

State of New York
Court of Appeals

Decisions

February 11, 2026

CASES

1 No. 12
The People &c.,
 Respondent,
 v.
Darling Alba,
 Appellant.

Appeal dismissed without prejudice, in a memorandum.
Chief Judge Wilson and Judges Rivera, Garcia, Singas, Cannataro, Troutman and Halligan concur.

1 No. 10
Leisa Aras, et al.,
 Appellants,
Catherine Schwartz, et al.,
 Plaintiffs,
 v.
B-U Realty Corp. et al.,
 Respondents.

Order insofar as appealed from, reversed, with costs, case remitted to the Appellate Division, First Department, for further proceedings in accordance with the memorandum herein, and certified question answered in the negative.
Chief Judge Wilson and Judges Rivera, Garcia, Singas, Cannataro, Troutman and Halligan concur.

3 No. 52 SSM 9
In the Matter of Lisa M. Williams,
 Respondent,
 v.
Town of Lake Luzerne Zoning Board of Appeals,
 Appellant.

On review of submissions pursuant to section 500.11 of the Rules, order reversed, with costs, and judgment of Supreme Court, Warren County, reinstated, in a memorandum.
Chief Judge Wilson and Judges Rivera, Garcia, Singas, Cannataro, Troutman and Halligan concur.

MOTIONS

3 Mo. No. 2025-612
In the Matter of Kelly AA.,
 Respondent,
 v.
Christopher AA.,
 Appellant.
(And Other Proceedings.)

Motion for leave to appeal denied.

3 Mo. No. 2026-67
In the Matter of Danny Andersen, et al., &c.,
 Appellants,
 v.
Michael P. Hein, &c.,
 Respondent,
et al.,
 Respondents.

Motion by The Legal Aid Society, et al. for leave to file a brief amici curiae on the appeal herein granted and the proposed brief is accepted as filed. Two copies of the brief must be served, an original and nine copies filed, and the brief submitted in digital format within seven days.

4 Mo. No. 2025-845
In the Matter of Abigail Anderson,
 Respondent,
 v.
Jon C. Cintron,
 Appellant.

Motion for leave to appeal dismissed upon the ground that the order sought to be appealed from does not finally determine the proceeding within the meaning of the Constitution.

4 Mo. No. 2025-572
In the Matter of Moses K.B., et al.

Monroe County Department of Human
Services,
 Respondent;
Ezra B.B., Jr.,
 Appellant.

Motion for leave to appeal denied.

1 SSD 58
Brian Burrows, et al.,
 Respondents,
 v.
75-25 153rd Street, LLC,
 Appellant.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that the order of the Appellate Division from which the appeal was taken has been vacated and superseded by a subsequent order of that Court.

3 Mo. No. 2025-573
In the Matter of Janaye D.,
 Respondent,
 v.
Zachary C.,
 Appellant.
(And Another Proceeding.)

Motion for leave to appeal denied.

2 Mo. No. 2025-629
In the Matter of Tyreek Davis,
 Appellant,
 v.
ACS-Kings,
 Respondent.

Motion for leave to appeal denied.
Motion for financial relief dismissed as academic.

1 Mo. No. 2025-476
In the Matter of B.F. et al., &c.

Roberto R. et al.,
 Respondents;
Administration for Children's Services,
 Respondent.

On the Court's own motion, appeal dismissed, without costs, upon the ground that the dissent at the Appellate Division is not on a question of law in favor of appellant (*see* CPLR 5601 [a]).
Motion for leave to appeal denied.

In the Matter of R.E., &c.

Roberto R.,
 Appellant,
et al.,
 Respondent;
Administration for Children's Services,
 Respondent.

4 Mo. No. 2025-587
In the Matter of Kim A.F.,
Respondent,
v.
Alexis M. B.-R.,
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2026-60
The People &c.,
Appellant,
v.
Diego Guerra,
Respondent.

Motion for assignment of counsel granted and Patricia Pazner, Esq., Appellate Advocates, 111 John Street, 9th Floor, New York, NY 10038 assigned as counsel to the respondent on the appeal herein.

4 Mo. No. 2025-579
In the Matter of Mayhon P.I.

Onondaga County Department of Children
and Family Services,
Respondent;
Claudette P.,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2026-94
The People &c. by Letitia James, &c.,
Respondent-Appellant,
v.
Donald J. Trump, et al.,
Appellants-Respondents.

Motion by William Bush for leave to file a brief amicus curiae on the appeals herein granted and the proposed brief is accepted as filed. The brief must be submitted in digital format within seven days. Judge Halligan took no part.

3 Mo. No. 2026-42
In the Matter of Lawyers For Children, et al.,
Appellants,
v.
New York State Office of Children and
Family Services et al.,
Respondents.

Motion by Merrill Sobie for leave to appear amicus curiae on the appeal herein granted to the extent that the proposed brief is accepted as filed. Two copies of the brief must be served, an original and nine copies filed, and the brief submitted in digital format within seven days.

