

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

D15306
Y/hu

_____AD3d_____

Submitted - April 23, 2007

STEPHEN G. CRANE, J.P.
DAVID S. RITTER
ROBERT A. LIFSON
RUTH C. BALKIN, JJ.

2006-03868

DECISION & ORDER

Randy Zapata, etc., et al., appellants, v New York
City Board of Education, respondent.

(Index No. 18157/04)

Napoli Bern Ripka, LLP, New York, N.Y. (Denise A. Rubin of counsel), for appellants.

Michael A. Cardozo, Corporation Counsel, New York, N.Y. (Pamela Seider Dolgow and John Hogrogian of counsel), for respondent.

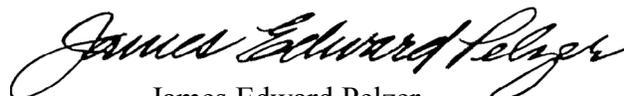
In an action to recover damages for personal injuries, etc., the plaintiffs appeal from an order of the Supreme Court, Kings County (Solomon, J.), dated February 23, 2006, which granted the defendant's motion for summary judgment dismissing the complaint.

ORDERED that the order is affirmed, with costs.

The defendant made a prima facie showing of its entitlement to judgment as a matter of law. In opposition, the plaintiffs failed to raise a triable issue of fact.

CRANE, J.P., RITTER, LIFSON and BALKIN, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

May 29, 2007

ZAPATA v NEW YORK CITY BOARD OF EDUCATION