



*State of New York
Court of Appeals*

*Heather Davis, Esq.
Chief Clerk and
Legal Counsel to the Court*

*Clerk's Office
20 Eagle Street
Albany, New York 12207-1095
518-455-7700*

June 23, 2026

Jill M. Fox
100 Isla Way, #2105
Brockport, NY 14420

Re: Fox v State of NY (Claim No. 143681)
Mo. No. 2026-78

Dear Ms. Fox:

Enclosed is this Court's order in the above-referenced appeal. The transfer of the appeal does not relieve you of the responsibility to timely pursue the appeal, if desired, to the Appellate Division. You may wish to contact the Clerk of the Appellate Division, Third Department regarding the appropriate procedure to follow in that court.

Very truly yours

A handwritten signature in cursive script, appearing to read "H. Davis".

Heather Davis

HD/RMM/mht:
encl.

cc: Appellate Division, Third Department
Kevin C. Hu, Esq.

APPENDIX A

State of New York

Court of Appeals

***Decided and Entered on the
twenty-third day of June, 2026***

Present, Hon. Rowan D. Wilson, *Chief Judge, presiding.*

Mo. No. 2026-78

Jill M. Fox,

Appellant,

v.

State of New York,

Respondent.

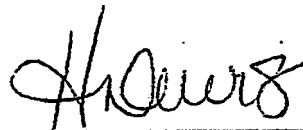
Appellant having appealed and moved for leave to appeal to the Court of Appeals
and for financial relief in the above cause;

Upon the papers filed and due deliberation, it is

ORDERED, on the Court's own motion, that the appeal is transferred without
costs, to the Appellate Division, Third Department, upon the ground that a direct appeal
does not lie when questions other than the constitutional validity of a statutory provision
are involved (*see* NY Const, art VI, §§ 3 [b] [2], 5 [b]; CPLR 5601 [b] [2]);
and it is further

ORDERED, that the motion for leave to appeal is dismissed upon the ground that
this Court does not have jurisdiction to entertain it (*see* NY Const, art VI, § 3;
CPLR 5602); and it is further

ORDERED, that the motion for financial relief is dismissed as academic.



Heather Davis
Clerk of the Court

APPENDIX A



State of New York
Court of Appeals

Heather Davis, Esq.
Chief Clerk and
Legal Counsel to the Court

Clerk's Office
20 Eagle Street
Albany, New York 12207-1095
518-455-7700

January 27, 2026

Jill M. Fox
100 Isla Way, #2105
Brockport, NY 14420

Re: Fox v State of NY (Claim No. 143681)
Mo. No. 2026-78 (Pin No. 80901)

Dear Mr. Fox:

As stated in this office's January 20, 2026 letter, your motion for leave to appeal will be submitted to the Court on the return date of February 2, 2026.

The Court has received your preliminary appeal statement and is determining whether it has jurisdiction for the appeal (CPLR 5601). The Court is providing you an opportunity to address these jurisdictional questions:

1. whether the order appealed from finally determines the action within the meaning of the Constitution; and
2. whether any jurisdictional basis exists for an appeal as of right.

On or before February 17, 2026, all parties are invited to file a letter responding to these questions, with proof of service on each other party. "Filed" means receipt of the document by the Clerk's Office.

When the Court has completed its review of these questions, you will be notified by Court order or Clerk's Office letter. Do not file briefs on this appeal at this time.

