

Court Ruling Supports Denial of Dismissal Where Defendants Rely on Preemption Theory

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Yesterday, the NY County Supreme Court denied a motion to dismiss Gender Motivated Violence Act (GMVA) claims in the case of Ogechi Chieke v. Kehinde Wiley. The Defense argued that the GMVA revival window is preempted by the Adult Survivors Act (ASA) and Child Victims Act (CVA). The Court rightly rejected that stance.

The Court held that the GMVA revival provision remains lawful and enforceable, regardless of the ASA and CVA, affirming that the statutes are not at odds with each other. Rather, they address separate harms and operate in tandem. The Court's decision reinforces the viability of GMVA claims in cases that are still awaiting rulings and thwarts a leading Defense tactic directed at shutting out lookback-window claims at the pleading stage.

The Court's refusal to dismiss GMVA lookback-window claims on preemption grounds establishes that the ASA and CVA do not supersede or diminish the GMVA. This ruling supports denial of dismissal where Defendants rely on the same preemption theory. As the GMVA has been largely cited in high profile cases that gave a voice to those who experienced abuse – many of which were litigated by Wigdor – we can attest to the law's impact on survivors' rights. A ruling that upholds the GMVA lookback-window is a win for survivors.