

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

Barlotta v. American Honda Motor Co., Inc.

Barlotta, 2026 NY Slip Op 01121 (Supreme Court of the State of New York Appellate Division First Department 2026) · No. Index No. 190020/21; Appeal No. 5943; Case No. 2024-07922 · Decided February 26, 2026

SUMMARY

The Appellate Division, First Department affirmed the denial of American Honda Motor Co., Inc.'s motion for summary judgment in an asbestos-exposure action. The court held that Honda did not unequivocally establish that its vehicles could not have contributed to the decedent's injury and that the plaintiffs' evidence raised a triable issue of fact regarding asbestos exposure from Honda vehicles.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, First Department
WRITING FOR THE COURT	Kennedy, J.P.; Scarpulla, J.; Kapnick, J.; González, J.; Rodriguez, J.
JURISDICTION	Appellate Division, First Department, New York
DECIDED	February 26, 2026
DOCKET	Index No. 190020/21; Appeal No. 5943; Case No. 2024-07922
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from an order denying American Honda Motor Co., Inc.'s motion for summary judgment dismissing the complaint.
STANDARD OF REVIEW	On a motion for summary judgment, the moving defendant must establish entitlement to judgment as a matter of law by unequivocally establishing that its product could not have contributed to causation; if a prima facie showing is made, the opposing evidence must be viewed to determine whether a triable issue of fact remains.
PRECEDENTIAL VALUE	Published opinion; precedential in the First Department subject to correction and revision in the Official Reports.
PARTIES	American Honda Motor Co., Inc. (AHM) v. Thomas Barlotta et al.

TOPICS

- products liability
- summary judgment
- standard of review
- personal injury
- appellate procedure

PRACTICE AREAS

products liability

personal injury

civil procedure

appellate procedure

QUESTIONS PRESENTED

1. Whether AHM established as a matter of law that its vehicles could not have contributed to the decedent's asbestos-related injury.
2. Whether the plaintiffs' testimony and interrogatory responses raised a triable issue of fact concerning the decedent's exposure to asbestos from AHM vehicles.

HOLDINGS

1. AHM was not entitled to summary judgment because it failed to unequivocally establish that its product could not have contributed to the decedent's injury.

KEY QUOTATIONS

*“AHM failed to “unequivocally establish that its product could not have contributed to the causation of” decedent's injury” ([*1])*

*“Even if AHM established its prima facie case, plaintiff Barlotta's testimony and decedent's interrogatory responses raised a triable issue of fact as to whether decedent was exposed to asbestos through his contact with defendant's vehicles” ([*1])*

FACTUAL BACKGROUND

The decedent allegedly encountered asbestos exposure while working with or around vehicles manufactured by AHM. AHM did not dispute that its vehicles were equipped with asbestos-containing brakes during the relevant exposure period. Thomas Barlotta testified that he sometimes assisted the decedent with brake jobs and observed the decedent replacing brake components on Hondas, while the decedent's interrogatory responses also supported exposure through contact with AHM vehicles.

PROCEDURAL HISTORY

The Supreme Court, New York County, denied AHM's motion for summary judgment on November 22, 2024. The Appellate Division, First Department, unanimously affirmed the order without costs.

DISPOSITION

affirmed

CASES CITED

- Matter of New York City Asbestos Litig., 122 AD3d 520, 521 (1st Dept 2014)
- Carboni v. Alfa Romeo USA, 223 AD3d 585, 586 (1st Dept 2024)

OPINION

Barlotta v. American Honda Motor Co., Inc. 2026 NY Slip Op 01121

PER CURIAM.