Very truly yours,

Heather Davis

HD/RMM/mht

cc: Hon. Letitia James,
New York State Attorney General

APPENDIX A

Outlook

Correspondence from The Supreme Court of the United States

From No-Reply@Supremecourt.gov <No-Reply@Supremecourt.gov>

Date Fri 1/30/2026 12:50 PM

To jillfox@msh.com <jillfox@msn.com>

**SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001**

May 8, 2024

Jill Fox
Fountain View Hall, RM 124
1 Chenango St.
PO Box 901
Morrisville, NY 13408

RE: Fox v. New York/ James
NYCourt of Claims No. 141433

Dear Ms. Fox:

The above-entitled petition for a writ of certiorari was postmarked May 1, 2024 and received May 7, 2024. The papers are returned for the following reason(s):

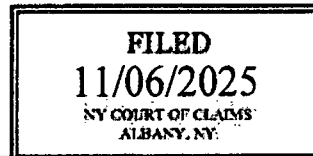
Your case must first be reviewed by a United States court of appeals or by the highest state court in which a decision could be had. 28 USC 1254 and 1257.

The highest state court in New York is the New York Court of Appeals.

Sincerely,
Scott S. Harris, Clerk
By:

Angela Jimenez
(202) 479-3392

APPENDIX A



STATE OF NEW YORK COURT OF CLAIMS

JILL M. FOX,¹

Claimant,

**DECISION AND
ORDER**

-v-

STATE OF NEW YORK,

**Claim No. 143681
Motion No. M-102474**

Defendant.

BEFORE:

**HON. CATHERINE E. LEAHY-SCOTT
Judge of the Court of Claims**

APPEARANCES:

**For Claimant:
Jill M. Fox, Pro Se**

**For Defendant:
Letitia James, New York State Attorney General
By: Anthony Rotondi, Esq., Assistant Attorney General**

Pro se Claimant Jill M. Fox filed this Claim on May 2, 2025, seeking damages for the alleged failure to process certain financial aid scholarships, forms, and grants and the denial of a "New York State Excelsior Scholarship and TAP grant" (Claim No. 143681, filed May 2, 2025 ¶ 2). Claimant now moves for a default judgment. Defendant opposes the motion.

As an initial matter, Claimant's proposed motion is procedurally defective as it fails to include an affidavit in support of her motion as is required under CPLR 2214 and Uniform Rules for

¹ Although the caption lists Claimant as "Jill M. Fox (nee McClary)," Claimant's motion papers list Claimant as Jill M. Fox and all papers are signed Jill M. Fox. Consequently, the Court amends the caption to reflect Claimant's name.

APPENDIX B

the Court of Claims (22 NYCRR) § 206.8 (a) (see CPLR 2214; Jackson v State of New York, UID No. 2019-050-005 [Ct Cl, Lynch. J., Jan. 28, 2019]).

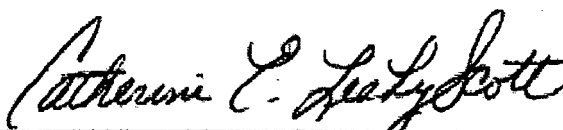
In any event, the motion must be denied. CPLR 3215 provides, as relevant here, “[w]hen a defendant has failed to appear, plead or proceed to trial of an action reached and called for trial . . . the [claimant] may seek a default judgment against him.” Pursuant to the Uniform Rules for the Court of Claims (22 NYCRR) § 206.7 (a), the defendant is required to serve an answer to a claim “within 40 days of service” of the claim.

Here, the Claim was served upon Defendant on May 2, 2025 (see Aff of Service, attached to Claim No. 143681). Consequently, Defendant had until June 11, 2025 to serve an answer to the Claim. Annexed to the Verified Answer filed with the Chief Clerk of the Court on June 10, 2025 is an affirmation of service attesting to the service of the Verified Answer upon Claimant on June 10, 2025 (see Aff of Service, attached to Verified Answer). Consequently, Defendant has timely appeared in this matter and Claimant’s motion for a default judgment must be denied.

Accordingly,

Claimant’s Motion No. M-102474 is DENIED in its entirety.

