

NEW YORK COURT OF APPEALS

Yousufu Sangaray v. West River Associates, LLC

26 N.Y.3d 793 (2016) · No. No. 7 · Decided February 11, 2016

SUMMARY

The New York Court of Appeals held that Administrative Code of the City of New York § 7-210 does not impose liability solely on the owner whose property abuts the precise sidewalk defect causing an injury. A neighboring property owner may also be liable if its failure to maintain the sidewalk abutting its property in a reasonably safe condition was a proximate cause of the injury. The court reversed summary judgment for West River Associates because factual questions remained regarding whether its sunken sidewalk flag contributed to the accident.

CASE DETAILS

COURT	New York Court of Appeals
WRITING FOR THE COURT	Pigott, J.; Rivera, J.; Abdus-Salaam, J.; Stein, J.; Fahey, J.; DiFiore, C.J.; Garcia, J.
JURISDICTION	New York
DECIDED	February 11, 2016
DOCKET	No. 7
DISPOSITION	reversed
PROCEDURAL POSTURE	Plaintiff appealed from an order granting West River Associates, LLC summary judgment dismissing the complaint. The Appellate Division, First Department affirmed, and the New York Court of Appeals granted leave to appeal.
STANDARD OF REVIEW	Summary judgment is appropriate only when the movant demonstrates entitlement to judgment as a matter of law. On review, the court determines whether the movant made the required prima facie showing and whether factual questions remain concerning breach and proximate cause.
PRECEDENTIAL VALUE	Published binding New York Court of Appeals precedent
PARTIES	Yousufu Sangaray v. West River Associates, LLC

TOPICS

premises liability

negligence

statutory interpretation

proximate cause

personal injury

PRACTICE AREAS

torts

premises liability

personal injury

municipal law

real estate

QUESTIONS PRESENTED

1. Whether Administrative Code of the City of New York § 7-210 requires a property owner to be relieved of potential liability merely because the particular sidewalk defect causing the plaintiff's fall abuts a neighboring property.
2. Whether West River established entitlement to summary judgment by showing only that the expansion joint upon which plaintiff tripped was in front of the Mercado property.
3. Whether West River could be liable if its failure to maintain the sidewalk abutting its own property in a reasonably safe condition was a proximate cause of Sangaray's injuries.

HOLDINGS

1. Section 7-210 imposes a duty on an owner of real property abutting a sidewalk to maintain the sidewalk abutting its property in a reasonably safe condition and permits liability for injuries proximately caused by that owner's failure to perform that duty. The statute does not impose a categorical location requirement limiting liability to the owner whose property directly abuts the precise defect on which the plaintiff trips.
2. West River was not entitled to summary judgment because it failed to demonstrate that it complied with its own statutory duty to maintain the sidewalk abutting its property in a reasonably safe condition or that it was not a proximate cause of plaintiff's injuries.

KEY QUOTATIONS

“That does not, however, foreclose the possibility that a neighboring property owner may also be subject to liability for failing to maintain its own abutting sidewalk in a reasonably safe condition where it appears that such failure constituted a proximate cause of the injury sustained.” (26 N.Y.3d at 799)

“Simply put, section 7-210 (b), by its plain language, does not restrict a landowner's liability for accidents that occur on its own abutting sidewalk where the landowner's failure to comply with its duty to maintain its sidewalk in a reasonably safe condition constitutes a proximate cause of a plaintiff's injuries.” (26 N.Y.3d at 799-800)

“That does not end the inquiry, nor does the fact that the defect upon which plaintiff tripped was in front of the Mercado property necessarily absolve West River of liability.” (26 N.Y.3d at 801)

FACTUAL BACKGROUND

Sangaray alleged that he tripped when his toe struck a raised expansion joint in a New York City public sidewalk. The sidewalk flag ran in front of both West River's property and the neighboring Mercado property, although the expansion joint itself abutted the Mercado property. Evidence indicated that most of the sunken

sidewalk flag abutted West River's property, and Sangaray claimed that West River's flag had sunk lower than the expansion joint.

PROCEDURAL HISTORY

Sangaray commenced a common-law negligence action against West River and the Mercados after tripping on a New York City sidewalk. Supreme Court granted West River summary judgment, reasoning that the sidewalk defect was located entirely in front of the Mercado property. The Appellate Division affirmed, but the Court of Appeals reversed and denied West River's motion.

DISPOSITION

reversed

REMAND INSTRUCTIONS

The order of the Appellate Division was reversed, and West River Associates, LLC's motion for summary judgment dismissing the complaint was denied.

CASES CITED

- Vucetovic v. Epsom Downs, Inc., 10 N.Y.3d 517, 521 (2008)
- Montalbano v. 136 W. 80 St. CP, 84 A.D.3d 600 (1st Dep't 2011)
- Byron v. City of New York, 119 A.D.3d 625 (2d Dep't 2014)
- Lorenzo v. Ortiz Funeral Home Corp., 113 A.D.3d 528 (1st Dep't 2014)
- Camacho v. City of New York, 96 A.D.3d 795 (2d Dep't 2012)
- Thompson v. 793-97 Garden St. Hous. Dev. Fund Corp., 101 A.D.3d 642 (1st Dep't 2012)
- James v. Blackmon, 58 A.D.3d 808, 809 (2d Dep't 2009)