

Episode 4: Granath v Monroe County: Emergency Vehicle Recklessness, Labor Law § 240 Proof, and New York Claims Strategy

An emergency vehicle approaches a red light. Lights on, maybe no siren, maybe an obstructed view. It enters the intersection and collides with another car. For the injured plaintiff, that sounds like a strong negligence case. But in New York, ordinary negligence may not be enough. When an authorized emergency vehicle is engaged in an emergency operation, the question becomes harder: Was this reckless disregard for the safety of others?

That is the issue in Granath versus Monroe County, a March 2026 Court of Appeals decision with major implications for municipal liability, emergency vehicle claims, and summary judgment practice. Welcome to New York Civil Law Update, the podcast covering appellate decisions, trial-level rulings, and legal developments that matter to claims professionals and litigators all in ten minutes or less.

I'm Matthew Lerner. Let's get right into it. Our featured case is Granath versus Monroe County, decided by the New York Court of Appeals in March 2026. The case involved a collision between the plaintiff's vehicle and a Monroe County deputy sheriff's vehicle. Deputy Fong was responding to an unrelated motor vehicle accident involving heavy damage and unknown injuries.

She approached an intersection against a red light. The plaintiffs had the green light. Deputy Fong entered the intersection and the vehicles collided. The plaintiffs argued that a jury could find reckless disregard. They pointed to disputed evidence about whether the deputy used her siren or air horn, whether her view was obstructed, and whether she complied with the internal departmental procedures.

The Court of Appeals majority affirmed summary judgment for the defendants. Why? Because even viewing the facts favorably to the plaintiffs, the court focused on the precautions Deputy Fong undisputably took. She slowed down. She stopped at least once. She activated her emergency lights. She observed traffic.

She waited for northbound traffic to yield. Then she proceeded. That sequence was important. Vehicle and Traffic Law Section 1104 gives emergency vehicle drivers certain privileges during emergency operations, including proceeding through red lights when done safely, but it does not eliminate liability.

The driver may still be liable for reckless disregard for the safety of others. The key point is that reckless disregard is more demanding than ordinary negligence. A mistake, a poor judgment call, or imperfect emergency driving may not be enough. For claims professionals, Granath is a record-building case.

When evaluating an emergency vehicle accident, do not stop at the police report or the collision diagram. Ask these questions: Was there an emergency operation? What was the call? Were lights activated? Was a siren or air horn used? Did the vehicle slow? Did it stop? Were sight lines blocked? What do the CAD records, body cam, dash cam, and dispatch records show?

For defense counsel, Granath shows how to build the motion. Organize the precautions in order. Slow, stop, look, warn, proceed. For plaintiff's counsel, the case shows the challenge. It is not enough to say that the emergency vehicle went through a red light. The statute permits that in certain emergency circumstances.

The harder question is whether the driver acted with conscious indifference to a highly probable risk of harm. The dissent would have sent the case to a jury. Judge Rivera emphasized the disputed facts about warning signals and obstructed sight lines. That dissent is important because it identifies where future emergency vehicle cases will be fought.

If the record shows the driver barreled into an intersection without slowing, looking, or warning, Granath may not save the defense. But where the driver took meaningful precautions, Granath is now a major defense decision. Now let's look at two notable recent decisions. Our first notable case is Tower versus Structure Tone from the First Department.

This was a construction site trip and fall case under Labor Law Section two forty-one sub six. The plaintiff was walking through a work area to retrieve a door. He

tripped over an eighteen-inch black sprinkler pipe on the floor and broke his foot. The First Department granted the plaintiff partial summary judgment on the Labor Law Section two forty-one sub six claim.

The defendants argued that the pipe was part of the construction work, but the court rejected the integral to the work defense. The plaintiff was retrieving a door. A loose pipe in the walking path was not inherent to that task. It was an avoidable work site hazard. For claims adjusters, this is the point.

Do not assume every object on a construction site is integral to the work. Ask what the plaintiff is doing at the moment of the accident, then ask whether the condition was necessary to that task, or whether it was a poor housekeeping, poor storage, or poor site coordination. This case also highlights risk transfer.

In labor law claims, the liability analysis and indemnity analysis should begin together. Who created the condition? Who controlled the work area? Which subcontractor had housekeeping responsibility? Was there a written contract? Was there an indemnity clause? Was an additional insured tender made? Our second notable case is *Arias versus Brooks Holdings Corporation*.

This was a Labor Law Section two forty subsection one ladder case, but with a twist. The plaintiff was on an A-frame ladder when an electrical explosion occurred. The blast caused the plaintiff and the ladder to fall. The plaintiff moved for summary judgment under Labor Law Section two forty subsection one.

The First Department affirmed the denial of that motion. Why? Because the record did not establish, as a matter of law, that the ladder was inadequate or that another safety device would have prevented the accident. The plaintiff testified that the ladder was in good condition, level, and standing on all four feet before the explosion.

That fact is important. Labor Law Section two forty, subsection one is powerful, but it is not automatic. A plaintiff still must prove that a failure to provide proper elevation-related protection was a proximate cause of the injury. So in a ladder case, do not stop at worker fell from ladder. Ask how the fall happened.

Did the ladder shift? Did it collapse? Was it too short? Was it unsecured? Was the worker forced to overreach? Or did something else, like an explosion, cause the fall? That is the defense value of Arias. It focuses attention on causation, and again, it ties back to Granath. Granath asks whether the emergency driver's conduct reached recklessness.

Tower asks whether a construction site condition was an avoidable hazard. Arias asks whether the alleged safety violation actually caused the fall. Three different cases, one common lesson. The facts need a beat And now for the final note. During the last two weeks of March nineteen ninety-eight, the number one song on the Billboard Hot one hundred was Will Smith's Gettin' Jiggy Wit It.

It is bright, confident, polished, and built around rhythm, and that is why it fits this episode. Because good litigation is not just about having facts. It is about arranging those facts so the court can hear the rhythm. In Granath, the rhythm was emergency call, red light, slow, stop, lights, observe, yield, proceed.

That rhythm supported summary judgment. In Tower, the rhythm broke down. A worker walked through a work area and encountered an avoidable tripping hazard. That rhythm supported the plaintiff. And in Arias, the rhythm was interrupted by an outside force, an electrical explosion. Without proof that a different ladder or safety device would have prevented the fall, summary judgment for the plaintiff was not warranted.

That is the litigation lesson. Do not just say reckless. Show conduct. Do not just say debris. Show why it's not integral to the work. Do not just say ladder fall. Show the statutory violation and causation. Because courts are not moved by noise. They are moved by sequence, proof, and timing. So yes, you could have confidence.

You could have style. You can even get a little jiggy. But when the motion is filed, you better have the record. And there you have it. That's it for this episode of New York Civil Law Update. Until next time, keep your files organized, your motions sharp, and when the law starts moving, let's dance. Cheers.