

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

Gorgia v. Dolan

Gorgia, 2026 NY Slip Op 03665 (Supreme Court of the State of New York Appellate Division Second Judicial Department 2026) · No. 2022-00751 · Decided June 10, 2026

SUMMARY

The New York Appellate Division, Second Department, affirmed dismissal of claims brought by a former seminarian alleging employment discrimination, breach of fiduciary duty, fraud, and related causes of action against Catholic organizations and individuals. The court held that claims against the Pontifical North American College and one faculty member were properly dismissed for lack of personal jurisdiction, while claims against the Archdiocese and Timothy Dolan were nonjusticiable because resolving them would require inquiry into religious doctrine and practice. The court also upheld denial of leave to amend because the plaintiff did not submit a proposed amended complaint.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
WRITING FOR THE COURT	Lara J. Genovesi, J.P.; Lillian Wan; Janice A. Taylor; Donna-Marie E. Golia
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
DECIDED	June 10, 2026
DOCKET	2022-00751
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiff appealed from an order granting defendants' CPLR 3211 motions to dismiss various causes of action and denying plaintiff's cross-motion for leave to amend the complaint.
STANDARD OF REVIEW	On a CPLR 3211(a)(8) motion, the plaintiff must make a prima facie showing that the defendant is subject to personal jurisdiction. The court also reviewed dismissal under CPLR 3211(a)(2) for nonjusticiability and denial of leave to amend under CPLR 3025(b).
PRECEDENTIAL VALUE	Published

PARTIES

Anthony J. Gorgia v. Timothy Dolan, Roman Catholic Archdiocese of New York, Adam Park, Peter Harman, Pontifical North American College, John Geary McDonald

TOPICS

personal jurisdiction

employment discrimination

first amendment

motions to dismiss

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QUESTIONS PRESENTED

1. Whether the Supreme Court had personal jurisdiction under CPLR 302(a)(1), (2), or (3) over the Pontifical North American College and Peter Harman based on their alleged New York activities and Harman's communication with Timothy Dolan in New York.
2. Whether the ADNY defendants waived their objection to late service of the complaint under CPLR 3012(b) by retaining the complaint and stipulating to extensions of time to answer without timely objecting under CPLR 2101(f).
3. Whether the claims against the Roman Catholic Archdiocese of New York and Timothy Dolan were nonjusticiable under the First Amendment because resolving them would require an inquiry into religious doctrine or practice.
4. Whether leave to amend was properly denied under CPLR 3025(b) because plaintiff failed to submit a proposed amended complaint.

HOLDINGS

1. The plaintiff failed to make a prima facie showing of personal jurisdiction under CPLR 302(a)(1), (2), or (3) over the NAC and Harman, so dismissal of the specified claims against them for lack of personal jurisdiction was proper.
2. The ADNY defendants waived their objection to late service of the complaint by retaining it without timely objecting and stipulating to extensions of time to answer.
3. The claims against the ADNY defendants were properly dismissed under CPLR 3211(a)(2) because adjudicating whether plaintiff's progress in "human formation" was satisfactory would necessarily require an impermissible inquiry into religious doctrine or practice.
4. The denial of leave to amend was proper because the plaintiff failed to submit a proposed amended complaint with the motion.

KEY QUOTATIONS

"If resolution of issues raised in an action would "necessarily involve an impermissible inquiry into religious doctrine or practice," then the causes of action should be dismissed as nonjusticiable pursuant to CPLR 3211(a)(2)" (at [4])

“'[T]he residence or domicile of the injured party within a State is not a sufficient predicate for jurisdiction, which must be based upon a more direct injury within the State and a closer expectation of consequences within the State than the indirect financial loss resulting from the fact that the injured person resides or is domiciled there'” (at [3])

“'[A]ny motion to amend or supplement pleadings shall be accompanied by the proposed amended or supplemental pleading clearly showing the changes or additions to be made to the pleading.'” (at [4])

FACTUAL BACKGROUND

In 2015, Gorgia was accepted as a seminarian of the Roman Catholic Archdiocese of New York, and in 2017 he enrolled at the Pontifical North American College in Rome to study for ordination as a Catholic priest. After returning to New York for urgent surgery in November 2018, he was informed that he could not return to the college for the following semester because of his extended absence, failure to obtain permission for the trip, and allegedly inadequate progress in "human formation." Gorgia alleged that these reasons were pretextual and that he was excluded to prevent him from reporting inappropriate sexual conduct by a faculty member, ultimately resigning as an ADNY seminarian.

