

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

D18350
X/kmg

_____AD3d_____

Argued - February 5, 2008

ROBERT A. LIFSON, J.P.
DAVID S. RITTER
ANITA R. FLORIO
EDWARD D. CARNI, JJ.

2006-10620

DECISION & ORDER

Mary E. Faulkner, appellant, v 609-611-615
Owner's Corp., respondent, et al., defendants.

(Index No. 18492/04)

Ian Belinfanti, New York, N.Y., for appellant.

Sapir & Frumkin LLP, White Plains, N.Y. (William D. Frumkin and Emily A. Roscia
of counsel), for respondent.

In an action, inter alia, to recover damages for housing discrimination based on race, sex, and marital status in violation of Executive Law § 296, the plaintiff appeals from an order of the Supreme Court, Westchester County (Colabella, J.), entered September 29, 2006, which granted the motion of the defendant 609-611-615 Owner's Corp. for summary judgment dismissing the complaint insofar as asserted against it.

ORDERED that the order is affirmed, with costs.

The defendant 609-611-615 Owner's Corp. (hereinafter the defendant), a cooperative corporation, established its entitlement to summary judgment by showing that it did not reject the plaintiff's application to purchase an apartment in a cooperative development in violation of Executive Law § 296, based on the plaintiff's sex, race, or marital status. In opposition, the plaintiff failed to raise a triable issue of fact (*see McCarthy v St. Francis Hosp.*, 41 AD3d 794; *Cesar v Highland Care Ctr., Inc.*, 37 AD3d 393, 394). Accordingly, the Supreme Court properly granted the defendant's motion for summary judgment dismissing the complaint insofar as asserted against it.

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

ENTER 

James Edward Pelzer

March 11, 2008

FAULKNER v 609-611-615 OWNER'S CORP.

Clerk of the Court

March 11, 2008

FAULKNER v 609-611-615 OWNER'S CORP.