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NEGLIGENCE - NEW YORK

Warshefskie v. New York City Housing Authority

Supreme Court, Appellate Division, Second Department, New York - September 17, 2014 - N.Y.S.2d - 2014 N.Y. Slip Op. 06200

Police officer brought statutory and common-law negligence claims against a housing authority, claiming that the housing authority failed to properly maintain a fire door, which caused injury to the officer during his pursuit of a suspect. The Supreme Court, Richmond County, granted partial summary judgment to the housing authority. Both parties appealed.

The Supreme Court, Appellate Division, held that:

- Issue of fact as to whether the housing authority was negligent in maintaining the fire door precluded summary judgment on the common-law negligence claim;
- The police officer's failure to demonstrate that the fire door failed to comply with the building code precluded statutory negligence claim; and
- The trial court did not abuse its discretion in denying a plaintiff leave to amend his complaint and bill of particulars.