Albany, New York
September 10, 2025



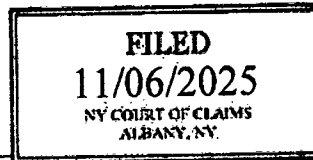
CATHERINE E. LEAHY-SCOTT
Judge of the Court of Claims

APPENDIX B

The Court considered the following papers in deciding this motion:

- (1) Notice of Motion, dated July 14, 2025.
- (2) Affidavit of Service, sworn to July 15, 2025.
- (3) Affirmation of Anthony Rotondi, Esq., Assistant Attorney General, in Opposition, affirmed August 14, 2025.
- (4) Claim No. 143681, filed May 2, 2025, with attachments.
- (5) Verified Answer, filed June 10, 2025, with attachments.

APPENDIX B



STATE OF NEW YORK

COURT OF CLAIMS

JILL M. FOX,

Claimant,

**DECISION AND
ORDER**

-v-

STATE OF NEW YORK,

**Claim No. 143681
Motion No. M-102534**

Defendant.

BEFORE:

**HON. CATHERINE E. LEAHY-SCOTT
Judge of the Court of Claims**

APPEARANCES:

**For Claimant:
Jill M. Fox, Pro Se**

**For Defendant:
Letitia James, New York State Attorney General
By: Anthony Rotondi, Esq., Assistant Attorney General**

Pro se Claimant Jill M. Fox filed this Claim on May 2, 2025, seeking damages for the alleged failure to process certain financial aid scholarships, forms, and grants and the denial of a "New York State Excelsior Scholarship and TAP grant" (Claim No. 143681, filed May 2, 2025 ¶ 2). On July 28, 2025, Claimant filed a "Notice for Emergency Injunction Motion" (M-102534). Claimant states she is seeking "monthly financial reimbursement, retroactive to May 2, 2025, and paid the 2nd day of each month" in an amount equivalent to the monthly pay of the Attorney General to "cover [her] legal fees and representation in the . . . Court of Claims" (Notice of Emergency Injunction Motion, filed July 28, 2025, P2).

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As an initial matter, Claimant's proposed motion is procedurally defective as it fails to include an affidavit in support of her motion as is required under CPLR 2214 and Uniform Rules for the Court of Claims (22 NYCRR) § 206.8 (a) (see CPLR 2214; Jackson v State of New York, UID No. 2019-050-005 [Ct Cl, Lynch. J., Jan. 28, 2019]).

Beyond the procedural infirmity, the substance of the motion is convoluted. Claimant's motion is labeled as an application for injunctive relief, which this Court plainly lacks jurisdiction to award (see Kimmel v State of New York, 29 NY3d 386, 393 [2017]). It appears Claimant's motion was precipitated by the denial of public assistance benefits, scholarships, and tuition assistance program (TAP) benefits, but it is not clear whether such denials are facts Claimant is utilizing to support her application (i.e. for poor person relief) or affirmative relief she is seeking. To the extent the motion can be construed as challenging the denials of public assistance benefits, scholarships, and TAP benefits, this Court lacks jurisdiction over such claims (see Gray v State of New York, UID No. 2022-038-561 [Ct Cl, DeBow, J., Dec. 22, 2022]), which should be pursued in a CPLR article 78 proceeding in State Supreme Court (see e.g. Matter of Leggio v Devine, 158 AD3d 803, 804 [2d Dept 2018] [CPLR article 78 proceeding challenging the denial of SNAP benefits], affd 34 NY3d 448 [2020]; Matter of Sugantino v New York State Higher Educ. Servs. Corp., 244 AD2d 558, 558 [2d Dept 1997] [CPLR article 78 proceeding challenging the denial of TAP benefits]). Insofar as Claimant cites to the United States Constitution, this Court lacks subject matter jurisdiction over federal constitutional claims (see Graham v State of New York, 212 AD3d 955, 955-956 [3d Dept 2023], appeal dismissed 39 NY3d 1117 [2023]; Shelton v New York State Liq. Auth., 61 AD3d 1145, 1151 [3d Dept 2009]; Lyles v State of New York, 2 AD3d 694, 696 [2d

APPENDIX D

Dept 2003], affd on other grounds 3 NY3d 396 [2004]; see also Brown v State of New York, 89 NY2d 172, 184-185 [1996]).

