



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

October 31, 2025 through November 6, 2025

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.

938 ST. NICHOLAS AVENUE v 936-938 CLIFFCREST HOUSING:

APL-2025-00193

1st Dept. App. Div. order of 9/23/25; modification; sua sponte examination of whether the order appealed from finally determines the action within the meaning of the Constitution and whether "there is a dissent by at least two justices on a question of law in favor of the party taking [the] appeal" (CPLR 5601[a]);

Dismissal and Nonsuit—Failure to Enter Default Within One Year—Whether the motion by third-party defendant Department of Housing Preservation and Development of the City of New York to dismiss the third amended complaint against it as abandoned under CPLR 3215(c) should have been granted;
Supreme Court, New York County, denied motion by third-party plaintiff 936-938

Cliffcrest Housing Development Fund Corporation (Cliffcrest) for a default judgment against third-party defendant Department of Housing Preservation and Development of the City of New York (HPD) for failure to timely answer the third amended third-party complaint, and denied HPD's cross motion under CPLR 3215(c) to dismiss the third amended complaint against it; App. Div. with two Justices dissenting, modified to grant HPD's motion, otherwise affirmed, and directed the entry of judgment dismissing the third amended third-party complaint against HPD.

MATTER OF HAUNTED FOREST, LLC v TOWN OF WILSON:

APL-2025-00186

4th Dept. App. Div. order of 7/25/25; modification; leave to appeal granted 10/3/25 by the Appellate Division on a certified question;

Pleading—Affirmative Defense—Whether the courts below properly denied that part of the motion by respondents-defendants seeking leave to amend the answer to add an affirmative defense based on petitioners-plaintiffs failure to file a summons; whether the failure to file a summons is a waivable defect of personal jurisdiction or a nonwaivable defect of subject matter jurisdiction;

Supreme Court, Niagara County, in a hybrid CPLR article 78 proceeding and action, denied the motion of respondents-defendants seeking, among other things, leave to renew an leave to amend their answer; App. Div. modified by granting the motion insofar as it sought leave to amend the answer to add the fifteenth objection in point of law for failure to timely serve a notice of claim and dismissing the fourth and tenth causes of action, and, as so modified, affirmed.

MATTER OF SALIS v ZOLIN:

APL-2025-00192

1st Dept. App. Div. order of 10/23/25; affirmance; sua sponte examination of whether any jurisdictional basis exists for an appeal as of right;

Proceeding Against Body or Officer—Whether the CPLR article 78 petition was properly dismissed because an attorney disciplinary proceeding is a "special proceeding" under CPLR article 4 that constitutes a civil action and may not be challenged under Article 78; alleged due process violation;

Supreme Court, New York County, denying the petition to vacate the order of the Appellate Division granting the motion by the Attorney Grievance Committee for the First Judicial Department (AGC) to confirm the findings of fact and conclusions of law of respondent Donald Zolin, and Zolin's recommendation that petitioner be disbarred, and to compel respondents Zolin, Dopico, and Doyle to expunge the hearing record and Referee's disposition from petitioner's disciplinary record and to reinstate his law license, and dismissing this proceeding brought under CPLR article 78; App. Div. affirmed.