
Jun 2024 | Blog: The Westchester Litigator

When to Strike: Navigating Legal & Equitable Relief in Jury Demands

New York law dictates that legal relief (monetary damages) can be tried by a jury, but equitable relief can only be tried by the court. But what happens in a hybrid case where the complaint seeks both legal and equitable relief? Is a plaintiff still entitled to demand a trial by jury, or is a defendant entitled to strike the plaintiff's jury demand? The Second Department recently provided guidance on this issue in *Blackman v. Metropolitan Transit Authority*, concluding, as is so often the case in litigation – it depends!

The Case: *Blackman v. Metro. Transit Auth.*, 225 A.D.3d 736 (2d Dept. 2024)

In *Blackman*, the plaintiff brought an action under New York State Human Rights Law and the New York City Human Rights Law for race-based employment discrimination. The plaintiff sought monetary damages for, *inter alia*, discrimination in hiring and discrimination in promotion, as well as a demand for equitable relief. Following summary judgment, the plaintiff made a demand for a jury trial. The defendants moved to strike, arguing that the plaintiff waived her right to a jury trial by asserting claims for both legal and equitable relief. The Supreme Court granted the motion to strike, and the plaintiff appealed.

The Second Department began its analysis with CPLR 4101 which states an action in which a party demands a sum of money shall be tried by a jury unless otherwise waived. The Second Department then noted that a jury trial may be waived when legal and equitable claims are asserted together and arise “out of the same transaction.” However, the fact that both types of claims are asserted in a prayer for relief, standing alone, does not require a finding of waiver (or the striking of a jury demand). Instead, courts must look at the facts as pled in the complaint as a whole to determine whether “monetary damages alone will afford full relief” and the equitable is “incidental” to the demand for monetary damages. The Second Department concluded that in the instant action for employment discrimination, the “gravamen of the plaintiff’s action is to recover damages for employment discrimination,” and so only monetary damages would afford the plaintiff full relief. The appellate court, therefore, reversed the trial court and denied the defendant’s motion to strike the plaintiff’s jury demand.

Takeaway

In hybrid cases involving claims for both legal and equitable relief, the determination as to whether a jury trial is available requires a fact-based inquiry into the entirety of the complaint’s allegations. Practitioners on both sides of the aisle should carefully consider whether any equitable claims asserted by the plaintiff will waive the right to a jury when deciding to make a jury demand or a motion to strike that demand.