

Bond Case Briefs

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Lupa v. City of Oswego

Supreme Court, Appellate Division, Fourth Department, New York - May 2, 2014 - N.Y.S.2d - 2014 N.Y. Slip Op. 03055

Pedestrian brought action against city, seeking to recover damages for injuries allegedly sustained when she tripped and fell on elevated edge of parking space maintained by city. The Supreme Court, Oswego County, denied summary judgment for city. City appealed.

The Supreme Court, Appellate Division, held that city failed to meet its initial burden of establishing space's defect was trivial and nonactionable.

Pedestrian's deposition testimony and photographs, particularly photographs depicting area closest to pedestrian's vehicle, suggested a measurable edge in pavement that could pose a tripping hazard.