

Bond Case Briefs

Municipal Finance Law Since 1971

IMMUNITY - NEW YORK

Tara N.P. (Anonymous) v. Western Suffolk Bd. of Co-op. Educational Services

Supreme Court, Appellate Division, Second Department, New York - September 17, 2014 - N.Y.S.2d - 2014 N.Y. Slip Op. 06189

Student in GED course at county facility leased by non-profit organization brought action against county, county's social services department, and county's department of labor, seeking to recover damages for personal injuries sustained when she was sexually assaulted by maintenance worker whom defendants had referred to organization for hire at facility, despite worker's designation as level three sex offender. The Supreme Court, Suffolk County, denied defendants' summary judgment motion. Defendants appealed.

The Supreme Court, Appellate Division, held that:

- Defendants did not voluntarily assume any special duty to student, precluding tort liability, and
- Fact issue existed as to whether defendants breached duty of care to organization.