

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

Farrell v. Marist College

2026 NY Slip Op 01490 · No. 2022-05134 · Decided March 18, 2026

SUMMARY

The Appellate Division, Second Department affirmed an order granting summary judgment to Marist College and a cheerleading coach in a personal injury action arising from a cheerleading stunt. The court held that the plaintiff, an experienced cheerleader, assumed the inherent risks of cheerleading, including injuries resulting from a teammate falling during a pyramid formation and participation while fatigued.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
WRITING FOR THE COURT	Francesca E. Connolly, J.P.; Valerie Brathwaite Nelson, J.; Phillip Hom, J.; Elena Goldberg Velazquez, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Second Department
DECIDED	March 18, 2026
DOCKET	2022-05134
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiff appealed from an order granting defendants' motion for summary judgment dismissing the complaint in a personal-injury action.
STANDARD OF REVIEW	The Appellate Division reviewed the grant of summary judgment to determine whether defendants demonstrated entitlement to judgment as a matter of law and whether plaintiff raised a triable issue of fact.
PRECEDENTIAL VALUE	Published intermediate appellate opinion
PARTIES	Ryan Lynne Farrell v. Marist College, Kristen Rudemyer

TOPICS

- assumption of risk
- summary judgment
- personal injury
- appellate procedure
- torts

PRACTICE AREAS

torts personal injury civil procedure appellate procedure

QUESTIONS PRESENTED

1. Whether the doctrine of primary assumption of risk barred Farrell's personal-injury claims arising from her voluntary participation in a cheerleading stunt.
2. Whether defendants were entitled to summary judgment because they demonstrated that Farrell accepted the inherent risks of cheerleading and Farrell failed to raise a triable issue of fact.

HOLDINGS

1. A participant who voluntarily engages in cheerleading, including stunts, assumes risks that are inherent in the activity, including risks associated with a pyramid formation, a teammate falling, and participation while fatigued.
2. Defendants were entitled to summary judgment dismissing the complaint because they demonstrated that Farrell voluntarily engaged in cheerleading and knew the inherent risks, and Farrell failed to raise a triable issue of fact in opposition.

KEY QUOTATIONS

“Under the doctrine of primary assumption of risk, a person who voluntarily participates in a sporting activity generally consents, by such participation, to those injury-causing events, conditions, and risks which are inherent in the activity” (2026 NY Slip Op 01490 at *1)

“Risks inherent in a sporting activity are those which are known, apparent, natural, or reasonably foreseeable consequences of the participation” (2026 NY Slip Op 01490 at *1)

“It is not necessary to the application of assumption of risk that the injured plaintiff have foreseen the exact manner in which his or her injury occurred, so long as he or she is aware of the potential for injury of the mechanism from which the injury results” (2026 NY Slip Op 01490 at *1)

FACTUAL BACKGROUND

Ryan Lynne Farrell, an experienced cheerleader at Marist College, was injured during a cheerleading exhibition when a teammate fell on her during a pyramid formation. Farrell alleged that the cheerleading coach negligently allowed her to participate while she was hungover from consuming alcohol the night before. Defendants established that Farrell voluntarily participated in cheerleading and its stunts, and the court concluded that the risks associated with the pyramid formation and possible fatigue were inherent in the activity.

PROCEDURAL HISTORY

Farrell commenced an action against Marist College and cheerleading coach Kristen Rudemyer alleging negligence, including that Rudemyer allowed Farrell to participate in a cheerleading exhibition while Farrell was hungover. The Supreme Court, Dutchess County, granted defendants' motion for summary judgment dismissing the complaint. The Appellate Division affirmed.

DISPOSITION

affirmed

CASES CITED

- *Katleski v. Cazenovia Golf Club, Inc.*, 44 N.Y.3d 212, 218
- *Morgan v. State of New York*, 90 N.Y.2d 471, 484
- *O'Connor v. Hewlett-Woodmere Union Free Sch. Dist.*, 103 A.D.3d 862, 863
- *Maddox v. City of New York*, 66 N.Y.2d 270, 278
- *Grady v. Chenango Val. Cent. Sch. Dist.*, 40 N.Y.3d 89, 95
- *Benitez v. New York City Bd. of Educ.*, 73 N.Y.2d 650, 659
- *Kristina D. v. Nesaquake Middle Sch.*, 98 A.D.3d 600, 600-601
- *Testa v. East Meadow Union Free Sch. Dist.*, 92 A.D.3d 940, 941
- *Lomonico v. Massapequa Pub. Schs.*, 84 A.D.3d 1033, 1034
- *Stach v. Warwick Val. Cent. Sch. Dist.*, 106 A.D.3d 720, 721
- *DiGiuse v. Bellmore-Merrick Cent. High Sch. Dist.*, 50 A.D.3d 623, 624
- *Jurgensen v. Webster Cent. Sch. Dist.*, 126 A.D.3d 1423, 1424-1425

OPINION

PER CURIAM.