3 Mo. No. 2026-56
In the Matter of Lawyers For Children, et al.,
Appellants,
v.
New York State Office of Children and
Family Services et al.,
Respondents.

Motion by Columbia Law School Family Defense
Clinic, et al. for leave to file a brief amici curiae on
the appeal herein granted and the proposed brief is
accepted as filed. Two copies of the brief must be
served, an original and nine copies filed, and the
brief submitted in digital format within seven days.

3 Mo. No. 2026-92
In the Matter of Lawyers For Children, et al.,
Appellants,
v.
New York State Office of Children and
Family Services et al.,
Respondents.

Motion by Safe Families for Children Alliance for
leave to file a brief amicus curiae on the appeal
herein granted and the proposed brief is accepted as
filed. Two copies of the brief must be served, an
original and nine copies filed, and the brief submitted
in digital format within seven days.

1 SSD 5
Van M.,
Respondent,
v.
Brendalis R.,
Appellant.

Appeal dismissed without costs, by the Court sua
sponte, upon the ground that the order appealed from
does not finally determine the proceeding within the
meaning of the Constitution.

1 SSD 6
In the Matter of a Proceeding for Custody
and/or Visitation Pursuant to Article 6 of the
Family Court Act.

Van D.M.,
Respondent,
v.
Brendalis R.,
Appellant.
Deana Ann Tietjen, The Children's Law
Center, Attorney for the Child,
Respondent.

Appeal dismissed without costs, by the Court sua
sponte, upon the ground that it does not lie (*see*
CPLR 5601).

2 Mo. No. 2026-33
The People &c. ex rel. Richard E. Mischel,
&c.,
Appellant,
v.
Eileen Russell, &c.,
Respondent.

Motion for leave to appeal denied.
Judge Singas took no part.

3 Mo. No. 2025-531
In the Matter of Macayla N. et al., &c.

Broome County Department of Social
Services,
Respondent;
Sheena N.,
Appellant.

Motion for leave to appeal denied.

1 SSD 1
In the Matter of Owolabi Salis,
Appellant,
v.
Donald Zolin, et al.,
Respondents.

Appeal dismissed without costs, by the Court sua
sponte, upon the ground that no substantial
constitutional question is directly involved.

4 Mo. No. 2025-630
In the Matter of Raven A. Smith,
Respondent,
v.
Richard P. Lucivero,
Appellant.

Motion for leave to appeal dismissed upon the
ground that the order sought to be appealed from
does not finally determine the proceeding within the
meaning of the Constitution.

3 SSD 2
Cheryl D. Uzamere,
Appellant,
v.
Susan M. Kusner, &c., et al.,
Defendants,
City of New York, et al.,
Respondents.

Appeal dismissed without costs, by the Court sua
sponte, upon the ground that the order appealed from
does not finally determine the action within the
meaning of the Constitution.
Judge Halligan took no part.

3 SSD 3
Cheryl D. Uzamere,
 Appellant,
 v.
State of New York,
 Respondent.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that the order appealed from does not finally determine the action within the meaning of the Constitution.
Judge Halligan took no part.

3 SSD 4
Cheryl D. Uzamere, &c.,
 Appellant,
 v.
Kathy Hochul, et al.,
 Respondents.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that the order appealed from does not finally determine the action within the meaning of the Constitution.
Judge Halligan took no part.

2 Mo. No. 2026-59
The People &c.,
 Respondent,
 v.
Ray Vassell,
 Appellant.

Motion for assignment of counsel granted and Patricia Pazner, Esq., Appellate Advocates, 111 John Street, 9th Floor, New York, NY 10038 assigned as counsel to the appellant on the appeal herein.

2 Mo. No. 2025-665
In the Matter of Robert M. Weisenburger,
 Respondent,
 v.
Kristy Kiely,
 Appellant.
(And Related Proceedings.)

Motion for leave to appeal dismissed upon the ground that the order sought to be appealed from does not finally determine the proceedings within the meaning of the Constitution.
Motion for financial relief dismissed as academic.
Motion for ancillary relief dismissed upon the ground that this Court does not have jurisdiction to entertain it (*see* NY Const, art VI, § 3).

Mo. No. 2026-89

Michael Williams, et al.,
Respondents,

v.

Board of Elections of the State of New York,
et al.,

Respondents,

Peter S. Kosinski, et al.,

Appellants,

Nicole Malliotakis, et al.,

Intervenors-Appellants.

On the Court's own motion, appeals transferred, without costs, to the Appellate Division, First Department, upon the ground that a direct appeal does not lie when questions other than the constitutional validity of a statutory provision are involved (*see* NY Const, art VI, §§ 3 [b] [2], 5 [b]; CPLR 5601 [b] [2]).

Motions for a stay dismissed as academic.

Cross-motion to vacate any automatic stay dismissed as academic.

1 Mo. No. 2025-299

Wilmington Trust, National Association, &c.,
Respondent,

v.

Argentic Real Estate Finance LLC,
Appellant.

Motion to dismiss appeal dismissed as academic.