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LIABILITY - NEW YORK

Laniox v. City of New York

Supreme Court, Appellate Division, First Department, New York - March 19, 2019 - N.Y.S.3d - 2019 WL 124572720 - 19 N.Y. Slip Op. 02026

Appeal was taken from order of the Supreme Court, Bronx County, denying the New York City Housing Authority's motion for summary judgment on nurse's action to recover for injuries sustained in an assault while visiting a patient in building, based on the Housing Authority's failure to provide adequate security.

The Supreme Court, Appellate Division, held that:

- Plaintiff's inability to identify her assailant as an intruder, as opposed to a tenant or invitee lawfully on the premises, was sufficient to establish the Housing Authority's entitlement to judgment as a matter of law, and
- The fact that the New York City Housing Authority was aware of a broken building entry door was insufficient, by itself, to establish liability.

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