

2 A.D.3d 161, 767 N.Y.S.2d 620 (Mem), 2003 N.Y.
Slip Op. 19098

****1** MLM LLC, Appellant
v
Sotirios Karamouzis, Respondent.

Supreme Court, Appellate Division, First
Department, New York
2388
December 4, 2003

CITE TITLE AS: MLM LLC v Karamouzis

HEADNOTE

Corporations
Individual Liability of Officers

Defendant, principal of restaurant corporation, did not engage in tortious conduct for which he should be held individually responsible; his conduct amounted, at most, to nonfeasance, for which he was not liable; furthermore,

plaintiff failed to demonstrate requisite elements of claim for breach of fiduciary duty.

Order, Supreme Court, New York County (Edward Lehner, J.), entered August 15, 2002, which granted defendant's motion to dismiss the action, unanimously affirmed, with costs.

An owner/shareholder is not individually liable for the torts of a corporation unless it is established that he exercised complete dominion over the corporation alleged to have committed the wrong (*Brito v DILP Corp.*, 282 AD2d 320 [2001]). We reject plaintiff's claim that defendant, a principal of the restaurant corporation, engaged in allegedly tortious conduct, ***162** for which he should be held individually responsible. Such conduct amounts, at most, to nonfeasance, for which defendant is not liable (*Michaels v Lispenard Holding Corp.*, 11 AD2d 12, 14 [1960]). Furthermore, plaintiff failed to demonstrate the requisite elements of a claim for breach of fiduciary duty. Concur—Tom, J.P., Andrias, Saxe and Ellerin, JJ.

Copr. (C) 2017, Secretary of State, State of New York