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The Next Wave of GMVA Litigation: Corporate Liability, Preemption, and Strategic Forum Selection

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New amendments to New York City’s GMVA law, effective January 2026, expand liability to include entities that enable gender-motivated crimes and create a new revival period for old claims. Courts are applying stricter standards for corporate liability, especially in federal court, while ongoing preemption debates may affect future claims. The evolving legal landscape will influence where and how cases are litigated, with potential for further legislative changes.

A New Phase of GMVA Claims

New amendments to New York City’s Victims of Gender-Motivated Violence Protection Law (GMVA), N.Y.C. Admin. Code §10-1101 et seq., went into effect in January 2026, and claims are already being brought under the revised statute.

These new claims will test the contours of liability for employers, agents, and other entities alleged to have enabled gender-motivated violence—in addition to the alleged perpetrators themselves. Drawing on experience litigating these cases on both sides, the authors have seen firsthand how the evolving statutory framework is shaping both plaintiff and defense strategies.

For over two decades, the GMVA has provided a private right of action against any person who “commits” a “crime of violence motivated by gender.” A successful plaintiff on a GMVA claim may recover punitive damages, attorney’s fees, and costs—in addition to compensatory damages—making this cause of action an attractive one for plaintiffs and a significant potential liability to defendants.

In 2022, the council enacted two substantial amendments to the GMVA. First, it expanded the scope of liability under the statute to encompass any “party who... directs, enables, participates in, or conspires in the commission of a crime of violence motivated by gender”—in addition to the “individual who commits” such a crime. That is, liability now extends to secondary actors—not just the primary tortfeasor.

Second, the council created a two-year revival window, which ran from March 2023 to March 2025, during which plaintiffs could bring claims that otherwise would have been time-barred under the GMVA's ordinary seven-year statute of limitations.

However, most courts applying these twin statutory changes held that the liability expansion was not also meant to be applied retroactively—meaning that secondary actors could not be held liable for alleged “crimes of violence motivated by gender” that occurred before 2022. This resulted in the dismissal of many claims against corporate defendants on purely legal grounds.

Now, the City Council—seeking to undo these cases—has altered this landscape once again. The 2026 GMVA amendments now in effect expressly state that the 2022 liability expansion applies retroactively—even to alleged “crimes of violence motivated by gender” that occurred before the original enactment of the GMVA in 2000.

And the council has created another new revival window—from January 2026 until July 2027—during which plaintiffs can bring otherwise time-barred claims. This means that courts will be forced to confront what it means for an entity to “enable” these sorts of alleged crimes.

Case Law on Corporate Liability Following the 2022 Amendments

Although the retroactivity issue previously limited the development of case law in this area, a handful of decisions analyzing the 2022 amendments provide an early preview of how courts may approach these questions.

Several federal decisions have taken a relatively strict view of corporate liability under the GMVA. In *O’Rear v. Diaz*, 2025 U.S. Dist. LEXIS 11952 (S.D.N.Y. Jan. 23, 2025), and *Kelly v. Combs*, 2025 U.S. Dist. LEXIS 208319 (S.D.N.Y. Oct. 22, 2025), courts dismissed GMVA claims against corporate defendants where the complaints failed to allege that those defendants themselves committed, directed, enabled, participated in, or conspired in the alleged assault.

In *O’Rear*, the court emphasized the absence of allegations that the corporate defendants had foreknowledge of the alleged perpetrator’s misconduct or any propensity to engage in such conduct and noted that the alleged assault occurred outside of work hours and was not facilitated by the corporate defendants.

State courts have been divided on this issue. In *Delgado v. Donald J. Trump for President, Inc.*, No. 952333/2023 (Sup. Ct. N.Y. Cnty. Jan. 30, 2025), the court granted a motion to dismiss GMVA claims against an entity defendant where the allegations of enabling conduct were purely conclusory. The complaint alleged, in substance, that the entity had enabled the misconduct and

provided the means by which the individual defendant exercised authority over the plaintiff, but the court found those allegations insufficient without supporting factual detail.

