
LIABILITY - NEW YORK

Sugamele v. Town of Hempstead

Supreme Court, Appellate Division, Second Department, New York - February 13, 2019 - N.Y.S.3d - 2019 WL 575597 - 2019 N.Y. Slip Op. 01118

Passengers on speedboat, who were injured when speedboat allided with marshy body of land located off the coast of Long Island, and estates of passengers, who were killed as result of this accident, brought action against town to recover damages for personal injuries and wrongful death, alleging that town was negligent in its installation and placement of buoys marking a channel around the marshy body of land.

The Supreme Court, Nassau County, granted town's motion for summary judgment, and passengers and passengers' estates appealed.

The Supreme Court, Appellate Division, held that issue of fact regarding town's comparative fault based on its placement and maintenance of buoys marking a channel around marshy body of land precluded grant of summary judgment to town.

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