

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

Cuji v. 225 Fourth, LLC

2025 NY Slip Op 06601 (N.Y. Ct. App. 2025) · No. 2022-03597 · Decided November 26, 2025

SUMMARY

The Appellate Division, Second Department reversed a judgment dismissing the plaintiff's personal-injury action arising from demolition work and reinstated the complaint. The court held that the jury's verdict in favor of the defendants could not have been reached on any fair interpretation of the evidence and remitted the matter for a new trial.

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.; Robert J. Miller, J.; Janice A. Taylor, J.; Elena Goldberg Velazquez, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
DECIDED	November 26, 2025
DOCKET	2022-03597
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Plaintiff appealed from a judgment entered after a jury trial on liability that found plaintiff 100% at fault and defendants 0% at fault and dismissed the complaint.
STANDARD OF REVIEW	A jury verdict may be set aside as contrary to the weight of the evidence only when the evidence so preponderates in favor of the party challenging the verdict that the verdict could not have been reached on any fair interpretation of the evidence. There is no preservation requirement for weight-of-the-evidence review.
PRECEDENTIAL VALUE	Published
PARTIES	Estalin Cuji v. 225 Fourth, LLC, JRM Construction Management, LLC

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QUESTIONS PRESENTED

1. Whether the jury's verdict in favor of defendants could stand when the evidence did not fairly support the verdict.
2. Whether appellate review of the verdict as contrary to the weight of the evidence was subject to a preservation requirement.

HOLDINGS

1. The verdict in favor of defendants could not have been reached on any fair interpretation of the evidence and therefore had to be set aside.
2. There is no preservation requirement for appellate review of a verdict as contrary to the weight of the evidence.

KEY QUOTATIONS

*"A jury verdict against a party may be set aside as contrary to the weight of the evidence only if "the evidence so preponderated in favor of [that party] that the verdict could not have been reached on any fair interpretation of the evidence"" ([*1])*

*"Moreover, "there is no preservation requirement for weight of the evidence review"" ([*1])*

FACTUAL BACKGROUND

Cuji allegedly sustained personal injuries while performing demolition work at a building owned by 225 Fourth, LLC, where JRM Construction Management, LLC, was the general contractor. The jury found Cuji 100% at fault but also found that defendants failed to conduct continuous inspections for a weakened or deteriorated structure, failed to provide safe footing, and that those failures substantially contributed to the accident. The jury also found that the workplace was unsafe after being directed to deliberate further.

PROCEDURAL HISTORY

Cuji commenced a personal-injury action arising from demolition work at a building owned by 225 Fourth, LLC, with JRM Construction Management, LLC, serving as general contractor. Following a liability trial, the jury initially returned an internally inconsistent verdict. After the trial court directed further deliberations, the jury returned essentially the same verdict, adding a finding that the workplace was unsafe. The plaintiff's post-discharge oral application to set aside the verdict and for judgment as a matter of law was denied, and judgment was entered for defendants. The Appellate Division reversed, reinstated the complaint, and remitted for a new trial.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Reverse the judgment, reinstate the complaint, and remit the matter to Supreme Court, Queens County, for a new trial.

CASES CITED

- Lolik v Big V Supermarkets, 86 NY2d 744, 746
- Krohn v Schultz Ford Lincoln, Inc., ____ AD3d ____, ____, 2025 NY Slip Op 05072, *4
- Evans v New York City Tr. Auth., 179 AD3d 105, 111-113
- Perez v Paljevic, 31 AD3d 520, 521-522

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