese, Inc. v. Barber, 429 N.Y.S.2d 405, 406 N.E.2d 1342 (N.Y.1980)—§ **8.3**, **n. 7**.
- Uzwij v. Robins, 133 A.D.2d 695, 519 N.Y.S.2d 866 (N.Y.A.D. 2 Dept.1987)—§ **7.9**; § **7.9**, **n. 37**.

V

- Vaca v. Sipes, 386 U.S. 171, 87 S.Ct. 903, 17 L.Ed.2d 842 (1967)—§ **13.12**, **n. 16**.
- Valentino v. State Liquor Authority, 164 A.D.2d 830, 559 N.Y.S.2d 724 (N.Y.A.D. 1 Dept.1990)—§ **8.7**; § **8.7**, **n. 19**.
- Valley Forge Christian College v. American United for Separation of Church and State, Inc., 454 U.S. 464, 102 S.Ct. 752, 70 L.Ed.2d 700 (1982)—§ **7.3**, **n. 6**, **11**, **45**; § **7.5**, **n. 1**.
- Valleylab, Inc. v. New York City Health and Hospitals Corp., 228 A.D.2d 180, 643 N.Y.S.2d 547 (N.Y.A.D. 1 Dept.1996)—§ **1.3**; § **1.3**, **n. 6**.
- Valley Realty Development Co., Inc. v. Jorling, 217 A.D.2d 349, 634 N.Y.S.2d 899 (N.Y.A.D. 4 Dept.1995)—§ **15.13**, **n. 21**.
- Valmonte v. Bane, 18 F.3d 992 (2nd Cir.1994)—§ **2.5**; § **2.5**, **n. 21**, **24**.
- Van Allen v. McCleary, 27 Misc.2d 81, 211 N.Y.S.2d 501 (N.Y.Sup.1961)—§ **4.1**, **n. 44**.
- Vanbuskirk v. Adirondack Park Agency, 164 A.D.2d 437, 563 N.Y.S.2d 903 (N.Y.A.D. 3 Dept.1990)—§ **8.15**, **n. 4**.
- Vargas v. State of New York Liquor Authority, 111 A.D.2d 925, 490 N.Y.S.2d 818 (N.Y.A.D. 2 Dept.1985)—§ **3.12**, **n. 7**.
- Vector East Realty Corp. v. Abrams, 89 A.D.2d 453, 455 N.Y.S.2d 773 (N.Y.A.D. 1 Dept.1982)—§ **3.1**, **n. 8**; § **3.2**; § **3.2**, **n. 6**; § **3.22**, **n. 5**; § **8.4**, **n. 8**; § **8.5**, **n. 19**.
- Vega, People ex rel. v. Smith, 495 N.Y.S.2d 332, 485 N.E.2d 997 (N.Y.1985)—§ **2.8**; § **2.8**, **n. 48**; § **8.4**, **n. 2**.
- Vermont Yankee Nuclear Power Corp. v. Natural Resources Defense Council, Inc., 435 U.S. 519, 98 S.Ct. 1197, 55 L.Ed.2d 460 (1978)—§ **4.1**; § **4.1**, **n. 4**; § **4.7**, **n. 4**.
- V. F. V. Const. Co., Inc. v. Kirwan, 51 A.D.2d 753, 379 N.Y.S.2d 166 (N.Y.A.D. 2 Dept.1976)—§ **5.11**, **n. 34**.
- Village of (see name of village)**

TABLE OF CASES

- Vitek v. Jones, 445 U.S. 480, 100 S.Ct. 1254, 63 L.Ed.2d 552 (1980)—§ **2.5, n. 2.**
Vito v. Jorling, 197 A.D.2d 822, 603 N.Y.S.2d 64 (N.Y.A.D. 3 Dept.1993)—§ **15.36; § 15.36, n. 6.**
Voorhis v. Warwick Valley Central School Dist., 92 A.D.2d 571, 459 N.Y.S.2d 325 (N.Y.A.D. 2 Dept.1983)—§ **2.6, n. 16.**

