

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

D17416
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_____AD3d_____

Argued - November 15, 2007

A. GAIL PRUDENTI, P.J.
WILLIAM F. MASTRO
FRED T. SANTUCCI
ROBERT A. LIFSON, JJ.

2006-10402

DECISION & ORDER

Vincent M. Campisi, respondent, v Somerset
Woods Associates, LLC, appellant, Island
Block MFG. Corp., defendant.

(Index No. 30074/03)

White Fleischer & Fino, LLP, New York, N.Y. (Walter Williamson of counsel), for
appellant.

Shaub, Ahmuty, Citrin & Spratt, LLP, Lake Success, N.Y. (William J. Kelly of
counsel), for respondent.

John P. Humphreys, Melville, N.Y. (Scott W. Driver of counsel), for defendant Island
Block MFG. Corp.

In an action to recover damages for personal injuries, the defendant Somerset Woods
Associates, LLC, appeals, as limited by its brief, from so much of an order of the Supreme Court,
Suffolk County (Doyle, J.), dated September 5, 2006, as denied its motion for summary judgment
dismissing the complaint insofar as asserted against it.

ORDERED that the order is affirmed insofar appealed from, with costs to the
respondent payable by the appellant.

The Supreme Court properly denied the appellant's motion for summary judgment
dismissing the complaint insofar as asserted against it. The appellant failed to make a prima facie
showing of entitlement to such relief.

January 29, 2008

CAMPISI v SOMERSET WOODS ASSOCIATES, LLC

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In light of our determination, we need not consider the sufficiency of the plaintiff's opposition papers (*see Winegrad v New York Univ. Med. Ctr.*, 64 NY2d 851).

The appellant's remaining contentions are without merit.

PRUDENTI, P.J., MASTRO, SANTUCCI and LIFSON, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer
Clerk of the Court