

The First Department Appeal Win

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On October 19th, 2023, the First Department unanimously affirmed New York Supreme Court Judge Mary V. Rosado's decision that Wigdor LLP client Kellie Walker successfully pleaded claims for gender and race discrimination and retaliation under the NYC and NYS Human Rights Law, aiding and abetting claims against a former supervisor, and her claims under the Gender-Motivated Violence Act (GMVA).

Defendant Triborough Bridge and Tunnel Authority appealed its loss earlier this year and argued that Ms. Walker was collaterally estopped from pursuing her claims because a U.S. District Court had dismissed her race and gender claims under federal law. Rejecting this argument, the First Department ruled that "the federal court's decision granting dismissal of plaintiff's federal discrimination claims at the pleading stage does not preclude her City and State HRL claims based on principles of collateral estoppel," explaining that at the pleading stage, Ms. Walker "has not had a full and fair opportunity to litigate her City and State HRL claims under the appropriate standards," which require analysis "under a lenient notice pleading standard."

This is important because it is the first appellate decision on point re the recent collateral estoppel argument members of the defense bar have started to use after a Title VII or Section 1981 claim is dismissed in federal court.

Congratulations to everyone who worked on the case!

[A copy of the Decision and Order can be read here.](#)