To the extent Claimant's motion seeks poor person relief, the Court notes that by Order of Presiding Judge Richard E. Sise, dated May 27, 2025 and filed June 2, 2025, the filing fee for the above motion was waived. Because there are no other costs or fees required by the Court of Claims to prosecute a claim, Claimant's motion to otherwise proceed as a poor person is denied (see e.g. Bonnette v State of New York, UID No. 2004-016-018 [Ct Cl, Marin, J., May 3, 2004]; Chiarello v State of New York, UID No. 2002-031-061 [Ct Cl, Minarik, J., Dec. 6, 2002]).

Although Claimant's motion requests legal fees, there is no proof that Claimant has hired an attorney to represent her. Moreover, the Court of Appeals has expressly held "in the absence of any pertinent contractual or statutory provision with respect to the recovery of amounts expended in the successful prosecution or defense of an action, each party is responsible for its own legal fees" (Chapel v Mitchell, 84 NY2d 345, 349 [1994]). No such proof has been provided to the Court.

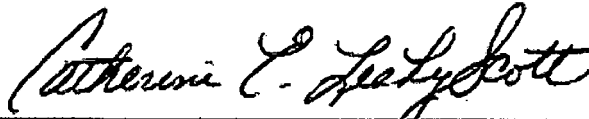
Lastly, to the extent Claimant's motion can be construed as a motion for the assignment of counsel, such a motion must "be served on all parties, and notice shall also be given to the county attorney in the county in which the action is triable" (CPLR 1101 [c]; see also CPLR 1102 [a]). The failure to provide such notice to the county attorney is fatal to an application for assigned counsel (see Sebastiano v State of New York, 92 AD2d 966, 966 [3d Dept 1983]; Harris v State of New York, 100 Misc 2d 1015, 1016-1017 [Ct Cl 1979]; Pettus v State of New York, UID No. 2006-028-579 [Ct Cl, Sise, P.J., July 27, 2006]). Claimant has not established that she has provided the requisite notice for the assignment of counsel.

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Accordingly, it is hereby:

ORDERED Claimant's Motion No. M-102534 is DENIED in its entirety.

Albany, New York
September 10, 2025



CATHERINE E. LEAHY SCOTT
Judge of the Court of Claims

The Court considered the following papers in deciding this motion:

- (1) Notice of Motion, dated July 28, 2025.
- (2) Affidavit of Service, sworn to July 28, 2025.
- (3) Affirmation of Anthony Rotondi, Esq., Assistant Attorney General, in Opposition, affirmed August 14, 2025.
- (4) Claim No. 143681, filed May 2, 2025, with attachments.
- (5) Verified Answer, filed June 10, 2025, with attachments.
- (6) Order of Presiding Judge Richard E. Sise, dated May 27, 2025 and filed June 2, 2025.

APPENDIX B

JILL M. FOX,

Claimant,

-against-

THE STATE OF NEW YORK,

Defendant.

AFFIRMATION OF SERVICE

Claim No.: 143681

Motion No.: M-102474

AMBER J. GRANT, hereby affirms under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the following is true, and I understand that this document may be filed in an action or proceeding in a court of law:

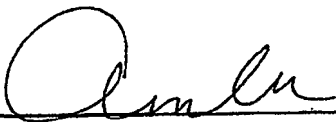
I am over eighteen years of age and an employee in the Office of the Attorney General of the State of New York, attorney for defendant herein.