W

- Waclawski v. Axelrod, 151 A.D.2d 977, 542 N.Y.S.2d 66 (N.Y.A.D. 4 Dept.1989)—§ **8.3, n. 45.**
Wagschal v. Board of Examiners of Bd. of Educ. of City of New York, 511 N.Y.S.2d 836, 503 N.E.2d 1373 (N.Y.1986)—§ **8.6, n. 14.**
Walia v. Axelrod, 120 Misc.2d 104, 465 N.Y.S.2d 443 (N.Y.Sup.1983)—§ **3.14, n. 3.**
Wallach's Inc. v. Boland, 277 N.Y. 345, 14 N.E.2d 381 (N.Y.1938)—§ **13.7, n. 4.**
Walston v. Axelrod, 107 Misc.2d 563, 435 N.Y.S.2d 493 (N.Y.Sup.1980)—§ **3.5, n. 4; § 3.7, n. 5.**
Walters v. National Ass'n of Radiation Survivors, 473 U.S. 305, 105 S.Ct. 3180, 87 L.Ed.2d 220 (1985)—§ **3.6, n. 10.**
Ward v. Bennett, 583 N.Y.S.2d 179, 592 N.E.2d 787 (N.Y.1992)—§ **7.6, n. 1.**
Ward v. Sise, 127 Misc.2d 32, 485 N.Y.S.2d 161 (N.Y.Sup.1984)—§ **8.18, n. 1.**
Ward, United States v., 448 U.S. 242, 100 S.Ct. 2636, 65 L.Ed.2d 742 (1980)—§ **11.8, n. 5; § 15.11, n. 10.**
Ward v. Village of Monroeville, Ohio, 409 U.S. 57, 93 S.Ct. 80, 34 L.Ed.2d 267 (1972)—§ **3.17, n. 1.**
Washington County Cease, Inc. v. Persico, 120 Misc.2d 207, 465 N.Y.S.2d 965 (N.Y.Sup. 1983)—§ **3.4, n. 12; § 3.18, n. 14.**
Washington Post Co. v. New York State Ins. Dept., 475 N.Y.S.2d 263, 463 N.E.2d 604 (N.Y.1984)—§ **5.11; § 5.11, n. 27.**
Watergate II Apartments v. Buffalo Sewer Authority, 412 N.Y.S.2d 821, 385 N.E.2d 560 (N.Y.1978)—§ **7.9; § 7.9, n. 1, 14; § 12.22, n. 2, 9.**
Waterside Associates v. New York State Dept. of Environmental Conservation, 534 N.Y.S.2d 915, 531 N.E.2d 636 (N.Y.1988)—§ **8.13; § 8.13, n. 32; § 8.14; § 8.14, n. 4.**
Weatherwax v. Town of Stony Point, 97 A.D.2d 840, 468 N.Y.S.2d 914 (N.Y.A.D. 2 Dept.1983)—§ **5.13, n. 33, 50.**
Webster v. Doe, 486 U.S. 592, 108 S.Ct. 2047, 100 L.Ed.2d 632 (1988)—§ **7.10; § 7.10, n. 6, 11, 19.**
Weiss v. Fote, 200 N.Y.S.2d 409, 167 N.E.2d 63 (N.Y.1960)—§ **8.9, n. 27.**
Westbury, Village of v. Department of Transp., 550 N.Y.S.2d 604, 549 N.E.2d 1175 (N.Y.1989)—§ **9.5, n. 7.**
West Chicago, Ill., City of v. United States Nuclear Regulatory Com'n, 701 F.2d 632 (7th Cir.1983)—§ **3.1, n. 7; § 3.2, n. 11.**
Western Union Intern., Inc. v. Western Union Tel. Co., 110 Misc.2d 78, 441 N.Y.S.2d 764 (N.Y.Sup.1981)—§ **7.8, n. 21.**
Western Union Tel. Co. v. RCA Global Communications, Inc., 83 Misc.2d 964, 373 N.Y.S.2d 432 (N.Y.Sup.1975)—§ **7.8, n. 19.**
Westledge Nursing Home v. Axelrod, 113 A.D.2d 368, 495 N.Y.S.2d 763 (N.Y.A.D. 3 Dept.1985)—§ **3.14, n. 10.**
West Seneca Ford, Inc. v. Commissioner of New York State Dept. of Taxation and Finance, 198 A.D.2d 909, 604 N.Y.S.2d 459 (N.Y.A.D. 4 Dept.1993)—§ **16.40, n. 8.**
West Village Committee, Inc. v. Zagata, 171 Misc.2d 454, 654 N.Y.S.2d 230 (N.Y.Sup. 1996)—§ **9.6, n. 3.**
Whalen v. John P., 72 A.D.2d 961, 422 N.Y.S.2d 256 (N.Y.A.D. 4 Dept.1979)—§ **3.5, n. 4.**
Whalen v. Slocum, 84 A.D.2d 956, 446 N.Y.S.2d 727 (N.Y.A.D. 4 Dept.1981)—§ **3.18; § 3.18, n. 1, 16; § 14.29, n. 2.**
White v. Battaglia, 79 A.D.2d 880, 434 N.Y.S.2d 537 (N.Y.A.D. 4 Dept.1980)—§ **5.13, n. 20.**
White v. Illinois, 502 U.S. 346, 112 S.Ct. 736, 116 L.Ed.2d 848 (1992)—§ **3.8, n. 4.**
Whitehead v. Russi, 201 A.D.2d 825, 607 N.Y.S.2d 751 (N.Y.A.D. 3 Dept.1994)—§ **7.9, n. 3.**
White Plains, City of v. New York State Bd. of Equalization and Assessment, 205 A.D.2d 771, 613 N.Y.S.2d 439 (N.Y.A.D. 2 Dept.1994)—§ **8.5, n. 20.**
Whiting v. Marine Midland Bank-Western, 80 Misc.2d 871, 365 N.Y.S.2d 628 (N.Y.Sup. 1975)—§ **4.17, n. 9; § 4.20, n. 42.**

