

# **Bond Case Briefs**

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## **IMMUNITY - NEW YORK**

### **Roberts v. Coeymans Hollow Volunteer Fire Company**

**Supreme Court, Appellate Division, Third Department, New York - January 3, 2019 - N.Y.S.3d - 2019 WL 80643 - 2019 N.Y. Slip Op. 00006**

House-fire victim brought action against volunteer fire company. Fire company moved for summary judgment dismissing the complaint, and victim cross-moved to, among other things, amend the complaint to add fire district as defendant.

The Supreme Court, Albany County, entered summary judgment in favor of fire department. Victim appealed. She died, and her executor was substituted as plaintiff.

The Supreme Court, Appellate Division held that:

- Volunteer fire company was not liable for any injuries caused to house-fire victim while she was being evacuated from her house;
- Victim was not entitled to add fire district as a defendant; and
- House-fire victim's failure to serve notice of tort claim upon fire district was not excused under savings provision.