

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])