

2023, petitioner fails to establish any physical incapacity or impairment covering the two months preceding the October 16, 2023 deadline to file a notice of claim or the four months between the date of the last medical record and her service of the late notice of claim on NYCHA in late December 2023 (*id.*).

Petitioner also failed to meet her burden to show that NYCHA acquired actual knowledge of the essential facts constituting her claim within 90 days of the accident or a reasonable time thereafter (*see Cassidy v New York City Tr. Auth.*, 238 AD3d 484, 485 [1st Dept 2025]). That petitioner served an untimely notice of claim on NYCHA after the 90-day statutory time period expired did not establish that NYCHA had actual knowledge of the claims because “[t]his late service, without leave of court, was a nullity” (*id.*).

In view of the foregoing, the issue of whether NYCHA has been substantially prejudiced by the delay need not be reached (*see Matter of Braddy v New York City Hous. Auth.*, 241 AD3d 1117, 1118 [1st Dept 2025]).

THIS CONSTITUTES THE DECISION AND ORDER
OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT.

ENTERED: March 3, 2026



Susanna Molina Rojas
Clerk of the Court