

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

Wheeler v. Linden Plaza Preserv., LP

Wheeler, 2026 NY Slip Op 00604 (Appellate Division of the Supreme Court of the State of New York First Department 2026) · No. Index No. 150079/17; Appeal No. 5771; Case No. 2025-00660 · Decided February 5, 2026

SUMMARY

The Appellate Division, First Department modified an order denying summary judgment to Linden Plaza Preservation, Linden Plaza Housing, and RY Management, granting their motions and otherwise affirming the order. The court held that the defendants established the absence of damages supporting the plaintiff's negligence claims and that the remaining claims, including negligent training, negligent supervision, trespass to chattel, conversion, and negligent infliction of emotional distress, were legally deficient or unsupported by the evidence. The court also affirmed summary judgment for Madison Security Group based on the absence of a duty to the plaintiff and concluded that punitive damages were unavailable.

CASE DETAILS

COURT	Appellate Division of the Supreme Court of the State of New York, First Department
WRITING FOR THE COURT	Manzanet-Daniels, J.P.; González, J.; Shulman, J.; Pitt-Burke, J.; Chan, J.
JURISDICTION	Appellate Division, First Department, New York
DECIDED	February 5, 2026
DOCKET	Index No. 150079/17; Appeal No. 5771; Case No. 2025-00660
DISPOSITION	other
PROCEDURAL POSTURE	Appeal and cross-appeal from an order of Supreme Court, New York County, addressing defendants' motions for summary judgment and dismissing plaintiff's punitive-damages claim.
STANDARD OF REVIEW	Summary judgment is appropriate when the movant establishes prima facie entitlement to judgment as a matter of law and the opposing party fails to raise a triable issue of fact; the appellate court reviewed the order for legal error.
PRECEDENTIAL VALUE	Published intermediate appellate opinion

PARTIES

Linden Plaza Preservation, LP, Linden Plaza Housing Co., Inc., RY Management Co. Inc., Madison Security Group, Inc. v. Deborah Wheeler

TOPICS

summary judgment

negligence

conversion

trespass

negligent infliction of emotional distress

PRACTICE AREAS

Civil procedure

Torts

Landlord-tenant

Real estate

Remedies

QUESTIONS PRESENTED

1. Whether Madison Security Group owed plaintiff a duty of care in connection with the denial of access to her apartment.
2. Whether Linden Plaza Preservation, Linden Plaza Housing, and RY Management were entitled to summary judgment on plaintiff's negligence claims for failure to establish damages.
3. Whether plaintiff's negligent training and negligent supervision claims were legally deficient because the alleged employees acted within the scope of their employment.
4. Whether plaintiff's conduct allegations supported punitive damages.
5. Whether plaintiff's trespass to chattel, conversion, and negligent infliction of emotional distress claims were legally or evidentially sufficient.

HOLDINGS

1. Madison Security Group was entitled to summary judgment because it did not owe plaintiff a duty of care in the circumstances presented.
2. Linden Plaza Preservation, Linden Plaza Housing, and RY Management were entitled to summary judgment because plaintiff failed to raise a triable issue of fact as to damages, a necessary element of negligence.
3. The negligent training and negligent supervision claims were defective because the complaint alleged that the employees acted within the scope of their employment.
4. The alleged denial of access to the apartment did not support punitive damages.
5. The trespass to chattel claim was defective because plaintiff presented no evidence that her medications or medical supplies were damaged.
6. The conversion claim was unsupported because a lawful eviction and storage of a tenant's property do not constitute conversion.
7. Summary judgment on the negligent infliction of emotional distress claim was warranted because plaintiff was not shown to have been in physical danger and testified that she had no physical contact with the building superintendent.

KEY QUOTATIONS

*“Because damages are a necessary element of a negligence cause of action, summary judgment was warranted.” ([*1])*

*“The conversion claim was also unsupported because a lawful eviction and storage of a tenant's property does not constitute a conversion.” ([*1])*

FACTUAL BACKGROUND

After Deborah Wheeler was evicted from her apartment, she alleged that defendants denied her access to retrieve medicines and medical supplies despite a November 2, 2016 court order permitting limited access. She asserted negligence, negligent training and supervision, trespass to chattel, conversion, and negligent infliction of emotional distress claims. Defendants submitted a clinical neuropsychologist's affidavit opining that Wheeler's inability to retrieve the items did not adversely affect her mental condition, and Wheeler offered no evidence that her physical condition deteriorated or that the items were damaged.

PROCEDURAL HISTORY

Supreme Court granted Madison Security Group's motion for summary judgment dismissing the complaint and cross-claims against it, denied the summary-judgment motions of Linden Plaza Preservation, Linden Plaza Housing, and RY Management, and dismissed plaintiff's punitive-damages claim. The Appellate Division modified the order to grant the latter defendants' motions and otherwise affirmed.

DISPOSITION

other

CASES CITED

- Espinal v. Melville Snow Contrs., 98 N.Y.2d 136 (2002)
- Paternack v. Laboratory Corp. of Am. Holdings, 27 N.Y.3d 817, 825 (2016)
- Medina v. City of New York, 102 A.D.3d 101, 108 (1st Dep't 2012)
- Fischer v. Machon Bais Yaakov, 176 A.D.2d 655, 656 (1st Dep't 1991)
- Abrams v. Pecile, 115 A.D.3d 565, 566 (1st Dep't 2014)
- Priester v. R.F.H. Realty Corp., 13 Misc. 2d 446, 447 (2d Dep't 1958)
- Allstate Ins. Co. v. Burger King Corp., 25 A.D.3d 472, 472 (1st Dep't 2006)
- Stanley v. Smith, 183 A.D.2d 675, 676 (1st Dep't 1992)

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