

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

D19904
O/cb

_____AD3d_____

Submitted - May 23, 2008

FRED T. SANTUCCI, J.P.
DANIEL D. ANGIOLILLO
RANDALL T. ENG
CHERYL E. CHAMBERS, JJ.

2007-09407

DECISION & ORDER

Ona Mirkinson, respondent, v Stonehill Realty Corp.,
appellant.

(Index No. 11075/06)

Jacobson & Schwartz, Rockville Centre, N.Y. (Henry J. Cernitz of counsel), for
appellant.

Rosenberg, Minc, Falkoff & Wolff, LLP, New York, N.Y. (Steven C. Falkoff of
counsel), for respondent.

In an action to recover damages for personal injuries, the defendant appeals from an
order of the Supreme Court, Kings County (Knipel, J.), dated September 5, 2007, which denied its
motion for summary judgment dismissing the complaint.

ORDERED that the order is affirmed, with costs.

The defendant landlord failed to establish as a matter of law that an alleged defect in
the installation of the hood over the stove in the plaintiff tenant's apartment was not apparent at the
time he inspected the premises and assumed ownership. Accordingly, its motion for summary
judgment was properly denied (*see Winegrad v New York Univ. Med. Ctr.*, 64 NY2d 851, 853; *Hayes*
v Riverbend Housing Co. Inc., 40 AD3d 500).

SANTUCCI, J.P., ANGIOLILLO, ENG and CHAMBERS, JJ., concur.

ENTER:


James Edward Pelzer

July 8, 2008

MIRKINSON v STONEHILL REALTY CORP.

Clerk of the Court

July 8, 2008

MIRKINSON v STONEHILL REALTY CORP.