Farrell v Marist Coll. (2026 NY Slip Op 01490) Farrell v Marist Coll. 2026 NY Slip Op 01490
Decided on March 18, 2026 Appellate Division, Second 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 on March 18, 2026 SUPREME
COURT OF THE STATE OF NEW YORK Appellate Division, Second Judicial Department
FRANCESCA E. CONNOLLY, J.P.

VALERIE BRATHWAITE NELSON PHILLIP HOM ELENA GOLDBERG VELAZQUEZ, JJ.
2022-05134 (Index No. 80004/21) [*1]Ryan Lynne Farrell, appellant, v Marist College, et al.,
respondents. Bendall & Mednick (Powers & Santola, LLP, Albany, NY [Michael J. Hutter], of
counsel), for appellant. Gordon Rees Scully Mansukhani, LLP, Harrison, NY (Julia E. Braun of
counsel), for respondents.

DECISION & ORDER In an action to recover damages for personal injuries, the plaintiff appeals
from an order of the Supreme Court, Dutchess County (Christi J. Acker, J.), dated June 7, 2022.
The order granted the defendants' motion for summary judgment dismissing the complaint.
ORDERED that the order is affirmed, with costs.

The plaintiff, an experienced cheerleader at the defendant Marist College, allegedly was injured during a cheerleading exhibition when a teammate fell on her during the performance of a "pyramid formation." The plaintiff commenced this action against Marist College and her cheerleading coach, Kristen Rudemyer, alleging, inter alia, that Rudemyer was negligent in allowing the plaintiff to participate when the plaintiff was hungover from having consumed alcohol the night before.

The defendants moved for summary judgment dismissing the complaint. The Supreme Court granted the motion. The plaintiff appeals. Under the doctrine of primary assumption of risk, a person who voluntarily participates in a sporting activity generally consents, by such participation, to those injury-causing events, conditions, and risks which are inherent in the activity (see *Katleski v Cazenovia Golf Club, Inc.*, 44 NY3d 212, 218; *Morgan v State of New York*, 90 NY2d 471, 484).

"Risks inherent in a sporting activity are those which are known, apparent, natural, or reasonably foreseeable consequences of the participation" (*O'Connor v Hewlett-Woodmere Union Free Sch. Dist.*, 103 AD3d 862, 863; see *Morgan v State of New York*, 90 NY2d at 484). "It is not necessary to the application of assumption of risk that the injured plaintiff have foreseen the exact manner in which his or her injury occurred, so long as he or she is aware of the potential for injury of the mechanism from which the injury results" (*Maddox v City of New York*, 66 NY2d 270, 278; see *Grady v Chenango Val.*

Cent. Sch. Dist., 40 NY3d 89, 95). Thus, the risks of becoming injured due to fatigue (see *Benitez v New York City Bd. of Educ.*, 73 NY2d 650, 659), and the plaintiff or a teammate falling during a cheerleading stunt (see *Kristina D. v Nesaquake Middle Sch.*, 98 AD3d 600, 600-601; *Testa v East Meadow Union Free School Dist.*, 92 AD3d 940, 941; *Lomonico v Massapequa Pub.*

Schools, 84 AD3d 1033, 1034), even when the cheerleading risks were enhanced due to a bare floor (see *Stach v Warwick Val. Cent. Sch. Dist.*, 106 AD3d 720, 721; *DiGiose v Bellmore-Merrick* [*2]*Cent. High School Dist.*, 50 AD3d 623, 624) or a teammate participating with a sprained ankle (see *Jurgensen v Webster Cent. Sch. Dist.*, 126 AD3d 1423, 1424-1425), are risks various participants are legally deemed to have accepted personal responsibility for because they commonly inhere in the nature of those activities (see *Morgan v State of New York*, 90 NY2d at 484).

Here, the defendants demonstrated that the plaintiff voluntarily engaged in the activity of cheerleading, including the performance of stunts, and that, as an experienced cheerleader, she knew the risks inherent in the activity, including those associated with participating in the pyramid formation (see *Stach v Warwick Val. Cent. Sch. Dist.*, 106 AD3d at 721; *Kristina D. v Nesaquake Middle Sch.*, 98 AD3d at 600-601), and participating when she may have been fatigued (see *Benitez v New York City Bd. of Educ.*, 73 NY2d at 659).

In opposition, the plaintiff failed to raise a triable issue of fact. Accordingly, the Supreme Court properly granted the defendants' motion for summary judgment dismissing the complaint. CONNOLLY, J.P., BRATHWAITE NELSON, HOM and GOLDBERG VELAZQUEZ, JJ., concur.
ENTER: Darrell M. Joseph Clerk of the Court

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