

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

D13395
G/cb

_____AD3d_____

Argued - November 30, 2006

WILLIAM F. MASTRO, J.P.
ANITA R. FLORIO
STEVEN W. FISHER
MARK C. DILLON, JJ.

2005-07830

DECISION & ORDER

David Tawil, appellant, v Sephardic Community Youth
Center, Inc., respondent.

(Index No. 23248/97)

Goldstein & Goldstein, P.C., Brooklyn, N.Y. (Mark I. Goldstein of counsel), for
appellant.

Robert S. Fader, P.C., Lake Success, N.Y., for respondent.

In an action to recover damages for personal injuries, the plaintiff appeals from an
order of the Supreme Court, Kings County (Schack, J.), dated July 5, 2005, which granted that
branch of the defendant's motion which was for summary judgment dismissing the complaint.

ORDERED that the order is affirmed, with costs.

“[T]he proponent of a summary judgment motion must make a prima facie showing
of entitlement to judgment as a matter of law, tendering sufficient evidence to demonstrate the
absence of any material issues of fact” (*Alvarez v Prospect Hosp.*, 68 NY2d 320, 324). The
defendant met its burden in this case. In opposition, “[t]he bare, conclusory allegations of the
affidavit of the plaintiff's expert, unsupported by the record and lacking foundation, were insufficient
to raise a triable issue of fact” (*Furey v Kraft*, 27 AD3d 416, 418; *see also Romano v Stanley*, 90

NY2d 444, 452). Accordingly, the Supreme Court properly granted that branch of the defendant's motion which was for summary judgment dismissing the complaint.

MASTRO, J.P., FLORIO, FISHER and DILLON, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer
Clerk of the Court