

Macropoulos v Metropolitan Life Ins. Co.

2026 NY Slip Op 31176(U)

March 23, 2026

Supreme Court, New York County

Docket Number: Index No. 159085/2019

Judge: Leslie A. Stroth

Cases posted with a "30000" identifier, i.e., 2013 NY Slip Op 30001(U), are republished from various New York State and local government sources, including the New York State Unified Court System's eCourts Service.

This opinion is uncorrected and not selected for official publication.

SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

PRESENT: HON. LESLIE A. STROTH PART 12M

Justice

-----X

ANGELA MACROPOULOS

Plaintiff,

- v -

METROPOLITAN LIFE INSURANCE COMPANY,

Defendant.

-----X

INDEX NO. 159085/2019
MOTION DATE 05/03/2024
MOTION SEQ. NO. 002

DECISION + ORDER ON MOTION

The following e-filed documents, listed by NYSCEF document number (Motion 002) 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 50, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103

were read on this motion to/for SUMMARY JUDGMENT (AFTER JOINDER)

Plaintiff commenced this action alleging associational discrimination under New York City Human Rights Law ("NYCHRL"), New York City Administrative Code § 8-101, et seq. Plaintiff is a former employee of Defendant. Plaintiff worked under a flexible work schedule, to include partial telecommuting to work, in order to care for her disabled mother at home. At some point, however, Defendant alleges that Plaintiff arrived late for reasons unrelated to caring for her mother and did not perform work as expected by Defendant. Defendant subsequently terminated Plaintiff's employment and Plaintiff commenced the instant action, maintaining that her termination was in violation of the NYCHRL because it was influenced by Plaintiff's association with her disabled mother.

Defendant now moves for summary judgment, asserting that Plaintiff is collaterally estopped from asserting her claims given that the facts were litigated under Plaintiff's claim for associational discrimination under the Americans with Disabilities Act ("ADA") in Federal Court (Macropoulos v Metropolitan Life Insurance Co., 15 Civ. 6069 [ER] [SDNY 2018]). Even

if collateral estoppel does not apply, Defendant moves for summary judgment to dismiss Plaintiff's complaint, asserting that Plaintiff's termination was not discriminatory, but was based on reasons that are independent from Plaintiff's role as her mother's caretaker. For the reasons outlined below, Defendant's motion is denied in full.

Collateral estoppel, or issue preclusion, "precludes a party from relitigating in a subsequent action or proceeding an issue clearly raised in a prior action or proceeding and decided against that party or those in privity, whether or not the tribunals or causes of action are the same." (*Ryan v New York Tel. Co.*, 62 NY2d 494, 500 [1984]). For collateral estoppel to apply, two conditions must be met: "(i) 'the issue in the second action is identical to an issue which was raised, necessarily decided, and material in the first action,' and (ii) 'the plaintiff had a full and fair opportunity to litigate the issue in the earlier action'" (*Pustilnik v Battery Park City Authority*, 147 NYS3d 357, 366 [Sup Ct NY County 2021] quoting *Parker v Blauvelt Volunteer Fire Co.*, 93 NY2d 343, 349 [1999]).

The District Court that decided the ADA claim granted Defendant's motion for summary judgment. The Court conducted a three-part analysis, wherein "a plaintiff must establish a *prima facie* violation, which shifts the burden to the defendant to advance a legitimate, non-discriminatory reason for its actions, at which point the final burden is on the plaintiff to show that the defendant's proffered reason is pretextual" (*Macropoulos*, 15 Civ. at 15, quoting *Lawson v Homenuk*, 710 F.App'x 460, 462 [2d Cir, 2017]).

The District Court decided that Plaintiff's claims under the ADA "met the minimal burden of demonstrating a *prima facie* case of associational discrimination" (*id.*, at 18). The District Court's analysis then shifted to the Defendant, who demonstrated "legitimate, non-discriminatory reason[s] for an employee's dismissal" (*id.*). In the final part of its analysis, the

District Court explained that Plaintiff did not “put forward ‘sufficient evidence’ from which a factfinder could conclude that [Defendant]’s legitimate, nondiscriminatory reasons for terminating her employment were ‘false’” or pretextual (*id.*, at 25). As such, the District Court granted Defendant’s motion for summary judgment.

Defendant avers that the Federal Court holding bars Plaintiff from asserting her claims under NYCHRL (Defendant’s Motion, NYSCEF Doc. No. 35). Plaintiff argues that the standard under the NYCHRL is less exacting than the standard employed by the District Court in its analysis of the ADA (Plaintiff’s Opposition, NYSCEF Doc. No. 52 at 28). The District Court stated that the applicable legal standard under the ADA is an exacting one, such that the adverse employment decision occurred as a result of the disability of a relative or associate being a “determining factor” in the decision (*Macropoulos*, 15 Civ. at 15; citing *Graziadio v. Culinary Inst. of Am.*, 817 F3d 415, 432 [2d Cir. 2016]). Because the NYCHRL employs a less exacting standard than the ADA, a different legal analysis is required, and such is not addressed by the District Court.

Defendant relies on *Russell v New York University*, 42 NY3d 377 (2024) for the proposition that collateral estoppel applies to state courts after a federal court hears the matter. While the *Russell* Court held that collateral estoppel can apply in such cases, it also acknowledged that such estoppel requires that “the same conclusion would result if the allegation were viewed under the more liberal City Human Rights Law standard” (42 NY3d at 385). Given that the NYCHRL’s less-exacting standard was not addressed in the District Court’s decision, the Court is not convinced that the same conclusion would result when applied at present.

