

# FELICELLO

## Appellate Victory for Firm Client Scott Dungey in New York's Appellate Division, First Department

Felicello Law is pleased to announce an appellate victory for firm client Scott Dungey in New York's Appellate Division, First Department. On May 29, 2025, the court affirmed the dismissal of a lawsuit filed against our client, Mr Dungey, in New York.

The plaintiff's parent company had filed an action in Florida against Mr Dungey and related entities almost two years before the subsidiary filed suit in New York. Felicello Law successfully argued that the New York court should defer to the pending action in Florida because it was unfair to force Mr Dungey to litigate the same issues in two courts and that the plaintiff had already waived any right to sue Mr Dungey in New York.

The appellate court agreed, affirming dismissal of the New York action. The Florida lawsuit involved more parties, covered a wider range of issues, and was already underway. The Appellate Division also declined to enforce a New York forum selection clause, finding that the plaintiff and its parent had waived any rights under the forum selection clause to sue in New York.

This decision ensures that our client can fully defend and pursue his claims in one court, avoiding duplicative litigation and inconsistent outcomes.

Scott Dungey was represented by Felicello Law Of Counsel Kristie Blase.