

NEW YORK COURT OF CLAIMS

H.F. v. State of New York

H.F., 2026 NY Slip Op 26040 (New York Court of Claims 2026) · No. Claim No. 144615; Motion No. M-103087 · Decided February 10, 2026

SUMMARY

The New York Court of Claims addresses a motion concerning the proper venue for a claim alleging sexual abuse at a residential center in Oneida County. The court holds that venue is assigned by the Court of Claims Clerk to the district where the claim arose, and that the claimant's designation of Nassau County had no effect. The motion to change venue is denied as moot, and the claim remains venued in the Utica District; the court also strikes claimant's counsel's opposition affirmation for citing apparently fictitious cases.

CASE DETAILS

COURT	New York Court of Claims
WRITING FOR THE COURT	Abby R. Perer
JURISDICTION	New York Court of Claims
DECIDED	February 10, 2026
DOCKET	Claim No. 144615; Motion No. M-103087
DISPOSITION	other
PROCEDURAL POSTURE	The State moved to change or designate the proper venue from Nassau County to Oneida County. The Court of Claims denied the motion as moot because the claim had already been assigned to the Utica District, which encompasses Oneida County.
PRECEDENTIAL VALUE	Published
PARTIES	The State of New York v. H.F.

TOPICS

- venue
- sanctions
- civil procedure
- torts

PRACTICE AREAS

- civil procedure
- legal ethics
- sanctions
- torts

QUESTIONS PRESENTED

1. Whether a claimant in the Court of Claims may designate the place of trial in the summons or otherwise select the venue.
2. Whether the State's motion to change venue was necessary or presented a live controversy where the claim had already been assigned to the Utica District based on where the claim arose.
3. Whether the court should strike an opposition affirmation containing apparently fictitious or unsupported case citations.

HOLDINGS

1. A claimant does not select the place of trial in the Court of Claims; the Chief Clerk assigns a claim to the district in which the claim arose under the Uniform Rules for the Court of Claims.
2. The claim was properly assigned to the Utica District because the alleged misconduct occurred primarily in Oneida County, which is within that district.
3. A claimant seeking to change the assigned venue must make a motion or cross-motion showing that the current venue is improper; claimant made no such motion.
4. The court struck claimant's counsel's opposition affirmation from the record and declined to consider it because counsel failed to substantiate apparently fictitious case citations and cited authorities that did not support the arguments presented.

KEY QUOTATIONS

"[U]nlike actions commenced in State Supreme Court, where a plaintiff initially designates the venue of his lawsuit, in the Court of Claims the claimant does not have any part in selecting the place of trial" (*2)

"The attempted designation of Nassau County (or the New York District) as the place of trial has no effect on the assignment or the location of trial" (*3)

FACTUAL BACKGROUND

H.F. alleged that she suffered sexual abuse while residing at the Taberg Residential Center for Girls in Taberg, New York, in Oneida County. Her summons designated Nassau County as the place of trial. The alleged misconduct occurred primarily in Oneida County, and the Chief Clerk assigned the claim to the Utica District of the Court of Claims.

PROCEDURAL HISTORY

Claimant filed a claim arising from alleged sexual abuse at the Taberg Residential Center for Girls in Oneida County and designated Nassau County as the place of trial in the summons. The State moved to change venue. The court determined that the Chief Clerk had already properly assigned the claim to the Utica District and that the designation in the summons had no effect. The court also struck claimant's counsel's opposition affirmation after counsel failed to substantiate apparently fictitious case citations.

DISPOSITION

other

CASES CITED

- Deutsche Bank Natl. Trust Co. v. LeTennier, 2026 NY Slip Op 00040, *3-*4 (3d Dept. 2026)
- Grymes Dev. Co. v. Fodera, 2025 NY Slip Op 25245, *2, *4-*5 (Sup. Ct., Richmond County 2025)
- Augustin v. Formula 3 Brooklyn Inc., 86 Misc. 3d 1236(A), 2025 NY Slip Op 5113(U), *4 (Sup. Ct., Kings County 2025)
- Lepkowski v. State of New York, 1 NY3d 201 (2003)
- Ken-Vil Assoc. Ltd. Partnership v. New York State Div. of Human Rights, UID No. 2012-030-566, Claim No. 120104 (Ct. Cl. Sept. 21, 2012)
- Warney v. State of New York, 16 NY3d 428, 434-435 (2011)

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