
This memorandum is uncorrected and subject to revision before
publication in the New York Reports.

No. 190 SSM 16
Joseph Bennett, &c.,
Appellant,
et al.,
Plaintiff,
v.
Michael Hucke, et al.,
Defendants,
Alan Kirk, et al.,
Respondents.

Submitted by James Edward Gathman, Jr., for appellant.
Submitted by Timothy F. Mazzara, for respondents.

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On review of submissions pursuant to section 500.11 of the Rules
(22 NYCRR 500.11), order, insofar as appealed from, affirmed,
with costs. Plaintiff failed to raise a triable issue of fact
whether defendants-respondents Alan Kirk, et al. are subject to
general contractor liability for when James Bennett was injured.
Chief Judge DiFiore and Judges Pigott, Rivera, Abdus-Salaam,
Stein, Fahey and Garcia concur.

Decided August 30, 2016