TABLE OF CASES

- Will v. Michigan Dept. of State Police, 491 U.S. 58, 109 S.Ct. 2304, 105 L.Ed.2d 45 (1989)—**§ 8.10; § 8.10, n. 7.**
- William Court–White Hill Road Homeowners Ass’n., Inc. v. New York State Com’r of Mental Retardation and Developmental Disabilities, 161 Misc.2d 552, 613 N.Y.S.2d 322 (N.Y.Sup.1994)—**§ 8.19, n. 11.**
- William J. Kline and Son, Inc. v. Fallows, 124 Misc.2d 701, 478 N.Y.S.2d 524 (N.Y.Sup. 1984)—**§ 5.10, n. 36.**
- Williams v. Com. of Ky., 24 F.3d 1526 (6th Cir.1994)—**§ 8.10, n. 5, 33.**
- Williamson v. Lee Optical of Okl., 348 U.S. 483, 75 S.Ct. 461, 99 L.Ed. 563 (1955)—**§ 8.8, n. 2.**
- Wilson v. Garcia, 471 U.S. 261, 105 S.Ct. 1938, 85 L.Ed.2d 254 (1985)—**§ 8.17, n. 4.**
- Wilson v. One Ten Duane Street Realty Co., 123 A.D.2d 198, 510 N.Y.S.2d 603 (N.Y.A.D. 1 Dept.1987)—**§ 12.2, n. 12, 19.**
- Windsor Place Corp. v. State Div. of Housing and Community Renewal, 161 A.D.2d 279, 554 N.Y.S.2d 913 (N.Y.A.D. 1 Dept.1990)—**§ 12.12; § 12.12, n. 15.**
- Winter, State v., 121 A.D.2d 287, 503 N.Y.S.2d 384 (N.Y.A.D. 1 Dept.1986)—**§ 7.8, n. 17; § 12.6, n. 2.**
- Winthrop Gardens, Inc. v. Goodwin, 58 A.D.2d 764, 396 N.Y.S.2d 400 (N.Y.A.D. 1 Dept.1977)—**§ 4.19, n. 13.**
- Wirtz v. Lobello, 1 A.D.2d 416, 151 N.Y.S.2d 474 (N.Y.A.D. 4 Dept.1956)—**§ 4.20, n. 43.**
- Withrow v. Larkin, 421 U.S. 35, 95 S.Ct. 1456, 43 L.Ed.2d 712 (1975)—**§ 3.17, n. 2; § 3.18, n. 14.**
- Wolff v. McDonnell, 418 U.S. 539, 94 S.Ct. 2963, 41 L.Ed.2d 935 (1974)—**§ 2.5, n. 17.**
- Wolkoff v. Chassin, 652 N.Y.S.2d 712, 675 N.E.2d 447 (N.Y.1996)—**§ 14.47, n. 10.**
- Woltall Apartments v. Byrd, N.Y.L.J., 4/2/93, p. 26, col. 3 (Civ.Ct., N.Y.County)—**§ 12.11, n. 3.**
- Wong Yang Sung v. McGrath, 339 U.S. 33, 70 S.Ct. 445, 94 L.Ed. 616 (1950)—**§ 3.2, n. 20.**
- Woods v. Candela, 13 F.3d 574 (2nd Cir.1994)—**§ 8.17, n. 12.**
- Woodstock, Town of v. Goodson–Todman Enterprises, Ltd., 133 Misc.2d 12, 505 N.Y.S.2d 540 (N.Y.Sup.1986)—**§ 5.13, n. 19.**
- Wooster, People ex rel. v. Maher, 141 N.Y. 330, 36 N.E. 396 (N.Y.1894)—**§ 8.3, n. 32.**
- Wyatt v. Cole, 504 U.S. 158, 112 S.Ct. 1827, 118 L.Ed.2d 504 (1992)—**§ 8.10; § 8.10, n. 35.**
- Wyoming v. Oklahoma, 502 U.S. 437, 112 S.Ct. 789, 117 L.Ed.2d 1 (1992)—**§ 7.3, n. 11.**

