



State of New York
Court of Appeals

Vol. 46 - No. 7
2/20/26

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COURT OF APPEALS NEW FILINGS

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

February 13, 2026 through February 19, 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.

PEOPLE v HOFFMAN (CHRISTOPHER D.):

APL-2026-00016

3rd Dept. App. Div. order of 12/24/25; affirmance; leave to appeal granted by Mackey, J., 2/3/26;

Crimes—Disclosure—Whether County Court erred and abused its discretion by denying disclosure of materials relating to, and cross-examination regarding, the victim's prior allegations of sexual abuse; Crimes—Evidence—Whether County Court erred and abused its discretion by precluding or limiting evidence regarding the victim's alleged viewing of pornography and alleged use of a vibrator as irrelevant or precluded by the Rape Shield Law; Crimes—Fair Trial —Whether defendant was deprived of a fair trial by County Court's statement to the jury that a delay was caused by the defense's failure to disclose

certain materials and County Court's refusal to provide a curative instruction;
Crimes—Right of Confrontation—Whether County Court erroneously curtailed defendant's cross-examination of the victim about an alleged prior inconsistent statement and whether defendant preserved an objection on Confrontation Clause grounds;
Crimes—Witnesses—Whether County Court abused its discretion by precluding three of five proffered witnesses concerning the victim's bad reputation for truth and veracity;
County Court, Schuyler County, upon a verdict, convicted defendant of the crimes of criminal sexual act in the second degree and endangering the welfare of a child; App. Div. affirmed.

KOLA v CITY OF NY:

APL-2026-00018

1st Dept. App. Div. order of 1/15/26; affirmance; sua sponte examination of whether the order appealed from finally determines the action within the meaning of the Constitution and whether a substantial constitutional question is directly involved in the order appealed from;

Estoppel—Collateral Estoppel—Whether the courts below properly held that collateral estoppel bars plaintiff's claims alleging violations of the New York State and New York City Human Rights Laws and aiding and abetting under the New York City Human Rights Laws because the same issues were raised, fully litigated and necessarily decided in a prior decision denying CPLR article 78 relief; whether plaintiff's religious discrimination claims failed to state a cause of action because they did not connect plaintiff's alleged religious beliefs to the requirement for vaccination; whether there is a private right of action under the Free Exercise Clause of the New York State Constitution when the alleged wrongs could be addressed with alternate remedies;

Supreme Court, New York County, granted defendant's motion to dismiss the complaint and denied plaintiff's cross-motion for leave to amend the complaint; App. Div. affirmed.

PLUMBERS LOCAL v NYC DEPARTMENT OF BUILDINGS:

APL-2026-00019

1st Dept. App. Div. order of 11/13/25; affirmance; leave to appeal granted by the Appellate Division, 2/10/26;

Parties—Standing—Whether petitioners-plaintiffs, a trade union made up of welders and its business manager, demonstrated standing to seek declaratory relief and relief in the nature of mandamus to compel The New York City Department of Buildings to enforce the gas, plumbing, and welding worker qualifications as set forth in the New York City Administrative Code and the Fuel Gas Code, which address gas authorization approvals and gas qualification applications;

Supreme Court, New York County, granted the cross-motion of respondent agency New York City Department of Buildings (DOB) and its acting commissioner to dismiss the amended petition and complaint seeking relief in the nature of mandamus to compel DOB to perform its duty (first cause of action), an order annulling prior approvals of gas pipe authorizations and worker qualification applications as arbitrary and capricious and affected by an error of law (second cause of action), and a judgment declaring that the DOB is obligated to enforce gas safety requirements and deny gas authorization requests where the welders are unqualified or missing qualifications (third cause of action), and dismissed this hybrid proceeding brought pursuant to CPLR article 78; App. Div. affirmed.