

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

Myers v. Doherty

2025 NY Slip Op 06550 · No. Index No. 158858/22; Appeal No. 5223; Case No. 2024-07122 · Decided
November 25, 2025

SUMMARY

The Appellate Division, First Department unanimously affirmed dismissal of Ronald Myers's employment-discrimination, retaliation, and hostile-work-environment claims against Inspector Mary Christine Doherty and others. The court held that the New York State Human Rights Law claims were barred by res judicata, that pre-January 11, 2018 claims were time-barred and subject to collateral estoppel, and that the remaining New York City Human Rights Law claims failed on the merits.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, First Department
WRITING FOR THE COURT	Webber, J.P.; Kennedy, J.; González, J.; Higgitt, J.; Michael, J.
JURISDICTION	New York Supreme Court, Appellate Division, First Department
DECIDED	November 25, 2025
DOCKET	Index No. 158858/22; Appeal No. 5223; Case No. 2024-07122
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiff appealed from an order granting defendants' motion to dismiss his complaint.
STANDARD OF REVIEW	Review of an order granting a motion to dismiss for failure to state a claim, accepting the pleaded facts as true and determining whether the allegations sufficiently state a legally cognizable claim under the applicable pleading standard.
PRECEDENTIAL VALUE	Published New York Appellate Division decision
PARTIES	Ronald Myers v. Inspector Mary Christine Doherty, et al.

TOPICS

employment discrimination

retaliation

hostile work environment

res judicata

statute of limitations

PRACTICE AREAS

employment law

civil rights

civil procedure

appellate procedure

QUESTIONS PRESENTED

1. Whether Myers's New York State Human Rights Law claims were barred by res judicata because related claims based on the same facts had previously been litigated in federal court.
2. Whether the federal court's determination that claims based on events before January 11, 2018 were time-barred had collateral-estoppel effect in the state action.
3. Whether claims based on conduct occurring more than three years before commencement of the federal action were barred by the applicable statute of limitations and whether the continuing-violation doctrine avoided that bar.
4. Whether the timely New York City Human Rights Law discrimination, retaliation, and hostile work environment claims were sufficiently pleaded.
5. Whether the October 2019 proposed transfer constituted an adverse employment action or supported a constructive-discharge claim.

HOLDINGS

1. Myers's claims arising under the New York State Human Rights Law were barred by res judicata because they arose from the same factual allegations as the previously unsuccessful federal action, even though the state-law claims were not asserted there.
2. The federal court's determination that claims based on events before January 11, 2018 were time-barred was entitled to collateral-estoppel effect in the state action.
3. The applicable limitations period for Myers's New York State Human Rights Law and New York City Human Rights Law claims was three years, and the continuing-violation doctrine did not preserve the pre-January 11, 2018 claims.
4. Collateral estoppel did not bar the timely New York City Human Rights Law discrimination, retaliation, and hostile work environment claims because their viability had to be independently assessed under the New York City Human Rights Law's more liberal standards and the state complaint included new details.
5. The timely discrimination and constructive-discharge claims were insufficient because the impending transfer that never occurred was not an adverse employment action and defendants did not deliberately create working conditions so intolerable that a reasonable person would have felt compelled to resign.
6. The discrimination claim failed even under the New York City Human Rights Law's broader treated-less-well standard because Myers did not show that he was treated less well than other employees because of protected status or that discrimination was a motivating factor.
7. Myers failed to sufficiently plead retaliation because the allegations did not show a causal or temporal connection between protected activity and an adverse action.

8. The hostile work environment claim failed because it was improperly raised for the first time in opposition to defendants' motion and, in any event, did not adequately plead discriminatory animus.

KEY QUOTATIONS

*“Therefore, plaintiff’s claims in this action arising under the State HRL are barred by res judicata” (*1)*

*“No such pattern exists here, because the conduct complained of between February 2005 and January 2018 consisted of “discrete events, involving different actors and occurring months to years apart”” (*1)*

*“defendants did not “deliberately create[] working conditions so intolerable, difficult or unpleasant that a reasonable person would have felt compelled to resign”” (*1)*

FACTUAL BACKGROUND

Myers alleged employment discrimination, retaliation, and hostile work environment based on conduct occurring between February 2005 and January 2018, as well as an impending transfer announced in October 2019 that never occurred. He previously brought related federal claims based on the same factual allegations, but did not assert New York State Human Rights Law claims in that action. The state complaint included additional details not pleaded in the federal complaint.

PROCEDURAL HISTORY

Myers previously asserted related claims in federal court, where the claims were unsuccessful. He then commenced this New York action asserting claims under the New York State Human Rights Law and New York City Human Rights Law. Supreme Court, New York County, granted defendants' motion to dismiss, and the Appellate Division unanimously affirmed without costs.

DISPOSITION

affirmed

CASES CITED

- Myers v. Doherty, 2021 WL 5599502 (S.D.N.Y. Nov. 30, 2021) (No. 21-CV-219 (PAE))
- Myers v. Doherty, 2022 WL 4477050 (2d Cir. 2022)
- Dedewo v. CBS Corp., 236 AD3d 541, 543 (1st Dept 2025)
- Anandaraja v. Icahn School of Medicine at Mount Sinai, 227 AD3d 533, 534 (1st Dept 2024)
- Herrington v. Metro-North Commuter R.R. Co., 118 AD3d 544 (1st Dept 2014)
- Campbell v. New York City Department of Education, 200 AD3d 488, 489 (1st Dept 2021)
- Hudson v. Merrill Lynch & Co., Inc., 138 AD3d 511, 514 (1st Dept 2016), lv denied 28 NY3d 902 (2016)
- 175 E. 74th Corp. v. Hartford Accident & Indemnity Co., 51 NY2d 585, 590 n.1 (1980)
- Vig v. New York Hairspray Co., L.P., 67 AD3d 140, 145 (1st Dept 2009)
- Crookendale v. New York City Health & Hospitals Corp., 175 AD3d 1132, 1132 (1st Dept 2019)

- *Chin v. New York City Housing Authority*, 106 AD3d 443, 445 (1st Dept 2013), lv denied 22 NY3d 861 (2014)
- *Lively v. Wafra Investment Advisory Group, Inc.*, 211 AD3d 432, 433 (1st Dept 2022)
- *Williams v. New York City Housing Authority*, 61 AD3d 62, 80 (1st Dept 2009), lv denied 13 NY3d 702 (2009)
- *Pelepelin v. City of New York*, 189 AD3d 450, 451-452 (1st Dept 2020)

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