



*State of New York*  
*Court of Appeals*

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COURT OF APPEALS NEW FILINGS

Preliminary Appeal Statements processed  
by the Court of Appeals Clerk's Office

**May 15, 2026 through May 21, 2026**

Each week the Clerk's Office prepares a list of recently-filed appeals, indicating short title, jurisdictional predicate, subject matter and key issues. Some of these appeals may not reach decision on the merits because of dismissal, on motion or sua sponte, or because the parties stipulate to withdrawal. Some appeals may be selected for review pursuant to the alternative procedure of Rule 500.11. For those appeals that proceed to briefing in the normal course, the briefing schedule generally will be: appellant's brief to be filed within 60 days after the appeal was taken; respondent's brief to be filed within 45 days after the due date for the filing of appellant's brief; and a reply brief, if any, to be filed within 15 days after the due date for the filing of respondent's brief.

**The Court welcomes motions for amicus curiae participation from those qualified and interested in the subject matter of these newly filed appeals. Please refer to Rule 500.23 and direct any questions to the Clerk's Office.**

BLDG 44 DEVELOPERS v STATE OF NEW YORK:

APL-2026-00068

3rd Dept. App. Div. order of 5/7/26; reversal; sua sponte examination of whether a substantial constitutional question is directly involved in the order appealed from;

**Taxation—Exemptions—Whether the provision of Real Property Tax Law § 421-a(16)(c)(x) stating that the filing of an order by the Comptroller of the City of New York following a hearing before the New York City Office of Administrative Trials and Hearings “shall have the full force and effect of a judgment duly docketed in the office of the county clerk” is unconstitutional under the separation of powers doctrine or principles of due process;**

Supreme Court, Albany County, in a combined proceeding under CPLR article 78 and action for declaratory judgment, among other things, denied respondent State of New York's motion for summary judgment; App. Div. reversed, dismissed the petition, and declared that RPTL 421-a(16)(c)(x) has not been shown to be unconstitutional.

ELFAND v ADAMS:

APL-2026-00069

1st Dept. App. Div. order of 11/18/25; affirmance; sua sponte examination of whether a substantial constitutional question is directly involved in the order appealed from;

**Parties—Standing—Whether the complaint was properly dismissed; whether the individual plaintiff lacks standing to assert claims on behalf of an entity and its employees; whether the “void-statute” standing exception applies;**

Supreme Court, New York County, granted the City and State defendants' cross-motions to dismiss the complaint and denied plaintiff's motion for injunctive and declaratory relief; App. Div. affirmed.

HUNOLD v CITY OF NY:

APL-2026-00066

1st Dept. App. Div. order of 4/9/26; affirmance; sua sponte examination of whether a substantial constitutional question is directly involved in the order appealed from;

**Judgments—Collateral Estoppel—Whether plaintiff was barred by collateral estoppel and res judicata from raising claims in a plenary action that were previously dismissed in a CPLR article 78 proceeding; whether there is a private right of action under the New York State Constitution's Free Exercise and Equal Protection Clauses;**

Supreme Court, New York County, granted the motion by defendants City of New York, New York City Police Department, Melocowsky, Eichenholtz, and Meisenholder to dismiss the complaint; Supreme Court, New York County, dismissed the complaint with prejudice; App. Div. affirmed.

PEOPLE v DEVON Y.:

APL-2026-00056

3rd Dept. App. Div. order of 3/19/26; affirmance; leave to appeal granted by Aarons, J., 5/1/26;

**Crimes—Sentence—Whether defendant's application for resentencing pursuant to the Domestic Violence Survivors Justice Act was properly denied on the ground that the abuse was not inflicted “at the time of the instant offense” within the meaning of Penal Law § 60.12 (1) (a) because the abuse occurred several years prior to the conduct underlying the criminal conviction;**

County Court, Ulster County, denied defendant's motion for resentencing pursuant to CPL 440.47, after a hearing; App. Div. affirmed.