On this 14th day of August 2025, I served the annexed Affirmation in Opposition upon the attorney(s), and/or claimant, named below, by depositing a true copy thereof, properly enclosed in a sealed postpaid wrapper, in the letter box of the Capitol Station Post Office in the City of Albany, New York, a depository under the exclusive care and custody of the United States Postal Service, directed to said attorney(s) and/or claimant at the address heretofore designated by claimant for this purpose, as follows:

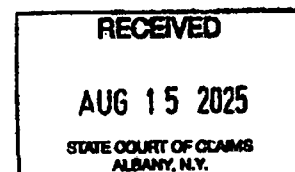
TO:

Jill M. Fox
Pro se claimant
100 Isla Way, 2105
Brockport, New York 14420

Sworn to on this
14th day of August 2025.


AMBER J. GRANT
Administrative Assistant 1
New York State Office of the Attorney General

APPENDIX B



JILL M. FOX,

Claimant,

-against-

THE STATE OF NEW YORK,

Defendant.

AFFIRMATION OF SERVICE

Claim No.: 143681

Motion No.: M-102534

AMBER J. GRANT, hereby affirms under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the following is true, and I understand that this document may be filed in an action or proceeding in a court of law:

I am over eighteen years of age and an employee in the Office of the Attorney General of the State of New York, attorney for defendant herein.

On this 14th day of August 2025, I served the annexed Affirmation in Opposition upon the attorney(s), and/or claimant, named below, by depositing a true copy thereof, properly enclosed in a sealed postpaid wrapper, in the letter box of the Capitol Station Post Office in the City of Albany, New York, a depository under the exclusive care and custody of the United States Postal Service, directed to said attorney(s) and/or claimant at the address heretofore designated by claimant for this purpose, as follows:

TO:

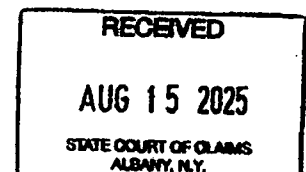
Jill M. Fox
Pro se claimant
100 Isla Way, 2105
Brockport, New York 14420

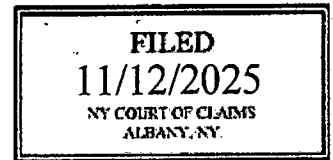
Sworn to on this
14th day of August 2025.



AMBER J. GRANT
Administrative Assistant 1
New York State Office of the Attorney General

APPENDIX B





STATE OF NEW YORK COURT OF CLAIMS

JILL M. FOX,

Claimant,

**DECISION AND
ORDER**

-v-

STATE OF NEW YORK,

**Claim No. 143681
Motion No. M-102693**

Defendant.

BEFORE: HON. CATHERINE E. LEAHY-SCOTT
Judge of the Court of Claims

APPEARANCES: For Claimant:
Jill M. Fox, Pro Se

For Defendant:
Letitia James, New York State Attorney General
By: Anthony Rotondi, Esq., Assistant Attorney General
(no appearance)

Pro se Claimant Jill M. Fox filed this Claim on May 2, 2025, seeking damages for the alleged failure to process certain financial aid scholarships, forms, and grants and the denial of a "New York State Excelsior Scholarship and TAP grant" (Claim No. 143681, filed May 2, 2025).¶ 2). On July 28, 2025, Claimant now moves for summary judgment.

Claimant's proposed motion is procedurally defective. CPLR 3212 (b) provides that "[a] motion for summary judgment shall be supported by affidavit, by a copy of the pleadings and by other available proof, such as depositions and written admissions." Claimant's failure to include an affidavit in support and a copy of the pleadings as required under CPLR 3212 (b) mandates the

APPENDIX B

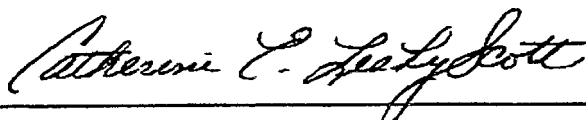
summary denial of his motion for summary judgment regardless of the merits of the motion (see Burnside v State of New York, 157 AD3d 1071, 1072 [3d Dept 2018]; Welton v Drobnicki, 298 AD2d 757, 757 [3d Dept 2002]).

