

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

D18262
C/kmg

_____AD3d_____

Argued - January 8, 2008

ROBERT A. LIFSON, J.P.
DAVID S. RITTER
DANIEL D. ANGIOLILLO
EDWARD D. CARNI, JJ.

2006-07161

DECISION & ORDER

John W. Moncrief, etc., appellant,
v Maureen Rosenthal, et al., respondents.

(Index No. 6419/05)

Annette G. Hasapidis, South Salem, N.Y., for appellant.

Wilson, Elser, Moskowitz, Edelman & Dicker, LLP, White Plains, N.Y. (Edward J. O’Gorman of counsel) for respondents.

In an action to recover damages for personal injuries, the plaintiff appeals from an order of the Supreme Court, Westchester County (Jamieson, J.), entered June 5, 2006, which granted the defendants’ motion for summary judgment dismissing the complaint.

ORDERED that the order is affirmed, with costs.

The defendants made a prima facie showing of their entitlement to summary judgment dismissing the complaint (*see Appell v Mandel*, 296 AD2d 514; *Singh v Persaud*, 269 AD2d 381, 382). In opposition, the plaintiff failed to raise a triable issue of fact. Therefore, the Supreme Court properly granted the defendants’ motion for summary judgment dismissing the complaint.

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

ENTER:



James Edward Pelzer
Clerk of the Court

March 4, 2008

MONCRIEF v ROSENTHAL