

SUPREME COURT OF THE STATE OF NEW YORK, APPELLATE DIVISION,  
FOURTH JUDICIAL DEPARTMENT

Michelle Fairman v. County of Monroe

2025 NY Slip Op 07144 (Supreme Court of the State of New York Appellate Division Fourth Judicial  
Department 2025) · No. 820 CA 24-00791 · Decided December 23, 2025

SUMMARY

The Appellate Division, Fourth Department, unanimously affirmed an order denying the County of Monroe's motion to dismiss the plaintiff's first and seventh causes of action. The action arose under the Adult Survivors Act, and the court adopted the reasoning of its memorandum decision in *Wade v County of Monroe*.

CASE DETAILS

|                       |                                                                                                                                                                                        |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of the State of New York, Appellate Division, Fourth Judicial Department                                                                                                 |
| WRITING FOR THE COURT | Montour, J.P.; Smith, J.; Greenwood, J.; Nowak, J.; Keane, J.                                                                                                                          |
| JURISDICTION          | Supreme Court of the State of New York, Appellate Division, Fourth Judicial Department                                                                                                 |
| DECIDED               | December 23, 2025                                                                                                                                                                      |
| DOCKET                | 820 CA 24-00791                                                                                                                                                                        |
| DISPOSITION           | affirmed                                                                                                                                                                               |
| PROCEDURAL POSTURE    | Appeal from an order denying defendants' motion to dismiss the plaintiff's first and seventh causes of action against the County of Monroe in an action under the Adult Survivors Act. |
| PRECEDENTIAL VALUE    | Published                                                                                                                                                                              |
| PARTIES               | County of Monroe v. Michelle Fairman                                                                                                                                                   |

TOPICS

- motions to dismiss
- appellate procedure
- civil procedure
- municipal law

PRACTICE AREAS

- civil procedure
- municipal law
- appellate procedure

## QUESTIONS PRESENTED

1. Whether the Supreme Court properly denied defendants' motion to dismiss the plaintiff's first and seventh causes of action against the County of Monroe.

## HOLDINGS

1. The order denying that portion of defendants' motion to dismiss was affirmed insofar as appealed from.

## FACTUAL BACKGROUND

The opinion identifies the action as one brought pursuant to the Adult Survivors Act. The plaintiff asserted at least seven causes of action against the County of Monroe, and the County moved to dismiss the first and seventh causes of action. The Supreme Court denied that portion of the motion, and the Appellate Division affirmed.

## PROCEDURAL HISTORY

The Supreme Court, Monroe County, entered an order on April 19, 2024, denying the portion of defendants' dismissal motion directed at the plaintiff's first and seventh causes of action against the County of Monroe. The County appealed, and the Appellate Division, Fourth Department, unanimously affirmed the order insofar as appealed from.

## DISPOSITION

affirmed

## CASES CITED

- Wade v County of Monroe ([appeal No. 1] — AD3d — [Dec. 23, 2025] [4th Dept 2025])

## OPINION

Fairman v. County of Monroe 2025 NY Slip Op 07144

PER CURIAM.

Fairman v County of Monroe (2025 NY Slip Op 07144) Fairman v County of Monroe 2025 NY Slip Op 07144 Decided on December 23, 2025 Appellate Division, Fourth Department Published by New York State Law Reporting Bureau pursuant to Judiciary Law § 431. This opinion is uncorrected and subject to revision before publication in the Official Reports. Decided on December 23, 2025

SUPREME COURT OF THE STATE OF NEW YORK

Appellate Division, Fourth Judicial Department PRESENT: MONTOUR, J.P., SMITH, GREENWOOD, NOWAK, AND KEANE, JJ. 820 CA 24-00791

[\*1]MICHELLE FAIRMAN, PLAINTIFF-RESPONDENT,

v COUNTY OF MONROE, DEFENDANT-APPELLANT ET AL., DEFENDANT. (APPEAL NO. 5.)

JOHN P. BRINGEWATT, COUNTY ATTORNEY, ROCHESTER (ALISSA M. BRENNAN OF COUNSEL), FOR DEFENDANT-APPELLANT. SLATER SLATER SCHULMAN, LLP, MELVILLE (NARAJ JAYANT PAREKH OF COUNSEL), FOR PLAINTIFF-RESPONDENT. Appeal from an order of the Supreme Court, Monroe County (Joseph D. Waldorf, J.), entered April 19, 2024, in an action pursuant to the Adult Survivors Act. The order, insofar as appealed from, denied that part of the motion of defendants to dismiss plaintiff's first and seventh causes of action against defendant County of Monroe. It is hereby ORDERED that the order so appealed from is unanimously affirmed without costs. Same memorandum as in *Wade v County of Monroe* ([appeal No. 1] — AD3d — [Dec. 23, 2025] [4th Dept 2025]). Entered: December 23, 2025 Ann Dillon Flynn Clerk of the Court  
PER CURIAM.

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