

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

Sparks v. Fels, Jr., Schwan's Home Service, Inc., and Schwan's Food
Service, Inc.

238 CA 15-00753 (Supreme Court of the State of New York Appellate Division Fourth Judicial Department
2016) · No. 238 CA 15-00753 · Decided March 18, 2016

SUMMARY

The Supreme Court of New York, Appellate Division, Fourth Department, affirmed an order granting defendants summary judgment dismissing the plaintiff’s claim for punitive damages arising from a motor vehicle accident. The court held that the record did not establish the gross recklessness, intentional misconduct, wantonness, or other circumstances necessary to support an award of punitive damages.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Fourth Judicial Department
WRITING FOR THE COURT	Whalen, P.J.; Smith, J.; Carni, J.; Nemoyer, J.; Curran, J.
JURISDICTION	New York
DECIDED	March 18, 2016
DOCKET	238 CA 15-00753
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiff appealed from an order granting defendants' motion for summary judgment in part and dismissing her claim for punitive damages arising from a motor vehicle accident.
STANDARD OF REVIEW	The Appellate Division reviewed the grant of summary judgment and whether the record established circumstances warranting punitive damages.
PRECEDENTIAL VALUE	Published Appellate Division memorandum and order
PARTIES	Diane Sparks v. Larry Fels, Jr., Schwan's Home Service, Inc., Schwan's Food Service, Inc.

TOPICS

punitive damages

damages

appellate procedure

standard of review

PRACTICE AREAS

torts

remedies

motor vehicle accidents

QUESTIONS PRESENTED

1. Whether the record presented circumstances warranting an award of punitive damages for defendants' conduct in connection with the motor vehicle accident.
2. Whether Supreme Court properly granted defendants summary judgment dismissing the punitive-damages claim.

HOLDINGS

1. Punitive damages are available only when the defendant's conduct demonstrates a high degree of moral culpability, transcends mere carelessness, constitutes willful or wanton negligence or recklessness, or otherwise involves grossly reckless, intentional, wanton, malicious, evil, or reprehensible conduct aimed at the public generally.
2. Summary judgment dismissing plaintiff's punitive-damages claim was proper because the record did not evince circumstances warranting punitive damages.

KEY QUOTATIONS

“Punitive damages are warranted where the conduct of the party being held liable evidences a high degree of moral culpability, or where the conduct is so flagrant as to transcend mere carelessness, or where the conduct constitutes willful or wanton negligence or recklessness”

“Punitive damages are available for the purpose of vindicating a public right only where the actions of the alleged tort-feasor constitute gross recklessness or intentional, wanton or malicious conduct aimed at the public generally or are activated by evil or reprehensible motives”

FACTUAL BACKGROUND

The action arose from a motor vehicle accident involving plaintiff and defendants. Plaintiff sought punitive damages based on defendants' conduct. The court concluded that the record did not demonstrate conduct sufficiently culpable to support such an award.

PROCEDURAL HISTORY

The Supreme Court of New York, Niagara County, granted defendants' motion for summary judgment insofar as it sought dismissal of plaintiff's punitive-damages claim. Plaintiff appealed that portion of the order, and the Appellate Division unanimously affirmed without costs.

DISPOSITION

affirmed

CASES CITED

- Fernandez v. Suffolk County Water Auth., 276 A.D.2d 466, 467 (2000)
- Lee v. Health Force, 268 A.D.2d 564 (2000)
- Rey v. Park View Nursing Home, 262 A.D.2d 624, 627 (1999)
- Buckholz v. Maple Garden Apts., LLC, 38 A.D.3d 584, 585
- Pascazi v. Pelton, 210 A.D.2d 910
- Ross v. Louise Wise Servs., Inc., 8 N.Y.3d 478, 489
- Cushing v. Seemann, 247 A.D.2d 891, 893
- Green v. Passenger Bus Corp. (appeal No. 2), 61 A.D.3d 1377, 1378

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