

Bond Case Briefs

Municipal Finance Law Since 1971

LIABILITY - NEW YORK

Methal v. Village of Ardsley

Supreme Court, Appellate Division, Second Department, New York - July 12, 2023 - 192 N.Y.S.3d 545 - 2023 N.Y. Slip Op. 03775

Property owners brought action against village, company that constructed retaining wall, and engineer of retaining wall alleging that village's storm drain system broke and caused damage to property and that retaining wall contributed to system's deterioration.

Company and engineer asserted cross-claims against village. The Supreme Court, Westchester County, granted in part village's motion for summary judgment on certain cross-claims and denied it in part with respect to owners' negligent design claim and with respect to complaint and engineer's cross-claim to extent they sought damages, contribution, or indemnification for injuries to property that occurred 90 days prior to service of second notice of claim. Village appealed and company and engineer cross-appealed.

The Supreme Court, Appellate Division, held that:

- Limitations period for owners' negligent design claim began to run when system was designed and installed;
- Village failed to establish prima facie entitlement to judgment as a matter of law that trespass and negligent maintenance claims were untimely; and
- Owners' notice of claim to village sufficiently complied with statutory requirements.