

182 A.D.3d 496
Supreme Court, Appellate Division, First
Department, New York.

Jessica BARRISH, et al., Plaintiffs–Respondents,
v.
Joseph Ari CHIESA, Defendant–Appellant.

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Entered: April 23, 2020

Attorneys and Law Firms

Scott W. Pearl, P.C., New York (Scott W. Pearl of
counsel), for appellant.

Reavis Page Jump LLP, New York ([Mark H. Moore](#) of
counsel), for respondents.

[Acosta](#), P.J., [Richter](#), [Manzanet–Daniels](#), [Gische](#),
[Kapnick](#), JJ.

Opinion

Order, Supreme Court, New York County (Robert D.
Kalish, J.), entered on or about April 26, 2019, which
denied defendant’s motion for partial summary judgment
dismissing the fourth cause of action for intentional

infliction of emotional distress, unanimously affirmed,
with costs.

Defendant’s motion was properly denied because a
plaintiff can recover damages for emotional distress
arising out of the intentional destruction of property (*see*
[Weisman v. Weisman](#), 108 A.D.2d 853, 854, 485
N.Y.S.2d 570 [2d Dept. 1985]). Here, the May 15, 2012
criminal complaint and the October 12, 2012 transcript of
the plea allocation defendant submitted in support of his
motion establish that he pleaded guilty to the crime of
aggravated animal cruelty and acknowledged that he
“intensely assaulted and caused the death of a companion
animal, that is, a cat, belonging to [plaintiff Jessica
Barrish].”

Defendant submitted no evidence that established his
initial burden to show that his conduct, in intentionally
torturing and killing Jessica’s cat and leaving its body for
Jessica to find, was not extreme, outrageous or intended
to cause, or disregarded a substantial probability of
causing, severe emotional distress. He also failed to
demonstrate that there is no causal connection between
his conduct and Jessica’s alleged injuries (*see* [Murphy v.](#)
[Murphy](#), 109 A.D.2d 965, 966–967, 486 N.Y.S.2d 457
[3d Dept. 1985]).

All Citations

182 A.D.3d 496, 120 N.Y.S.3d 781 (Mem), 2020 N.Y.
Slip Op. 02375