

Doe v Trustees of Columbia Univ. in the City of N.Y.

2026 NY Slip Op 31902(U)

May 5, 2026

Supreme Court, New York County

Docket Number: Index No. 166690/2025

Judge: Lyle E. Frank

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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. LYLE E. FRANK PART 11M

Justice

-----X

J. DOE, J. DOE, J. DOE, J. DOE, J. DOE

Petitioner,

- v -

THE TRUSTEES OF COLUMBIA UNIVERSITY IN THE CITY OF NEW YORK, BARNARD COLLEGE, COLUMBIA UNIVERSITY,

Respondent.

-----X

INDEX NO. 166690/2025

02/10/2026,

02/10/2026,

01/30/2026

MOTION DATE

MOTION SEQ. NO. 002 003 004

DECISION + ORDER ON MOTION

The following e-filed documents, listed by NYSCEF document number (Motion 002) 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 68, 69, 70, 71, 76

were read on this motion to/for DISMISS

The following e-filed documents, listed by NYSCEF document number (Motion 003) 60, 61, 62, 63, 64, 65, 66, 72, 73, 74, 75, 77

were read on this motion to/for DISMISS

The following e-filed documents, listed by NYSCEF document number (Motion 004) 31, 33 were read on this motion to/for ARTICLE 78 (BODY OR OFFICER)

Upon the foregoing documents, motions 002 and 003 to dismiss the petition are granted and motion 004 notice of petition is denied.

Relevant Background

These motions arise out of a student protest in May of 2025 and a rather convoluted procedural background. Relevant for these motions, Petitioners are seeking to challenge certain actions taken by Respondent Barnard College and Respondent Columbia University in response to the Petitioners' participation in aforementioned protest. The suspensions in question came with written decisions issued July 25, 2025, and were upheld by letters issued on August 29, 2025. On the last day of the applicable statute of limitations, December 29, 2025, Petitioners filed

their petition commencing this action. The petition was unverified, as it was only signed by Petitioner's counsel. Alongside the petition was an order to show cause, seeking an order permitting the Petitioners to proceed anonymously. Several days later, on January 02, 2026, several exhibits including affidavits from the Petitioners were uploaded to NYSCEF.

Because There Was No Timely Filed Verified Petition, the Present Proceeding is Barred by the Statute of Limitations

Both Barnard and Columbia have moved to dismiss on several grounds. Dispositive for these motions, as well as the later-filed notice of petition, is the argument that the petition is barred by the statute of limitations. Under CPLR § 7804(d), a petitioner must provide “a verified petition, which may be accompanied by affidavits or other written proof.” The First Department has held that in order to avoid being time-barred, a petition brought pursuant to Article 78 must be verified before the statute of limitations runs. *See, e.g., Qayyam v. New York City Police Dep't*, 227 A.D.2d 188, 188 [1st Dept. 1996] (holding that the trial court “properly found that the proceeding was time-barred since the petition was not verified until more than four months after” the final determination being challenged); *Matter of Heffernan v. New York City Mayor's off of Hous. Recovery Operations*, 196 A.D.3d 426, 426 [1st Dept. 2021] (holding that failure to file a petition in “valid form” within the statute of limitations constitutes a “nonwaivable, jurisdictional defect”). Other appellate departments hold the same. *See, e.g., Matter of McCray v. Annucci*, 205 A.D.3d 1273, 1275 [3rd Dept. 2022]; *Ladore v. Mayor & Board of Trustees of Port Chester*, 70 A.D.2d 603 [2nd Dept. 1979].

Here, the petition that was filed on the last day of the statute of limitations was not verified except by counsel. Such a petition does not constitute a verified petition for Article 78 purposes. *Klein v. Haft*, 68 A.D.2d 872, 873 [1st Dept. 1979]. Petitioners did submit affidavits

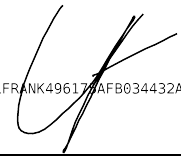
attesting under penalty of perjury to the contents of the petition, but these were not filed until after the statute of limitations had run. Because here a valid petition was not filed before the statute of limitations ran out, the Court lacks jurisdiction and the petition must be dismissed. For this reason, the Court need not reach the other dismissal arguments made, including those regarding service.

A Caution on AI Hallucinations

As a postscript to these motions, the Court must address certain AI-generated hallucinations in Petitioners' papers. After the fake citations were pointed out in the reply papers, Petitioners' counsel wrote a letter to the Court acknowledging the false citations, withdrawing them, and apologizing. At oral argument held on these motions, counsel reiterated the apology, acknowledged that the use of AI without proper checking was wrong, and identified the specific ways that steps were being taken by him and his firm to prevent future problems. While the Court does not deem it necessary to issue sanctions here, it does wish to issue a warning about the use of AI in preparing court documents. Given the recent explosive reach of AI in the legal field, it is incumbent on every party communicating with a court, but especially incumbent on attorneys, to ensure that any output generated by AI is verified and accurate. The submission of hallucinated or misstated material to courts is an ethical violation and there are a growing multitude of cautionary tales about AI mistakes in litigation. Accordingly, it is hereby

ADJUDGED that motions 002 and 003 are granted and 004 is denied; and it is further ORDERED that the petition is dismissed.

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5/5/2026

DATE

LYLE E. FRANK, J.S.C.

CHECK ONE:

CASE DISPOSED

GRANTED

SETTLE ORDER

INCLUDES TRANSFER/REASSIGN

DENIED

NON-FINAL DISPOSITION

GRANTED IN PART

SUBMIT ORDER

FIDUCIARY APPOINTMENT

OTHER

REFERENCE

APPLICATION:

CHECK IF APPROPRIATE: