

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

Sainplice v. Tuizer

Sainplice, 2025 NY Slip Op 06744 (Supreme Court of the State of New York Appellate Division Second Judicial Department 2025) · No. 2023-09866 · Decided December 3, 2025

SUMMARY

The Appellate Division, Second Department modified an order denying the plaintiff leave to amend the complaint to add Hi Rise Supply Corp., HR Steel, Inc., and Levi Hirschfeld as defendants. The court held that the relation-back doctrine applied to those proposed defendants and that delay alone did not preclude amendment, but affirmed denial of leave to add Rafi Twizar because the plaintiff failed to establish the required relation-back elements and relied on speculation regarding his involvement.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
WRITING FOR THE COURT	Mark C. Dillon, J.P.; Paul Wooten, J.; Helen Voutsinas, J.; Lourdes M. Ventura, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Second Department
DECIDED	December 3, 2025
DOCKET	2023-09866
DISPOSITION	other
PROCEDURAL POSTURE	The plaintiff appealed from an order of the Supreme Court, Kings County, denying his motion under CPLR 3025(b) for leave to amend the complaint to add four proposed defendants.
STANDARD OF REVIEW	Whether leave to amend should be granted is reviewed for an improvident exercise of discretion, subject to the governing legal standards for amendment and relation back.
PRECEDENTIAL VALUE	published
PARTIES	Samuel Sainplice v. Wesco Insurance Company, nonparty-respondent, Amram Tuizer and Hi Rise Steel, Inc., defendants

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QUESTIONS PRESENTED

1. Whether the plaintiff established the relation-back doctrine's requirements for adding Hi Rise Supply Corp., HR Steel, Inc., and Levi Hirschfeld as defendants after expiration of the statute of limitations.
2. Whether the plaintiff established the relation-back doctrine's requirements for adding Rafi Twizar as a defendant.
3. Whether delay, without demonstrated prejudice or surprise, justified denying leave to amend under CPLR 3025(b).

HOLDINGS

1. The plaintiff demonstrated the applicability of the relation-back doctrine and was entitled to amend the complaint to add Hi Rise Supply Corp., HR Steel, Inc., and Levi Hirschfeld as defendants.
2. Delay alone did not preclude amendment; denial based solely on the passage of time was improper absent significant prejudice or surprise.
3. The plaintiff failed to establish the relation-back doctrine's second and third prongs as to Rafi Twizar, so leave to amend to add him as a defendant was properly denied.

KEY QUOTATIONS

*“Motions for leave to amend pleadings should be freely granted, absent prejudice or surprise directly resulting from the delay in seeking leave, unless the proposed amendment is palpably insufficient or patently devoid of merit” (*1)*

*“Delay alone is insufficient to bar an amendment to the pleading; it must be lateness coupled with significant prejudice to the other side” (*1)*

*“A plaintiff may establish the applicability of the relation-back doctrine by demonstrating that (1) the causes of action arose out of the same conduct, transaction, or occurrence; (2) the new party is united in interest with one or more of the original defendants, and by reason of that relationship can be charged with such notice of the institution of the action that he or she will not be prejudiced in maintaining his or her defense on the merits; and (3) the new defendant knew or should have known that, but for a mistake by the plaintiff as to the identity of the proper parties, the action would have been commenced against him or her as well” (*1)*

FACTUAL BACKGROUND

On December 13, 2015, Samuel Sainplice was allegedly injured when the side mirror of a pickup truck struck him while he was riding a bicycle in Brooklyn. He initially sued Amram Tuizer, alleged to have operated the truck, and Hi Rise Steel, Inc., alleged to have owned it. After the statute of limitations had expired, he sought to

add entities and an individual allegedly connected with ownership, control, maintenance, or operation of the truck.

PROCEDURAL HISTORY

Sainplice commenced a personal-injury action in July 2016 against Amram Tuizer and Hi Rise Steel, Inc. In December 2022, he moved to amend the complaint to add Rafi Twizar, Hi Rise Supply Corp., HR Steel, Inc., and Levi Hirschfeld. The Supreme Court denied the motion, and the Appellate Division modified the order by granting leave to add Hi Rise Supply, HR Steel, and Hirschfeld while affirming denial of leave as to Rafi.

DISPOSITION

other

REMAND INSTRUCTIONS

The order was modified by granting the branches of the plaintiff's motion seeking leave to amend the complaint to add Hi Rise Supply Corp., HR Steel, Inc., and Levi Hirschfeld. As modified, the order was affirmed.

CASES CITED

- Wei-Chao Chang v. Chang, 221 AD3d 634, 636
- Deutsche Bank Natl. Trust Co. v. Nissan, 230 AD3d 1105, 1108
- Bridgehampton Natl. Bank v. D & G Partners, L.P., 186 AD3d 1310, 1311
- Mitchell v. Jimenez, 233 AD3d 773, 776-777
- Wilmington Sav. Fund Socy., FSB v. Sotomayor, 222 AD3d 702, 702-703
- Burger v. Village of Sloatsburg, 216 AD3d 730, 731
- Edenwald Contr. Co. v. City of New York, 60 NY2d 957, 959
- Cedarwood Assoc., LLC v. County of Nassau, 211 AD3d 799, 800
- Wilson v. Rye Family Realty, LLC, 218 AD3d 836, 838
- Estate of Stengel v. Good Samaritan Hosp., 214 AD3d 954, 954
- Uddin v. A.T.A. Constr. Corp., 164 AD3d 1400, 1401
- Preferred Elec. & Wire Corp. v. Duracraft Prods., 166 AD2d 425, 426-427
- Bhatara v. Kolaj, 222 AD3d 926, 930
- Kunwar v. Northwell Health, 229 AD3d 528, 531
- OneWest Bank N.A. v. Muller, 189 AD3d 853, 856
- Matter of Chustckie, 203 AD3d 820, 822
- Matter of Mensch v. Planning Bd. of the Vil. of Warwick, 189 AD3d 1245, 1249

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