

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

D20691
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_____AD3d_____

Submitted - September 22, 2008

PETER B. SKELOS, J.P.
STEVEN W. FISHER
THOMAS A. DICKERSON
ARIEL E. BELEN, JJ.

2007-08547

DECISION & ORDER

Abdus Shahid, et al., appellants, v Ridgewood
Bushwick Senior Citizen Council, Inc., respondent.

(Index No. 39783/06)

Abdus Shahid, Brooklyn, N.Y., and Halima Ansari, Brooklyn, N.Y., appellants pro se (one brief filed).

Lester Schwab Katz & Dwyer, LLP, New York, N.Y. (Paul M. Tarr and Steven B. Prystowsky of counsel), for respondent.

In an action, inter alia, to recover damages for trespass, injury to property, and intentional infliction of emotional distress arising from racially-motivated harassment, the plaintiffs appeal from an order of the Supreme Court, Kings County (Schneier, J.), dated August 14, 2007, which granted that branch of the defendant's motion which was for summary judgment dismissing the complaint.

ORDERED that the order is affirmed, with costs.

The Supreme Court correctly determined that the evidence submitted in support of that branch of the defendant's motion which was for summary judgment dismissing the complaint was sufficient to establish the defendant's prima facie entitlement to judgment as a matter of law (*see Winegrad v New York Univ. Med. Ctr.*, 64 NY2d 851, 853). In opposition, the plaintiffs' vague and conclusory assertions failed to raise a triable issue of fact (*see Alvarez v Prospect Hosp.*, 68 NY2d 320, 324; *Zuckerman v City of New York*, 49 NY2d 557, 560; *Daleo v James*, 52 AD3d 766; *Batts v Page*, 51 AD3d 833, 834; *Waterman v Weinstein Mem. Chapel*, 49 AD3d 717, 718; *Martynick v*

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TDX Constr. Corp., 251 AD2d 465, 466). Accordingly, the Supreme Court properly granted that branch of the defendant's motion which was for summary judgment dismissing the complaint.

SKELOS, J.P., FISHER, DICKERSON and BELEN, JJ., concur.

ENTER:

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

James Edward Pelzer
Clerk of the Court