

Bond Case Briefs

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LIABILITY - NEW YORK

Staten v. City of New York

Supreme Court, Appellate Division, Second Department, New York - April 22, 2015 - N.Y.S.3d - 2015 N.Y. Slip Op. 03347

High school student, by his mother and guardian, brought action against city, city department of education, and camp owner to recover damages for personal injuries sustained at football camp when fellow student broke window near his face. The Supreme Court, Richmond County, denied city's and department's motion for summary judgment, and entered summary judgment in owner's favor. Parties filed cross-appeals.

The Supreme Court, Appellate Division, held that:

- City was not liable for school officials' alleged negligence, and
- Other student's disciplinary history did not place board on notice of dangerous conduct requiring greater level of supervision.

Fact that student was previously involved in altercation, for which he received in-school suspension, did not place city board of education on notice of dangerous conduct requiring greater level of supervision at football camp operated by public high school, and thus board was not liable for personal injuries sustained by camp participant when student broke window near him, where participant's injury was result of spontaneous, unanticipated act that could not have been averted through exercise of greater supervision.