

Bond Case Briefs

Municipal Finance Law Since 1971

LIABILITY - NEW YORK

Denermark v. 2857 West 8th Street Associates

Supreme Court, Appellate Division, Second Department, New York - November 13, 2013 - N.Y.S.2d - 2013 N.Y. Slip Op. 07444

Pedestrian brought action against building owner and lessee to recover for injuries sustained when she overstepped single step, causing her to trip and fall onto adjacent sidewalk. The Supreme Court, Kings County, Ash, J., entered summary judgment in defendants' favor, and pedestrian appealed.

The Supreme Court, Appellate Division, held that:

- Pedestrian adequately identified condition that caused accident;
- Fact issues remained as to whether door leaf violated city administrative code, and whether there was causal connection between violation and pedestrian's fall;
- Fact issues remained as to whether owner retained sufficient control over premises to impose liability; and
- Owner's retention of right to repair did not relieve tenant of its obligation to keep premises reasonably safe.