A similar issue was presented in *Pustilnik*, where a defendant argued that a plaintiff’s adjudicated ADEA and ADA claims precluded her from bringing a NYCHRL claim. The New

York Supreme Court found that the more demanding pleading standards of an ADEA or ADA claim, which requires “but-for” causation, do not preclude a plaintiff from bringing an NYCHRL claim, where membership to a protected class must be “a motivating factor” in the adverse employment action (147 NYS3d at 366). The “motivating factor” standard is a lower standard than “but-for” causation. The court held that “allegations that would be insufficient to state a federal claim might well be enough to state a cause of action under the NYCHRL” (*id.*, at 367). This Court agrees and finds that collateral estoppel does not apply.

To prevail on a motion for summary judgment pursuant to CPLR § 3212, the movant must tender sufficient evidence to show the absence of any material issue of fact and the right to entitlement to judgment as a matter of law (*Alvarez v Prospect Hosp.*, 68 NY2d 320, 323 [1986]). Once the movant submits competent proof demonstrating that there is no substance to its opponent’s claims and no disputed issues of fact, the opponent, in turn, is required to “lay bare [its] proof and come forward with some admissible proof that would require a trial of the material questions of fact on which [its] claims rest” (*Ferber v Sterndent Corp.*, 51 NY2d 782, 783 [1980]). The party opposing a motion for summary judgment is entitled to all favorable inferences that can be drawn from the evidence submitted (*see Dauman Displays, Inc. v Masturzo*, 168 AD2d 204, 205 [1st Dept 1990]).

In pertinent part, the NYCHRL prohibits “discrimination against a person because of the actual or perceived... disability... of a person with whom such person has a known relationship or association” (NYC Admin Code § 8-107[20]). The NYCHRL must be construed liberally and independently (*Simmons-Grant v Quinn Emanuel Urquhart & Sullivan, LLP*, 116 AD3d 134, 141 [1st Depo 2014]).

Defendant moves for summary judgment alleging that Plaintiff cannot establish a *prima facie* claim of associational discrimination because there is no evidence of associational discrimination in her termination. Defendant maintains that Plaintiff's employment was terminated for unsatisfactory performance, including lateness, inappropriate conduct, and inability to complete assignments (Defendant's Motion at 11-13). Plaintiff, however, maintains that these reasons are pretextual, that she was a strong employee who "never received an unsatisfactory review at any point during her career with Defendant" (Plaintiff's Opposition at 35), and that after assuming her caretaking role, Plaintiff's "business clients and stakeholders gave her consistently positive reviews" (*id.*).

In further support of her claim of Defendant's pretext, Plaintiff states that her supervisors made comments that could indicate discriminatory intent, which Defendant avers either lack context in Plaintiff's presentation of the quote, or is an "expression of opinion" (Defendant's Motion at 32). For example, the comment that if Plaintiff cannot "live with an[d] implement the [FWA/telecommuting] process," then she "cannot work here and we will have to exit her," merely refers to Defendants' telecommuting policies (*id.*). Moreover, the comment, "I fear we may end up terminating [Plaintiff] and I know she will claim age and disability discrimination," is but an expression of opinion in contemplation of legal risks "inherent in terminating an employee" (*id.*). Various comments made to Plaintiff to "keep [her] head down," and "watch out," are "impossible to interpret without their original context" (*id.*). Plaintiff argues that Defendant's comments indicate bias against her, while Defendant states that for various reasons—to include opinion and lack of context—there is no reasonable inference of bias.

Plaintiff's claims of pretext also include instances where Defendant's policies and procedures for unsatisfactory employee performance were not followed for her, while they were

followed for her coworkers. Plaintiff states that Defendant’s procedures for documenting performance issues include “providing written warnings; establishing ‘measurements of improvement’; and ‘provid[ing] a copy of the warning to the associate immediately after the [performance] meeting” (Plaintiff’s Opposition at 33). Plaintiff alleges she did not receive these opportunities to improve while her coworkers did, indicating discriminatory intent (*id.*). Defendant argues that the differential treatment is accounted for based on Plaintiff’s coworkers having not “violated all the same policies [Plaintiff] did with the same frequency or seriousness that she did” (Defendant’s Reply, NYSCEF Doc. No. 101 at 15).

The foregoing, *inter alia*, demonstrates that there are questions of fact that make summary judgment at this stage improper. Moreover, the First Department has emphasized that there is a strong public policy that favors deciding cases on the merits (*Thomas Anthony Holdings LLC v. Goodbody*, 210 AD3d 547 [1st Dept. 2022]; *Picinic v. Seatrains Lines*, 117 AD2d 504, 508 [1st Dept. 1986]). Therefore, Defendant’s Motion for Summary Judgment is denied.

Accordingly, it is

ORDERED that Defendant Metropolitan Life Insurance Company’s Motion for Summary Judgment is denied.


This constitutes the decision and order of the Court.

3/23/2026
DATE

CHECK ONE: CASE DISPOSED DENIED NON-FINAL DISPOSITION OTHER

APPLICATION: GRANTED SETTLE ORDER SUBMIT ORDER

CHECK IF APPROPRIATE: INCLUDES TRANSFER/REASSIGN FIDUCIARY APPOINTMENT REFERENCE


HON. LESLIE A. STROTH
J.S.C.