

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

D17867  
O/prt

\_\_\_\_\_AD3d\_\_\_\_\_

Submitted - January 2, 2008

REINALDO E. RIVERA, J.P.  
DAVID S. RITTER  
ROBERT A. LIFSON  
EDWARD D. CARNI, JJ.

---

2006-11329

DECISION & ORDER

Constance Fish, appellant, Kenneth Fish, plaintiff,  
v City of New York, et al., respondents.

(Index No. 24184/98)

---

Gregory G. Smith, New York, N.Y. , for appellant and plaintiff.

Michael A. Cardozo, Corporation Counsel, New York, N.Y. (Larry A. Sonnenshein  
and Sharyn Rootenberg of counsel; Steven Seidenfeld on the brief), for respondents.

In an action to recover damages for personal injuries, etc., the plaintiff Constance Fish  
appeals from a judgment of the Supreme Court, Kings County (Schneier, J.), dated October 23, 2006,  
which, upon the granting of the defendants' application in limine to preclude her engineering expert  
from testifying and to dismiss the complaint, is in favor of the defendants and against her dismissing  
the complaint.

ORDERED that the appeal is dismissed, with costs.

The appellant has failed to provide an adequate record for the Court to review.  
Accordingly, we dismiss the appeal (*see* CPLR 5526; 22 NYCRR 670.10[b]).

RIVERA, J.P., RITTER, LIFSON and CARNI, JJ., concur.

ENTER:

  
James Edward Pelzer  
Clerk of the Court

February 5, 2008

FISH v CITY OF NEW YORK