

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

D15876  
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Argued - June 1, 2007

GABRIEL M. KRAUSMAN, J.P.  
PETER B. SKELOS  
DANIEL D. ANGIOLILLO  
WILLIAM E. McCARTHY, JJ.

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2006-10296

DECISION & ORDER

Ariel M. Higgins, appellant, v Firestein  
Management, Inc., respondent.

(Index No. 7941/05)

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Thomas T. Antonecchia, Katonah, N.Y., for appellant.

Cartafalsa Slattery Turpin & Lenoff, Pearl River, N.Y. (Jill E. O'Sullivan of counsel),  
for respondent.

In an action to recover damages for personal injuries, the plaintiff appeals from an order of the Supreme Court, Westchester County (Colabella, J.), entered September 28, 2006, which granted the defendant's motion for summary judgment dismissing the complaint.

ORDERED that the order is affirmed, with costs.

The defendant established its prima facie entitlement to summary judgment dismissing the complaint. In opposition, the plaintiff failed to raise a triable issue of fact (*see Zuckerman v City of New York*, 49 NY2d 557).

KRAUSMAN, J.P., SKELOS, ANGIOLILLO and McCARTHY, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

September 11, 2007

HIGGINS v FIRESTEIN MANAGEMENT, INC.