X

- Xerox Corp. v. Department of Taxation and Finance, 140 A.D.2d 945, 529 N.Y.S.2d 623 (N.Y.A.D. 4 Dept.1988)—**§ 16.64, n. 4.**

Y

- Yakus v. United States, 321 U.S. 414, 64 S.Ct. 660, 88 L.Ed. 834 (1944)—**§ 5.3, n. 5.**
- Yaretsky v. Blum, 456 F.Supp. 653 (S.D.N.Y.1978)—**§ 4.15; § 4.15, n. 6.**
- Ying Jing Gan v. City of New York, 996 F.2d 522 (2nd Cir.1993)—**§ 8.10, n. 6.**
- Yong–Myun Rho v. Ambach, 546 N.Y.S.2d 1005, 546 N.E.2d 188 (N.Y.1989)—**§ 8.3, n. 42.**
- Yonkers Garden Co. v. New York State Division of Housing and Community Renewal, 53 A.D.2d 697, 385 N.Y.S.2d 118 (N.Y.A.D. 2 Dept.1976)—**§ 12.7, n. 26; § 12.8; § 12.8, n. 5.**
- York v. McGuire, 99 A.D.2d 1023, 473 N.Y.S.2d 815 (N.Y.A.D. 1 Dept.1984)—**§ 8.6, n. 23; § 11.21, n. 16.**
- Yorktown, Town of v. New York State Dept. of Mental Hygiene, 466 N.Y.S.2d 965, 453 N.E.2d 1254 (N.Y.1983)—**§ 9.5, n. 7.**
- Young Men’s Christian Ass’n v. Rochester Pure Waters Dist., 372 N.Y.S.2d 633, 334 N.E.2d 586 (N.Y.1975)—**§ 7.9, n. 2.**

Z

- Zablocki v. Redhail, 434 U.S. 374, 98 S.Ct. 673, 54 L.Ed.2d 618 (1978)—**§ 2.5, n. 5.**

TABLE OF CASES

- Zar v. South Dakota Bd. of Examiners of Psychologists, 976 F.2d 459 (8th Cir.1992)—
§ 8.10, n. 57.
- Zimet v. New York State Liquor Authority, 27 A.D.2d 558, 276 N.Y.S.2d 79 (N.Y.A.D. 2
Dept.1966)—§ 3.13, n. 3.