

Baptiste v City Univ. of N.Y.

2025 NY Slip Op 33325(U)

September 5, 2025

Supreme Court, New York County

Docket Number: Index No. 150677/2025

Judge: Paul A. Goetz

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This opinion is uncorrected and not selected for official publication.

**SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY**

PRESENT: HON. PAUL A. GOETZ **PART** **47**

Justice

-----X

MICHELE A. BAPTISTE,

Plaintiff,

- v -

THE CITY UNIVERSITY OF NEW YORK, VINCENT
BOUDREAU

Defendants.

-----X

INDEX NO. 150677/2025

MOTION DATE 06/12/2025

MOTION SEQ. NO. 001

**DECISION + ORDER ON
MOTION**

The following e-filed documents, listed by NYSCEF document number (Motion 001) 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19

were read on this motion to/for DISMISSAL.

In this action, plaintiff asserts two causes of action for retaliation and aiding and abetting retaliation in violation of the New York City Human Rights Law, (“NYCHRL”) alleging that defendants terminated her employment following her handling of defendant City University of New York (“CUNY”) faculty’s accommodation requests, and discrimination and hostile work environment complaints, some asserted against defendant Boudreau. Defendants move pre-answer pursuant to CPLR § 3211 to dismiss the complaint.

Defendants argue that the doctrine of collateral estoppel bars this action and thus the complaint must be dismissed. They argue that plaintiff had identical claims dismissed in a federal action and the determinations made in that action bar plaintiff from relitigating those issues here. In April 2022, plaintiff filed a lawsuit in the U.S. District Court for the Southern District of New York against the same two defendants sued here captioned *Baptiste v. The City University of New York et al* (NYSCEF Doc No 6 & 7) (hereafter the “Federal Action”). In the Federal Action, plaintiff asserted seven causes of action including retaliation and discrimination

claims under, the Rehabilitation Act of 1973, 42 U.S.C. § 1981, the New York State Human Rights Law, and the NYCHRL (NYSCEF Doc No 7). The federal court dismissed the discrimination claims in a pre-answer motion to dismiss (see *Baptiste v City Univ. of New York*, 680 F Supp 3d 415 [SDNY 2023]) and then following discovery defendants moved for summary judgment seeking dismissal of plaintiff's remaining claims all of which were for retaliation (*Baptiste v City Univ. of New York*, 22-CV-2785 (JMF), 2024 WL 5046707 [SDNY Dec. 9, 2024]; NYSCEF Doc No 8). The Southern District, granted summary judgment to defendants, dismissing the federal retaliation claims with prejudice, and declined to exercise supplemental jurisdiction over the NYCHRL claim and accordingly dismissed it without prejudice with leave to refile in state court (*id.*).

The doctrine of collateral estoppel “bars the relitigation of an issue of fact or law actually litigated and resolved in a valid court determination essential to the prior judgment” (*Russell v New York Univ.*, 42 NY3d 377, 384 [2024]) The “determination of an essential issue is binding in a subsequent action, even if it recurs in the context of a different claim” (*id.*). To establish a claim for retaliation a plaintiff must show that “(1) she has engaged in protected activity, (2) her employer was aware that she participated in such activity, (3) she suffered an adverse employment action based upon her activity, and (4) there is a causal connection between the protected activity and the adverse action” (*Forrest v Jewish Guild for the Blind*, 3 NY3d 295, 313 [2004]).

In the Federal Action, the Southern District applied the *McDonnell Douglas* burden-shifting framework,¹ Defendants argue that the doctrine applies here because the Southern

¹ When confronting summary judgment motions for retaliation cases under the *McDonnell Douglas Corp. v Green* (411 US 792, 804 [1973]) framework, a burden-shifting analysis is performed where a plaintiff must first establish a *prima facie* case of retaliation. The burden then shifts to the defendant to come forward with a non-retaliatory reason for the adverse action taken against plaintiff. Once this is established the burden shifts back to the plaintiff to present

District found that plaintiff “does not offer any evidence to meet her burden of demonstrating that a triable issue of fact exists as to whether Defendants' proffered justification for her termination was merely pretext for a hidden retaliatory motive” (*id.* at *6). Plaintiff argues that the determinations made by the Southern District which dismissed the federal retaliation claims are not dispositive of the NYCHRL claim asserted here, because the NYCHRL was designed to be evaluated under more liberal standards.

As plaintiff notes “provisions of the City Human Rights Law must be construed broadly in favor of plaintiffs alleging discrimination and assessed under more liberal standards, going beyond the counterpart state or federal civil rights laws” (*Bennett v Time Warner Cable, Inc.*, 138 AD3d 598, 599 [1st Dept 2016]). However, “[w]here a federal court has made an explicit finding that plaintiff produced *no* evidence on the relevant specific factual issue in the litigation, as was done here, the application of the collateral estoppel bar to plaintiff's identical claims under state statutes is warranted” (*Russell*, 42 NY3d at 387). “Application of the requisite liberal construction standard does not change the result,” when there was no evidence of a pretextual action presented in the original federal case (*id.*). Therefore, the complaint must be dismissed as it is barred by the doctrine of collateral estoppel.²

Accordingly it is

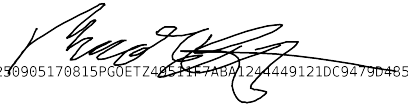
ORDERED that the motion to dismiss the complaint is granted; and it is further

ORDERED that the clerk is directed to enter judgment in favor of defendants and as

evidence that the defendant's explanation is a pretext for unlawful retaliation (*Melman v Montefiore Med. Ctr.*, 98 AD3d 107 [1st Dept 2012]).

² Because the claims are barred by collateral estoppel, defendants' arguments regarding sovereign immunity need not be addressed.

against plaintiff, with costs a disbursements to defendants.


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9/5/2025
DATE

PAUL A. GOETZ, J.S.C.

CHECK ONE:

CASE DISPOSED

GRANTED

DENIED

NON-FINAL DISPOSITION

GRANTED IN PART

OTHER

APPLICATION:

SETTLE ORDER

SUBMIT ORDER

CHECK IF APPROPRIATE:

INCLUDES TRANSFER/REASSIGN

FIDUCIARY APPOINTMENT

REFERENCE