

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

Greer v. FAM Networks, LLC

Greer, 2026 NY Slip Op 04039 (Supreme Court of the State of New York Appellate Division First Department 2026) · No. Index No. 650633/25; Appeal No. 6969; Case No. 2025-08078 · Decided June 25, 2026

SUMMARY

The New York Appellate Division, First Department unanimously affirmed an order denying defendants' motion to dismiss a breach of contract claim concerning an agreement to manage and monetize the plaintiff's social media presence. The court held that the complaint adequately pleaded the agreement, plaintiff's performance, defendants' breaches, and damages, and that the action was not premature based on the agreement's notice, mediation, and audit provisions.

OPINION

PER CURIAM.

Greer v FAM Networks, LLC - 2026 NY Slip Op 04039 skip to main content It appears you are using Adblock. Please disable Adblock to best experience our website. Law Reporting Bureau Thomas J.K. Smith, State Reporter Court Decisions Resources About Home All Court Decisions Decisions Greer v FAM Networks, LLC 2026 NY Slip Op 04039 June 25, 2026 Appellate Division, First Department Published by New York State Law Reporting Bureau pursuant to Judiciary Law § 431.

This decision is uncorrected and subject to revision before publication in the Official Reports. Steven M. Greer, Respondent, v FAM Networks, LLC et al., Appellants. Decided and Entered: June 25, 2026 Index No. 650633/25|Appeal No. 6969|Case No. 2025-08078| Before: Webber, J.P., Kapnick, Gesmer, Pitt-Burke, Chan, JJ. Strauss Law PLLC, New York (Jesse Strauss of counsel), for appellants.

The Law Offices of Michael D. Steger, PC, Orangeburg (Michael D. Steger of counsel), for respondent. [*1] Order, Supreme Court, New York County (Robert R. Reed, J.), entered on or about November 18, 2025, which, to the extent appealed from, denied defendants' motion to dismiss plaintiff's breach of contract cause of action, unanimously affirmed, with costs.

This action concerns an agreement to manage and monetize the online social media presence of plaintiff Dr. Steven M. Greer, a public figure and content creator. The profit-sharing agreement at issue is composed of defendant FAM Networks, LLC's General Terms and the parties' Statement of Work.

The court properly denied defendants' motion to dismiss the breach of contract cause of action pursuant to CPLR 3211(a)(7). The complaint sufficiently states a claim for breach of contract, as it identifies the agreement, and alleges plaintiff's performance, defendants' breach of numerous provisions, including the profit-sharing agreement's payment obligations, and resulting damages (see *Harris v Seward Park Hous.*

Corp., 79 AD3d 425, 426 [1st Dept 2010]). Although the pleaded damages were imprecise, it is not fatal at this pre-answer, pre-discovery stage of the litigation (see *Chanko v American Broadcasting Cos. Inc.*, 27 NY3d 46, 56 [2016]).

Accordingly, we decline to consider defendants' alternative arguments for dismissal pursuant to CPLR 3211(a)(1). The action was not premature, as defendants did not prove that there was no notice or that the agreement's notice and mediation provisions were express conditions precedent (see *MCC Dev. Corp. v Perla*, 81 AD3d 474, 474 [1st Dept 2011], lv denied 17 NY3d 715 [2011]; *Oppenheimer & Co., Inc. v Oppenheim, Appel, Dixon & Co.*, 86 NY2d 685, 690 [1995]).

That either party "may" demand mediation suggests permissiveness (*Oppenheimer & Co., Inc.*, 86 NY2d at 690-691). As to the argument that plaintiff failed to invoke the agreement's audit procedures, defendants' alleged withholding of accountings frustrated the process (see *MHR Capital Partners LP*, 12 NY3d at 646).

In light of our determination, we need not reach plaintiff's alternative request for leave to amend, which, in any event, was improperly made without a motion, proposed amendment, or explanation for the delay (see *Heller v Louis Provenzano, Inc.*, 303 AD2d 20, 24 [1st Dept 2003]).

We have considered defendants' remaining contentions and find them unavailing. THIS CONSTITUTES THE DECISION AND ORDER OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT. ENTERED: June 25, 2026 Court Decisions All Court Decisions Official Reports Service Bound Volumes Decision Search Resources RSS Feeds Style Manual Citation Tools Opinion Formatting & Privacy Guidelines Opinion Selection Criteria Legal Research Portal Site Index About About the Law Reporting Bureau About our Operations Contact Us Twitter Quick Contact Info 17 Lodge Street Albany, NY 12207 Phone: (518) 453-6900 Links to or from other sites do not signify endorsement or relationship with them.