



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 1, 2026 through May 7, 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.

BALL v NYSDOH:
APL-2026-00051

3rd Dept. App. Div. order of 4/23/26; reversal; sua sponte examination of whether a substantial constitutional question is directly involved in the order appealed from;

Constitutional Law—Whether the Seventh Amendment to the U.S. Constitution or article I, § 2 of the NY Constitution entitles plaintiff to a civil jury trial in his pending administrative revocation proceeding;

Supreme Court, Schoharie County, declared, among other things, that the Seventh Amendment to the U.S. Constitution entitles plaintiff to a civil jury trial in a pending administrative license revocation proceeding; App. Div. reversed, declared that neither

the Seventh Amendment to the U.S. Constitution nor article I, § 2 of the NY Constitution entitles plaintiff to a civil jury trial in his pending administrative revocation proceeding, and granted the motion to dismiss the complaint.

MATTER OF KATONAH-LEWISBORO UFSD v NYSED/ MATTER OF MAHOPAC CSD v NYSED:

APL-2026-00046/ APL-2026-00047

3rd Dept. App. Div. orders of 7/17/25; reversal; leave to appeal granted by the Court of Appeals, 4/21/26;

Administrative Law—Whether the State Education Department violated its own complaint regulations by accepting and determining complaints pertaining to individuals over the age of 21 who were not “students with disabilities” as defined by the Education Law; whether the state must provide a free appropriate public education to students with disabilities until their 22nd birthdays under the Individuals with Disabilities Education Act even though the Education Law terminates a disabled student’s entitlement to receive services at the end of the school year during which the student turns 21; whether the State Education Department exceeded its regulatory policymaking authority and engaged in improper legislating in violation of the separation of powers doctrine;

Supreme Court, Albany County, granted petitioners’ applications, in proceedings under CPLR article 78, to annul determinations of respondent State Education Department sustaining complaints against petitioners; App. Div. reversed and dismissed the petitions.

OPARAJI v TURKISH AIRLINES:

APL-2026-00053

1st Dept. App. Div. order of 4/14/26; denial of motion; sua sponte examination of whether the order appealed from finally determines the action within the meaning of the Constitution and whether any jurisdictional basis exists for an appeal as of right;

Motions and Orders;

App. Div. denied plaintiff’s motion for leave to appeal to the Appellate Division from orders of the Appellate Term, First Department, dated September 19, 2025 and November 21, 2025; granted defendant’s motions to strike and remove certain of plaintiff’s filings, enjoined plaintiff from filing further pleadings without the consent of court, and enjoined plaintiff from further filing any confidential documents; struck from the record and sealed certain of plaintiff’s filings; and denied plaintiff’s cross-motion for an order finding that defendant’s motion was frivolous and for sanctions.

OSUAGWU v OSUAGWU:

APL-2026-00049

2nd Dept. App. Div. order of 3/18/26; affirmance; sua sponte examination of whether any jurisdictional basis exists for an appeal as of right;

Parent and Child—Whether defendant’s constitutional rights were violated when plaintiff’s motion to modify the judgment of divorce to permit plaintiff to relocate was granted;

Supreme Court, Rockland County, after a hearing, granted plaintiff’s motion, in effect to modify the judgment of divorce so as to permit her to relocate; App. Div. affirmed.

MATTER OF VALENTIN v DANNHAUSER:

APL-2026-00045

2nd Dept. App. Div. order of 1/7/26; dismissal; sua sponte examination of whether the order appealed from finally determines the action within the meaning of the Constitution and whether any jurisdictional basis exists for an appeal as of right;

Appeal—Dismissal;

App. Div., on the court's own motion, dismissed appeal from an order of Supreme Court, Kings County, dated December 4, 2025, and declined to grant leave to appeal.