

# **Bond Case Briefs**

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## **LIABILITY - NEW YORK**

### **Rusin v. City of New York**

**Supreme Court, Appellate Division, Second Department, New York - November 12, 2015 - N.Y.S.3d - 2015 WL 6971574 - 2015 N.Y. Slip Op. 08155**

Pedestrian brought action against city, seeking damages for injuries sustained when he slipped and fell on snow and ice while walking in the crosswalk across a roadway. City moved for summary judgment. The Supreme Court, Kings County, granted motion. Pedestrian appealed.

The Supreme Court, Appellate Division, held that under storm in progress rule, city could not be held liable for injuries sustained by pedestrian.

Under the storm in progress rule, the city generally cannot be held liable for injuries sustained as a result of slippery conditions that occur during an ongoing storm, or for a reasonable time thereafter. A “reasonable period of time” is the period within which the municipality should have taken notice of the icy condition and, in the exercise of reasonable care, remedied it.

City did not have reasonable opportunity to remedy allegedly dangerous condition that was created by extraordinary snowstorm that resulted in a total of approximately 20 inches of snow, after which temperature rose above, and fell below, freezing, and thus under storm in progress rule, city could not be held liable for injuries sustained by pedestrian when he slipped and fell on snow and ice while walking in the crosswalk across a roadway 57 hours after end of snow storm.