



State of New York
Court of Appeals

Vol. 46 - No. 26
7/8/26

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COURT OF APPEALS NEW FILINGS

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

June 26, 2026 through July 2, 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.

MATTER OF AMIR BB. v WILLIAM CC.:

APL-2026-00086

3rd Dept. App. Div. order of 5/28/26; affirmance; sua sponte examination of whether there is any jurisdictional basis for an appeal as of right;

Parties—Standing—Whether petitioner had standing to seek visitation of the subject child; Family Court, Columbia County, in a proceeding under Family Court Act article 6, granted a motion by the attorney for the child to dismiss the petition; App. Div. affirmed and granted counsel's application to be relieved of assignment.

PEOPLE ex rel. DaROCHA v MAGINLEY-LIDDIE:

APL-2026-00091

1st Dept. App. Div. order of 12/9/25; reversal; leave to appeal granted by the Court of

Appeals, 6/18/26;

Bail—Whether the Appellate Division erred in concluding that when a securing order is issued under CPL 510.10 (4) (t) and defendant’s underlying charges are subsequently dismissed, an application for a change to that securing order under CPL 510.20 (3) requires the bail-setting court to issue a new securing order pursuant to CPL 510.10;

Supreme Court, New York County, denied petition for a writ of habeas corpus and dismissed the proceeding; App. Div. reversed, granted the petition, and remanded to the bail-setting court for further proceedings.

FERNANDEZ v SUKHDEEP:

APL-2026-00084

1st Dept. App. Div. order of 1/29/26; reversal; leave to appeal granted by the Appellate Division, on a certified question, 5/28/26; Rule 500.11 review pending;

Insurance—No-Fault Automobile Insurance—Whether the Appellate Division properly held that defendants were entitled to summary judgment because the alleged injuries were either not causally related to the accident or were not serious within the meaning of Insurance Law § 5102(d);

Supreme Court, New York County, among other things, denied defendants’ motion for summary judgment dismissing plaintiff Randy Fernandez’s complaint for lack of serious injury within the meaning of Insurance Law § 5102(d); App. Div. reversed and granted the motion dismissing the complaint.

MATTER OF KLEIN v HUMAN CARE SERVICES:

APL-2026-00098

3rd Dept. App. Div. order of 6/11/26; modification; sua sponte examination of whether the order appealed from finally determines the proceeding within the meaning of the Constitution and whether a substantial constitutional question is directly involved in the order appealed from;

Arbitration—Whether arbitration was properly compelled before a panel of a certain arbitration organization; whether selection of the arbitration body required a religious determination that violated the First Amendment;

Supreme Court, Sullivan County, among other things, partially granted petitioners’ application under CPLR 7503 to compel arbitration between the parties (January 2025); Supreme Court, Sullivan County, denied respondent’s motion to renew and, upon reargument, adhered to its prior decision (April 2025); Supreme Court, Sullivan County, denied respondent’s motion to, among other things, renew (May 2025); App. Div. (1) modified the January 2025 order by reversing so much thereof as granted petitioners’ request for a preliminary injunction and, as so modified, affirmed; (2) affirmed the April and May 2025 orders; and (3) denied petitioners’ motion to dismiss the appeals.

MAGGI v U.S. BANK TRUST:

APL-2026-00095

2nd Dept. App. Div. order of 5/20/26; reversal; sua sponte examination of whether a substantial constitutional question is directly involved in the order appealed from;

Mortgages—Discharge—Whether the retroactive application of the Foreclosure Abuse Prevention Act violates the Due Process, Contract, and Takings Clause of the U.S. Constitution;

Supreme Court, Suffolk County, in an action under RPAPL 1501 (4) to cancel and discharge of record a mortgage, denied plaintiffs’ motion for summary judgment on the

complaint; App. Div. reversed and granted summary judgment on the complaint.

PEOPLE v MCDONALD (TARA):

APL-2026-00097

1st Dept. App. Div. order of 12/2/25; affirmance; sua sponte examination of whether a substantial constitutional question is directly involved in the order appealed from;

Crimes—Sex Offenders—Whether requiring defendant to register as a sex offender violates due process when there was no sexual component to defendant’s conduct or motivation but the conduct carried with it the risk of sexual harm to children;

Supreme Court, New York County, adjudicated defendant a level one sex offender; App. Div. affirmed.

PREACELY v NYCHA:

APL-2026-00088

1st Dept. App. Div. order of 5/5/26; affirmance; 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;

Dismissal and Nonsuit—Whether the complaint was properly dismissed as barred by a prior injunction order;

Supreme Court, New York County, granted the motion of defendant NYCHA to dismiss the complaint; App. Div. affirmed and enjoined plaintiff from commencing any new appeals, motions or proceedings before the Appellate Division without prior approval.