In any event, Claimant's motion lacks merit. Claimant reasons that she is entitled to summary judgment on the ground that Defendant mailed its opposition to her previous motions (M-102474 and M-102534) from Hartford, Connecticut as opposed to the Capital Station Post Office as set forth in the Affirmation of Service annexed to the motion papers. CPLR 2103 (f) (1) specifically permits out-of-state mailing. Additionally, it is evident Claimant received Defendant's opposition papers to her motions. The location of the mailing of these opposition papers has no bearing on the merits of the Claim.

Accordingly, it is hereby:

ORDERED Claimant's Motion No. M-102693 is DENIED in its entirety.

Albany, New York
October 7, 2025



CATHERINE E. LEAHY-SCOTT
Judge of the Court of Claims

The Court considered the following papers in deciding this motion:

- (1) Claimant's "Request for Motion," affirmed to on August 22, 2025, with attachments.
- (2) Claimant's "Request for Motion Supporting Documents", affirmed to on August 29, 2025.
- (3) Claimant's "Motion – 102693 Supporting Documents," affirmed to on September 23, (no year)
- (4) Claim No. 143681, filed May 2, 2025.

APPENDIX B



Re: Request for Affidavit of Service for Claim No. 143681, M-102693

From Jill Fox <jillfox@msn.com>
Date Thu 10/30/2025 8:38 AM
To CTCL-MOTIONS <ctcl-motions@nycourts.gov>

Thank you for taking the time to clarify and verify.

From: CTCL-MOTIONS <ctcl-motions@nycourts.gov>
Sent: Thursday, October 30, 2025 8:24 AM
To: Jill Fox <jillfox@msn.com>
Subject: RE: Request for Affidavit of Service for Claim No. 143681, M-102693

The affidavits of service on motions that you requested were sent to you yesterday. The Record Room has your request for affidavits of service on claims. There are no affidavits of service for Motion no. M-102693

From: Jill Fox <jillfox@msn.com>
Sent: Thursday, October 30, 2025 8:07 AM
To: CTCL_ALB-MotionUnit <ctclalb-motionunit@nycourts.gov>
Subject: Request for Affidavit of Service for Claim No. 143681, M-102693

Good morning:

May I please have a copy of all Affidavits of Service filed by the defendant, New York State, to Claim No. 143681, M-102693?

Thank you,
Jill Fox, Pro Se

100 Isla Way, 2105
Brockport, NY 14420
315-663-8899

Please be CAREFUL when clicking links or opening attachments from external senders.

RECEIVED

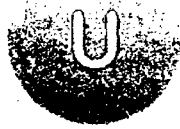
OCT 30 2025

COURT OF CLAIMS
STATE OF NEW YORK

APPENDIX B

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APPENDIX C

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United States

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September 16, 2025 at 3:11 PM



0:00

-0:20



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APPENDIX C



COURT OF CLAIMS
STATE OF NEW YORK

HON. CATHERINE E. LEAHY-SCOTT
JUDGE

CHAMBERS
P.O. BOX 7344
ALBANY, NY 12224
TELEPHONE (518) 788-9570
FACSIMILE (518) 788-9572

September 18, 2025

VIA FIRST CLASS MAIL

Jill M. Fox
100 Isla Way, 2105
Brockport, New York 14420

Re: Fox v State of New York
Claim No. 143681

Dear Ms. Fox:

The Court is in receipt of your electronic correspondence dated September 17, 2025. As the Assistant Attorney General was not sent a copy of your correspondence, a copy is provided herewith.

The matters raised in your correspondence are not properly before this Court. Please be advised that any future correspondence to the Court must in writing on notice to the Assistant Attorney General and sent by regular mail.

Thank you for your attention to this matter.

Sincerely,

Hon. Catherine E. Leahy-Scott
Judge of New York Court of Claims

cc: Anthony Rotondi, Esq.
Assistant Attorney General
New York Department of Law
The Capitol
Albany, New York 12224-0341

APPENDIX C