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Brown v. New York City Department of Transportation

Supreme Court, Appellate Division, First Department, New York - October 15, 2020 - N.Y.S.3d - 2020 WL 6065381 - 2020 N.Y. Slip Op. 05807

Pedestrian brought personal injury action, which alleged that she stepped into an area of a missing sidewalk curb, causing her to trip and fall, against company that owned the premises abutting the sidewalk and against company that managed the building abutting the sidewalk.

The Supreme Court denied defendants' motion for summary judgment. Defendants appealed.

The Supreme Court, Appellate Division held that sidewalk curb was not a "sidewalk" within meaning of city administrative code.

Area of a missing sidewalk curb, which was a sizable gap located next to a tree well, was not a "sidewalk," within meaning of city administrative code provision governing duties of abutting property owners, and thus abutting property owners were under no duty to maintain the sidewalk curb in a reasonably safe condition.