

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

D16786
W/kmg

_____AD3d_____

Argued - October 11, 2007

A. GAIL PRUDENTI, P.J.
STEVEN W. FISHER
MARK C. DILLON
EDWARD D. CARNI, JJ.

2006-05796

DECISION & ORDER

Wesley Cooper, appellant, v
40 Clarkson Avenue Owners Corp.,
et al., respondents.

(Index No. 13326/04)

Lipsig, Shapey, Manus & Moverman, P.C. (Alan M. Shapey, Alan R. Inwood, and Pollack, Pollack, Isaac & De Cicco, New York, N.Y. [Brian J. Isaac] of counsel), for appellant.

Kaufman Borgeest & Ryan LLP, Valhalla, N.Y. (Jacqueline Mandell of counsel), for respondents.

In an action to recover damages for personal injuries, the plaintiff appeals from a judgment of the Supreme Court, Kings County, dated April 27, 2006, which, upon a jury verdict, is in favor of the defendants and against him, in effect, dismissing the complaint. The appeal brings up for review the issues raised on the defendants' appeal from so much of an order of the same court dated January 3, 2006, as denied that branch of their motion which was for summary judgment dismissing the complaint (*see* CPLR 5501[a][1]).

ORDERED that the judgment is affirmed, with costs.

The plaintiff's sole contention, on his appeal from the judgment, that the verdict sheet submitted to the jury contained a fundamental error, does not require reversal.

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In light of our determination, the parties' remaining contentions as to whether the Supreme Court should have granted the defendants' pretrial motion for summary judgment dismissing the complaint have been rendered academic.

PRUDENTI, P.J., FISHER, DILLON and CARNI, JJ., concur.

ENTER:

A handwritten signature in cursive script that reads "James Edward Pelzer".

James Edward Pelzer
Clerk of the Court