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Ewadi v. City of New York

Supreme Court, Appellate Division, First Department, New York - May 6, 2014 - N.Y.S.2d - 2014 N.Y. Slip Op. 03199

Plaintiff brought action against city and city fire department to recover for personal injuries sustained in fire. The Supreme Court, Bronx County, entered summary judgment in defendants' favor, and plaintiff appealed.

The Supreme Court, Appellate Division, held that firefighters did not assume voluntary duty to plaintiff beyond that owed to general public.

Statement by firefighters for resident trapped in burning building to "Hold on" was too vague to manifest assumption by firefighters of voluntary duty to resident beyond that owed to general public, and thus did not create duty of care required to establish negligence claim against city.

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