

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

Ryan v. Guadagnino

2026 NY Slip Op 01390 (N.Y. Ct. App. 2026) · No. 2021-00440 · Decided March 11, 2026

SUMMARY

The Appellate Division, Second Department affirmed an order granting defendants summary judgment dismissing Thomas Ryan's unjust enrichment claim and denying the plaintiffs' cross-motion for summary judgment. The court held that defendants established the absence of a relationship supporting reliance or inducement and showed that the unjust enrichment claim duplicated tort claims. The plaintiffs failed to raise a triable issue of fact.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
WRITING FOR THE COURT	Per Curiam; Francesca E. Connolly, J.P.; Paul Wooten, J.; Helen Voutsinas, J.; Janice A. Taylor, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
DECIDED	March 11, 2026
DOCKET	2021-00440
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiff Thomas Ryan appealed from an order granting defendants' motion for summary judgment dismissing the unjust-enrichment cause of action and denying plaintiffs' cross-motion for summary judgment on liability.
STANDARD OF REVIEW	Summary judgment is appropriate where the movant establishes entitlement to judgment as a matter of law and the opposing party fails to raise a triable issue of fact.
PRECEDENTIAL VALUE	Published New York appellate decision
PARTIES	Thomas Ryan v. Michael Pugliese, High Rock Development, LLC, Pugliese Construction Corp., Anthony Pugliese

TOPICS

real estate

construction law

remedies

summary judgment

appellate procedure

PRACTICE AREAS

real estate

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unjust enrichment

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QUESTIONS PRESENTED

1. Whether defendants were entitled to summary judgment dismissing plaintiffs' unjust-enrichment cause of action because the parties lacked a relationship sufficient to support reliance or inducement.
2. Whether the unjust-enrichment cause of action was duplicative of plaintiffs' tort claims.
3. Whether plaintiffs raised a triable issue of fact or were entitled to summary judgment on liability.

HOLDINGS

1. Defendants were entitled to summary judgment because they established that they did not have a relationship with plaintiffs that could have caused reliance or inducement, and plaintiffs failed to raise a triable issue of fact.
2. Defendants established prima facie that the unjust-enrichment cause of action duplicated plaintiffs' tort causes of action, providing an additional basis for dismissal.
3. Plaintiffs were not entitled to summary judgment on liability because defendants established entitlement to judgment as a matter of law and plaintiffs failed to raise a triable issue of fact.

KEY QUOTATIONS

"To establish an unjust enrichment cause of action, a plaintiff must allege that (1) the other party was enriched, (2) at that party's expense, and (3) it is against equity and good conscience to permit the other party to retain what is sought to be recovered" ([*2])

"In addition, a cause of action for unjust enrichment requires a showing of reliance and is based on an obligation imposed by equity to prevent injustice, in the absence of an actual agreement between the parties" ([*2])

"Further, 'an unjust enrichment claim is not available where it simply duplicates, or replaces, a conventional contract or tort claim'" ([*2])

FACTUAL BACKGROUND

Defendants constructed single-family houses on land adjacent to and abutting plaintiffs' property. Plaintiffs alleged that defendants misappropriated and encroached upon a portion of plaintiffs' real property and were unjustly enriched as a result. The defendants demonstrated that they lacked a relationship with plaintiffs that could have caused reliance or inducement and that the unjust-enrichment claim duplicated tort claims.

PROCEDURAL HISTORY

The plaintiffs commenced an action alleging, among other claims, that defendants misappropriated and encroached upon part of plaintiffs' real property during construction of adjacent single-family houses and were thereby unjustly enriched. Defendants moved for summary judgment dismissing the unjust-enrichment claim, and plaintiffs cross-moved for summary judgment on liability. The Supreme Court, Richmond County, granted defendants' motion as to unjust enrichment and denied the cross-motion; the Appellate Division affirmed insofar as appealed from.

DISPOSITION

affirmed

CASES CITED

- Clarke v. Clarke, 237 AD3d 1039, 1041
- Dee v. Rakower, 112 AD3d 204, 213
- Maple Med., LLP v. Scott, 191 AD3d 81, 103
- Georgia Malone & Co., Inc. v. Rieder, 19 NY3d 511, 516
- Nasca v. Greene, 216 AD3d 648, 650
- Financial Assistance, Inc. v. Graham, 191 AD3d 952, 956-957
- Bashian & Farber, LLP v. Syms, 173 AD3d 659, 662
- KST2 Props., LLC v. Pretee Constr. Co., Inc., 192 AD3d 785, 786
- Corsello v. Verizon N.Y., Inc., 18 NY3d 777, 790
- Crescimanni v. Trovato, 162 AD3d 849, 851
- J.P. Plumbing Corp. v. Born to Build Constr. Corp., 137 AD3d 976

OPINION

PER CURIAM.

Ryan v Guadagnino (2026 NY Slip Op 01390) Ryan v Guadagnino 2026 NY Slip Op 01390
Decided on March 11, 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 11, 2026 SUPREME
COURT OF THE STATE OF NEW YORK Appellate Division, Second Judicial Department
FRANCESCA E. CONNOLLY, J.P.

