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LIABILITY - NEW YORK

Abad ex rel. Morales v. New York City Health and Hospitals Corp.

Supreme Court, Appellate Division, First Department, New York - February 20, 2014 - N.Y.S.2d - 2014 N.Y. Slip Op. 01254

Infant patient, by his mother and natural guardian, brought medical malpractice against city health corporation which operated hospital where patient was allegedly injured. The Supreme Court, Bronx County denied patient's motion seeking leave to file late notice of claim and dismissed action, and patient appealed.

The Supreme Court, Appellate Division held that denial of leave to file late notice of claim more than seven years after claim accrued was not abuse of discretion.

Seven-year delay prejudiced corporation, given that neither hospital records nor subsequent events served as notice of the facts constituting the patient's claim, and patient did not offer a good reason for the delay.