

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

Barons Media, LLC v. Shapiro Legal Group, PLLC

2025 NY Slip Op 06677 (Appellate Division of the Supreme Court of the State of New York First Department 2025) · No. Index No. 652481/23; Appeal No. 5248; Case No. 2024-02437 · Decided December 2, 2025

SUMMARY

The New York Appellate Division, First Department unanimously affirmed an order denying Shapiro Legal Group, PLLC's motion to dismiss a claim for aiding and abetting breach of fiduciary duty. The court held that the complaint adequately alleged fiduciary breaches, the defendant's actual knowledge and substantial assistance, and resulting damages, including the formation of a competing entity and diversion of payments and confidential information.

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.; Moulton, J.; Gesmer, J.; Rosado, J.; Hagler, J.
JURISDICTION	New York Appellate Division, First Department
DECIDED	December 2, 2025
DOCKET	Index No. 652481/23; Appeal No. 5248; Case No. 2024-02437
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from the portion of an order denying, without prejudice to renewal, its motion to dismiss plaintiff's first cause of action for aiding and abetting breach of fiduciary duty.
STANDARD OF REVIEW	Review of the sufficiency of the pleaded aiding-and-abetting breach of fiduciary duty claim on a motion to dismiss.
PRECEDENTIAL VALUE	Published appellate opinion
PARTIES	Shapiro Legal Group, PLLC v. Barons Media, LLC

TOPICS

commercial litigation

partnership law

breach of fiduciary duty

fiduciary duty

appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the complaint adequately pleaded a claim against Shapiro Legal Group, PLLC for aiding and abetting the alleged breach of fiduciary duty by KMBR's fiduciaries.

HOLDINGS

1. The complaint adequately pleaded a claim against Shapiro Legal Group, PLLC for aiding and abetting the fiduciaries' breach of their fiduciary duty to Barons Media.

KEY QUOTATIONS

*"the elements of which are "(1) a breach by a fiduciary of obligations to another, (2) that the defendant knowingly induced or participated in the breach, and (3) that plaintiff suffered damage as a result of the breach"" ([*1])*

FACTUAL BACKGROUND

Barons Media was a partner in KMBR Media, a partnership with three other entities and their individual principals. The complaint alleged that Shapiro formed a new entity, MKB Media, to exclude Barons Media, using KMBR's clients, business model, confidential information, and other business materials. It further alleged that Shapiro knew of the intended exclusion before MKB was formed and substantially assisted the alleged fiduciary breaches by diverting payments, concealing the payments in discovery, and cutting KMBR off from its email system.

PROCEDURAL HISTORY

Barons Media sued Shapiro Legal Group, PLLC in Supreme Court, New York County. The Supreme Court denied Shapiro's motion to dismiss the aiding-and-abetting claim without prejudice to renewal based on the disposition of a related Florida action, and the First Department unanimously affirmed that order insofar as appealed from.

DISPOSITION

affirmed

CASES CITED

- Schroeder v. Pinterest Inc., 133 A.D.3d 12, 25 (1st Dep't 2015)
- Front, Inc. v. Khalil, 103 A.D.3d 481, 483 (1st Dep't 2013), aff'd, 24 N.Y.3d 713 (2015)
- Shearson Lehman Bros. v. Bagley, 205 A.D.2d 467, 467 (1st Dep't 1994)