

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

D20181
G/prt

_____AD3d_____

Argued - June 24, 2008

PETER B. SKELOS, J.P.
DAVID S. RITTER
ANITA R. FLORIO
EDWARD D. CARNI, JJ.

2007-09545

DECISION & ORDER

Rima Adorno, etc., et al., appellants,
v John T. Adorno, Inc., d/b/a Universal
Construction, respondent.

(Index No. 1505/07)

Scott H. Seskin, New York, N.Y., for appellants.

Brill & Associates, P.C., New York, N.Y. (Corey M. Reichardt of counsel), for
respondent.

In an action to recover damages for personal injuries, etc., the plaintiffs appeal, as limited by their brief, from so much of an order of the Supreme Court, Westchester County (Smith, J.), dated September 28, 2007, as granted that branch of the defendant's motion which was for summary judgment dismissing the complaint.

ORDERED that the order is reversed insofar as appealed from, on the law, with costs, and that branch of the defendant's motion which was for summary judgment dismissing the complaint is denied.

In support of its motion, the defendant failed to demonstrate, prima facie, its entitlement to judgment as a matter of law. Accordingly, that branch of the motion which was for summary judgment dismissing the complaint should have been denied (*see* CPLR 3212).

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

ENTER:



James Edward Pelzer
Clerk of the Court

August 12, 2008

ADORNO v JOHN T. ADORNO, INC., d/b/a UNIVERSAL CONSTRUCTION