

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

Rohauer v. Guilderland Cent. Sch. Dist.

Rohauer, 2026 NY Slip Op 02709 (Appellate Division of the Supreme Court of the State of New York Third Department 2026) · No. CV-25-1521 · Decided April 30, 2026

SUMMARY

The Appellate Division, Third Department held that Supreme Court abused its discretion by denying the plaintiff leave to amend the complaint to add a negligence cause of action. The court found no undue prejudice or surprise to the school district and directed the plaintiff to serve the amended complaint within 20 days.

CASE DETAILS

COURT	Appellate Division of the Supreme Court of the State of New York, Third Department
WRITING FOR THE COURT	Reynolds Fitzgerald, J.P.; Powers, J.; Mackey, J.; Ryba, J.
JURISDICTION	New York Appellate Division, Third Department
DECIDED	April 30, 2026
DOCKET	CV-25-1521
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Plaintiff appealed from an order of Supreme Court, Albany County, that partially denied her motion to amend the complaint to add a negligence cause of action.
STANDARD OF REVIEW	A trial court's decision on leave to amend a complaint is reviewed for clear abuse of discretion. Leave to amend should generally be freely granted absent prejudice or surprise resulting directly from the delay, unless the proposed amendment is palpably insufficient or patently devoid of merit.
PRECEDENTIAL VALUE	published
PARTIES	Riley Rohauer v. Guilderland Central School District, Jon Kauffmann

TOPICS

- motion to amend
- pleadings
- civil procedure
- negligence
- municipal law

PRACTICE AREAS

civil procedure

negligence

municipal law

personal injury

QUESTIONS PRESENTED

1. Whether Supreme Court abused its discretion by denying plaintiff's pre-note-of-issue motion to amend the complaint to add a negligence cause of action.
2. Whether the proposed negligence amendment was palpably insufficient or patently devoid of merit because plaintiff also alleged intentional conduct.
3. Whether the school district established surprise or prejudice from the proposed amendment.

HOLDINGS

1. A motion for leave to amend must generally be freely granted when the proposed amendment is not palpably insufficient or patently devoid of merit and the opposing party cannot demonstrate prejudice or surprise resulting directly from the delay.
2. At the amendment stage, plaintiff need not establish the ultimate merits of the proposed negligence claim; plaintiff need only demonstrate that the claim is not palpably insufficient or patently meritless.
3. A defendant's increased potential liability from an amendment, without more, does not constitute the prejudice required to deny leave to amend.

KEY QUOTATIONS

“The rule on a motion for leave to amend a pleading is that, in the absence of prejudice or surprise resulting directly from the delay in seeking leave, such applications are to be freely granted unless the proposed amendment is palpably insufficient or patently devoid of merit” ([*1])

“plaintiff need not establish the merits of the proposed amendments at this stage” ([*2])

“prejudice is more than the mere exposure of an opposing party to greater liability” ([*2])

FACTUAL BACKGROUND

In November 2019, Riley Rohauer, then a student at Guilderland Central School District, was struck in the back of the head by history teacher Jon Kauffmann. Rohauer's original claims included battery and intentional infliction of emotional distress against Kauffmann and negligent hiring, training, and supervision and negligent infliction of emotional distress against the school district. During discovery, Kauffmann testified that he did not intentionally strike Rohauer and that the contact was accidental, prompting Rohauer to seek leave to add a negligence claim.

PROCEDURAL HISTORY

Plaintiff commenced the action in August 2022 after obtaining permission to serve a late notice of claim. After a General Municipal Law § 50-h hearing and discovery, Guilderland moved for summary judgment, and plaintiff moved to amend the pleadings before the note of issue was filed. Supreme Court denied the requested

negligence amendment based on delay and prejudice. The Appellate Division modified the order, reversed the denial of the negligence amendment, granted that portion of plaintiff's motion, and otherwise affirmed.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The order was modified by reversing the portion denying plaintiff's motion to add a negligence cause of action. The motion was granted to that extent, the order was otherwise affirmed, and plaintiff was directed to serve the amended complaint within 20 days of the court's decision.

CASES CITED

- Passeri v. Brody, 199 AD3d 1260, 1261-1262 (3d Dept 2021)
- Mohammed v. New York State Professional Fire Fighters Assn., Inc., 209 AD3d 1151, 1152 (3d Dept 2022)
- Walden v. Varricchio, 195 AD3d 1111, 1112-1113 (3d Dept 2021)
- NYAHSa Servs., Inc., Self-Ins. Trust v. People Care Inc., 156 AD3d 99, 101, 103 (3d Dept 2017)
- Place v. Preferred Mut. Ins. Co., 190 AD3d 1208, 1212 (3d Dept 2021)
- Matter of Falck, 232 AD3d 1150, 1154 (3d Dept 2024)
- Matter of Perkins v. Town of Dryden Planning Bd., 172 AD3d 1695, 1697 (3d Dept 2019)
- Rutz v. Kellum, 144 AD2d 1017, 1018 (4th Dept 1988)
- Perkins v. New York State Elec. & Gas Corp., 91 AD2d 1121, 1122 (3d Dept 1983)

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