

SUPREME COURT OF THE STATE OF NEW YORK, APPELLATE DIVISION,
FIRST DEPARTMENT

Leonardo v. Aaron

Leonardo, 2026 NY Slip Op 03509 (Supreme Court of the State of New York Appellate Division First Department 2026) · No. Case No. 2025-02584; Appeal No. 6806; Index No. 365453/21 · Decided June 4, 2026

SUMMARY

The Appellate Division, First Department dismissed an appeal from an order declining to sign a defendant's order to show cause seeking dismissal of a judgment of divorce. The court held that no appeal lies from an order refusing to sign an ex parte order to show cause and, alternatively, that the appeal was subject to dismissal because the record was incomplete.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, First Department
WRITING FOR THE COURT	Sallie Manzanet-Daniels, J.P.; Tadano, J.; Shulman, J.; Higgitt, J.; O'Neill Levy, J.; Chan, J.
JURISDICTION	New York Supreme Court, Appellate Division, First Department
DECIDED	June 4, 2026
DOCKET	Case No. 2025-02584; Appeal No. 6806; Index No. 365453/21
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendant appealed from an order of Supreme Court, New York County, declining to sign defendant's order to show cause seeking dismissal of the judgment of divorce. The Appellate Division unanimously dismissed the appeal as taken from a nonappealable order.
PRECEDENTIAL VALUE	published
PARTIES	Ahdawantazalam Aaron v. Georgilia Leonardo

TOPICS

- appellate procedure
- family law procedure
- final judgment rule
- dissolution of marriage
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether an appeal lies from an order refusing to sign an ex parte order to show cause.
2. Whether the appeal should be dismissed because the appellate record was entirely incomplete.

HOLDINGS

1. An order refusing to sign an order to show cause is not appealable because an order to show cause is ex parte and does not decide a motion made on notice.
2. Even if the unsigned order to show cause were appealable, the appeal must be dismissed when the record is entirely incomplete and does not include the underlying motion.

KEY QUOTATIONS

*“No appeal lies from an order refusing to sign an order to show cause, which is an ex parte order that does not decide a motion made on notice” ([*1])*

FACTUAL BACKGROUND

The defendant sought an order to show cause requesting dismissal of a judgment of divorce. Supreme Court declined to sign the proposed order to show cause. On appeal, the record did not include the underlying motion and was otherwise entirely incomplete.

PROCEDURAL HISTORY

Supreme Court, New York County, entered an order on April 22, 2025, declining to sign defendant's order to show cause to dismiss the judgment of divorce. Defendant appealed. The Appellate Division, First Department, dismissed the appeal because no appeal lies from an order refusing to sign an order to show cause and, alternatively, because the record was entirely incomplete.

DISPOSITION

dismissed

CASES CITED

- Castle Vil. Owners Corp. v. Girardi, 237 A.D.3d 532, 532 (1st Dep't 2025)
- Schwartz v. Noll, 191 A.D.3d 567, 567 (1st Dep't 2021), appeal dismissed, 37 N.Y.3d 1005 (2021)
- Maccarone v. New York Convention Ctr. Operating Corp., 238 A.D.3d 562, 562 (1st Dep't 2025)

OPINION

Leonardo v. Aaron 2026 NY Slip Op 03509

PER CURIAM.

Leonardo v Aaron - 2026 NY Slip Op 03509 skip to main content It appears you are using Adblock. Please disable Adblock to best experience our website. Law Reporting Bureau Thomas J.K. Smith, State Reporter Court Decisions Resources About Home All Court Decisions Decisions Leonardo v Aaron 2026 NY Slip Op 03509 June 4, 2026 Appellate Division, First Department Published by New York State Law Reporting Bureau pursuant to Judiciary Law § 431. This decision is uncorrected and subject to revision before publication in the Official Reports. Georgilia Leonardo, Plaintiff-Respondent, v Ahdawantazalam Aaron, Defendant-Appellant. Decided and Entered: June 04, 2026 Index No. 365453/21|Appeal No. 6806|Case No. 2025-02584| Before: Scarpulla, J.P., Shulman, Higgitt, O'Neill Levy, Chan, JJ. Ahdawantazalam Aaron, appellant pro se. [*1] Appeal from order, Supreme Court, New York County (Michael L. Katz, J.), entered April 22, 2025, which declined to sign defendant's order to show cause to dismiss the judgment of divorce, unanimously dismissed, without costs, as taken from a nonappealable order. No appeal lies from an order refusing to sign an order to show cause, which is an ex parte order that does not decide a motion made on notice (see CPLR 5701[a][2]; Castle Vil. Owners Corp. v Girardi , 237 AD3d 532 , 532 [1st Dept 2025]; Schwartz v Noll , 191 AD3d 567 , 567 [1st Dept 2021], appeal dismissed 37 NY3d 1005 [2021]). Even if the unsigned order to show cause were appealable, the appeal must be dismissed because the record is entirely incomplete. Among other things, the record fails to include the underlying motion (see CPLR 5526; Maccarone v New York Convention Ctr. Operating Corp. , 238 AD3d 562 , 562 [1st Dept 2025]). THIS CONSTITUTES THE DECISION AND ORDER OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT. ENTERED: June 4, 2026 Court Decisions All Court Decisions Official Reports Service Bound Volumes Decision Search Resources RSS Feeds Style Manual Citation Tools Opinion Formatting & Privacy Guidelines Opinion Selection Criteria Legal Research Portal Site Index About About the Law Reporting Bureau About our Operations Contact Us Twitter Quick Contact Info 17 Lodge Street Albany, NY 12207 Phone: (518) 453-6900 Links to or from other sites do not signify endorsement or relationship with them.