

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

Drew v. U-Haul Intl. Inc.

Drew, 2026 NY Slip Op 01914 (Supreme Court of the State of New York Appellate Division First Department 2026) · No. Case No. 2025-02585; Appeal No. 6248; Index No. 24/22 · Decided March 31, 2026

SUMMARY

The Appellate Division, First Department dismissed the plaintiffs’ appeal from an order imposing \$250 in sanctions against plaintiff Frederick S. Koger as abandoned because the plaintiffs did not address the order’s merits. The court stated that, alternatively, the sanctions were within the trial court’s discretion because the plaintiffs violated a protective order, and it declined to impose additional sanctions.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, First Department
WRITING FOR THE COURT	Moulton, J.P.; Kennedy, J.; Rodriguez, J.; Michael, J.; Chan, J.
JURISDICTION	New York Supreme Court, Appellate Division, First Department
DECIDED	March 31, 2026
DOCKET	Case No. 2025-02585; Appeal No. 6248; Index No. 24/22
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiffs appealed from a Supreme Court, Bronx County order awarding defendants sanctions against plaintiff Frederick S. Koger in the amount of \$250. The Appellate Division dismissed the appeal as abandoned.
STANDARD OF REVIEW	The opinion states that the propriety of sanctions would be reviewed under an abuse-of-discretion framework, but the appeal was dismissed without reaching the merits.
PRECEDENTIAL VALUE	Published intermediate appellate decision
PARTIES	Roslyn O. Drew, Frederick S. Koger v. U-Haul International Inc., et al.

TOPICS

- appellate procedure
- sanctions
- civil procedure
- remedies

PRACTICE AREAS

appellate procedure

civil procedure

sanctions

QUESTIONS PRESENTED

1. Whether plaintiffs' appeal from the sanctions order should be dismissed as abandoned when plaintiffs failed to address the merits of the order or the sanctions imposed.
2. Whether the lower court acted within its discretion in imposing sanctions for violating a protective order.

HOLDINGS

1. An appeal is deemed abandoned when the appellants do not address the merits of the order under review or the sanctions it imposed; plaintiffs' appeal was therefore dismissed as abandoned.

KEY QUOTATIONS

“Were we to consider plaintiffs' appeal on the merits, we would find that imposing sanctions on Koger was well within the court's discretion, as plaintiffs violated a protective order expressly directing them to cease prosecution of a dismissed action or risk sanctions” ([*1])

FACTUAL BACKGROUND

Plaintiffs were subject to a protective order expressly directing them to cease prosecution of a dismissed action or risk sanctions. The lower court awarded defendants \$250 in sanctions against plaintiff Frederick S. Koger. On appeal, plaintiffs did not address the merits of the sanctions order.

PROCEDURAL HISTORY

Supreme Court, Bronx County, entered an order on March 21, 2025, awarding defendants \$250 in sanctions against Koger. Plaintiffs appealed, but did not address the merits of the order or the sanctions on appeal. The First Department unanimously dismissed the appeal as abandoned, without costs.

DISPOSITION

dismissed

CASES CITED

- Altschuler v Jobman 478/480, LLC, 135 AD3d 439, 441 [1st Dept 2016], lv denied 29 NY3d 903 [2017]
- De Luca v De Luca, 241 AD3d 1146, 1149 [1st Dept 2025]
- Solomon v 360 E. 72d St. Owners Inc., 244 AD3d 461, 462-463 [1st Dept 2025]

OPINION

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PER CURIAM.

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01914 Decided on March 31, 2026 Appellate Division, First 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 and Entered: March 31, 2026 Before: Moulton, J.P., Kennedy, Rodriguez, Michael, Chan, JJ. Index No. 24/22|Appeal No. 6248|Case No. 2025-02585| [*1]Roslyn O. Drew et al., Plaintiffs-Appellants, v U-Haul International Inc., on behalf of Joe Schoen, etc., et al., Defendants-Respondents. Roslyn O. Drew and Frederick S. Koger appellants pro se. Nicoletti Spinner Ryan Gulino Pinter LLP, New York (Matthew G. Corcoran of counsel), for respondents. Appeal from order, Supreme Court, Bronx County (Raymond P. Fernandez, J.), entered March 21, 2025, which awarded sanctions to defendants as against plaintiff Frederick S. Koger in the amount of \$250, unanimously dismissed, without costs, as abandoned. Plaintiffs do not address the merits of the order on appeal or the sanctions it imposed against Koger. Therefore, plaintiffs' appeal from that order is "deemed abandoned" (Altschuler v Jobman 478/480, LLC , 135 AD3d 439, 441 [1st Dept 2016], lv denied 29 NY3d 903 [2017]; see De Luca v De Luca, 241 AD3d 1146 , 1149 [1st Dept 2025]). Were we to consider plaintiffs' appeal on the merits, we would find that imposing sanctions on Koger was well within the court's discretion, as plaintiffs violated a protective order expressly directing them to cease prosecution of a dismissed action or risk sanctions (see Solomon v 360 E. 72d St. Owners Inc. , 244 AD3d 461 , 462-463 [1st Dept 2025]). We decline defendants' request to impose additional sanctions upon plaintiffs. THIS CONSTITUTES THE DECISION AND ORDER OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT. ENTERED: March 31, 2026