

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

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_____AD3d_____

Submitted - June 14, 2007

A. GAIL PRUDENTI, P.J.
WILLIAM F. MASTRO
DANIEL D. ANGIOLILLO
THOMAS A. DICKERSON, JJ.

2006-08030

DECISION & ORDER

Dorothy Byrd, appellant, v Bey Naasira, etc.,
respondent.

(Index No. 9949/03)

Claude C. Ramsey III, Bronx, N.Y. (Mitchell L. Perry of counsel), for appellant.

Loccisano & Larkin, Hauppauge, N.Y. (Erica L. Ingebretsen of counsel), for
respondent.

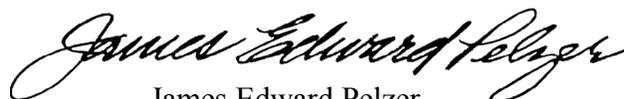
In an action to recover damages for personal injuries, the plaintiff appeals from an order of the Supreme Court, Suffolk County (Doyle, J.), dated June 15, 2006, which granted the defendant's motion for summary judgment dismissing the complaint.

ORDERED that the order is affirmed, with costs.

In response to the defendant's prima facie showing of her entitlement to summary judgment dismissing the complaint, the plaintiff failed to raise a triable issue of fact. Accordingly, the Supreme Court properly granted the defendant's motion for summary judgment dismissing the complaint (*see Di Ponzio v Riordan*, 89 NY2d 578, 582-583; *Odi v Lifetouch, Inc.*, 35 AD3d 420; *see generally Alvarez v Prospect Hosp.*, 68 NY2d 320, 324; *see also Olan v Farrell Lines*, 64 NY2d 1092).

PRUDENTI, P.J., MASTRO, ANGIOLILLO and DICKERSON, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

September 11, 2007

BYRD v NAASIRA