

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

D18482
C/kmg

_____AD3d_____

Argued - February 8, 2008

WILLIAM F. MASTRO, J.P.
JOSEPH COVELLO
RANDALL T. ENG
ARIEL E. BELEN, JJ.

2007-01058

DECISION & ORDER

Renee Hadida, appellant, v Austin
Ventures Corp., respondent.

(Index No. 5805/04)

Henry Schwartz, New York, N.Y., for appellant.

Wade Clark Mulcahy, New York, N.Y. (Gregory G. Vetter of counsel), for
respondent.

In an action to recover damages for personal injuries, the plaintiff appeals, as limited by her brief, from so much of an order of the Supreme Court, Queens County (Weiss, J.), dated December 11, 2006, as granted the defendant's motion for summary judgment dismissing the complaint.

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

While standing outside a door to premises owned by the defendant, the plaintiff was struck by the door, which was pushed open by an individual exiting the premises. The plaintiff subsequently commenced this action to recover damages for the personal injuries which she allegedly sustained in the accident, claiming that the door in question was dangerous and defective.

The evidence which the defendant submitted in support of its motion for summary judgment, including the deposition testimony and affidavit of the defendant's co-owner, Gary Salvit, established, prima facie, that the door did not constitute a dangerous or defective condition (*see Mullaney v Koenig*, 21 AD3d 939). The submission of the plaintiff's expert in opposition to the

March 25, 2008

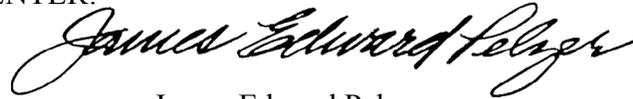
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motion failed to raise a triable issue as to whether the condition of the door constituted a violation of a statute or code or raise any other triable issue of fact (*see Hargrove v Baltic Estates*, 278 AD2d 278, 279).

MASTRO, J.P., COVELLO, ENG and BELEN, JJ., concur.

ENTER:

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

James Edward Pelzer
Clerk of the Court