PAUL WOOTEN HELEN VOUTSINAS JANICE A. TAYLOR, JJ. 2021-00440 (Index No.
100025/17) [*1]Thomas Ryan, appellant, et al., plaintiff, v Vincent Guadagnino, Jr., et al.,
defendants, Michael Pugliese, et al., respondents. Thomas Ryan, Staten Island, NY, appellant pro
se. Allyn J. Crawford Law PLLC, Staten Island, NY, for respondents. DECISION & ORDER In an
action, inter alia, to recover damages for unjust enrichment, the plaintiff Thomas Ryan appeals

from an order of the Supreme Court, Richmond County (Ralph J. Porzio, J.), dated December 16, 2020.

The order, insofar as appealed from, granted that branch of the motion of the defendants Michael Pugliese, High Rock Development, LLC, Pugliese Construction Corp., and Anthony Pugliese which was for summary judgment dismissing the cause of action alleging unjust enrichment insofar as asserted against them and denied that branch of the plaintiffs' cross-motion which was for summary judgment on the issue of liability on that cause of action insofar as asserted by the plaintiff Thomas Ryan against those defendants.

ORDERED that the order is affirmed insofar as appealed from, with costs. The plaintiffs commenced this action against, among others, the defendants Michael Pugliese, High Rock Development, LLC, Pugliese Construction Corp., and Anthony Pugliese (hereinafter collectively the defendants), inter alia, to recover damages for unjust enrichment.

The plaintiffs alleged, among other things, that the defendants misappropriated and encroached upon a portion of the plaintiffs' real property during the defendants' construction of single-family houses on land adjacent to and abutting the plaintiffs' property and that the defendants were unjustly enriched thereby. Thereafter, the defendants moved, inter alia, for summary judgment dismissing the cause of action alleging unjust enrichment insofar as asserted against them.

The plaintiffs cross-moved, among other things, for summary judgment on the issue of liability on the cause of action alleging unjust enrichment insofar as asserted against the defendants. In an order dated December 16, 2020, the Supreme Court, inter alia, granted that branch of the defendants' motion which was for summary judgment dismissing the cause of action alleging unjust enrichment insofar as asserted against them and denied that branch of the plaintiffs' cross-motion which was for summary judgment on the issue of liability on the cause of action alleging unjust enrichment insofar as asserted by the plaintiff Thomas Ryan against the defendants.

Thomas Ryan appeals. "'To establish an unjust enrichment cause of action, a plaintiff must allege that (1) the other party was enriched, (2) at that party's expense, and (3) it is against equity and good conscience to permit the other party to retain what is sought to be recovered'" (Clarke v Clarke, 237 AD3d 1039, 1041, quoting Dee v Rakower, 112 AD3d 204, 213).

"To prevail, the proponent of the cause of action must establish that it conferred a benefit on the other party and that the other party will retain that benefit without adequately compensating the first party therefor" (Maple Med., LLP [*2]v Scott, 191 AD3d 81, 103; see Georgia Malone & Co., Inc. v Rieder, 19 NY3d 511, 516; Nasca v Greene, 216 AD3d 648, 650).

"In addition, a cause of action for unjust enrichment requires a showing of reliance and is based on an obligation imposed by equity to prevent injustice, in the absence of an actual agreement between the parties" (Financial Assistance, Inc. v Graham, 191 AD3d 952, 956-957 [citation and

internal quotation marks omitted]). While "privity is not required for an unjust enrichment cause of action..., an unjust enrichment cause of action will not be supported if the connection between the parties is too attenuated" (*Bashian & Farber, LLP v Syms*, 173 AD3d 659, 662 [citation omitted]; see *Georgia Malone & Co., Inc. v Rieder*, 19 NY3d 511).

Further, "an unjust enrichment claim is not available where it simply duplicates, or replaces, a conventional contract or tort claim" (*KST2 Props., LLC v Pretee Constr. Co., Inc.*, 192 AD3d 785, 786, quoting *Corsello v Verizon N.Y., Inc.*, 18 NY3d 777, 790).

Here, the defendants established their prima facie entitlement to judgment as a matter of law dismissing the cause of action alleging unjust enrichment insofar as asserted against them by demonstrating that they did not have a relationship with the plaintiffs that could have caused reliance or inducement on the plaintiffs' part (see *Crescimanni v Trovato*, 162 AD3d 849, 851; *J.P.*

Plumbing Corp. v Born to Build Constr. Corp., 137 AD3d 976). Moreover, the defendants demonstrated, prima facie, that the unjust enrichment cause of action was duplicative of the plaintiffs' causes of action sounding in tort (see *Corsello v Verizon N.Y., Inc.*, 18 NY3d at 790).

In opposition, the plaintiffs failed to raise a triable issue of fact. Accordingly, the Supreme Court properly granted that branch of the defendants' motion which was for summary judgment dismissing the cause of action alleging unjust enrichment insofar as asserted against them and denied that branch of the plaintiffs' cross-motion which was for summary judgment on the issue of liability on that cause of action insofar as asserted by Thomas Ryan against the defendants.

CONNOLLY, J.P., WOOTEN, VOUTSINAS and TAYLOR, JJ., concur. ENTER: Darrell M. Joseph Clerk of the Court