

**People for the Ethical Treatment of Animals, Inc. v  
American Kennel Club, Inc.**

2026 NY Slip Op 31367(U)

April 6, 2026

Supreme Court, New York County

Docket Number: Index No. 158635/2025

Judge: David B. Cohen

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SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

PRESENT: HON. DAVID B. COHEN PART 58

Justice

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PEOPLE FOR THE ETHICAL TREATMENT OF ANIMALS, INC.,

Petitioner,

- v -

THE AMERICAN KENNEL CLUB, INC.,

Respondent.

-----X

INDEX NO. 158635/2025

MOTION DATE 07/08/2025, 09/05/2025

MOTION SEQ. NO. 001 002

DECISION + JUDGMENT

The following e-filed documents, listed by NYSCEF document number (Motion 001) 2, 19, 20, 21, 33 were read on this motion to/for ARTICLE 78 (BODY OR OFFICER).

The following e-filed documents, listed by NYSCEF document number (Motion 002) 22, 23, 24, 25, 26, 31 were read on this motion to/for DISMISS.

In this CPLR Article 78 proceeding, petitioner People for the Ethical Treatment of Animals, Inc. (PETA) seeks relief against respondent The American Kennel Club, Inc. (AKC) relating to AKC's handling of complaints submitted by PETA concerning certain breed standards maintained by AKC (motion sequence 001; see NYSCEF 5 – 9).

AKC opposes the petition and cross-moves, pursuant to CPLR 3211(a)(1) and (7) and CPLR 7804(f), to dismiss the petition (motion sequence 002). PETA opposes the cross-motion.

RELEVANT FACTS

PETA is a nonprofit organization that advocates for animal welfare. AKC is a private nonprofit organization that maintains breed standards for purebred dogs and oversees dog registrations and related activities.

AKC operates pursuant to its charter and bylaws, which establish procedures governing complaints regarding breed standards and other matters within AKC's jurisdiction (NYSCEF 4). Under those procedures, a complainant may submit a complaint "for conduct alleged to have been prejudicial to the best interests of purebred dogs, purebred dog events or the AKC" to AKC accompanied by a deposit (*id.*). "The deposit shall become the property of the AKC if the Board of Directors does not exercise jurisdiction; or in the event that [it] does exercise jurisdiction, and the complaint is not sustained to any extent" (*id.*).

In 2025, PETA submitted complaints to AKC concerning certain breed standards maintained by AKC. In connection with those submissions, PETA paid deposits totaling \$3,750 as required by AKC's complaint procedures.

PETA thereafter commenced this proceeding pursuant to CPLR Article 78 seeking judicial relief relating to AKC's handling of those complaints.

#### DISCUSSION

Petitioner contends that AKC acted arbitrarily and capriciously in failing to properly consider and address the complaints PETA submitted regarding certain breed standards maintained by AKC. PETA argues that those standards allegedly promote physical characteristics that result in health problems for dogs and that AKC failed to take appropriate action after receiving PETA's submissions. PETA therefore seeks judicial intervention directing AKC to properly address the complaints.

AKC opposes the petition and cross-moves to dismiss. AKC argues that the petition must be dismissed because this proceeding was improperly brought pursuant to CPLR Article 78. According to AKC, it is a private nonprofit organization and does not exercise governmental or quasi-governmental authority subject to Article 78 review. AKC further contends that PETA

lacks standing, that the petition is premature because AKC has not made a final determination regarding the complaints, and that the petition otherwise fails to state a claim for relief.

In opposition to the cross-motion, PETA maintains that judicial review is appropriate and argues that AKC's actions are subject to review under Article 78.

Here, as a threshold matter, the Court must determine whether this proceeding may properly be brought pursuant to CPLR Article 78.

Article 78 review is generally limited to the actions of governmental bodies or officers. Although courts have, in limited circumstances, permitted Article 78 review of determinations made by private organizations, such review is typically available only where the organization exercises powers akin to those of a governmental body over individuals who are subject to its authority, such as constituent members or employees (*Oklsen Acupuncture P.C. v Dinallo*, 77 AD3d 451, 452 [1st Dept 2010]; see e.g. *Matter of Levandusky v One Fifth Ave. Apt. Corp.*, 75 NY2d 530 [1990] [granting review of determinations made by cooperative boards affecting shareholders]; *Matter of LaSonde v Seabrook*, 89 AD3d 132 [1st Dept 2011] [Article 78 permitted to compel labor union to comply with its constitution and bylaws as they related to union member]).

Where a private entity does not exercise such authority, however, an Article 78 petition is not the appropriate procedural vehicle for judicial review (see *Staten Island Physician Practice, P.C. v Carecore Nat., LLC*, 32 Misc 3d 1218[A], 2011 NY Slip Op 51359[U], \*3 [Sup Ct, Richmond County 2011] [Article 78 claim not cognizable where dispute was between private entities with no membership or employment relationship]; see also *Oklsen Acupuncture P.C.*, 77 AD3d at 452).

Here, AKC is a private nonprofit organization. The petition does not allege that PETA is a member of AKC or that PETA is otherwise subject to AKC’s authority. Nor does the petition allege that AKC exercised any disciplinary or regulatory power over PETA. Under these circumstances, AKC’s actions are not subject to review in a proceeding pursuant to CPLR Article 78 and the petition must be dismissed.

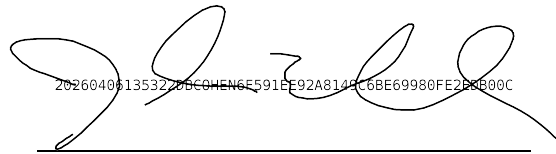
In light of this determination, the Court need not reach the parties’ remaining arguments.

CONCLUSION

Accordingly, it is hereby:

ORDERED that respondent The American Kennel Club, Inc.’s cross-motion to dismiss the petition (motion sequence 002) is granted, and the proceeding is dismissed; and it is further

ORDERED and ADJUDGED that the petition is denied.



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DAVID B. COHEN, J.S.C.

4/6/2026  
DATE

CHECK ONE:

<input checked="" type="checkbox"/>	CASE DISPOSED		
<input type="checkbox"/>	GRANTED	<input type="checkbox"/>	DENIED
<input type="checkbox"/>	SETTLE ORDER		
<input type="checkbox"/>	INCLUDES TRANSFER/REASSIGN		

<input type="checkbox"/>	NON-FINAL DISPOSITION		
<input checked="" type="checkbox"/>	GRANTED IN PART	<input type="checkbox"/>	OTHER
<input type="checkbox"/>	SUBMIT ORDER		
<input type="checkbox"/>	FIDUCIARY APPOINTMENT	<input type="checkbox"/>	REFERENCE

APPLICATION:

CHECK IF APPROPRIATE: