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

D16176
C/nl

_____AD3d_____ Argued - June 22, 2007

WILLIAM F. MASTRO, J.P.
JOSEPH COVELLO
WILLIAM E. McCARTHY
THOMAS A. DICKERSON, JJ.

2006-04946 DECISION & ORDER

Theresa Granata, appellant, v Sub-Zero Freezer Company, Inc., et al., respondents, et al., defendant.

(Index No. 10655/03)

Asher & Associates, P.C., New York, N.Y. (Robert J. Poblete of counsel), for appellant.

Foley & Lardner LLP, New York, N.Y. (Todd C. Norbitz and Jeremy L. Wallison of counsel), for respondent Sub-Zero Freezer Company, Inc.

Ahmuty, Demers & McManus, Albertson, N.Y. (Brendan T. Fitzpatrick of counsel), for respondent Staten Island Appliance Company.

In an action to recover damages for personal injuries, the plaintiff appeals from an order of the Supreme Court, Richmond County (Giacobbe, J.), dated March 27, 2006, which granted the respective motions of the defendants Sub-Zero Freezer Company, Inc., and Staten Island Appliance Company for summary judgment dismissing the complaint insofar as asserted against them.

ORDERED that the order is affirmed, with one bill of costs.

The respondents demonstrated their respective prima facie entitlement to summary judgment dismissing the complaint insofar as asserted against them (*see Alvarez v Prospect Hosp.*,

68 NY2d 320, 324). In opposition, the plaintiff failed to raise a triable issue of fact (*see Zuckerman v City of New York*, 49 NY2d 557, 562).

MASTRO, J.P., COVELLO, McCARTHY and DICKERSON, JJ., concur.

ENTER:

James Edward Pelzer
Clerk of the Court