
LIABILITY - NEW YORK

Savinon v. New York City Transit Authority

Supreme Court, Appellate Division, First Department, New York - October 24, 2017 - N.Y.S.3d - 2017 WL 4781990 - 2017 N.Y. Slip Op. 07390

Bus passenger brought personal injury action against city transit authority, alleging negligence and false imprisonment arising from assault on bus driver by another patron who attempted to board bus without paying fare and resulting in passenger suffering a panic attack when driver failed to unlock rear door.

The Supreme Court denied transit authority's summary judgment motion. Transit authority appealed.

The Supreme Court, Appellate Division, held that:

- Transit authority was not liable for negligence, and
- There was no evidence that bus driver intended to confine passenger during assault, as required to support passenger's false imprisonment claim.

Incident in which city bus driver was assaulted by man attempting to board bus without paying bus fare was the result of an emergency situation that was not of bus driver's own making and that afforded him little or no time to consider an alternate course of action, and thus city transit authority was not liable for negligence regarding injuries to bus passenger resulting from panic attack when passengers crowded to back of bus where passenger was riding to exit from rear door, which bus driver failed to open; bus driver reasonably and prudently responded to emergency by making sure that bus's emergency brake was activated and pressing silent alarm to summon police.

There was no evidence that city bus driver intended to confine bus passenger during assault on driver by patron attempting to ride bus without paying bus fare, during which bus driver failed to unlock rear bus door, as required to support passenger's false imprisonment claim against city transit authority.

Copyright © 2026 Bond Case Briefs | bondcasebriefs.com