

Bond Case Briefs

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Colon v. Martin

Court of Appeals of New York - May 7, 2020 - N.E.3d - 2020 WL 2200410 - 2020 N.Y. Slip Op. 02681

Leading motorist and passenger brought personal injury action against following motorist, city agency, and city, seeking to recover for injuries sustained when their vehicle was allegedly struck in the rear by following motorist's vehicle, which was owned by city and agency.

Plaintiffs appealed. The Supreme Court, Richmond County, granted defendants' cross motion for summary judgment dismissing the complaint for failing to comply with hearing provision under General Municipal Law. Plaintiffs appealed. The Supreme Court, Appellate Division, affirmed. Plaintiffs appealed.

The Court of Appeals held that:

- In an apparent matter of first impression, General Municipal Law provision governing examination of claims against a municipality did not operate to permit claimant to have a coclaimant present during an oral examination by municipality, and
- General Municipal Law provision governing examination of claims against a municipality operated to permit municipality to conduct separate examinations of coclaimants.