

# **Bond Case Briefs**

*Municipal Finance Law Since 1971*

---

## **LIABILITY - NEW YORK**

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

**Supreme Court, Appellate Division, Second Department, New York - January 9, 2019 - N.Y.S.3d - 2019 WL 138357 - 2019 N.Y. Slip Op. 00157**

Worker brought action for negligence and violations of Labor Law against city, city department of transportation, and general contractor seeking to recover damages for personal injuries sustained while demolishing a concrete wall at ferry terminal for his employer.

Following jury trial, the Supreme Court, Richmond County, entered judgment in favor of defendants. Worker appealed.

The Supreme Court, Appellate Division, held that:

- Defendants were not liable for negligence or violation of workplace safety statute;
- Issue of whether lack of nearby fire extinguisher was a substantial factor in causing injuries was for jury; and
- Jury's determination that defendants were negligent but that their negligence was not proximate cause of injuries was not contrary to weight of evidence.