
NEGLIGENCE - NEW YORK

Magpantay v. New York City School Construction Authority

Supreme Court, Appellate Division, Second Department, New York - October 28, 2026 - N.Y.S.3d - 2026 WL 3224377 - 2026 N.Y. Slip Op. 06292

Construction worker brought action against city school construction authority, which was the general contractor, and city department of education, which owned construction site, to recover damages for injuries that he allegedly sustained when a 20– to 25–pound u-head fell from above and struck his head and shoulder while working at site, alleging violations of workplace-safety statute applicable to owners and contractors, scaffold law, and statute requiring owners and contractors to provide reasonable and adequate protection and safety for construction workers.

The Supreme Court, Queens County, denied worker's motion for summary judgment on the issue of liability. Worker appealed.

The Supreme Court, Appellate Division, held that:

- School construction authority and department of education were liable, under scaffold law, for worker's injuries;
- Fact issues existed as to whether area where worker allegedly sustained injuries was normally exposed to falling material or objects within the meaning of Industrial Code provision, precluding summary judgment on worker's claim alleging violation of statute requiring owners and contractors to provide reasonable and adequate protection and safety for construction workers; but
- School construction authority and department of education were not liable, under workplace-safety statute applicable to owners and contractors, for worker's injuries.

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