

# **Bond Case Briefs**

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## **LIABILITY - NEW YORK**

### **Rodriguez v. Coalition for Father Duffy, LLC**

**Supreme Court, Appellate Division, First Department, New York - December 3, 2013 - N.Y.S.2d - 2013 N.Y. Slip Op. 08007**

After accident, licensee under agreement with city to operate premises as a ticket stand moved for summary judgment in action brought against it for common law negligence and under the scaffold law and workplace safety statute. The Supreme Court granted the motion, and plaintiff appealed.

The Supreme Court, Appellate Division, held that genuine issues of material fact precluded summary judgment.

Genuine issue of material fact as to whether licensee under agreement with city permitting it to operate the premises as a ticket stand was a statutory agent of city and thus could be held liable under the scaffold law regardless of whether plaintiff's employer was hired directly by the city rather than by licensee precluded summary judgment in scaffold law action.

Genuine issue of material fact as to whether defendant's employees exercised actual supervision or control over plaintiff's worksite precluded summary judgment in action alleging common law negligence and workplace safety violations, based on defendant's furnishing of allegedly inadequate ladder to plaintiff.

Genuine issue of material fact as to whether a bailment was created by defendant's loan of the allegedly defective ladder to plaintiff, so as to give rise to liability for common-law negligence if defendant provided plaintiff with dangerous equipment even if its defect was patent, precluded summary judgment on plaintiff's common-law negligence claim.