Bond Case Briefs

Municipal Finance Law Since 1971

LIABILITY - NEW YORK

Minahan v. New York City Transit Authority

Supreme Court, Appellate Division, First Department, New York - October 17, 2024 - N.Y.S.3d - 2024 WL 4508114 - 2024 N.Y. Slip Op. 05140

Pedestrian brought negligence action against city transit authority and metropolitan transit authority, alleging that she was tripped and fell on sidewalk grate due to crack in nearby sidewalk that abutted building.

The Supreme Court, New York County, denied pedestrian's motion for partial summary judgment and granted transit authorities' cross-motion for summary judgment. Pedestrian appealed.

The Supreme Court, Appellate Division, held that:

- Transit authorities were not bound by deemed admission relating to ownership of sidewalk grade, such that legal duty of care was conferred upon them, and
- Transit authorities did not owe a legal duty to pedestrian to maintain perimeter around grate.

Failure of transit authorities to respond to pedestrian's notice to admit did not prejudice pedestrian, and thus, defendants were not bound by deemed admission relating to ownership of sidewalk grate, onto which pedestrian allegedly tripped and fell due to crack in nearby sidewalk that abutted building, such that legal duty of care was conferred upon transit authorities, in pedestrian's negligence action against defendants; defendants' failure to respond was inadvertent, given that they had not admitted allegation of ownership in their answer, notice to admit was served by email at onset of pandemic shutdown and was not raised by pedestrian as outstanding discovery item at subsequent preliminary conference, and court took judicial notice of pedestrian's second suit relating to accident.

City and metropolitan transit authorities did not own sidewalk grate onto which pedestrian allegedly tripped and fell due to a crack in nearby sidewalk that abutted building, and thus did not owe a legal duty to pedestrian to maintain perimeter around grate; grate was not a subway grate that could have been owned or leased to defendants.

Copyright © 2026 Bond Case Briefs | bondcasebriefs.com