

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

Jarrold W.S. v. Jordan-Elbridge Cent. Sch. Dist.

2026 NY Slip Op 02746 (Supreme Court of the State of New York Appellate Division Fourth Judicial
Department 2026) · No. 167 CA 25-00074 · Decided May 1, 2026

SUMMARY

The Appellate Division, Fourth Department dismissed the appeal insofar as it challenged denial of leave to reargue. It modified the order to grant leave to serve a late notice of claim for claims asserted on behalf of J.S., deem that notice timely served nunc pro tunc, and reinstate the amended complaint as to those claims.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Fourth Judicial Department
WRITING FOR THE COURT	Bannister, J.P.; Montour, J.; Greenwood, J.; Nowak, J.; Hannah, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Fourth Department
DECIDED	May 1, 2026
DOCKET	167 CA 25-00074
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs appealed from an order denying their motion for leave to reargue, leave to serve a late notice of claim, and recusal.
STANDARD OF REVIEW	Appellate review of an order denying leave to serve a late notice of claim, including discretionary review under the applicable statutory standard; the court also dismissed the nonappealable portion concerning leave to reargue.
PRECEDENTIAL VALUE	Published intermediate appellate decision
PARTIES	Jarrold W.S., Michelle A.S., Jarrold W.S. and Michelle A.S., on behalf of their infant children, J.S. and O.S. v. Jordan-Elbridge Central School District, Defendants-respondents

TOPICS

appellate procedure

motion for reconsideration

civil procedure

municipal law

PRACTICE AREAS

civil procedure

municipal law

appellate procedure

QUESTIONS PRESENTED

1. Whether the appeal from the denial of leave to reargue was reviewable.
2. Whether plaintiffs should be granted leave to serve a late notice of claim with respect to claims asserted on behalf of J.S.
3. Whether the amended complaint should be reinstated with respect to those claims.
4. Whether the order should otherwise be affirmed, including its denial of recusal.

HOLDINGS

1. The appeal was dismissed insofar as it challenged the denial of leave to reargue.
2. In the exercise of its discretion, the court granted plaintiffs' motion in part for leave to serve a late notice of claim with respect to claims asserted on behalf of J.S. and deemed the notice of claim timely served nunc pro tunc.
3. The amended complaint was reinstated with respect to the claims asserted on behalf of J.S.

FACTUAL BACKGROUND

The underlying action involved claims asserted by Jarrod W.S. and Michelle A.S., including claims brought on behalf of their infant children, J.S. and O.S., against the Jordan-Elbridge Central School District and other defendants. Plaintiffs sought permission to serve a late notice of claim and sought reinstatement of the amended complaint with respect to claims asserted on behalf of J.S. The opinion provides no further factual background because it adopts the memorandum from the related appeal.

PROCEDURAL HISTORY

The Supreme Court, Onondaga County, entered an order on January 8, 2025, denying plaintiffs' motion. On appeal, the Appellate Division unanimously dismissed the appeal insofar as it challenged denial of reargument, exercised its discretion to grant leave to serve a late notice of claim for claims asserted on behalf of J.S., deemed that notice timely served nunc pro tunc, reinstated the amended complaint as to those claims, and affirmed the order as modified.

DISPOSITION

other

OPINION

PER CURIAM.

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Appellate Division, Fourth Department

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JARROD W.S. AND MICHELLE A.S., AND JARROD W.S. AND MICHELLE A.S., ON BEHALF OF THEIR INFANT CHILDREN, J.S. AND O.S., PLAINTIFFS-APPELLANTS,

v

JORDAN-ELBRIDGE CENTRAL SCHOOL DISTRICT, ET AL., DEFENDANTS-RESPONDENTS. (APPEAL NO. 2.)

Supreme Court of the State of New York, Appellate Division, Fourth Judicial Department

Decided on May 1, 2026

167 CA 25-00074

Present: Bannister, J.P., Montour, Greenwood, Nowak, And Hannah, JJ.

SMITH PARRY, P.L.L.C., JORDAN (JARROD W. SMITH OF COUNSEL), FOR PLAINTIFFS-APPELLANTS.

BOND, SCHOENECK & KING, PLLC, SYRACUSE (RICHARD L. WEBER OF COUNSEL), FOR DEFENDANTS-RESPONDENTS.

Appeal from an order of the Supreme Court, Onondaga County (Robert E. Antonacci, II, J.), entered January 8, 2025. The order denied the motion of plaintiffs for leave to reargue, for leave to serve a late notice of claim, and for recusal.

[*1] It is hereby ORDERED that said appeal from the order insofar as it denied leave to reargue is unanimously dismissed and the order is modified in the exercise of discretion by granting the motion in part insofar as it sought leave to serve a late notice of claim with respect to the claims asserted on behalf of J.S., deeming the notice of claim with respect to those claims timely served nunc pro tunc, and reinstating the amended complaint with respect to those claims, and as modified the order is affirmed without costs.

Same memorandum as in *Jarrold W.S. v Jordan-Elbridge Cent. Sch. Dist.* ([appeal No. 1] — AD3d — [May 1, 2026] [4th Dept 2026]).

Entered: May 1, 2026

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PER CURIAM.

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PER CURIAM.

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