

# **Bond Case Briefs**

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## **LIABILITY - NEW YORK**

### **Gugel v. County of Suffolk**

**Supreme Court, Appellate Division, Second Department, New York - September 10, 2014 - N.Y.S.2d - 2014 N.Y. Slip Op. 06054**

Plaintiffs brought action against county to recover for damages they sustained as result of sewage backup. The Supreme Court, Suffolk County, entered summary judgment in county's favor, and plaintiffs appealed.

The Supreme Court, Appellate Division, held that county's proof regarding its regular inspection and maintenance of its sewer system failed to demonstrate its prima facie entitlement to judgment as matter of law.

County's proof regarding its regular inspection and maintenance of its sewer system failed to demonstrate its prima facie entitlement to judgment as matter of law in action to recover damages sustained as result of sewage backup, even though county did not have prior notice of dangerous condition in subject sewer system, where records that county submitted in support of its motion for summary judgment were confusing, internally inconsistent, and did not support conclusion made in accompanying affidavit of county department of public works employee, who stated that subject sewer line was annually "jetted" to clear blockages.