

Bond Case Briefs

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Martin v. City of New York

Supreme Court, Appellate Division, First Department, New York - November 20, 2018 - 86 N.Y.S.3d 434 - 2018 N.Y. Slip Op. 07946

Softball league member brought action against city, seeking to recover for injuries allegedly sustained due to trip and fall in park.

The Supreme Court, New York County, granted city's motion for summary judgment. Member appealed.

The Supreme Court, Appellate Division, held that:

- Genuine issue of material fact existed as to whether city had notice of defect in softball field;
- Genuine issue of material fact existed as to whether city negligently or improperly repaired defect;
- Genuine issue of material fact existed as to whether softball field was safe as it appeared to be;
- Genuine issue of material fact existed as to whether alleged injury was consequence of condition or practice common to the sport; and
- Genuine issue of material fact existed as to whether member assumed risk of playing on field.