Barlotta v American Honda Motor Co., Inc. (2026 NY Slip Op 01121) Barlotta v American Honda Motor Co., Inc. 2026 NY Slip Op 01121 Decided on February 26, 2026 Appellate Division, First Department Published by New York State Law Reporting Bureau pursuant to Judiciary Law § 431. This opinion is uncorrected and subject to revision before publication in the Official Reports. Decided and Entered: February 26, 2026 Before: Kennedy, J.P., Scarpulla, Kapnick, González, Rodriguez, JJ. Index No. 190020/21|Appeal No. 5943|Case No. 2024-07922|[*1]Thomas Barlotta et al., Plaintiffs-Respondents, v American Honda Motor Co., Inc. (AHM), Defendant-Appellant, A.O. Smith Water Products Co. et al., Defendants. Segal McCambridge Singer & Mahoney, LTD, New York (Heather Janis Gaw of counsel), for appellant. Weitz and Luxenburg, P.C., New York (Meredith Abrams of counsel), for respondents. Order, Supreme Court, New York County (Adam Silvera, J.), entered November 22, 2024, which denied the motion of defendant American Honda Motor Co., Inc. (AHM) for summary judgment dismissing the complaint, unanimously affirmed, without costs. AHM failed to "unequivocally establish that its product could not have contributed to the causation of" decedent's injury (Matter of New York City Asbestos Litig. , 122 AD3d 520, 521 [1st Dept 2014]). AHM does not dispute that its vehicles were equipped with asbestos-containing brakes during the period decedent alleged he was exposed. Moreover, and as Supreme Court correctly found, AHM cherry-picked and mischaracterized portions of plaintiff Thomas Barlotta's testimony in support of its motion, which was insufficient to satisfy its burden. Even if AHM established its prima facie case, plaintiff Barlotta's testimony and decedent's interrogatory responses raised a triable issue of fact as to whether decedent was exposed to asbestos through his contact with defendant's vehicles (see Carboni v Alfa Romeo USA , 223 AD3d 585, 586 [1st Dept 2024]). Barlotta testified that while he primarily pumped gas, there were days in which he was in the shop and assisted decedent with "brake jobs" and witnessed decedent working on Hondas "replacing brake components." We have considered AHM's remaining contentions and find them unavailing.THIS CONSTITUTES THE DECISION AND ORDER OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT. ENTERED: February 26, 2026

PER CURIAM.

Barlotta v American Honda Motor Co., Inc. (2026 NY Slip Op 01121) Barlotta v American Honda Motor Co., Inc. 2026 NY Slip Op 01121 Decided on February 26, 2026 Appellate Division, First Department Published by New York State Law Reporting Bureau pursuant to Judiciary Law § 431. This opinion is uncorrected and subject to revision before publication in the Official Reports. Decided and Entered: February 26, 2026 Before: Kennedy, J.P., Scarpulla, Kapnick, González, Rodriguez, JJ. Index No. 190020/21|Appeal No. 5943|Case No. 2024-07922|[*1]Thomas Barlotta et al., Plaintiffs-Respondents, v American Honda Motor Co., Inc. (AHM), Defendant-Appellant, A.O. Smith Water Products Co. et al., Defendants. Segal McCambridge

Singer & Mahoney, LTD, New York (Heather Janis Gaw of counsel), for appellant. Weitz and Luxenburg, P.C., New York (Meredith Abrams of counsel), for respondents. Order, Supreme Court, New York County (Adam Silvera, J.), entered November 22, 2024, which denied the motion of defendant American Honda Motor Co., Inc. (AHM) for summary judgment dismissing the complaint, unanimously affirmed, without costs. AHM failed to "unequivocally establish that its product could not have contributed to the causation of" decedent's injury (Matter of New York City Asbestos Litig. , 122 AD3d 520, 521 [1st Dept 2014]). AHM does not dispute that its vehicles were equipped with asbestos-containing brakes during the period decedent alleged he was exposed. Moreover, and as Supreme Court correctly found, AHM cherry-picked and mischaracterized portions of plaintiff Thomas Barlotta's testimony in support of its motion, which was insufficient to satisfy its burden. Even if AHM established its prima facie case, plaintiff Barlotta's testimony and decedent's interrogatory responses raised a triable issue of fact as to whether decedent was exposed to asbestos through his contact with defendant's vehicles (see Carboni v Alfa Romeo USA , 223 AD3d 585 , 586 [1st Dept 2024]). Barlotta testified that while he primarily pumped gas, there were days in which he was in the shop and assisted decedent with "brake jobs" and witnessed decedent working on Hondas "replacing brake components." We have considered AHM's remaining contentions and find them unavailing. THIS CONSTITUTES THE DECISION AND ORDER OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT. ENTERED: February 26, 2026