

# **Bond Case Briefs**

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## **LIABILITY - NEW YORK**

### **Bakioglu v. Tornabene**

**Supreme Court, Appellate Division, Second Department, New York - May 7, 2014 - N.Y.S.2d - 2014 N.Y. Slip Op. 03219**

Police officer and his wife, suing derivatively, brought action against city, police department, and others to recover for injuries sustained in motor vehicle accident. The Supreme Court, Kings County, granted plaintiffs' motion for leave to serve and file a late notice of claim, and city and department appealed.

The Supreme Court, Appellate Division, held that officer could serve late notice of claim upon city and police department.

Police officer could serve late notice of claim upon city and police department for personal injuries sustained in motor vehicle accident while on duty and riding in department vehicle, even though officer had no reasonable excuse for not timely filing claim, where city and department had actual notice of essential facts constituting claim well within 90-day period for serving notice of claim, department conducted prompt investigation into matter and possessed pertinent records from investigation, and there was no substantial prejudice to city defendants in maintaining defense.