

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

D13101
C/mv

_____AD3d_____

Argued - November 9, 2006

A. GAIL PRUDENTI, P.J.
GABRIEL M. KRAUSMAN
WILLIAM F. MASTRO
REINALDO E. RIVERA, JJ.

2005-07839

DECISION & ORDER

Michael Conner, etc., et al., respondents, v Battery Park City Authority, defendant third-party plaintiff-respondent, Otis Elevator Company, defendant third-party defendant-appellant.

(Index No. 29513/00)

Geringer & Dolan, LLP, New York, N.Y. (John A. McCarthy and Shane O. Rios of counsel), for defendant third-party defendant-appellant.

Louis Grandelli, P.C., New York, N.Y. (Walter Glibowski of counsel), for plaintiffs-respondents.

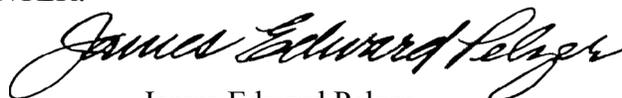
In an action to recover damages for personal injuries, etc., the defendant third-party defendant, Otis Elevator Company, appeals, as limited by its brief, from so much of an order of the Supreme Court, Kings County (F. Rivera, J.), dated July 19, 2005, as denied its motion for summary judgment dismissing the complaint, the third-party complaint, and all cross claims insofar as asserted against it.

ORDERED that the order is affirmed insofar as appealed from, with costs to the plaintiffs.

There are issues of fact requiring the denial of summary judgment (*see* CPLR 3212).

PRUDENTI, P.J., KRAUSMAN, MASTRO and RIVERA, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

December 19, 2006

CONNER v BATTERY PARK CITY AUTHORITY