

**Terragnolo v County Clerk of N.Y. County**

2026 NY Slip Op 31477(U)

April 9, 2026

Supreme Court, New York County

Docket Number: Index No. 152533/2026

Judge: Sabrina Kraus

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This opinion is uncorrected and not selected for official publication.

SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

PRESENT: HON. SABRINA KRAUS PART 57M

Justice

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JULIEN TERRAGNOLO,

Petitioner,

- v -

THE COUNTY CLERK OF NEW YORK COUNTY,

Respondent.

-----X

INDEX NO. 152533/2026

MOTION DATE 02/27/2026

MOTION SEQ. NO. 001

DECISION + ORDER ON MOTION

The following e-filed documents, listed by NYSCEF document number (Motion 001) 2, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 57

were read on this motion to/for ARTICLE 78 (BODY OR OFFICER)

BACKGROUND

Petitioner commenced this Article 78 proceeding seeking to compel the Clerk of Supreme Court to produce certain communications, which may or may not exist, between Supreme Court, New York County and a French Court. Petitioner wants to know if any such communication occurred and if it did, Petitioner wishes to compel the County Clerk to provide copies.

The Petition and Order to Show Cause were returnable on March 30, 2026. Petitioner failed to appear, and Respondent appeared and asked for leave to submit a certified document. The Court granted Respondent's application to the extent of directing Respondent to serve Petitioner with the document first and then submit it to the Court. The Court passed the proceeding to April 1, 2026, for submission only. 1

1 The certified document (NYSCEF Doc # 57) submitted attests to each and every document from the file of the related matrimonial action.

For the reasons set forth below, the petition is denied, and the proceeding is dismissed.

### FACTS

Petitioner is a defendant in a Matrimonial action filed in Supreme Court New York County (Index Number 365545/2023) which is assigned to the Hon. Michael Katz.

Petitioner alleges that in a December 7, 2023, filing in that action he disclosed the pendency of custody proceedings in France. Petitioner provides no copy of any such communication, and none is found under the NYSCEF Docket for Index Number 365545/2023.<sup>2</sup> Petitioner fails to provide sufficient information to identify the French court, the case caption and/or identification number, or name and contact information of any individual assigned to the alleged French proceeding.

Petitioner argues that legally such notification required the New York Court to Communicate with the French Court and Petitioner wishes to obtain copies of any such written communications. There is no evidence of any such communications. Judge Katz has issued an order specifically advising “(t)his Court has had no communications with a jurist in France regarding the subject child.”<sup>3</sup>

Family Court has indicated it had no such records (NYSCEF Doc # 3). Between January 2024 and July 2025, Petitioner made inquiries with the County Clerk and received no response.

Petitioner apparently made the same request of a French Court and was advised no such records could be found (NYSCEF Doc 12).

In October 2025, Petitioner submitted a FOIL request to OCA which OCA promptly responded to and which is not challenged in this proceeding.

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<sup>2</sup> This Court has reviewed and takes Judicial Notice of all the filings under such docket number which is referenced by both parties in their filings in this proceeding.

<sup>3</sup> NYSCEF Docket # 100 under Index Number 365545/2023.

### DISCUSSION

CPLR §7803 provides that the only questions that may be raised in this proceeding are whether a determination was made in violation of lawful procedure, was affected by an error of law or was arbitrary and capricious or an abuse of discretion.

The extraordinary remedy of a writ of mandamus lies to compel the performance of a purely ministerial act where there is a clear legal right to the relief sought. *Legal Aid Soc. of Sullivan County, Inc. v. Scheinman*, 53 N.Y.2d 12, 16 (1981).

N.Y. Judiciary Law § 255 (McKinney) provides:

A clerk of a court must, upon request, and upon payment of, or offer to pay, the fees allowed by law, or, if no fees are expressly allowed by law, fees at the rate allowed to a county clerk for a similar service, diligently search the files, papers, records, and dockets in his office; and either make one or more transcripts or certificates of change therefrom, and certify to the correctness thereof, and to the search, or certify that a document or paper, of which the custody legally belongs to him, can not be found.

Generally, there is a right to inspect public records and an appropriate manner to examine those records, such as described under Judiciary Law § 255. However, exceptions exist for disclosure including the prohibitions of DRL§ 235. *Werfel v. Fitzgerald*, 23 A.D.2d 306, 310 (1965). Specifically, DRL § 235 allows for a party to obtain production of the "pleadings, affidavits, findings of fact, conclusions of law, judgment of dissolution, written agreement of separation or memorandum thereof, or testimony, or any examination or perusal thereof." There is absolutely no reference to records of communication between judges.

Here, the Jurist presiding over the matter has already issued an order confirming that there is no communication with other Judges related to the action pending. No further action is required by the County Clerk in light of said order, nor are communications between judges the kind of document that the County Clerk would independently possess or maintain.

In a case on point, the Appellate Division, Third Department held the Clerk was not required to certify that he searched for requested records and that they could not be found, when it was never established that the requested documents ever existed or were in the clerk's legal custody in the first instance *Cafferty v. Mihalko*, 182 A.D.3d 848, 851 (3<sup>rd</sup> Dept 2020).

Here Petitioner has appeared in the matrimonial action and engaged in extensive motion practice there, he has had access to the NYSCEF Docket and the papers filed therein and he has an order stating the communication he seeks never occurred [*see Ritter v. Binghamton City Ct.*, 172 A.D.3d 1671, 1672 (2<sup>nd</sup> Dept 2019)](*record establishes respondents are satisfying their duties under Judiciary Law §§ 255 and 255-b by maintaining electronic docketing systems that are available for search and examination*).

Under these circumstances the Court finds Petitioner has failed to meet his burden to be entitled to the extraordinary relief of mandamus.

Based on the foregoing, the order to show cause and petition are denied, and as the papers submitted herein raise no triable issue of fact the petition is dismissed [*Kusyk v. New York City Dep't of Bldgs.*, 130 A.D.3d 509, 510 (1<sup>st</sup> Dept 2015); *Matter of Ushkowitz v Helfand*, 22 AD2d 700 (2<sup>nd</sup> Dept 1964); CPLR 7804(f); CPLR 409(b)].

WHEREFORE it is hereby:

ADJUDGED that the order to show cause and petition for relief pursuant to Article 78 are denied, and the proceeding is dismissed; and it is further

ORDERED that, within 20 days from entry of this order, respondent shall serve a copy of this order with notice of entry on the Clerk of the General Clerk's Office (60 Centre Street, Room 119); and it is further

ORDERED that such service upon the Clerk shall be made in accordance with the procedures set forth in the *Protocol on Courthouse and County Clerk Procedures for Electronically Filed Cases* (accessible at the “E-Filing” page on the court’s website at the address [www.nycourts.gov/supctmanh](http://www.nycourts.gov/supctmanh));].

4/9/2026  
DATE

  
SABRINA KRAUS, J.S.C.

CHECK ONE:	<input checked="" type="checkbox"/>	CASE DISPOSED	<input type="checkbox"/>	NON-FINAL DISPOSITION
	<input type="checkbox"/>	GRANTED	<input checked="" type="checkbox"/>	GRANTED IN PART
APPLICATION:	<input type="checkbox"/>	SETTLE ORDER	<input type="checkbox"/>	OTHER
CHECK IF APPROPRIATE:	<input type="checkbox"/>	INCLUDES TRANSFER/REASSIGN	<input type="checkbox"/>	FIDUCIARY APPOINTMENT
			<input type="checkbox"/>	REFERENCE