

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

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PRACTICE AREAS

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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