

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

Kelly v. Snap-on Inc.

Kelly, 2026 NY Slip Op 03567 (Supreme Court of the State of New York Appellate Division Fourth Judicial Department 2026) · No. 354 CA 25-00993 · Decided June 5, 2026

SUMMARY

The Appellate Division, Fourth Department, affirmed an order denying defendants' motion to compel disclosure of Medicaid billing records after an in camera review. The court held that the defendants' argument that the records were not privileged was unpreserved and that the trial court did not abuse its broad discretion in supervising disclosure.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Fourth Judicial Department
WRITING FOR THE COURT	Whalen, P.J.; Curran, J.; Ogden, J.; Nowak, J.; DelConte, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Fourth Judicial Department
DECIDED	June 5, 2026
DOCKET	354 CA 25-00993
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendants appealed from an order denying, after an in camera review, the portion of their motion seeking to compel production of John M. Moudy's Medicaid billing records.
STANDARD OF REVIEW	The Appellate Division reviewed the discovery ruling for abuse of discretion and declined to disturb it absent a clear abuse of that discretion.
PRECEDENTIAL VALUE	published
PARTIES	Snap-on Incorporated, Snap-on Tools Company, LLC v. Tammy L. Kelly, Michelle Moudy, as guardians of the person and property of John M. Moudy

TOPICS

discovery dispute

medical records privacy

medicare medicaid

guardianships

appellate procedure

PRACTICE AREAS

civil procedure

discovery

health law

guardianships

QUESTIONS PRESENTED

1. Whether defendants' contention that the Medicaid billing records were not privileged was preserved for appellate review.
2. Whether Supreme Court abused its discretion by denying defendants' motion to compel disclosure of Moudy's Medicaid billing records after conducting an in camera review.

HOLDINGS

1. Defendants' contention that the Medicaid billing records were not privileged, having been raised for the first time on appeal, was not properly before the Appellate Division.
2. Supreme Court did not abuse its discretion in denying defendants' motion to compel disclosure of Moudy's Medicaid billing records after reviewing the records in camera.

KEY QUOTATIONS

“'[T]rial courts have broad discretion in supervising disclosure and, absent a clear abuse of that discretion, a trial court's exercise of such authority should not be disturbed'”

“'falls comfortably within the court's broad discretion to control discovery'”

FACTUAL BACKGROUND

John M. Moudy allegedly sustained severe physical and cognitive deficits in a motor vehicle accident. His guardians, Tammy L. Kelly and Michelle Moudy, sued for damages, and defendants sought disclosure of his pre-accident treatment records, including Medicaid billing records. After an in camera inspection, Supreme Court ordered disclosure of most records but withheld the Medicaid billing records.

PROCEDURAL HISTORY

Plaintiffs commenced a personal-injury action arising from a motor vehicle accident. Defendants moved to compel production of Moudy's pre-accident medical, mental-health, substance-abuse, and Medicaid billing records. Supreme Court, Niagara County, granted the motion as to most requested records but denied it as to the Medicaid billing records, and the Appellate Division affirmed.

DISPOSITION

affirmed

CASES CITED

- Ciesinski v Town of Aurora, 202 AD2d 984, 985 [4th Dept 1994]
- Sanabria v SJ Trans, Inc., 238 AD3d 1502, 1502-1503 [4th Dept 2025]
- Crysler v Erk [appeal No. 2], 227 AD3d 1410, 1412 [4th Dept 2024]
- Manner v Yancey, 218 AD3d 1196, 1197 [4th Dept 2023]
- Sims v Reyes, 195 AD3d 133, 137 [4th Dept 2021]
- Barnes v Habuda, 118 AD3d 1443, 1444 [4th Dept 2014]
- Manner v Yancey, 239 AD3d 1322, 1324 [4th Dept 2025]

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