

# **Bond Case Briefs**

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## **LIABILITY - NEW YORK**

### **Deleon v. New York City Sanitation Dept.**

**Court of Appeals of New York - June 10, 2015 - N.E.3d - 2015 N.Y. Slip Op. 04788**

Motorist brought action against city to recover damages for injuries sustained when city sanitation street sweeper operator rear-ended motorist's vehicle. The Supreme Court, Bronx County, granted city's motion for summary judgment. Motorist appealed. The Supreme Court, Appellate Division, modified and affirmed. City appealed.

The Court of Appeals held that:

- Recklessness standard applied, and
- A fact issue existed as to whether street sweeper operator could have avoided collision.

Recklessness standard, rather than negligence, applied to motorist's action against city to recover damages for personal injuries sustained after city sanitation street sweeper operator rear-ended motorist's vehicle. Street sweeper fell under exception to rules of road that provided recklessness standard for vehicles "actually engaged in work on a highway."

A genuine issue of material fact existed as to whether street sweeper operator could have avoided rear-ending motor vehicle after motorist allegedly made abrupt lane change, precluding summary judgment on motorist's claim against city to recover damages for injuries sustained in collision.