

# **Bond Case Briefs**

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## **EMPLOYMENT - NEW YORK**

### **Margerum v. City of Buffalo**

**Court of Appeals of New York - February 17, 2015 - N.E.3d - 2015 N.Y. Slip Op. 01378**

Firefighters brought discrimination claims against city, alleging that city allowed promotional eligibility lists created pursuant to Civil Service Law to expire solely on ground that plaintiffs, who were next in line for promotion, were Caucasian. The Supreme Court, Erie County, granted partial summary judgment to firefighters as to liability. City appealed. The Supreme Court, Appellate Division, affirmed as modified, concluding that trial court erred in granting partial summary judgment. Thereafter, the Supreme Court granted partial summary judgment to firefighters as to liability. City appealed. The Supreme Court, Appellate Division, affirmed. After nonjury trial, the Supreme Court awarded a total of \$2,510,170 in economic damages and \$255,000 in emotional distress damages to remaining plaintiffs. The Supreme Court, Appellate Division, reduced economic damages, yielding final judgment of \$1,621,007. Leave to appeal was granted.

The Court of Appeals held that:

- Claims under the Human Rights Law are not subject to the General Municipal Law provisions requiring service of a notice of claim prior to the filing of certain types of claims against a municipality, but
- Issue of whether city had strong basis in evidence to believe it would be subject to disparate-impact liability at the time it allowed promotional eligibility lists for firefighters to expire raised issues of fact that could not be determined on motions for summary judgment.