

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

D18628
X/kmg

_____AD3d_____

Argued - January 31, 2008

REINALDO E. RIVERA, J.P.
HOWARD MILLER
MARK C. DILLON
ARIEL E. BELEN, JJ.

2005-07306

DECISION & ORDER

Crystal Agnew, etc., respondent, v
Corner Stone Baptist Church, appellant,
et al., defendant.

(Index No. 10501/03)

Downing & Peck, P.C., New York, N.Y. (John M. Downing, Jr., and Marguerite Peck of counsel), for appellant.

The Law Office of Bruce A. Newborough, P.C., Brooklyn, N.Y., for respondent.

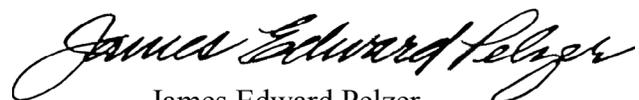
In an action to recover damages for personal injuries, the defendant Corner Stone Baptist Church appeals, as limited by its brief, from so much of an order of the Supreme Court, Kings County (Bayne, J.), dated May 26, 2005, as denied its motion for summary judgment dismissing the complaint insofar as asserted against it.

ORDERED that the order is affirmed insofar as appealed from, with costs.

There are issues of fact requiring the denial of summary judgment (*see* CPLR 3212; *Alvarez v Prospect Hosp.*, 68 NY2d 320).

RIVERA, J.P., MILLER, DILLON and BELEN, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

March 4, 2008

AGNEW v CORNER STONE BAPTIST CHURCH