



10/23/95 NAOMI SANTIAGO v. NEW YORK CITY HOUSING

633 N.Y.S.2d 68 (1995) | Cited 0 times | New York Supreme Court | October 23, 1995

Ordered that the order is reversed insofar as appealed from, on the law and the facts, with costs, that branch of the defendant's motion which was to dismiss the complaint is granted, and the complaint is dismissed.

General Municipal Law § 50-e (2) sets forth the criteria for the contents of a notice of claim. In pertinent part, the statute requires that the claimant state the nature of the claim and the time, place, and manner in which it arose. The purpose of providing this information in a timely manner is to allow the defendant to conduct a proper investigation and assess the merits of the claim while the information is still readily available (see, *O'Brien v City of Syracuse*, 54 N.Y.2d 353, 359; *Altmayer v City of New York*, 149 A.D.2d 638, 639; *Caselli v City of New York*, 105 A.D.2d 251).

In this case, the plaintiff's notice of claim merely alleged that she slipped and fell on ice on "the walkway near 157 Belmont Avenue, Brooklyn, N.Y." due to the "negligence of the New York City Housing Authority in the ownership, operation and control of its premises". Thus, the notice not only failed to describe the location of the accident with sufficient particularity to enable the defendant to conduct a proper investigation and otherwise assess the merits of the plaintiff's claim (see, *Harper v City of New York*, 129 A.D.2d 770; see also, *Cheung v New York City Tr. Auth.*, 208 A.D.2d 669; *Hoffman v New York City Hous. Auth.*, 187 A.D.2d 334), but it was also utterly silent regarding causation (see, *DiMenna v Long Is. Light. Co.*, 209 A.D.2d 373; *Cheung v New York City Tr. Auth.*, *supra*; *Aviles v City of New York*, 202 A.D.2d 530).

Accordingly, the Supreme Court erred in failing to dismiss the complaint.

Balletta, J. P., Thompson, Ritter and Florio, JJ., concur.