By contrast, in *Doe v. Combs*, 2025 N.Y. Misc. LEXIS 8077 (Sup. Ct. N.Y. Cnty. Sept. 30, 2025), the court declined to dismiss GMVA claims against corporate defendants, applying New York state courts' liberal pleadings standard and reasoning that it would be premature to do so before discovery had occurred. To be safe and to avoid early dismissal, practitioners representing plaintiffs should consider pleading allegations against entities with as much specificity as possible.

Preemption and the Next Battleground

Another as-yet unanswered question regarding GMVA litigation is that of preemption—which the New York Court of Appeals is soon expected to resolve. The city-enacted 2023-25 revival window for GMVA claims overlapped with—but was different from—the claim-revival periods that the New York State Legislature had enacted in the Child Victims Act (CVA) and Adult Survivors Act (ASA).

These latter statutes both applied statewide to create finite revival periods for all civil cases arising out of alleged sex offenses, including GMVA claims. Defendants argued that the CVA and ASA (which have both expired) preempted the later, New York City-specific revival period for GMVA claims.

Lower courts divided on that question. Some accepted the preemption argument and held that the GMVA could not be used to revive claims that would otherwise be time-barred under the CVA or ASA. Others rejected it, concluding that the GMVA created an independent cause of action with its own legislative purpose and was not preempted simply because it overlapped with earlier revival statutes.

On March 23, 2026, the United States Court of Appeals for the Second Circuit certified the question of preemption to the New York Court of Appeals, which accepted the certified question on April 16th. Numerous state and federal cases have been stayed pending the resolution of this question.

If the state high court concludes that the 2023-25 GMVA revival period was preempted by state law, then this may also spell doom for the newest revival period under the 2026 amendment—although, in an apparent effort to circumvent this possibility, the city council placed this latest amendment in its own, standalone section of the statute.

It remains to be seen whether courts accept this difference in codification as a meaningful distinction, or whether they will conclude that any city-enacted GMVA revival period continues to conflict with the policy judgments reflected in the state's ASA and CVA.

Forum Selection and the Federal-State Divide

These developments underscore what is likely to be one of the most significant dynamics in this next phase of GMVA litigation: forum selection. The early decisions interpreting the 2022 liability-expansion already suggest that federal courts are applying a more exacting approach to GMVA claims, particularly at the pleading stage, and are therefore more favorable to defendants.

Another advantage to defendants in federal court is that judges tend to undertake a more rigorous analysis in determining whether a plaintiff may proceed anonymously, whereas state courts often grant such requests with minimal scrutiny.

Federal judges have required plaintiffs to allege specific facts demonstrating how an entity participated in or enabled the alleged misconduct, rather than relying on generalized or conclusory assertions. Decisions like *O'Rear* and *Kelly* reflect a willingness to dismiss claims where the connection between the corporate defendant and the alleged conduct is not clearly pleaded.

Federal courts are also engaging more directly with the statutory elements of GMVA claims, with at least one recent decision requiring specific extrinsic facts to be pleaded to show gender animus, departing from state court authority that has allowed such animus to be inferred from certain sexual offenses.

By contrast, state courts have been more inclined to permit claims to proceed into discovery, particularly at the early stages of litigation. The absence of a federal-style pleading standard means that even relatively sparse allegations may be sufficient to survive a motion to dismiss. As a result, claims that might be dismissed in federal court may proceed in state court, at least through the initial phases of litigation.

This divergence creates real strategic incentives. Plaintiffs may seek to file in state court to take advantage of more forgiving pleading standards, while defendants may look for opportunities to remove cases to federal court, where the likelihood of early dismissal may be higher.

The result is likely to be increased motion practice not only on the merits, but also on jurisdiction and venue, as each side attempts to position the case in the forum most favorable to its claims or defenses. It may also lead to gamesmanship, including the naming of New York-based defendants in an effort to defeat diversity jurisdiction and prevent removal.

Looking Ahead

The expansion of potential liability to corporate defendants carries significant implications beyond the courtroom. Entities facing GMVA claims must consider not only legal defenses, but also reputational risks, internal investigations, and broader business consequences.

Even where claims are ultimately dismissed, the allegations themselves can attract public attention and scrutiny. These important considerations will be front and center in pre-litigation negotiations of potential claims against corporate defendants.

The next phase of GMVA litigation will test both the statutory framework and the willingness of courts to extend liability beyond the individual perpetrator—and may even result in additional future amendments to the statute.

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