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Massachusetts Supreme Court reverses judgment in negligence case filed by injured cyclist

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 By [Takesha Thomas](#) | [May 21, 2019](#)


BOSTON (Legal Newsline) – The Supreme Court of Massachusetts has reversed a lower court's ruling that granted judgment to an energy company in a negligence suit filed against it by an injured cyclist.

Chief Justice Scott L. Kafker and the seven-justice panel found on May 8 that the state's Superior Court erred when it granted summary judgment to Veolia Energy North America in the case involving Richard Meyer.

The matter involves an injury sustained by Meyer in July 2013 after he struck a utility cover while riding his bicycle along a street in Boston. According to the ruling, the utility cover was misaligned, causing his bicycle wheel to get stuck in the cover resulting in Meyer's injury.

Veolia admitted that it owned and was responsible for maintaining the utility hole, utility cover and surrounding pavement within 30 inches, the ruling states.

At issue is, based on two statutes within Massachusetts state law (road defect statute and notice statute), if Veolia should be held liable since Meyer did not file his claim to the company until 31 days after the injury. Under the statutes, notification should have been given to Veolia within 30 days.

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Meyer initially filed suit in July 2013 against the city of Boston over this injury within 30 days. The city informed Meyer 31 days later that it was not responsible for his claim because Veolia was responsible for the defect that caused his injuries, according to the ruling. Days later, in August 2013, Meyer filed his negligence suit against Veolia.

Attorneys for Veolia argued that the suit was invalid based on the state statute because notification was not given within the 30 days from the date of Meyer's injury.

The Supreme Court reversed the Superior Court's ruling that granted Veolia summary judgment.

"Meyer's failure to give notice to Veolia within 30 days of injury does not affect his ability to proceed against Veolia in a common-law negligence action," Kafker wrote.



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