GML § 50-e: Service of Notice on Water District Not Required

St. John's Law Review
“honest claims may still be defeated on a technicality rather than on the merits.”

**GML § 50-e: Service of notice on water district not required.**

General Municipal Law section 50-i requires that the notice, contemplated by section 50-e, is to be given when plaintiff intends to bring an action against “a city, county, town, village, fire district or school district. . . .”

In *Martin v. Town of Esopus*, plaintiff allegedly failed to serve a notice of claim upon the defendant Port Ewen Water District. Upon a motion to dismiss the complaint the court reasoned that section 50-i was intended to qualify the reference to public corporations contained in section 50-e. As a water district is not directly covered by 50-i, the court concluded that no notice of claim was required to be served on the water district.

The decision is in accord with current case law holding a water district to be without the scope of section 50-i.

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