

Bond Case Briefs

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Granata v. City of White Plains

Supreme Court, Appellate Division, Second Department, New York - September 10, 2014 - N.Y.S.2d - 2014 N.Y. Slip Op. 06053

Action was brought against city to recover damages for negligence and wrongful death of customer who was attacked and killed in city's parking garage. The Supreme Court, Westchester County, denied city's motion for summary judgment on cause of action alleging that city failed to maintain premises in reasonably safe condition. City appealed.

The Supreme Court, Appellate Division, held that:

- City acted in its proprietary capacity, and
- There was triable issue of fact as to foreseeability of attack.

City acted in proprietary, rather than governmental, capacity in owning and operating parking garage, for which it was alleged to have failed to provide adequate security, and, in that capacity, city, like any landlord, had duty to take minimal precautions to protect customer from foreseeable harm.