

**Pantazatos v Trustees of Columbia Univ. in the City of
N.Y.**

2026 NY Slip Op 31616(U)

April 10, 2026

Supreme Court, New York County

Docket Number: Index No. 156041/2024

Judge: Phaedra F. Perry-Bond

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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. PHAEDRA F. PERRY-BOND PART 35

Justice

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INDEX NO. 156041/2024

SPIRO PANTAZATOS,

MOTION DATE 01/13/2025

Plaintiff,

MOTION SEQ. NO. 001

- v -

THE TRUSTEES OF COLUMBIA UNIVERSITY IN THE
CITY OF NEW YORK, AMY FRIEDMAN,

DECISION + ORDER ON
MOTION

Defendant.

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The following e-filed documents, listed by NYSCEF document number (Motion 001) 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51

were read on this motion to/for DISMISS

Upon the foregoing documents, Defendant's motion to dismiss pursuant to CPLR 3012(b) is granted. Plaintiff's cross-motion seeking an extension of time to serve his Complaint is denied. Plaintiff filed his summons with notice on July 1, 2024. On November 4, 2024, Defendant the Trustees of Columbia University in the City of New York served a demand for Plaintiff's Complaint. On January 13, 2025, after Plaintiff failed to serve his Complaint, Defendant filed the instant motion to dismiss. In support of Defendant's motion, Defendant annexed correspondence between Plaintiff and Defendant wherein Plaintiff was granted extensions by Defendant to serve his Complaint after Plaintiff explained that he recently lost his job, he was dealing with the death of a family member, he was moving, he was dealing with a medical emergency, and he was travelling for the holidays. When Plaintiff failed to meet his own self-imposed deadline of January 13th, 2025, Defendant filed this motion.

On January 22, 2025, Plaintiff cross moved seeking an extension of time to file his Complaint. Plaintiff claims he has a reasonable excuse for the delay based on his sudden and

unexpected job loss, ongoing depression, and because he had to “help [his] spiritual partner with moving her recently deceased family’s remaining personal property and sentimental belongings on the weekend” of November 8, 2024. He also claims he suffers from back pain and has to take care of his elderly parents in Michigan. He claims his back pain caused him to be admitted to the emergency room in North Carolina. He also claims he developed a broken blood vessel in his eye on November 27, 2024. He then had to celebrate the holidays which caused further delays in filing the Complaint.

He also claims he has a meritorious retaliation claim because he was allegedly fired from his position at Columbia University after refusing to comply with Columbia University’s COVID-19 vaccine and booster mandate. He claims this refusal was based on his religious beliefs¹, but he provides no explanation as to what those religious beliefs are. He also claims he was retaliated against for circulating petitions about the hazards associated with the COVID-19 vaccine.

In reply, Defendant argues Plaintiff failed to establish a reasonable excuse as the excuses proffered, which are each dated in November and December of 2024, explain why Plaintiff failed to file and serve the Complaint in the months prior, despite this action being commenced on July 1, 2024. Defendant further argues the medical note proffered shows that Plaintiff made subjective complaints of back pain but the medical doctor’s objective observations show no injury or trauma, acceptable vitals, no radiation of pain, and that Plaintiff was well-appearing, ambulatory, and could move all extremities with no focal deficits. The doctor’s note also states his labs were

¹ Plaintiff’s proposed complaint alleges he is Greek Orthodox and he admits in the proposed complaint that the Greek Orthodox Archdiocese of America, as of September 17, 2021, stated that it would not issue letters of exemption for the vaccination against the coronavirus for religious purposes, and Greek Orthodox clergy were directed not to issue such religious exemption letters.

unremarkable and there was no evidence of kidney infection or kidney stone. Defendant also argues Plaintiff failed to show any meritorious causes of action.²

The motion to dismiss is granted. The Court finds the plethora of excuses, some of which strain credulity, coupled with the incredibly long delay despite multiple extensions, to be unreasonable. Plaintiff fails to explain why he could not have drafted and filed the Complaint over the holidays, moreover the medical excuses proffered by Plaintiff are wholly subjective and not supported by any objective medical evidence. Plaintiff likewise offers no excuse for his inability to file a Complaint from July 1, 2024 through November 4, 2024 when he was finally served with a demand for the complaint (*see Elkaim v Lotte N.Y. Palace Hotel*, 193 AD3d 566, 567 [1st Dept 2021]). “Plaintiff’s status as a pro se litigant does not provide him with greater rights than other litigants” (*see Ahmed v Pasternack, Tilker, Ziegler, Walsh, Stanton & Romano LLP*, 237 AD3d 527, 528 [1st Dept 2025] citing *Liu v Chang*, 227 AD3d 410, 410-411 [1st Dept 2024]).

Because Plaintiff failed to establish a reasonable excuse for the lengthy delay and disregard of numerous extensions, the Court does not need to reach whether Plaintiff has a potentially meritorious claim (*see also Gear Up, Inc. v City of New York*, 140 AD3d 515, 515 [1st Dept 2016]; *Manhattan King David Restaurant, Inc. v Nathansan*, 269 AD2d 297 [1st Dept 2000]). Were the Court to consider whether Plaintiff set forth meritorious claims, the Court would find the proffered claims to be unavailing.

Accordingly, it is hereby,

ORDERED that Defendant’s motion to dismiss pursuant to CPLR 3012(d) is granted, and Plaintiff’s cross motion seeking an extension of time to serve his Complaint is denied; and it is further

² Plaintiff submitted a sur-reply without leave of court, which this Court does not consider (*see Traders Co. v AST Sportswear, Inc.*, 31 AD3d 276 [1st Dept 2006]).

ORDERED that within ten days of entry, counsel for Defendant shall serve a copy of this Decision and Order, with notice of entry, on all parties via NYSCEF.

This constitutes the Decision and order of the Court.

4/10/26
DATE


HON. PHAEDRA F. PERRY-BOND, J.S.C.

CHECK ONE:

CASE DISPOSED

NON-FINAL DISPOSITION

GRANTED DENIED

GRANTED IN PART OTHER

APPLICATION: SETTLE ORDER

SUBMIT ORDER

CHECK IF APPROPRIATE: INCLUDES TRANSFER/REASSIGN

FIDUCIARY APPOINTMENT REFERENCE