



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

June 5, 2026 through June 11, 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.

CAPUTO v HOLT:
APL-2026-00083

4th Dept. App. Div. order of 2/11/26; 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;

Motions and Orders—Whether the complaint was properly dismissed as against all defendants other than defendants with whom plaintiff contracted; alleged constitutional violations;

Supreme Court, Monroe County, among other things, granted the motions of defendants Monroe County Clerk's Office, Donald Cheney, Esq., and Cheney Law Firm, LLC, to

dismiss the complaint against them and granted the motion of defendants Nathan Holt, Owen Billet, Premium Mortgage and ABAR Abstract Corporation for summary judgment dismissing the complaint against them; App. Div. affirmed.

MATTER OF CM WATER GROUP v SOLIMAN:

APL-2026-00072

1st Dept. App. Div. order of 4/1/25; affirmance; leave to appeal granted by the Court of Appeals, 5/26/26;

Taxation—Whether the denial by the New York City Department of Finance of petitioner’s application to correct an alleged clerical error in the description regarding the classification of petitioner’s real property is reviewable in a proceeding pursuant to CPLR article 78, rather than under Real Property Tax Law article 7;

Supreme Court, Bronx County, granted petitioner CM Water Group, LLC’s petition under CPLR article 78 to vacate and reverse a determination of the DOF, dated August 2, 2021, denying CM Water Group’s application to correct an alleged clerical error in the description regarding the classification of its vacant lot, and ordered DOF to correct the building and tax classification and to provide a tax refund or credit for any overpayment; App. Div. affirmed.

MATTER OF FORDHAM HILL v SOLIMAN:

APL-2026-00073

1st Dept. App. Div. order of 4/1/25; affirmance; leave to appeal granted by the Court of Appeals, 5/26/26;

Taxation—Whether the denial by the New York City Department of Finance of petitioner’s application to correct an alleged clerical error in the description regarding the classification of petitioner’s real property is reviewable in a proceeding pursuant to CPLR article 78, rather than under Real Property Tax Law article 7;

Supreme Court, Bronx County, granted petitioner Fordham Hill Owners Corporation's petition pursuant to CPLR article 78 to vacate and reverse a determination of the DOF, dated August 2, 2021, denying Fordham Hill's application to correct alleged clerical error or errors in description regarding the inaccurate classification of its vacant lot, and ordered the DOF to correct the building and tax classification and provide a tax refund or credit for any overpayment; App. Div. affirmed.

MATTER OF HW LIC ONE v NIBLACK:

APL-2026-00074

2nd Dept. App. Div. order of 7/30/25; affirmance; leave to appeal granted by the Court of Appeals, 5/26/26;

Taxation—Whether the denial by the New York City Department of Finance of petitioner’s application to correct an alleged clerical error in the description regarding the classification of petitioner’s real property is reviewable in a proceeding pursuant to CPLR article 78, rather than under Real Property Tax Law article 7;

Supreme Court, Queens County, in a proceeding pursuant to CPLR article 78 to review a determination of the DOF, dated March 7, 2023, which denied the petitioner’s application for tax reassessment and reclassification of certain real property, granted the petition and

annulled the determination; App. Div. affirmed.

MATTER OF M 20-46 STEINWAY v NIBLACK:

APL-2026-00075

2nd Dept. App. Div. order of 7/30/25; affirmance; leave to appeal granted by the Court of Appeals, 5/26/26;

Taxation—Whether the denial by the New York City Department of Finance of petitioner’s application to correct an alleged clerical error in the description regarding the classification of petitioner’s real property is reviewable in a proceeding pursuant to CPLR article 78, rather than under Real Property Tax Law article 7;

Supreme Court, Queens County, in a proceeding pursuant to CPLR article 78 to review a determination of the DOF, dated October 7, 2022, which denied the petitioner’s application for tax reassessment and reclassification of certain real property, granted the petition and annulled the determination; App. Div. affirmed.

GREGG v SN SERVICING CORP.:

APL-2026-00079

2nd Dept. App. Div. order of 10/15/25; affirmance; leave to appeal granted by the Court of Appeals, 5/28/26;

Parties—Standing—Whether plaintiff had standing to commence this action alleging violations of the Fair Debt Collection Practices Act (15 USC § 1692 et seq.) and General Business Law § 349; whether plaintiff had statutory standing separate from common law standing irrespective of a failure to allege actual harm or injury;

Supreme Court, Queens County, in this putative class action for declaratory relief and to recover damages under the Fair Debt Collection Practices Act (15 USC § 1692 et seq.) and General Business Law § 349, granted defendants’ motion under CPLR 3211(a) to dismiss the complaint; App. Div. affirmed.

PEOPLE ex rel. LOYD v SHERIFF OF SULLIVAN COUNTY:

APL-2026-00077

3rd Dept. App. Div. order of 5/21/26; denial of application; sua sponte examination of whether any basis exists for an appeal as of right;

Habeas Corpus—Whether the application for a writ of habeas corpus should have been granted;

App. Div., among other things, denied application for a writ of habeas corpus.

M.P. v WILSON:

APL-2026-00082

2nd Dept. App. Div. order of 4/1/26; affirmance; sua sponte examination of whether a substantial constitutional question is involved in the order appealed from;

Torts—Whether the complaint was properly dismissed for failure to state a cause of action; alleged constitutional violation;

Supreme Court, Nassau County, in an action to recover damages for battery and

negligence, among other things, granted that branch of defendant's motion which was pursuant to CPLR 3211(a)(7) to dismiss the complaint; App. Div. affirmed.

WEST MOUNTAIN ASSETS v DOBKOWSKI:

APL-2026-00080

Supreme Court, Warren County, order of 9/15/25; granted counterclaim; leave to appeal granted by the Court of Appeals, 5/28/26;

Deeds—Restrictive Covenants—Whether defendants provided clear and convincing evidence that a restrictive covenant burdening plaintiff's property that limits property use to single-family residential purposes prohibits plaintiff from using its property for short-term rentals;

Supreme Court, Warren County, granted defendants' motion insofar as it sought summary judgment on their first counterclaim, declared that plaintiff's use of its property violated the restrictive covenant in its deed and the declaration of restrictions that burdens the property, enjoined plaintiff from using the property for short-term rentals, otherwise denied the motion, and, upon a search of the record, dismissed the third counterclaim; App. Div. affirmed; Supreme Court, Warren County, granted defendants' counterclaim seeking a declaratory judgment, and memorialized that all remaining claims and counterclaims were discontinued and/or withdrawn by the parties.