

Bond Case Briefs

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LIABILITY - NEW YORK

Antonetti v. City of New York

Supreme Court, Appellate Division, First Department, New York - November 26, 2013 - N.Y.S.2d - 2013 N.Y. Slip Op. 07836

Plaintiff brought action against city and city board of education, seeking to recover damages for injuries she allegedly sustained on board's premises. The Supreme Court dismissed complaint with respect to board, granted summary judgment in favor of defendants, and denied plaintiff's motion to renew and reargue. Plaintiff appealed.

The Supreme Court, Appellate Division, held that:

- City could not be held liable for torts committed by board;
- Trial court's order denying defendants' motion for leave to amend their answer to deny that board operated premises on which plaintiff's injury occurred became law of the case; and
- Defendants were equitably estopped from seeking dismissal on ground that board did not owe plaintiff special duty.