



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

January 2, 2026 through January 8, 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.

PATEL v MAYBANK:

APL-2026-00001

1st Dept. App. Div. order of 9/30/25; reversal; leave to appeal granted by the Appellate Division, on a certified question, 12/18/25;

Employment Relationships—Whether plaintiff's cause of action seeking attorneys' fees, costs and liquidated damages for unpaid severance pay under Labor Law §§ 193 and 198 is barred under Labor Law § 198-c because plaintiff was an executive; Supreme Court, New York County, granted defendant's motion to dismiss the amended complaint's second cause of action under Labor Law §§ 193 and 198 for unpaid severance pay; App. Div. reversed and denied motion.

ZAIN v ISAACSON:

APL-2025-00225

1st Dept. App. Div. order of 10/2/25; affirmance; leave to appeal granted by the Appellate Division, on a certified question, 12/18/25;

Physicians and Surgeons—Malpractice—Whether the courts below properly denied defendants' motion to dismiss, rejecting defendants' argument that they are entitled to immunity under the Emergency or Disaster Treatment Protection Act (EDTPA); whether podiatrists are "health care professionals" that provide "health care services" within the meaning of the EDTPA;

Supreme Court, New York County, to the extent appealed from as limited by the briefs, denied so much of defendants' motion as was to dismiss the complaint for failure to state a cause of action; App. Div. affirmed.