PROCEDURAL HISTORY

Gorgia sued religious institutions and individuals, alleging employment discrimination based on sexual orientation and disability, breach of fiduciary duty, fraud, intentional infliction of emotional distress, tortious interference with prospective economic advantage, and wrongful discharge. Supreme Court, Richmond County, dismissed specified claims against the NAC defendants for lack of personal jurisdiction and dismissed claims against the ADNY defendants based in part on late service and, alternatively, nonjusticiability; it also denied leave to amend because plaintiff did not submit a proposed amended complaint. The Appellate Division affirmed insofar as appealed from, but clarified that the ADNY defendants waived their objection to late service and that the claims against them were properly dismissed as nonjusticiable under CPLR 3211(a)(2).

DISPOSITION

affirmed

CASES CITED

- Whitcraft v. Runyon, 123 AD3d 811, 812
- Weitz v. Weitz, 85 AD3d 1153, 1153
- Doe v. McCormack, 100 AD3d 685, 685
- Peterson v. Spartan Indus., 33 NY2d 463, 466
- Manning v. Budget Rent A Car, 241 AD3d 676, 678
- Qudsi v. Larios, 173 AD3d 920, 922-923
- Greenfader v. Chicago Sch. of Professional Psychology, 222 AD3d 845, 846-847
- State of New York v. Vayu, Inc., 39 NY3d 330, 332
- Aybar v. US Tires & Wheels of Queens, LLC, 211 AD3d 40, 48-49

- Skutnik v. Messina, 178 AD3d 744, 745
- Apicella v. Valley Forge Military Academy & Jr. Coll., 103 AD2d 151, 154
- Paterno v. Laser Spine Inst., 24 NY3d 370, 377
- Bloomgarden v. Lanza, 143 AD3d 850, 851-852
- Bauer Indus. v. Shannon Luminous Materials Co., 52 AD2d 897, 898
- Platt Corp. v. Platt, 17 NY2d 234, 237
- Kramer v. Vogl, 17 NY2d 27, 31
- SOS Capital v. Recycling Paper Partners of PA, LLC, 220 AD3d 25, 37
- Barbetta v. NBCUniversal Media, LLC, 227 AD3d 763, 765
- Fantis Foods v. Standard Importing Co., 49 NY2d 317, 326
- Fanelli v. Latman, 202 AD3d 758, 760
- U.S. Bank N.A. v. Lopez, 192 AD3d 849, 850
- Glass v. Captain Hulbert House, LLC, 103 AD3d 607, 608-609
- Nagel v. Sonnenberg, 74 AD2d 565, 565
- Betancourt v. Delta Airlines, Inc., 60 AD3d 609, 609
- New Hope Christian Church, Inc. v. Parks, 236 AD3d 669, 670-671
- Matter of Congregation Yetev Lev D'Satmar, Inc. v. Kahana, 9 NY3d 282, 286, 288
- Rodzianko v. Parish of the Russian Orthodox Holy Virgin Protection Church, Inc., 117 AD3d 706, 707
- Eltingville Lutheran Church v. Rimbo, 174 AD3d 856, 858-859
- McKelvey v. Pierce, 173 NJ 26, 54-55, 800 A2d 840, 857-858
- Russian Orthodox Convent Novo-Diveevo, Inc. v. Sukharevskaya, 166 AD3d 1036, 1038
- Drake v. Moulton Mem. Baptist Church of Newburgh, 93 AD3d 685, 686
- Onco360 Holdings 1, Inc. v. McDermott Will & Emery, LLP, 238 AD3d 890, 893
- U.S. Bank, N.A. v. Nathan, 173 AD3d 1112, 1115
- G4 Noteholder, LLC v. LDC Props., LLC, 153 AD3d 1326, 1327