

Bond Case Briefs

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Moore v. City of New York

Supreme Court, Appellate Division, Second Department, New York - October 7, 2015 - N.Y.S.3d - 2015 WL 5827366 - 2015 N.Y. Slip Op. 07249

A 15-year old student brought action to recover damages for personal injuries against city, city police department, city department of education, and police officers, claiming that defendants were negligent in failing to protect student, who was involved in a physical altercation, after which student was shot in the back and paralyzed from the waist down. The Supreme Court, Kings County, granted summary judgment to defendants. Student appealed.

The Supreme Court, Appellate Division, held that:

- Municipality's provision of heightened police protection did not create a special relationship with student, and
- There was no evidence that student justifiably relied on municipality's provision of heightened police protection.