

Spano v. Perini Corp.

304 N.Y.S.2d 15 (1969)

Keyword Subject

Negligence, Property Damage

Facts

The plaintiff Spano owned a garage in Brooklyn which was wrecked by a blast of dynamite set off by Perini Corp.

The blast (totaling 194 sticks of dynamite) was set off in a construction site 125 feet from the garage and though it did not result in debris that wrecked plaintiff's garage, the shockwave of the explosion did shake his garage to the ground.

Procedural History

Trial Court: In favor of Defendant

Appeals: In favor of Plaintiff

Issue

Can someone be held liable for damages caused by blasting that were not the direct result of "physical trespass" or negligence?

Holding: Yes; New Trial

Principle

A blaster holds strict liability for damages resulting from blasting, regardless of whether there was physical trespass or negligence

Reasoning

It's unreasonable to conclude that a company doing dynamite blasting is not liable for damages to adjoining properties unless there is visible, physical debris that entered the property. Such a rule is scientifically unmoored because a blast-wave from an explosion has just as much ability to cause injury. Further, proving negligence is unnecessary as if a shockwave from a construction yard explosion damages nearby property, the blasting was definitionally negligent.

Separate Opinions

Notes