



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

July 17, 2026 through July 23, 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.

DRUMMOND v ASSOCIATED TEST AND BALANCE:

APL-2026-00104

1st Dept. App. Div. order of 6/18/26; affirmance;

Evidence—Whether the trial court abused its discretion by granting plaintiff's motion to preclude defendant from offering evidence regarding habits and their impact on life expectancy; Whether defendant is entitled to a new trial based on references to an injury that plaintiff withdrew;

Supreme Court, Bronx County, after a jury trial, awarded money judgment to plaintiff; App. Div, with two Justices dissenting in part, affirmed.

HSBC BANK USA, N.A. v NICHOLAS:

APL-2026-00105

1st Dept. App. Div. order of 3/17/26; reversal; leave to appeal granted by the Appellate Division on a certified question, 6/11/26;

Mortgages—Foreclosure—Whether the parties’ stipulation executed in a prior foreclosure action which expressly tolled the limitations period is enforceable; Whether the retroactive application of the Foreclosure Abuse Prevention Act invalidates the stipulation;

Supreme Court, New York County, denied plaintiff’s motion for summary judgment against defendant Nicola Nicholas as administrator of the Estate of Cecilia V. McDowell also known as Cecelia McDowell, and granted defendant Nicola Nicholas’s cross-motion to dismiss the complaint under CPLR 3211(a)(5); App. Div. reversed, denied the cross-motion, reinstated the complaint, and remitted to Supreme Court for a determination as to whether plaintiff is entitled to summary judgment.